



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of December 8, 2012**

DATE: December 4, 2012

SUBJECTS:

- A. Z-2563-12-1 REZONING from "CM" Limited Industrial Districts to "C-O-Crystal City" Commercial Office Building, Retail, Hotel and Multiple-family Dwelling Districts; located at 1720 S. Eads Street (RPC# 35-011-001).
- B. SP# 424 SITE PLAN to construct an approximately 210,918 sq ft residential building and modification of zoning ordinance requirements to include bonus density for LEED Silver, density exclusion for vertical shafts, reduced parking ratio, streetscape, building height, and other modifications as may be necessary to achieve the proposed development plan; located at 1720 S. Eads Street (RPC# 35-011-001).

Applicant:

South Eads LLC
1751 Pinnacle Drive, Suite 700
McLean, Virginia 22102

By:

David Tarter
Lawson, Tarter & Charvet, P.C.
6045 Wilson Boulevard, Suite 100
Arlington, Virginia 22205

County Manager:

BMD/GA

County Attorney:

[Signature] *[Signature]*

Staff: Samia Byrd, CPHD, Planning Division
Anthony Fusarelli, CPHD, Planning Division
Melanie Jesick, DES, Transportation Division

29. A., B.

C.M. RECOMMENDATIONS:

1. Adopt the attached resolution to rezone the subject site from “CM” Limited Industrial Districts to “C-O-Crystal City” Commercial Office Building, Retail, Hotel, Multiple-Family Dwellings Districts.
2. Adopt the attached ordinance to approve the subject site plan to construct an approximately 210,918 sq ft residential building with modifications to Zoning Ordinance requirements for bonus density, density exclusions for vertical shafts, reduced parking ratio, and streetscape – reduced sidewalk dimensions, subject to the conditions of the ordinance. Deny the requested modification to building height and the use of special pavers in the clear sidewalk zone on 18th Street and on S. Eads Street.

ISSUES: This is a request to rezone 1720 S. Eads Street, the former Crystal City Post Office site, from “CM” to “C-O-Crystal City” and to allow by site plan, construction of an 11-story residential building with 203 units. The applicant requests a modification to Zoning Ordinance requirements to building height to allow for a pool deck, bathrooms and a lifeguard room on the roof. These facilities, which are associated with rooftop amenities, would count as gross floor area and would exceed the allowed building height. In addition, the applicant proposes a special paving material on the sidewalk at the building’s entrances including the sidewalk area which comprises the clear zone. Staff does not support the requested modification or the proposed use of specialty pavers in the sidewalk clear zone.

SUMMARY: The site of the former Crystal City Post Office is proposed for redevelopment under the Crystal City Sector Plan (“CCSP”) with an 11-story, 203-unit residential building. In order to facilitate this redevelopment, a rezoning is requested for the 1720 S. Eads Street site from “CM” Limited Industrial Properties to “C-O-Crystal City” Commercial Office Building, Retail, Hotel and Multiple Family Dwelling Districts. The proposed infill redevelopment would be located on the west side of Jefferson Davis Highway, on a site where, consistent with the Sector Plan, full block redevelopment is not envisioned.

This proposal represents the first site in Crystal City that would redevelop west of Jefferson Davis Highway subsequent to the adoption of the Crystal City Sector Plan. In order to achieve the proposed redevelopment, there would be a number of modifications to the recommendations of the Crystal City Sector Plan. Specifically, variations are proposed to how the building engages the build-to line, as well as to the streetscape in some locations. These variations allow for the appropriate placement of the building and the full width of the sidewalk and street cross sections required to accommodate the multimodal needs of the County and an enhanced pedestrian experience and public realm.

The requested modification to building height to permit an elevated pool deck, bathrooms on the roof, and a lifeguard room in association with rooftop amenity space is not supported by Staff as it does not meet the intent for County Board permitted modifications to building height in the Sector Plan.

Where the applicant proposes a parking ratio at .89 spaces per residential unit, less than the 1.125 spaces per unit permitted by the Zoning Ordinance, and the 1 space per unit recommended in the Sector Plan, staff finds that the parking ratio is sufficient to support the number of residential units and that impacts of the proposed reduced parking ratio would be mitigated with the commitment to an enhanced TDM program and unbundling of parking spaces, a bike partnership program, off-site transportation infrastructure improvements, and the provision of affordable housing on site, all measures that further transportation related goals expressed in the CCSP and policy statements provided in the Master Transportation Plan.

