



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of March 10, 2012

**DATE:** March 1, 2012

**SUBJECT:** U-3228-09-1 USE PERMIT AMENDMENT to modify Condition #20 and for a comprehensive sign plan; located at 914-934 S. Buchanan St. (RPC# 23-006-161, and -002).

**Applicant:**

Arlington Partnership for Affordable Housing, Inc.  
2704 N. Pershing Drive  
Arlington, VA 22201

**C.M. RECOMMENDATION:**

Approve the subject use permit amendment, subject to all previous conditions, revised condition #20 and one (1) new condition.

**ISSUES:** This is a use permit amendment to modify the timing related to sidewalk improvements and a comprehensive sign plan, and no issues have been identified.

**SUMMARY:** Arlington Partnership for Affordable Housing (APAH), requests an amendment to the approved use permit permitting the addition of bumpouts at Buchanan Gardens to provide affordable housing. The use permit amendment request includes a comprehensive sign plan and modification of an approved condition as to infrastructure timing in order to meet requirements for the replacement of damaged existing curb, gutter and sidewalks along the site's frontages. The proposed comprehensive sign plan would provide for incidental way finding and identification signs for the project and buildings on the site. The current Zoning Ordinance is limited in the amount and types of signs permitted for residential buildings and therefore does not address the signs and types proposed. However, these signs would be consistent with signs being considered for residential buildings under the revisions to the sign ordinance that are currently underway.

County Manager:

*BMD/GA*

County Attorney:

*CEWM*      *GAH*

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

12.

PLA-6140

Finally, the proposed use permit amendment includes a request to change the timing for the replacement of existing damaged curb, gutter and sidewalks from prior to the issuance of the first Certificate of Occupancy, to ensure that existing utility poles that serve the site can remain in place until all phases of building improvements can be completed. The proposed changes would not adversely impact adjacent buildings or neighbors and would be in keeping with the spirit and intent of the approved use permit. Therefore staff recommends that the County Board approve the subject use permit amendment, subject to one (1) revised condition, #20, and the addition of one (1) new Condition, #40.

**BACKGROUND:** Buchanan Gardens is a garden apartment complex constructed in 1949. In November 2009, the County Board approved a use permit for the applicant, Arlington Partnership for Affordable Housing, Inc. (APAH) to expand the footprint of the existing buildings to provide for interior renovations and improvements that would result in larger and more family-sized, one, two and three-bedroom affordable housing units. The site was also at that time designated as a Voluntary Coordinated Housing, Preservation and Development District (VCHPDD). The expansions as approved are currently underway.

**The following provides additional information about the site and location**

Site: Located a half block north of Columbia Pike at 914-934 S. Buchanan Street, the subject property occupies a 153,598 square foot site (3.5 acres). The site is generally bounded by 9<sup>th</sup> Street South to the north, Four Mile Run and the Washington and Old Dominion Railroad to the west, South Buchanan Street to the east and Columbia Pike to the south.

Zoning: “RA14-26” Apartment Dwelling Districts.

Land Use: Low-Medium Residential (16-36 units per acre); Designated as a Voluntary Coordinated Housing Preservation and Development District (VCHPDD).

Neighborhood: The site is located within the boundaries of the Barcroft School & Civic League (BSCL). The BSCL has been notified and they responded with concerns about the road condition of South Buchanan Street during construction. The applicant is aware of the concerns and has committed to address and closely monitor construction related issues on the site.

**DISCUSSION:** The applicant requests to amend the use permit to allow for the addition of signs and to amend the timing requirement for the replacement of existing damaged sidewalk, curb, and gutters along the site’s frontages (Condition #20) as further detailed below.

Comprehensive Sign Plan:

The applicant proposes to add the following signs under the subject use permit amendment:

Sign ID	Sign Type	Dimensions Length x Height	Area (Sq Ft)	Text	Material	Location
1	Freestanding	5’-4” x 2’-8”	14.22	Buchanan Gardens Apartments	Precast Concrete,	Entrance off S. Buchanan

Sign ID	Sign Type	Dimensions Length x Height	Area (Sq Ft)	Text	Material	Location
					Illuminated	Street
2	Freestanding	4'-8" x 7-7/8"	3.05	Managed by Paradigm Management Co. 703-486-1126	Metal Plaque	Surface mounted at bottom of entry sign
3	Freestanding	1'-0" x 1'-6"	1.5	Private Entrance	Metal panel, screened graphics on metal post	Building #918
4	Freestanding	1'-0" x 1'-6"	1.5	Private Entrance	Metal panel, screened graphics on metal post	Building #920
5	Freestanding	1'-0" x 1'-6"	1.5	Private Entrance	Metal panel, screened graphics on metal post	Building #924
6	Freestanding	1'-0" x 1'-6"	1.5	Private Entrance	Metal panel, screened graphics on metal post	Building #928
7	Freestanding	1'-0" x 1'-6"	1.5	Leasing Office	Metal panel, screened graphics on metal post	Building #926
8	Freestanding	1'-0" x 1'-6"	1.5	Private Entrance	Metal panel, screened graphics on metal post	Building #926
9	Freestanding	1'-0" x 1'-6"	1.5	Playground Closed After Dark	Metal panel, screened graphics on metal post	Between Building #926 and Playground
10	Freestanding	1'-0" x 1'-6"	1.5	Private Entrance	Metal panel, screened graphics on metal post	Building #930
11	Wall	5'-9" x 10'-0"	4.79	Leasing Office	Individual, dimensional black metal letters, pin mounted	Northeast Corner Building 926

