



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of September 15, 2012

SUPPLEMENTAL REPORT—EXECUTED PROFFER STATEMENT

DATE: September 14, 2012

SUBJECT: Z-2372-89-1 PROFFER AMENDMENT for the Garfield Park project to amend timing associated with Proffers 12, 47, 48, 69; amend Proffer 37 regarding required parking space dimensions; and amend Proffer 48 regarding allocation of parking spaces among uses; located at 2900 10th Street North (RPC# 18-029-007).

DISCUSSION: This supplemental report is to transmit the executed proffer statement to the County Board. There are no changes in proffer language from that submitted with the staff report dated September 7, 2012.

County Manager:

BMD/GA

County Attorney:

2.

Staff: Mathew Pfeiffer, Department of Community Planning, Housing and Development

ATTACHMENT A
Garfield Park Amended Proffer Agreement
Revised September 6, 2012

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950, as amended and in accordance with Section 2.G. of the Arlington County Zoning Ordinance, and contingent upon the Arlington County Board's approval of the rezoning application for the site known as 925 N. Garfield Street (RPC# 18-029-007), previously known as 2900 10th Street North (RPC# 18-029-007), the undersigned, the contract purchaser and fee-simple owners of all properties incorporated in the application on behalf of themselves and their successors and assigns, agree to the following amended proffers (the "Proffers"). Shown below is one new proffer and amendments to the current proffers agreed to on the property. All proffers dated June 10, 2004, accepted by the County Board with the approval of Z-2372-89-1 on June 12, 2004, shall remain in full force and effect except as expressly revised as shown below:

[Revised Proffer 12 **bold and underlined** text will be added as shown below to existing Proffer 12]

12. The developer agrees to submit and obtain the County Manager's approval of a detailed final site development and landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final site development and landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final site engineering plan as required in proffer #15 below, as well as a vicinity map with major streets labeled. The developer further agrees that both the final site development and landscape plan and the site 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 or his designee 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 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 Proffer #13 below; 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 site 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 (1/16 inch= 1 foot, 1/8 inch= 1 foot, or 1/4 inch= 1 foot). 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 the Department of Parks, Recreation and Community Resources and shall be accompanied by the site engineering plan. The installation of all plant materials shown on the final landscape plan shall take place before the issuance of the first Certificate of Occupancy, for the respective phase of construction, **except that street trees must be installed by November 1, 2012 and the developer agrees that after that date no permits shall be issued unless the developer has installed the subject landscaping material.** The final site development and landscape plan shall include the following details:

[Revised Proffer 37 **bold and underlined** text will be added as shown below to existing Proffer 37]

37. The developer agrees that new parking garages shall be designed to allow access and use by vans. At least 1% of the total new parking supply shall be accessible to vans, shall be conveniently located on the level of the garage closest to street level, and shall have a minimum clearance of 98 inches. All other areas of the garage shall have a minimum clearance of 84 inches, **except as provided for on the plans dated 5/23/2008 revised through 4/13/2012, prepared by Niles Bolton Associates, and entitled Garfield Park Garage Level G1 and Garfield Park Garage Level G2 (Sheets A1-10 and A1-04), for the piping along the east, west, and southern exterior walls of the garage, and for carbon monoxide detectors located on garage columns.** Compliance with this condition shall be determined by review of the building plans by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit, which review shall not relieve the developer from constructing in accordance with this condition.

[Revised Proffer 47 **bold and underlined** text will be added as shown below to existing Proffer 47]

47. 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. October 15, 2012 and the developer agrees that after that date no permits shall be issued unless the developer has obtained approval of the Zoning Administrator for the~~ **TMP.**

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 the proffer agreement to provide bicycle parking/storage facilities. The developer agrees to develop a plan of operation of the bicycle facilities which shall include details of implementation and continued operation of the bicycle facilities and related systems.
- c. Bus stops and shelters within 25 feet of the property and contiguous to the property shall be maintained free of snow, ice, trash, and debris. A 6 foot wide path, or the full width of the sidewalk (if less than 6 feet), shall be maintained clear of snow and ice, to the main entrance of the building(s) from these bus stops.

Parking Management Plan

- a. Subject to the approval by the County Manager or his designee, the developer shall prepare a parking management plan regarding: taxi passenger loading and unloading; accessible paratransit pick-up, drop-off, handicapped access, bicycle parking, and passenger waiting area; loading zones for short-term deliveries; bus stops; car sharing

locations; and on-and off-street parking for residents, employees, and visitors. Such plan shall include a schematic drawing depicting an area parking plan for all block faces abutting the site. Additionally, this plan will note restrictions as to times that various activities (such as deliveries and parking) are permitted in the respective spaces.

- b. Provide effective directional signage subject to approval of a
- c. Comprehensive Sign Plan to direct residents and visitors to appropriate locations on the property, such plan to include provision for the items specified in the Parking Management Plan.

Promotions, Services, Policies

- a. Offer SmarTrip cards, for free, one time, to each residential lessee or purchaser, during the initial sales period, distributed no later than the day of move in.
- b. Offer SmarTrip cards, for free, one time, to on-site property management and maintenance employees. Provide, administer, or cause the provision of a sustainable commute benefit program for these employees (the program shall include, at a minimum, pre-tax employee contributions and/or tax-free transit or vanpool monthly contributions).
- c. Provide website hotlinks to CommuterPage.comTM under a “transportation information” heading from the developer and property manager’s websites regarding this development.
- d. 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. Distribute equivalent package to new office and retail employees no later than their first day of work.
- e. Reference to the nearest Metro Station and bus routes in all promotional materials and advertisements.
- f. Cooperate with Arlington County to assist the County in implementing a transit-advertising program that will distribute information four times per year to all residents, tenants, employees, and visitors.
- g. Participate in regionally sponsored clean air, transit, and traffic mitigation promotions by posting notice of such promotions in locations within the building(s).