In addition, bonus density is requested under the provisions of the Zoning Ordinance and in the Sector Plan. The proposed form of the bonus density would be within the recommended height limits for rentable floor area and would provide for community amenities that would ameliorate the impacts of the additional density in furtherance of goals of the Sector Plan. These proposed project benefits would include: the provision of 20% committed, on-site affordable housing, off-site transportation infrastructure improvements, a contribution of \$396,881 into a County trust and agency account dedicated for use in the implementation and improvement of open space in Crystal City, and commitment to design the building to allow for an in-building first responder communications network. In addition, the proposed residential building would be certified at LEED silver with a commitment to 18% energy efficiency and reporting on energy usage to the County after the building is constructed for a period of 10 years. The project also commits to achieve certification after the building is constructed for LEED Existing Buildings Operation and Management (LEED EBOM). It would be the first LEED EBOM commitment to certification in Arlington and the first LEED EBOM certification for residential project in the state of Virginia.

Staff finds that the proposed rezoning and site plan: 1) Substantially complies with the character of sector plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district; 2) Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and 3) is so designed and located that the public health, safety and welfare will be promoted and protected. Therefore staff recommends that the County Board adopt the attached resolution to rezone the subject property from “CM” to “C-O-Crystal City”. Staff further recommends that the County Board adopt the attached ordinance to approve the subject site plan, subject to the conditions of the ordinance, but deny the requested modification to building height and use of special pavers in the clear sidewalk zone on 18th Street and on S. Eads Street.

BACKGROUND: Constructed in 1969, a post office which is no longer in operation occupies the subject site. Rather than replace the building with another commercial or limited industrial permitted use, the Crystal City Sector Plan provides that the subject site could be redeveloped with high to medium density residential use. In order to redevelop the subject site as proposed, a site plan and rezoning is required. There is neither a General Land Use Plan (GLUP) amendment nor any vacations requested in association with the site plan. An encroachment request for a vault in the sidewalk is the subject of a companion report.

The following provides additional information about the site and location:

Site: The former “Post Office” site is located on a larger block on the west side of Jefferson

Davis Highway in Crystal City. The block is generally bounded by 15th Street South to the north, S. Eads Street to the east, 18th Street South to the south and S. Fern Street to the west. The site is approximately 34,147 square feet (.784 acres) and is surrounded by the following land uses:

- To the north: 12-story multifamily residential, Crystal Towers North and four (4)-story Lofts, 590 @ Crystal Towers (SP #13) designated “High-Medium” Residential on the GLUP and zoned “RA 4.8”. Across 15th Street South is the multi-phased, multiple building, Metropolitan Park residential development (PDSP-SP#105)
- To the east: S. Eads Street; 15-story Marriott Hotel and Expansion, and the 17-story Gateway Place Apartments (SP #144) designated “High” Office-Apartment-Hotel on the GLUP and zoned “RA-H-3.2.
- To the south: 18th Street South; Crystal Towers South by-right multifamily development and approved, yet un-built Crystal Houses (SP #13) designated “Medium” Residential on the GLUP and zoned “RA 6-15”.
- To the west: 12-story multifamily residential, Crystal Towers North (SP #13) designated “High-Medium” Residential on the GLUP and zoned “RA-4.8”. Across S. Fern Street, Dominion Virginia Power station; Claridge House residential development zoned “C-O-2.5” and designated “Medium” Residential on the GLUP.

Existing Zoning: [“CM” Limited Industrial Districts.](#)

Proposed Zoning: [“C-O-Crystal City” Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts.](#)

General Land Use Plan Designation: “High-Medium” Residential (Up to 3.24 FAR Residential), located within the Crystal City Coordinated Redevelopment District. Further, the site is located on the “West Side” of Crystal City in the [Crystal City Sector Plan](#) (CCSP) and identified as Concept Plan Block “E”.

Neighborhood: The site is located within the boundaries of the Aurora Highlands Civic Association.

	Proposed
Site Area	34,147 sq ft (.784 Acres)
Density	
Residential GFA	210,918 sf (203 Units) ¹
Base Residential GFA	110,636 sf
Bonus GFA LEED Silver (.25 FAR)	8,537 sf
Bonus GFA LEED EBOM (.10 FAR)	3,415 sf
Additional Bonus GFA (2.59 FAR)	88,340 sf
Total Residential Density	6.18 FAR
“C-O-Crystal City” Max. Permitted Site Plan GFA	110,636 sf
“C-O-Crystal City” Max. Permitted Site Plan Density	3.24 FAR
Height	
Average Site Elevation	45.07 ft
Main Roof Elevation	155.00 ft
Main Roof Height ²	109.93 ft
Penthouse Roof Elevation	172.00 ft
Penthouse Roof Height	126.93 ft
Penthouse Height	17.00 ft
“C-O-Crystal City” Max. Permitted Height³	110.00 ft
Parking	
Standard Spaces	166
Compact Spaces	11
Handicap Spaces	3
Van Spaces	1
Residential Parking Spaces	181
Residential Parking Ratio	.89 Spaces Per Unit
“C-O” Crystal City Required Parking Ratio	1.125 Sp/Unit first 200 units and 1 Sp/Unit thereafter
“C-O-Crystal City” Required Parking Spaces	228

Density and Uses: The applicant requests to rezone the site from “CM” Limited Industrial Districts to “C-O-Crystal City” Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts. The rezoning would then allow for redevelopment of the site with an 11-story, 203-unit, multifamily residential building. The proposed density is 6.18 FAR. The site’s current designation on the General Land Use Plan (GLUP) is “High-Medium” Residential and within the boundaries of the Crystal City Coordinated Redevelopment District. This GLUP designation permits up to 3.24 FAR residential. The Crystal City Sector Plan envisions this site for potential redevelopment with residential use. The base density map provides a basis for 3.24 FAR for the subject site and a use of residential only as the base density to be applied to site area associated with development proposals.