<b>TOTAL SIGN AREA</b>	<b>34.06</b>
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The proposed signs consist of one (1) building wall sign indicating the location of the leasing office, a freestanding sign identifying the name of the property as well as the property management name and contact information, and eight (8) metal signs to be mounted to posts approximately 3.25 feet above ground, indicating the location of the private entrance to the apartment buildings, the leasing office, and when the playground closes. These signs would also technically be considered freestanding signs. The freestanding signs at the building's entrance

would be located on a 5.5 foot high by 8 foot wide precast and concrete wall that would be placed behind the sidewalk on private property just at the entrance to the site. Only the “Buchanan Gardens” sign on the wall would be illuminated. No other signs proposed in the comprehensive sign plan would be illuminated. All total, the proposed sign area for these signs is 34.06 square feet.

With respect to signs for residential buildings, Section 34.F.3 of the Zoning Ordinance provides for the following:

*One (1) building name sign may be displayed for buildings permitted in "R" and "RA" Districts, other than one- and two-family and townhouse dwellings, as follows: a sign area for residential buildings to be computed on the basis of one-quarter (1/4) square foot per dwelling unit, with a maximum sign area for any permitted building of twenty-four (24) square feet, provided that no sign identifying a boardinghouse or a rooming house shall exceed three (3) square feet in area.*

Based on these provisions, one (1) building name sign would be permitted for each of the 11 buildings on the site at no greater than 2.5 square feet per building or approximately 27.75 square feet total. All of the signs proposed under the comprehensive sign plan are way finding and incidental signs for the buildings and project. The placement of the proposed signs is interior to the site and would have no known adverse impacts on traffic safety. The signs function more for guests and visitors to the site and property to understand the location of entrances and the leasing office. There is currently no provision for these types of signs for residential buildings or zoning districts in the Zoning Ordinance.

Staff is currently working on revising the current Sign Ordinance which would allow greater flexibility for residential area signs including those that are freestanding and incidental (informational signs providing warnings, way-finding, or other information) to the properties with multiple buildings. Under these working provisions, the proposed signs could all be permitted by-right without requiring a special exception use permit or site plan amendment. Similar requests have been approved by the County Board for replacement signs in Fairlington.

Condition Amendment:

Currently approved use permit conditions require that existing curb, gutter and sidewalk that is damaged by the developer be removed and replaced along the street frontages of the site prior to the issuance of the first Certificate of Occupancy. The approved building additions and improvements are being completed in phases, with each building representing a phase of the project. Buchanan Gardens receives its service from a utility pole located in the right-of-way of S. Buchanan Street just south of the property entrance. The service from the main utility pole feeds directly to the existing utility pole in front of Building #934 and is directed north and west through the site. In order to maintain service for the site during construction, all existing utility poles need to be maintained until the last building comes online in the final phase of the project. Therefore, the applicant requests and staff agrees to clarify the condition to indicate replacement and removal of damaged existing curb, gutter and sidewalk would be completed prior to issuance of the first Certificate of Occupancy for the final phase of the project. In addition to amending the condition, the applicant would submit for review and approval by the Zoning Administrator a

revised Phasing Plan consistent with Condition #34 that updates the timing for completion of the sidewalk on S. Buchanan Street. The final phase of the project is the last one on the current phasing plan identified for site concrete, landscaping and demobilization.

**CONCLUSION:** The subject use permit amendment would provide for way-finding and incidental signs providing information to residents and visitors, and would enable the applicant to maintain electric service to residents while construction is completed. While the proposed signs are not permitted in the current Zoning Ordinance, they would be consistent with signs being considered for residential buildings under the revisions to the sign ordinance currently underway. In addition, the proposed amendment to Condition #20 would allow for utility poles to remain in place and provide service to building residents on site until such time as construction is completed. The proposed changes would not adversely impact adjacent buildings or neighbors and would be in keeping with the spirit and intent of the approved use permit. Therefore staff recommends that the County Board approve the subject use permit amendment, subject to all previous conditions with one (1) revised condition #20, and one (1) new Condition, #40.

Amended Condition #20

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

20. 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 the final phase of the project, as the final phase is determined pursuant to a phasing plan approved under condition 34.

New Condition #40

**Comprehensive Sign Plan**

40. The applicant agrees that all signs shall be limited to the location, number, design, and sign area shown on the drawings entitled “Buchanan Gardens, Arlington County, Virginia, Overall Sign Plan” seal dated February 10, 2012, prepared by Studio 39 Landscape Architecture, P.C., and as approved by the County Board on March 10, 2012.