Performance and Monitoring

- a. Upon approval of the TMP by the County, the developer agrees to implement all elements of the plan with assistance when appropriate by agencies of the County.
- b. The owner shall reimburse the County for, and participate in, a transportation performance monitoring study at two years, five years, and each subsequent five years (at the County's option), after issuance of first Certificate of Occupancy. The developer shall reimburse the County up to an aggregate maximum of \$10,000 for such studies. The County may conduct the study or ask the owner to conduct the study. The County will specify the timing and scope of the study. The study may include average vehicle occupancy, daily vehicle-trips to and from the site, and parking availability by time of day for the site and pedestrian traffic. The study may include a seven-day count of site-generated vehicle traffic and a voluntary mode-split survey. The building owner and/or operator will notify, assist, and encourage residents, tenant's employees, and building employees to participate in mode split surveys which may be of an on-line, or email variety. A report will be produced as specified by the County.
- c. 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, or email variety, to the County Manager, describing completely and correctly, the TDM related activities of the site.

[Revised Proffer 48 **bold and underlined** text will be added as shown below to existing Proffer 48]

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

Further, for condominium units, the developer agrees to notify the Zoning Administrator at the time of the settlement of the last dwelling unit. If excess parking spaces are available at the time of settlement of the last dwelling unit, the number of excess parking spaces equaling the number of dwelling units which were sold without a parking space, shall first be offered ~~to all dwelling unit owners or transferred to the condominium, cooperative, or homeowners association,~~ **exclusively for a period of twelve (12) months to the owners of those dwelling units which were sold without a parking**

space. Any other remaining spaces shall be offered to all dwelling unit owners or transferred to the condominium, cooperative or homeowners association. By the end of twenty four (24) months following the settlement of the last dwelling unit, the developer agrees to relinquish in writing to the condominium, cooperative or homeowners association any and all remaining interest in the parking spaces or +garage and a copy shall be filed with the Zoning Administrator. The future purchase of any parking spaces shall be limited to the dwelling unit owners or condominium, cooperative or homeowners association of the building.

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

The developer agrees to submit to the Zoning Administrator a parking management plan which outlines how guest and visitor parking for the residential building, and parking for retail tenants' employees and customers for retail located in the residential buildings, will be provided, where the parking will be located and how guests and visitor, and retail employees and customers, will be directed to the parking spaces. The developer further agrees to ~~provide a minimum of 283 total parking spaces for residential visitor [and retail patron], with a minimum of 228 parking spaces for residential uses, and 55~~ **make a minimum of 52 spaces within the first below-grade level of the garage unreserved and open to the public., parking spaces for commercial uses within the parking garage.** The parking management plan shall be submitted to the Zoning Administrator, and reviewed and approved by the County manager or his designee, ~~prior to the issuance of the first Certificate of Occupancy for the first residential building~~ **before October 15, 2012 and the developer agrees that after that date no permits shall be issued unless the developer has obtained approval of the Zoning Administrator for the PMP.**

[Revised Proffer 69 **bold and underlined** text will be added as shown below to existing Proffer 69]

69. The developer agrees to grant a permanent public use and access easements, in a form acceptable to the County Attorney and County Manager, to the County Board of Arlington County providing for public use and access to over the walkway which extend east/west through the site adjacent to the south property line. The final location of the easements may change with the preparation of the final building plans. The developer agrees to construct and landscape these areas, as shown on plans dated June 8, 2004 and made a part of the public record on June 12, 2004. Final landscape design and installation shall be approved by the County Manager or his designee as part of the final site development and landscape plan. Construction and landscaping of these

areas and granting of the public access easement shall be completed prior to the granting of the easements. Granting of the public use and access easements shall be completed prior to ~~the issuance of the first~~ **December 31, 2012; no further** certificates of occupancy **shall be issued** for the building **until the requirements of this proffer have been completed**. The easements shall be granted by deed, in form and substance acceptable to the County Manager, and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County. The developer shall be responsible for maintaining these areas.

[New Proffer 81 **bold and underlined** text will be as shown below]

81. The applicant agrees that the number of spaces and layout of the parking garage shall be as shown on the plans dated 5/23/2008 revised through 4/13/2012, prepared by Niles Bolton Associates, and entitled Garfield Park Garage Level G1 and Garfield Park Garage Level G2 (Sheets A1-10 and A1-04).

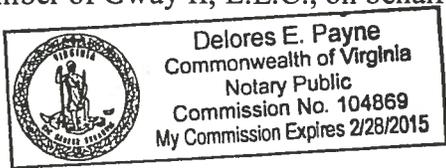
GWAY II, L.L.C., title owner of 925 N.
Garfield Street

By: Garpark, Inc., its sole member

By: 
Name: Thomas Shooltz
Title: President of Garpark, Inc.

STATE OF Virginia,
COUNTY/CITY OF Cheney, to-wit:

The foregoing instrument was acknowledged before me this 14th day of September 2012, by Thomas Shooltz, President of Garfield Park, Inc., the sole member of Gway II, L.L.C., on behalf of said company.




NOTARY PUBLIC

My Commission Expires: 2-28-15
Notary Registration Number: 104869