Further, the applicant requests approximately 2.94 FAR in bonus density. The “C-O-Crystal City” zoning district in accordance with the CCSP provides that the County Board may approve additional density above the base density shown on the GLUP within the maximum building height limits when the project ameliorates the impact of those densities and provides features or

¹ Does not include approximately 1,320 sf requested to be excluded for vertical shafts.

² Bathrooms and a lifeguard room are proposed to extend above the main roof an additional 10 feet and 15 feet, respectively.

³ Height does not include penthouse for this site zoning ordinance district.

amenities identified in the CCSP. The applicant requests .25 FAR bonus density for LEED Silver certification with a commitment of 18% energy efficiency, and .10 FAR bonus density for a commitment to certify the building after construction under LEED for Existing Buildings: Operations and Maintenance (LEED-EBOM). The remainder of the bonus density is requested for other project benefits that would further ameliorate the impacts of the proposed development including: a commitment to provide 20% on-site affordable housing, in-building first responder communication network, off-site transportation improvements, and a contribution to a County trust and agency account dedicated for use in the implementation and improvement of open space in Crystal City, as described in the discussion section of this report.

Site and Design: The subject site is located on the southeast quadrant of the block bounded by 15th Street to the north, S. Eads Street to the east, 18th Street South to the south and S. Fern Street to the west. The applicant proposes a “U” shaped building fronting on 18th Street South and S. Eads Street. The 18th Street frontage would represent the primary front of the building with the main entrance located on the south façade. Also located on the 18th Street South frontage would be access to loading and the building’s three and one-half level, below grade parking garage, which is proposed at the westernmost end of the building. An entrance to the building’s leasing office would be provided on S. Eads Street.



In addition to the building’s loading and garage access points, the applicant proposes additional ground floor uses on the 18th Street frontage to comprise the building’s lobby, with the leasing office immediately adjacent moving west to east and wrapping the corner turning north onto S. Eads Street. Continuing north on the site along S. Eads Street, the applicant proposes a fitness center and two residential units at grade. Residential units and a private landscaped courtyard comprise the ground floor uses north on the site. It is proposed that access from the lobby would lead through the building to the landscaped courtyard. The building’s western ground floor uses would include residential units as well as the loading and service and trash area accessed from 18th Street South. The applicant proposes, on floors two (2) through 11, a mix of residential units, ranging from studios to two-bedrooms. The roof is designed for outdoor use with a pool, landscaped terraces and other outdoor amenities.



The building’s architecture is modern in style. The building is designed consistent with the Sector Plan recommendations with a podium, tower and top. The podium of the building would be comprised of a beige architectural precise masonry material. This distinguishes the first two (2) floors of the

building from the tower. The building's tower would be comprised primarily of two varying colors of red brick. To break the massing of the façade along 18th Street South, the applicant provides for a recessed vertical element from the podium to the tower in the middle of the facades. The building's top is identified or capped by a metal canopy/shading device. To accentuate the nearly all brick façade of the building, the applicant proposes a vertical glass and metal element at the corner of 18th Street South and S. Eads Street. The mechanical penthouse at 17 feet is proposed to be integrated into the overall building design so as to be minimized in appearance. It would appear as a metal screen wall, streamlined, and low in profile to be more consistent with the floors of the building.

The site's landscaping would be comprised of tree pits on both S. Eads and 18th Street south with decorative fencing. The applicant also proposes a landscape buffer immediately adjacent to the building on S. Eads and at the corner of 18th and S. Eads to provide for a more pedestrian friendly environment. A landscaping buffer to include shrubs are proposed on the west and north facades immediately adjacent to the existing multifamily residential buildings. On the north façade, this would include a tree protection fence and a site retaining wall. The proposed courtyard north of the site would be paved plaza primarily to include seating areas and built in planters, shrubs and ground cover. The roof would be landscaped as well to include ornamental planters, trees, shrubs and ground cover, furnishings, rooftop pool and outdoor kitchen and grill. A special paving treatment is proposed for the sidewalk at the building's entrance on 18th Street South.