The developer agrees that minor changes to the approved signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of a sign to meet field conditions (less than 1 foot in any direction); or (ii) a minor change in the area of an individual sign (less than 5%).

The developer agrees that the hours of illumination of all signs proposed to be illuminated, shall be from 6:00 p.m. to 12:00 a.m., midnight, seven (7) days a week.

**PREVIOUS COUNTY BOARD ACTIONS:**

October 24, 2009

Deferred a use permit request to the November 14, 2009 County Board Meeting.

November 14, 2009

Approved a use permit to permit the for additions to and expansion of existing nonconforming buildings, with modification of parking and density regulations, to provide affordable housing.

Adopted a resolution designating the Buchanan Gardens site as a Voluntary Coordinated Housing Preservation and Development District (VCHPDD).

Approved Conditions:

**The following conditions of use permit approval (#1 through #9) are valid for the life of the use permit and must be met by the developer before issuance of the Clearing, Grading and Demolition Permit.**

**Use Permit Term**

1. The developer (as used in these conditions, the term “developer” shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and the revised drawings dated November 4, 2009 and labeled “*The Proposed Revitalization of Buchanan Gardens,*” prepared by Wiencek + Associates Architects + Planners, reviewed and approved by the County Board and made a part of the public record on November 14, 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.

This use permit approval expires three (3) years after the date of County Board approval if a building permit has not been issued for the first building “bump out” addition 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 use permit and its conditions for their compliance with then current County policies for land use, zoning and special exception uses. Extension of the use permit is subject to, among other things, inclusion of amended or additional use permit 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.

**Pre-Construction Meeting**

2. The developer agrees to coordinate and conduct a pre-construction meeting in a County office building prior to the issuance of any permits for the use permit. The meeting participants shall include the developer and its construction team, and relevant County staff. Relevant County staff shall include staff from the Departments of Community Planning Housing and Development – Planning, Zoning, Inspection Services, Code Enforcement Department, Neighborhood Services and Housing; Department of Environmental Services (DES), Landscape Plan team, green building staff contact, 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 (2) weeks in advance. The purpose of the pre-construction meeting is to discuss the requirements of the use permit 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 shown on the survey certified by Gregg D. Eberly dated October 16, 2009 and found in drawings identified in Condition #1 that are 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 use permit and shown on any filing in connection with this case will be protected. This plan shall include any tree on adjacent sites whose dripline extends onto the subject site. 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 or his designee to meet the requirements of this use permit, before the issuance of the Clearing, Grading and 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 DPRCR, the developer agrees to submit to 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 release of the public improvement bond, the developer agrees to submit to 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 dripline 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 any Certificate of Occupancy in the final building shall be removed and replaced by the developer at their 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 as specified in 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 approved by DES and Zoning staff, and the use permit'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 #11a 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 First Above Grade Building 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.

#### **Plan for Temporary Circulation During Construction**

4. 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 (7) calendar days in advance of any street closure, except in the case of an emergency, of more than one (1) hour duration on any street. “Emergency” street closures may include, but not be limited to, those relating to rupture or potential rupture of a water or gas main, insecure building façade, or similar unforeseeable public danger. “Emergency” street closures shall not include closures for setting up or dismantling of a crane, exterior building construction, materials deliveries, or utilities work, or similar situations.

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

The developer agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period. Whenever a significant portion of an adjacent road surface is disturbed for reasons relating to the construction, 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 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 use permit and any County requirements relating to reconstruction and repaving of streets at the completion of construction.

**Residential Relocation**

- 5. The developer agrees to coordinate with the Arlington County Relocation Program Coordinator in order to provide each rental household living in an apartment unit, which is displaced by the construction of this use permit, except those who sign initial leases for a unit in the project after the date of this user permit 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 use permit, the developer agrees to notify, in writing, any tenant moving in after the date that the use permit 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.

**Compliance with Federal, State and Local Laws**

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

**Community Liaison and Activities During Construction**

7. 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 final Certificate of Occupancy for the final building 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 on call 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, 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 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 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 Use Permit'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 12 midnight each day, and any such activity that occurs after 6:30 p.m., shall not exceed the noise levels defined in the Arlington County Code Noise Control Ordinance. The developer agrees to place a minimum of one (1) sign per street front around the construction site, indicating the permissible hours of construction, to place one (1) 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**

- 8. 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.

### **Vacations and Encroachments**

- 9. Prior to the issuance by the County of any permit for development of the use permit, 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 use permit 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 #34. 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 Above Grade Building 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 use permit approval (#10 through #23) are valid for the life of the use permit and must be met by the developer before issuance of the First Above Grade Building Permit.**

**Coordination of these plans: final site development, landscape and engineering**

10. The developer agrees to attach the County Board meeting minutes outlining the approved conditions and the conditions themselves to each set of Building Permit drawings that they submit to the County. The developer agrees to submit to the Zoning Administrator and obtain approval from the County Manager a detailed final landscape plan prior to issuance of the First Above Grade Building 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 #13 below, as well as a vicinity map with major streets labeled. The 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 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 use permit approval and all applicable county laws and plans before the issuance of the First Above Grade Building Permit. The plan shall at a minimum, conform to the landscaping requirements in Conditions #11 and #16 below; the Arlington County Streetscape Standards 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 also to 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 use permit 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 Certificate of Occupancy. All plant materials shown on the final landscape plan shall be installed before the issuance of the first Partial Certificate of Occupancy for any space above grade for the respective phase of construction, unless otherwise approved by the Zoning Administrator, based on the planting season and the availability of planting 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, 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 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 as not to 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.