LEED: The applicant has submitted a LEED Scorecard version 2009 for New Construction and Major Renovation and proposes to certify the building at the U.S. Green Building Council's LEED Silver level. Bonus density is requested in association with the LEED Silver certification at .25 FAR. The applicant proposes that the building would meet the current minimum design standard of 18% energy efficiency and agrees to report post-occupancy energy usage to the County for 10 years. Bonus density at .10 FAR is also requested in association with attaining LEED for Existing Buildings: Operations and Maintenance (LEED EBOM) certification within four years of occupancy. This project will be the first in Arlington County to commit to earn LEED EBOM certification, and will be the first residential LEED EBOM project in Virginia. LEED EBOM measures post-occupancy environmental performance of several factors including but not limited to energy and water efficiency, occupant comfort, use of alternative transportation, and recycling over a sustained period of time (at least one year).

Transportation: The Master Transportation Plan (MTP) and the Crystal City Sector Plan classify both S. Eads Street and 18th Street South as Type B – Primarily Urban Mixed-Use Arterials. Following is additional detail on the street typology as indicated in the MTP:

Street Name	Classification	Travel Lanes	Bike Accommodations	Restrict/Limit Driveway Access?	On-Street Parking	Pedestrian Way
Eads Street &	Arterial	2+ Turning (one-way)	Bike Lane/Shared Lane	Yes	High	6 – 12 foot Sidewalk 6 ft.

Street Name	Classification	Travel Lanes	Bike Accommodations	Restrict/ Limit Driveway Access?	On- Street Parking	Pedestrian Way
18 th St. South		4 + Turning (two-way)				Furniture Zone or Tree Pits

The Crystal City Sector Plan (CCSP) provides additional recommendations in the way of streetscape and sidewalk widths. The CCSP calls for an 18’ – 22’ sidewalk, with a minimum six foot clear zone on both S. Eads Street and 18th Street South in front of the subject site. The proposed sidewalk on S. Eads Street would be modified to a width of approximately 16’, as explained below in the “streetscape” section of the report. The CCSP also states that tree pit landscaping is preferred and that a continuous landscape strip is not permitted.

Transportation Analysis: Trip Generation: A Traffic Impact Analysis (TIA) was submitted by the applicant, prepared by Wells + Associates, Inc., and dated March 8, 2012. The analysis assessed the impact of the development on the adjacent street network. The proposed residential development would generate 62 AM peak hour and 77 PM peak hour net new trips. The intersections in the study would continue to operate at acceptable levels of service with these additional trips.

Streets: South Eads Street, bordering the east end of the subject site, is a four (4) lane, undivided, minor arterial. On-street parking is currently provided on both sides of S. Eads Street at the subject site. The southern side of the site is bordered by 18th Street South, a four (4) lane, median-divided, principal arterial with on-street parking. There is also a bike lane on the north side of 18th Street South.

Sidewalks and Pedestrian Circulation: There are existing sidewalks on both S. Eads Street and 18th Street South. Upgraded sidewalks and streetscape would be provided on the streets as part of the proposed development.

Parking and Loading: Proposed parking would be provided via an underground parking garage, with parking and loading access off of 18th Street South, consistent with the preferred locations of parking and loading called for in the Crystal City Sector Plan. The parking garage is proposed to be 3 ½ levels with a total of 181 parking spaces. The proposed residential parking ratio is 0.89 parking spaces per dwelling unit which is less than that permitted in the Zoning Ordinance (thus requiring a modification). The Zoning Ordinance provides for a parking ratio at 1.125 parking spaces per dwelling unit for the first 200 dwelling units and 1 parking space per dwelling unit thereafter. The CCSP recommends a parking ratio at a range of 1 to 1.125 parking spaces per dwelling unit for multifamily residential.

The site is approximately one (1) block west of the Crystal City Metro Station (approximately 500 – 600 feet), with service to the Blue and Yellow lines. A bus stop on the Eads Street side of the subject site includes service to Metrobus routes 9A, 9C, 10A, 13B, 13F, and 13G, as well as the Fairfax Connector, which services Crystal City and the Pentagon.

Utilities: The site currently does not have any overhead utilities to underground. The developer would, per the proposed conditions, agree to contribute to the utility undergrounding fund (Condition #5). In terms of other utility improvements, the developer would also construct a new 8-inch water main along the site frontage of 18th Street South (Condition #46).

DISCUSSION:

Adopted Plans and Policies: Redevelopment of the 1720 S. Eads site is guided by the Crystal City Sector Plan (CCSP) and regulations set forth in Section 25.C of the Zoning Ordinance. As expressed in the Zoning Ordinance, the goals of the “C-O-Crystal City” zoning district are to permit development that:

- 1) Advances the future vision of Crystal City established in the Sector Plan;
- 2) Provides for a mix of uses including office, residential, retail, cultural and civic within several defined neighborhood centers;
- 3) Supports Crystal City’s revitalization and long-term economic sustainability;
- 4) Facilitates gradual and coordinated redevelopment on each block;
- 5) Supports, and is supported by, enhanced multimodal transportation access and connectivity; and
- 6) Creates a high-quality public realm comprising the streets, squares, and other public areas envisioned in the Sector Plan.

These goals as expressed in the Zoning Ordinance would be achieved through redevelopment of the subject site by site plan consistent with the provisions of the ordinance and CCSP recommendations. First, looking at the CCSP’s Illustrative Concept Plan, the subject site is identified as Block E and is located on the West side of Jefferson Davis Highway where it is not envisioned that there would be full-block redevelopment. The corner of the block where the subject site is located is identified in the CCSP as one with the potential for redevelopment as infill with good street frontage. The existing Crystal Houses and Crystal Towers North developments were anticipated to remain over the lifetime of the CCSP. The subject site was identified as a candidate infill redevelopment in the CCSP due to its potential for concentrating growth in very close proximity to Metro and other transit services, as well as its potential to better define the street edges to enhance the public realm in this location.



Site located within the Block E

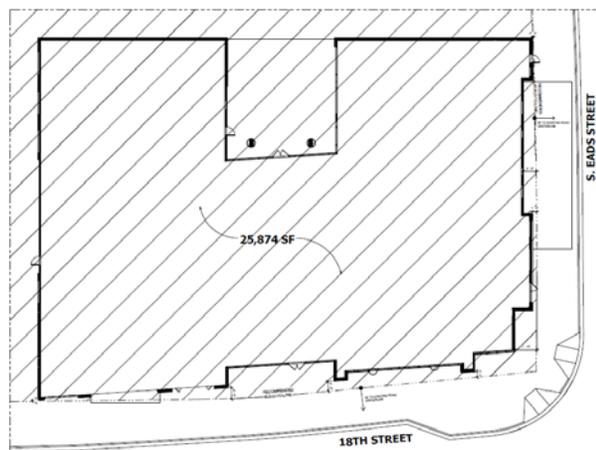
Block Structure: To further the redevelopment goals of better defining the site edges and enhancing the public realm for this and other blocks, the CCSP places additional emphasis on establishing street right-of-ways and block structures that are well defined. This would allow for block frames and structures that are easy to identify, as well. The main means the CCSP sets forth to achieve this objective is through establishing Required Build-to Lines (RBLs). For the

subject block the recommended distance between build-to lines is 110 feet from building face to building face across both S. Eads Street and 18th Street South, which distance is proposed to be maintained with the subject site plan. However, as further detailed below, the way in which the proposed building engages the RBL varies from the design guideline recommendations of the CCSP. The primary purpose of the RBL and related recommendations for frontage requirements in the Sector Plan was to establish a common line for building facades at the edge of a street or open space. This role of the RBLs is especially important east of Jefferson Davis Highway, where many existing large blocks are anticipated to be substantially or wholly redeveloped over the life of the CCSP. On blocks with such a great extent of anticipated redevelopment, it is critical to set the RBL and require that individual buildings generally engage it in order to develop a sense of cohesion among the resulting street wall. In contrast, where limited infill development is expected to occur, as is proposed on the subject site, strict adherence to the RBLs is less critical so long as the building's presence along the back of sidewalk maintains the overall integrity and intent of the Plan in framing the corner, enhancing the public realm, and providing a supportive environment for the ground floor uses.

Density and Built Form: The CCSP further informs the building density, form, and massing including recommendations on such things as building height limits and tower coverage limits. In general, the proposed building and density is consistent with the CCSP as to building form, massing and bulk. The site is not subject to bulk plane angles recommended in the CCSP and while the tower coverage of the proposed building on the subject site is 67%, in accordance with the CCSP where the tower coverage requirement is expressed as an overall maximum permitted by block, when considering the tower footprints above the podium base of all existing buildings to remain and the proposed building, tower coverage for the block would be 24.8%. While the proposed development is consistent with the maximum building height established for this block of 110 feet for rentable floor area, the applicant requests a modification to zoning ordinance requirements (see page 13) to allow for an elevated pool deck, bathrooms 10 feet above the main roof height and a lifeguard room 15 feet above the proposed building's main roof height. Staff is not supporting approval of that modification.

Design Guidelines: In further evaluating the proposed design of the building, the proposed site plan was compared with relevant and applicable recommendations provided in Section 3.11 Design Guidelines of the CCSP as follows:

- Minimum Frontage Requirements:* All podiums engage the RBL within zero to two feet for a minimum of 80% of the street frontage and further are not built more than 10 feet behind the RBL. *Proposal:* In no place along either frontage is the building proposed to be built more than 10 feet behind the RBL. However, the building is not sited on the recommended build-to line to the exact specification of the Plan.