- b. The location, dimensions, materials, and pavement pattern, where applicable, for driveways and access drives, automobile drop-off areas, 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 or his designee 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.
- c. The location and types of light fixtures for streets, parking, walkway, and plaza areas, and associated utilities.
- d. 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.
- e. 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.
- f. 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 amendment may be specifically approved through an Administrative Change request.

### **Landscape Standards**

- 11. 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 3 to 3 1/2 inches.
  - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.) - a minimum caliper of 7 to 8 feet.
  - (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.) - a minimum caliper of 2 to 2 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 any space above grade for the respective phase of construction, unless otherwise approved by the Zoning Administrator, based on the planting season and the availability of street trees. The developer also agrees to fulfill the Public Improvement Bond requirements (Condition #24). 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 groundcover. Areas to be mulched may not exceed the normal limits of the planting bed.
- e. Soil depth shall be a minimum of four (4) feet plus 12 inches minimum of drainage material for trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat wall height (2 1/2 feet, maximum) above the finished grade adjacent to them.

- f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began, whichever is greater.
- 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 use permit 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**

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

#### **Final site engineering plan approval by DES**

- 13. 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. The first Building Permit shall not 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 Planner, as consistent with all use permit approval requirements and all County laws. To ensure final sign off, the plans shall include CPHD Planner review and signature blocks. Upon completion of the construction of the 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.

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

14. 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 according to the following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project.
- a. The developer agrees to construct a new driveway apron at the entrance of the private drive and South Buchanan Street, built per Arlington County Standards, as shown on the final engineering plan approved by the County Manager.
  - b. The developer agrees to construct handicap ramps on the east and west side of private drive approximately mid-block and at the west end of the subject site's private drive, built per Arlington County Standards, as shown on the final engineering plan approved by the County Manager.

15. **Survey Monuments**

The developer agrees to submit, before issuance of the First Above Grade Building Permit, a survey of the site adherent to the following:

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

**Sidewalk Design and Improvements**

16. The developer agrees that 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 on 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 use permit, and there shall be no barriers to impede the flow of pedestrian traffic.
- b. Not less than five feet wide at any point.

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

The sidewalks shall contain planted materials, consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Placement, planting and root enhancement shall be consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. All public walkways shall be constructed to County Standard. The developer, or any subsequent owner, also agrees to maintain and replace the plantings and sidewalks for the life of the use permit. The sidewalk sections and plantings shall be as follows:

**South Buchanan Street (West Side – Adjacent to Subject Site)** – A minimum 8-foot wide sidewalk measured from back of curb, including a minimum 5-foot clear sidewalk along South Buchanan Street in addition to a 3-foot wide planting strip starting at the back of curb. The street trees shall be 2 to 2 ½ inch caliper trees and the tree species to be planted in the planting strip shall be shown on the final Landscape Plan as submitted per Condition #10, and approved by the County Manager.

**Subsurface Structure-free Zone and Utilities and Streetscape**

17. The developer agrees that in order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the final design of the project shall provide a structure-free zone under the public sidewalk along all street frontages, as required in the *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. 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.

**Water Service Requirements**

18. 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**

19. 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 First Above Grade Building Permit.

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

20. 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.

**Off-street Parking for Construction Workers**

21. 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 First Above Grade Building 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**

22. 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.

**Recordation of Deeds of Public Easements and Deeds of Dedications**

23. The developer agrees that, for each phase, as phase is defined in the phasing plan required in Condition #36, 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:  
a) submitted by the developer to the Department of Environmental Services for review and approval prior to the issuance of any Above Grade Building Permit for such phase;  
and; b) approved by the County; and c) recorded by the developer, among the land records of the Circuit Court of Arlington County, all 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 use permit approval (#24 through #27) are valid for the life of the use permit and must be met by the developer before issuance of the Footing to Grade Structure Permit.**

**Public Improvements Bond**

24. 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.

**Parking Space Compliance with Zoning Ordinance**

25. The developer agrees to ensure that all parking spaces comply with the modification to requirements of Section 33 of the Zoning Ordinance, as approved by the County Board with approval of this use permit. The developer shall submit drawings showing that these requirements are met, and shall obtain approval by the Zoning Administrator before the issuance of the First Above Grade Building Permit.

**Bicycle Storage Facilities**

26. The developer agrees to provide, at no charge to the user, 36 class I, bicycle storage spaces with secured access at either a bicycle storage out-building or in storage areas within renovated buildings, for residents and two (2), ten (10) U-Type racks, storing two bikes each for visitors, located as shown on the plans provided per Condition #1.

**The following conditions of use permit approval (#27 through #31) are valid for the life of the use permit and must be met by the developer before the issuance of the First Certificate of Occupancy.**

**Water Main Improvements**

27. 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 replace the entirety of approximately 500 feet of existing 6-inch water main located in the private drive with new 8-inch water main and to transfer all remaining existing appurtenances to the new water main. The existing 6-inch water main may either be abandoned in place or removed, depending on availability of adequate utility clearances as determined in final engineering review.

**Sanitary Sewer Main Improvements**

28. 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.

**Fire Hydrant and Fire Department Connection Requirements**

29. 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**

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

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

**Participation and Funding**

- a. Maintain an active, on going relationship with Arlington Transportation Partners (ATP), or successor entity, on behalf of the property owner.
- b. Designate a member(s) of building management as Property Transportation Coordinator (PTC) to be a primary point of contact with the county and undertake the responsibility for coordinating and completing all 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.

**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 residents and visitors. Management shall keep display(s) stocked with approved materials at all times.
- b. Comply with requirements of use permit conditions to provide bicycle parking/storage facilities.

**Promotions, Services, Policies**

- a. Provide website hotlinks to CommuterPage.com™ under a “transportation information” heading from the developer and property manager’s websites regarding this development.
- b. Distribute a new-resident package, material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each residential lessee or purchaser. Packages will be distributed to tenants and / or owners no later than the day of move-in at the building, or as approved by ACCS or successor.
- c. Reference to the bus routes in promotional materials and advertisements.
- d. Cooperate with Arlington County to assist the County in implementing a transit-advertising program that will distribute information four times per year to all residents, tenants, employees, and visitors.

**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. During the first year of start up of the TMP and on an annual basis thereafter, the Applicant will submit an annual report, which may be of an on-line, email variety, to the County Manager, describing completely and correctly, the TDM related activities of the site.

**Documentation of Historical Artifacts, Features and Buildings**

31. 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 a 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.

**The following condition of use permit approval (#32) is valid for the life of the use permit and must be met by the developer within 90 days of receipt of the partial Certificate of Occupancy for full occupancy of the building.**

**Obtain Certificate of Occupancy**

32. The developer agrees to obtain a Certificate of Occupancy for each building to be renovated under this use permit as approved by the County Board on November 14, 2009.

**The following unique site specific conditions (#33 through #38 are valid for the life of the use permit and must be met before the issuance of the permit specified in each Condition.**

**Affordable Housing Plan**

33. The developer agrees to execute, within 90 days (on or before February 14, 2010) of approval of the use permit, documents requested by the County to evidence agreement to all of the terms and conditions outlined in the developer's Tenant Relocation Plan and approved final Low and Moderate Income Housing Plan as submitted on October 28, 2009 and revised November 4, 2009. Such terms and conditions shall include, but not necessarily be limited to, the following:

- a. **Affordable Rents:** During the “Buy and Hold” phase of the project, the developer agrees to provide 60% of the units (or 66 units) as units that are restricted to households with incomes at or below 60% of the Area Median Income (AMI), including 48 1-bedroom units, 17 2-bedroom units, and 1 3-bedroom unit for their Affordable Housing Plan. To minimize displacement, the developer agrees to utilize a six-month period to phase in the income restrictions that shall be put into place after the acquisition of the property. Once financing has been secured for the “Renovation and Stabilization” phase of the project, the developer agrees to create more family-sized units, including approximately 55 1-bedroom units, 49 2-bedroom units, and seven 3-bedroom units with “bump-outs” to increase the number of bedrooms and the size of the units. The developer agrees to submit and obtain approval of the County Manager, or designee of the final unit mix for units rehabilitated under the “Renovation and Stabilization” phase of the project prior to the issuance of the demolition, clearing and grading permit. The developer further agrees to implement the final unit mix for the life of the project. During both phases, income-restricted units shall have rents affordable to households at or below 60% of Area Median Income (AMI). The developer agrees to lease the affordable units to households whose incomes do not exceed this affordability level. The developer agrees that the affordable rents shall not exceed the established affordability level for 60% AMI, as published by the U.S. Department of Housing and Urban Development (HUD), minus a utility allowance (if applicable) as per the Utility Allowance Schedule annually approved by HUD for the Arlington County, VA Section 8 Housing Certificate/Voucher Program. However, if after acquisition, a Tenant Survey indicates that 40% of existing families who intend to remain in the property during the “Renovation and Stabilization” phase are not income qualified and would be displaced due to the income restrictions identified herein, a change to the affordability levels (percentage of affordability) may be reviewed and approved by the County Manager or designee, upon a finding that the change in percentage is necessary to avoid displacement maximizing the percentage of income-qualified families in the affordable units, and provided that in no circumstance shall less than 20% of the units be affordable to families at 60% of the AMI.
- b. **Rent Increases:** The developer agrees that for the 60% (or 66) income-restricted units identified in #33a above, rent increases for tenants renting at the time the property is acquired by the developer, and continuing in occupancy during the “Renovation and Stabilization” phase of the project shall not exceed the established affordability level for the rents minus a utility allowance as in Condition #33a, above. Rents for households moving into vacated affordable units shall be set according to Condition #33a, above.
- c. **Compliance Period:** The developer agrees that the affordable housing plan shall require units rehabilitated under this use permit to remain affordable for a term of 60 years, after issuance of the first Certificate of Occupancy for units. However,