Deviations proposed provide for building openings for garage and loading entrances, building entrances, and landscaping buffers to allow for privacy of ground floor units and an enhanced pedestrian experience on both frontages contributing to the overall quality of the public realm. Further this building placement facilitates the full streetscape that would allow for multimodal connectivity, an expressed goal of the CCSP, and meets the primary intent of RBLs as established in the CCSP of establishing a common building line at the edge of the street and with the proposed building, a frame for the corner of the block.

- *Required Building Frontage Requirements:* At least one podium frontage on an RBL for a minimum lineal extent of 65 feet along the RBL. *Proposal:* The proposed building would not meet this specific recommendation due to the design features described in the preceding bullet. However, the proposal provides an appropriate relationship between the building and the public realm, and includes setbacks at building entrances to mitigate conflicts between pedestrians and vehicles at loading and garage entrances. As a result, the continuous clear sidewalks with limited interruption near building entrances would encourage an enhanced pedestrian experience.
- *Encroachment Requirements:* No building or part thereof should encroach within the right of way of any street or open space except that a limited set of building frontage elements such as bays, balconies, cornices, stoops and shading elements may encroach and project across an RBL for a distance not to exceed six feet. *Proposal:* The proposal is consistent with this recommendation, as the proposed balconies and canopies would not encroach into the RBL more than 6 feet and are proposed at a minimum height of 30.5 feet above grade for the balconies and 11.58 feet for canopies at the building entrances.
- *Podium Height Requirements:* Maximum of 65 feet. *Proposal:* The proposed podium height is consistent with this recommendation at approximately 25 feet.
- *Podium Separation Requirement:* Minimum separation distance of 40 feet from all other adjacent buildings, except when the separation is for an alley or other vehicular way, which should typically be 25 feet wide. *Proposal:* The proposal meets this recommendation as the minimum separation between the proposed building and residential buildings immediately adjacent west and north of the site is approximately 135.92 feet and approximately 140.92 feet, respectively.
- *Base Frontage Requirements:* Distinguished ground floor podium base, pedestrian friendly and an appearance of greater height than the floors above. The ground floor and second story may be combined in a single façade composition. *Proposal:* The applicant proposes a masonry treatment of a different color to distinguish the base of the building that would appear just over two-stories in height.
- *Top of the Podium Requirements:* A horizontal architectural unity using cornices or other banding projections at the upper most podium floor. *Proposal:* While there is no proposed cornice or banding at the top of the podium, architectural unity is provided through a consistent change in material and color, which denotes the change between the

podium level of the building to the start of the building's tower.

- *Tower Separation Requirements:* Maintain a minimum separation distance of 60 feet above the podium base from all adjacent towers either on the same site or on any adjacent sites. *Proposal:* The minimum distance between the proposed building tower to either adjacent towers exceeds the minimum with a distance of at least 135.92 feet.
- *Forming Towers Requirements:* Tower floor plate size above the podium base should generally not exceed 40,000 square feet up to 250 feet of height. *Proposal:* The proposed floor plate of the tower is below this maximum, with approximately 19,367 square feet.
- *Building Tops Requirements:* Distinctive top consisting of the upper two to four floors of a tower provided through a change in at least two of the following strategies: window rhythm, apparent floor height, setbacks, sculpted form or materials. *Proposal:* The applicant proposes to distinguish the building top with the introduction of a step back and material changes from masonry to glass with metal shading devices. The top is further defined by a metal shading device that caps the building.
- *Mechanical Penthouse Requirements:* Walls setback from the edge of the roof a distance no less than the height of the wall; enhanced façade treatment of a quality and character consistent with the buildings tower façade. *Proposal:* The applicant proposes a streamlined and sleek penthouse of a consistent metal material proposed for the building top. It would be minimized in height and setback to a distance equal to its height such that it would be well integrated and minimized in terms of impact on the overall building design. The proposed bathrooms and lifeguard room would be adjacent to the mechanical penthouse house such that it would be minimized in appearance.
- *Residential Building Frontage Requirements:* Lobby entrances front onto streets with opportunities for ground floor units with individual street entrances considered and a minimum clear height of 12 feet. Also ground floor residential units should be elevated a minimum of 24 inches above the exterior grade along the RBL, and landscaping areas are permitted between the pedestrian clear zone and the building face. *Proposal:* The residential lobby is proposed on the 18th Street frontage and at approximately 12.58 feet in height. The applicant does propose two ground floor units on S. Eads Street, but they are not accessible at grade. Instead, access is provided internal to the building. The applicant provides a residential buffer denoting the location of the residential units between the clear sidewalk zone and the building face. In addition, a landscaping area is proposed between the clear sidewalk zone and the building face wrapping the corner at 18th Street and S. Eads.
- *Public Sidewalk Frontage Requirements:* 6 foot minimum clear sidewalk width and a 6 foot minimum and 7 foot maximum street and furniture zone; Residential shy zone only on residential frontages intended as landscape buffer between building face and sidewalk clear zone; Concrete pavers; 5' x 12' min. tree pit; Tree grates permitted and tree pit landscaping preferred; Continuous planting strip not permitted. *Proposal:* The applicant proposes a public sidewalk frontage on both S. Eads and 18th Street with landscaping

buffers between the building face and sidewalk clear zone. Tree pits are proposed on both frontages with decorative metal fencing surrounds.