if at any time in year 35 or later (but prior to the end of the full 60-year commitment period), the developer desires to refinance the property and is unable to refinance because the units are income-restricted, the developer may return to the County Board with a request to consider a recommendation to allow the units (or a portion thereof) to be rented at levels necessary for the financial feasibility of the refinance.

- d. **Accessible Units:** The developer agrees to renovate and then maintain a minimum of 5 % (6 units) of the affordable units as Type A Units under standards described in the American National Standards Institute “Accessible and Usable Buildings and Facilities” (ICC/ANSI A117.1-2003) as adopted by the Virginia Uniform Statewide Building Code. In addition, the developer also agrees to renovate and maintain a minimum of 2% (3 standard units) as accessible to persons with visual and hearing impairments. The applicant agrees to diligently market these accessible units to persons with disabilities according to the applicant’s Affirmative Marketing Plan.
- e. **Developer Affirmative Marketing Plan/Marketing Period:** The agreement shall include an Affirmative Marketing Plan in substantially that form as required by HUD and including, at a minimum, the elements specified in the Developer’s final Affordable Housing Plan and Affirmative Marketing Plan. The Affirmative Marketing Plan shall be in a form and substance acceptable to the County Manager, with the concurrence of the County Attorney, according to the County’s criteria for such plans, which are further described in the Affordable Housing Investment Program (AHIF) Agreement.
- f. **Condominium Conversion:** If at any time prior to the end of the 60-year term for the affordable units the property is converted to a condominium, the affordable units shall continue to be operated as rental units subject to the terms and conditions of the affordable housing plan for the remainder of the compliance period.

### **Phasing Plan**

- 34. The developer agrees to obtain approval of the County Manager of a phasing plan prior to the issuance of any building permits for the use permit, 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 maintenance 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 use permit 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.

**EarthCraft Virginia Multifamily**

35. The developer agrees to participate in the EarthCraft Virginia green home program for all renovations to this project. The project team shall work to incorporate sustainable design elements and innovative technologies into the project in order to achieve certification in the EarthCraft Virginia program.

The developer agrees that all of the following types of appliances, fixtures, and/or building components used in the project shall have earned the U.S. EPA's Energy Star label: clothes washers, dishwashers, refrigerators, ceiling fans, and programmable thermostats. The developer shall submit to the County Manager a statement listing all Energy Star qualified components prior to issuance of the any Certificate of Occupancy of the first building.

The developer further agrees to submit, to the Department of Environmental Services (DES) and to the Zoning Office, a report updating the EarthCraft Scorecard including information on the energy model results and/or updates, field reports prepared by the project's EarthCraft Technical Advisor (including blower door and duct blaster test results) and documentation upon request to substantiate the report. Such reports will be submitted prior to issuance of the following permits or certificates of occupancy for construction of the project and will summarize the efforts to date of the inclusion of the sustainable elements within the project:

- Clearing, Grading and Demolition Permit
- First Above Grade Building Permit
- Final Building Permit
- Certificate of Occupancy for any space in the Final Building.

The final EarthCraft certification will be provided to the County prior to issuance of the any Certificate of Occupancy for the last building.

**Towing of Impermissibly Parked Vehicles**

36. 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.

**Public Emergency Turn Around Improvements**

- 37. The developer agrees, at its sole cost and expense, to construct and maintain (including but not limited to providing snow and ice removal) a public emergency vehicle turn around for emergency vehicle ingress, egress and access, within the Arlington County right-of-way of Four Mile Run Drive located along the western boundary of the site, adjacent to, and at the end of the private parking aisle drive running through the site. The developer further agrees that it shall be responsible for obtaining from the County all rights, permits or other permissions for both use of County land and construction of the turn around. The public emergency vehicle turn around shall be built with pervious pavement materials that support the live load of any fire apparatus, as approved by the Fire Marshall, and as shown on the final engineering plan approved by the County Manager or designee. Upon construction of the turn around, the developer shall have no further property rights or interest in the turn around, except the maintenance obligation, as set forth above.

**Trash Enclosures**

- 38. The developer agrees that all trash dumpsters shall be enclosed and screened as shown on the drawings referenced in Condition #1.