The project also proposes a special paving treatment in the sidewalk at two (2) areas: outside the main entrance on 18th Street South and outside the leasing office entrance on S. Eads Street. The Crystal City Sector Plan (p.124) states the following regarding paving materials:

"Paved surfaces may consist of special paving, untreated poured concrete, or some combination of these surfaces. However, for the portion of the sidewalk comprising the Clear Zone, the treatment shall be concrete or stamped concrete. Additionally, choice and installation of paving materials must be ADA compliant, and should reference the most current Arlington County standards restricting use of beveled edge pavers and providing specifications for decorative concrete applications."

Staff does not support the specialty paving treatment in the proposed 10-foot clear zone outside the main entrance on 18th Street South. The special treatment could be implemented immediately outside the entrance and near the tree pits, but the 10-foot clear zone should be proposed as standard concrete, consistent with the CCSP. In addition, staff does not support the proposed special treatment at all outside the leasing office on South Eads. The leasing entrance is a side entrance, and, given its location, staff feels that it does not warrant special attention in the way of special paving treatment. In general, special paving is most appropriate on downtown, commercial, ceremonial, and other special streets or small streets or in exceptional circumstances in which the entire block is uniformly treated, and the design of the sidewalk is integral to the design of the building or open plaza space in front of which it is installed. As proposed, the "carpet treatment" in front of the building entrances would not contribute to the built character of the neighborhood or the streetscape but would instead visually disrupt the continuity and civic character of the streetscape.

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

Bonus Density: The applicant requests .25 FAR bonus density for commitment to LEED Silver Certification, .10 FAR LEED for Existing Buildings: Operations and Maintenance (LEED-EBOM) certification and 2.59 FAR bonus density for the provision of other project benefits that would ameliorate impacts of the proposed density on the community, which are detailed on page 16 of this report. The LEED Silver and LEED-EBOM bonus density requests are consistent with the goals of the CCSP in providing for energy efficient and sustainable building design and also consistent with the County's Community Energy Plan. Further, under the County Board's *Green Building Density Incentive Program*, the proposed site plan would be the first project in the County to commit to LEED EBOM Certification under the revised policy adopted by the County Board in June 2012 and the first such project in the Commonwealth of Virginia. Staff supports the density requests for LEED Silver and LEED EBOM.

As previously indicated, Section 25C.5.E of the Zoning Ordinance provides that the County Board may approve, by site plan, additional density where the project ameliorates the impact of those densities or other increases, and provides features or amenities identified in the Crystal City Sector Plan and other plans and policies established for the area by the County Board. Further it provides that the amount of additional density granted shall be based on the extent to which the project meets the plans or provides such benefits, and does so within the building form parameters established in Section 25C.E. Staff finds that as described below, the proposed density provides such benefits that would be consistent with CCSP Plan goals as well as other County goals, plans and policies and that with the exception of the request for additional building height to provide for bathrooms and a lifeguard room on the roof, the proposed additional density would generally meet the building form parameters established for the Zoning District and CCSP design guidelines.

Density Exclusion: The applicant requests to exclude from gross floor area approximately 1,320 square feet associated with mechanical shafts venting vertically through the building to the roof. The County Board has approved the exclusion of such shafts when ventilation is provided through the building to the roof resulting in no vents on the façade of the building. Staff supports this modification as it is consistent with previously approved County Board exclusions with residential projects where venting is provided through the roof and not the facade.

Building Height: The applicant requests a modification to building height to permit an elevated pool deck and the inclusion of bathrooms and a lifeguard room to support tenant amenity space on the roof. The proposed pool deck is elevated approximately four feet above the main roof height and the roof structures would extend 10 and 15 feet above the main roof height of the building, respectively. While the structures would be located immediately adjacent to the mechanical penthouse structure but lower in height, thus not adding to the bulk and mass of the building, they would not be consistent with the provisions of Section 31.B.2.a. with regard to structures permitted above the height limit. Instead they would be considered as an extension of the main building height. Section 25.C.5.a-b of the Zoning Ordinance provides that “under no circumstances may the County Board approve heights above those specified in the Building Heights Map.” The two exceptions to this in the Zoning Ordinance provision is that the County Board may approve greater building heights for existing site plans that already exceed the maximum height permitted in this district, and it may also modify the dimensions of the height zones shown on the Building Height map by site plan upon finding that the modification is necessary due to site-specific circumstances and it is otherwise consistent with the goals and policies of the Crystal City Sector Plan. As the proposed additional height for the bathrooms and lifeguard room does not fit the criteria for either of these exceptions, staff does not support the requested modification to the building height for the purpose of allowing these facilities on the roof to serve tenant amenity space.