**Parking Management Plan**

- 39. The developer agrees to develop a parking management plan which outlines how guest and visitor parking for the site will be provided, where the parking will be located, how guests and visitors will be directed to the parking spaces, and any proposed restrictions on parking use. The parking management plan shall encourage parking by visitors of the project, through ease of access to the parking spaces, signs, and/or a fee structure. The fee structure, if applicable, shall discourage daily commuter parking. The developer agrees to submit the parking management plan, which shall include the parking fees and details of the validation program, to the Zoning Administrator and to obtain review by and approval from the County Manager or his/her designee, prior to the issuance of the first Certificate of Occupancy for any building on the site. The developer agrees, throughout the life of the project, to submit an annual report to the Zoning Administrator documenting compliance with the parking management plan as well as any changes to the plan.



LANDSCAPE ARCHITECTURE, P.C.  
 615 Commons Drive, Suite 100  
 Fairfax, VA 22031  
 Tel: 703.776.0325 Fax: 703.776.0400  
 www.studio89.com

ARLINGTON PARTNERSHIP FOR AFFORDABLE HOUSING  
 ARLINGTON COUNTY, VIRGINIA  
 BUCHANAN GARDENS



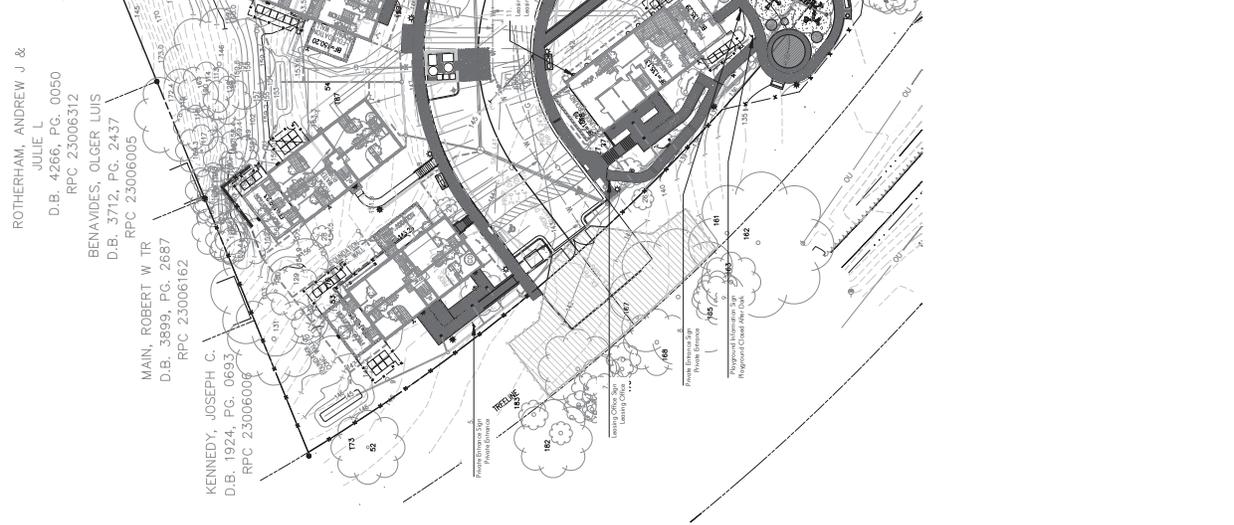
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ROTFERHAM, ANDREW J. &  
 JULIE L.  
 D.B. 4266, PG. 0050  
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 BENAVIDES, OLGER LUIS  
 D.B. 3712, PG. 2437  
 RPC 23006005  
 MAIN, ROBERT W TR  
 D.B. 3699, PG. 2687  
 RPC 23006162  
 KENNEDY, JOSEPH C.  
 D.B. 1924, PG. 0693  
 RPC 23006006

BOLFELK LYNDA J  
 D.B. 2993, PG. 1466  
 RPC 23006311  
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1. Signage  
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SIGN NO.	Sign Designation	Dimensions LxH	Signage Area (Sq. Ft.)	Message	Material	Location
1	Entry Sign (Wall Mounted)	5'-4" x 2'-8"	14.22	Buchanan Gardens Apartments	Precast Concrete, illuminated	Entrance off South Buchanan St.
2	Management (Wall Mounted)	4'-8" x 0'-7 7/8"	3.05	Managed by Paradigm Management Co. 703-486-1126	Metal plaque	Surface mounted at bottom of entry sign
3	Private Entrance (Post Mounted)	1'-0" x 1'-6"	1.5	Private Entrance	Metal panel, screened graphics on metal post	Building 918
4	Private Entrance (Post Mounted)	1'-0" x 1'-6"	1.5	Private Entrance	Metal panel, screened graphics on metal post	Building 920
5	Private Entrance (Post Mounted)	1'-0" x 1'-6"	1.5	Private Entrance	Metal panel, screened graphics on metal post	Building 924
6	Private Entrance (Post Mounted)	1'-0" x 1'-6"	1.5	Private Entrance	Metal panel, screened graphics on metal post	Building 928
7	Leasing Office Identification (Post Mounted)	1'-0" x 1'-6"	1.5	Leasing Office	Metal panel, screened graphics on metal post	Building 926
8	Private Entrance (Post Mounted)	1'-0" x 1'-6"	1.5	Private Entrance	Metal panel, screened graphics on metal post	Building 926
9	Playground Information (Post Mounted)	1'-0" x 1'-6"	1.5	Playground Closed After Dark	Metal panel, screened graphics on metal post	Between Building 926 and Playground
10	Private Entrance (Post Mounted)	1'-0" x 1'-6"	1.5	Private Entrance	Metal panel, screened graphics on metal post	Building 930
11	Leasing Office Identification (Pin Mounted on Building)	5'-9" x 1'-10"	4.79	Leasing Office	Individual, Dimensional Block Metal Letters, Pin mount	Northeast Corner Building 926
			<b>Total:</b>	<b>34.06</b>		

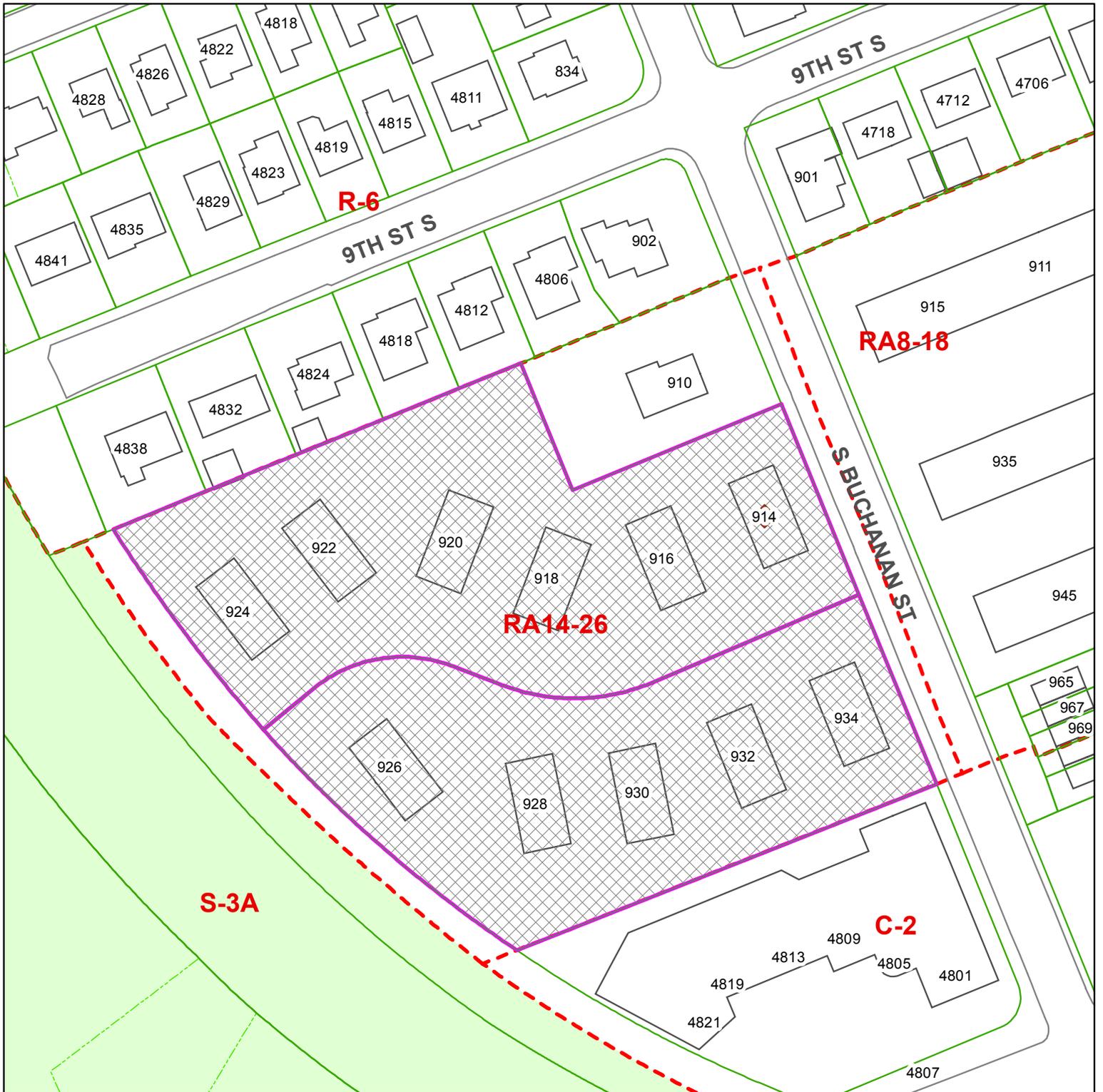


OVERALL SIGN PLAN  
 PERSON: [ ]  
 DRAWN: [ ]  
 CHECKED: [ ]  
 IN CHARGE: [ ]  
 SCALE: 1" = 30'-0"  
 PROJECT NO.: 10015  
 DATE: 2011.0.06

L1.01  
 USE PERMIT AMENDMENT

NOT RELEASED FOR CONSTRUCTION





**U-3228-09-1**

**914-934 S. Buchanan Street**

**RPC# 23-006-161, -002**



 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.