Streetscape: The CCSP calls for an 18’ – 22’ sidewalk, with a minimum six foot clear zone on both S. Eads Street and 18th Street South in front of the subject site. While the proposed sidewalk on 18th Street South would meet the minimum 18’ width, the proposed sidewalk on S. Eads Street would be modified to a minimum width of approximately 16’ to achieve as much of the desired lane widths, bike lanes, and on-street parking as possible, based on guidance from both the CCSP and the Crystal City Multimodal Study. The CCSP states that, "north of 23rd

Street, the 110' between building faces provides space for a parking lane, bicycle lane, and two travel lanes on each side of the street, with sidewalks nearly 20' wide and left turn lanes at major intersections." The space between building faces at this location on S. Eads Street is approximately 123 feet, and the proposed building on the subject site is located at the recommended "build to" line per the CCSP. In order to provide the recommended street cross section between the proposed curb on the project side and the existing curb on the opposite side that respects the geometry of S. Eads Street to the south of the site, the sidewalk on the subject site is proposed to be reduced by two feet, and the northbound parking lane eliminated. The proposed S. Eads Street cross section would result a minimum 16-foot sidewalk on the project side, a parking lane on the project side, bike lanes on both sides of the street, as well as two travel lanes on both sides of the street, a southbound turn lane, and the existing approximately 28 - 30 foot sidewalk on the opposite side of the street. In the future, should the site across S. Eads Street redevelop, there would be room to widen the street more in order to accommodate a parking lane on that side.

Although the proposed sidewalk on the project side along S. Eads Street would be 16 feet minimum, all other streetscape amenities are in compliance with what the CCSP calls for. Tree pits would be provided on both S. Eads Street and 18th Street South, which is recommended by the CCSP, as opposed to planting strips. Bike racks would also be provided along both street frontages. Staff finds that this modification to the recommended streetscape section is appropriate to provide for the multimodal transportation network and connectivity planned for S. Eads Street.

Reduced Parking Ratio: The applicant is requesting a modification of the residential parking ratio to 0.89 spaces per unit (181 spaces), a reduction from a minimum of 1.125 parking spaces per dwelling unit for the first 200 dwelling units and 1 parking space per dwelling unit thereafter that the Zoning Ordinance requires by right (228 spaces), and 1 space per unit by site plan (203 spaces). The CCSP recommends a parking ratio at a range of 1 to 1.125 parking spaces per dwelling unit for multifamily residential. The Zoning Ordinance allows the County Board to adjust the parking requirement where it finds the standards for approval have been met overall. In addition, the CCSP contains a number of statements in regards to considering a reduction in parking requirements through the site plan process, such as:

"...enable the County to advance its broader policy of ensuring that minimum parking needs are met and excessive parking is not built. With Crystal City's rich mix of transportation choices, the flexibility of these processes should continue to be used to apply a more appropriate parking requirement that takes into account other factors including, but not limited to, site location, accessibility to transit, transportation demand management (TDM) measures, trends in parking demand, and management strategies for parking spaces."

"Adjustment of parking requirements below the Zoning Ordinance standards will go hand-in-hand with facilitating and increasing support for other modes of travel through TDM measures and the provision of transportation infrastructure."

“Arlington County has a policy that enables new projects to have a reduced amount of parking when they incorporate specialized projects such as affordable housing. It is expected that Crystal City property owners will consider this option as they redevelop their properties.” (CCSP, p. 72, 3.6.10 Parking and TDM Measures).

These policy statements coincide with MTP policies related to allowing reduced parking:

“Ensure that minimum parking needs are met and excessive parking is not built. Divert resources saved by reducing excess off-street parking to other community benefits.” (MTP Parking and Curb Space Management Element Policy 6.)

Reduce or eliminate parking requirements for specialized projects near transit nodes when they advance related County transportation goals, such as lowering the cost of transit-proximate housing dedicated to those who cannot afford a private vehicle, making available underground space for a new subway entrance, or adding retail amenities to a transit stop. Tailor TDM measures for such projects appropriately (MTP Parking and Curb Space Management Element Policy 11).

In addition the discussion of the policy states:

“Allow reduced parking space requirements for new development in close proximity to frequent transit service and exemplary access by non-motorized travel modes and car-sharing vehicles. Require enhanced TDM measures for developments with reduced quantities of parking...” (MTP Parking and Curb Space Management Element Policy 8)

The proposed parking ratio of 0.89 spaces per unit would be consistent with the above stated CCSP goals and TDM policies in a number of ways. First, the proposed project furthers the goal of MTP Parking and Curb Space Element Policy 11, as well as CCSP policy, where reduced parking could be considered for projects where affordable housing is provided, as demand for parking may be less in these projects. In addition, the project is well-served by transit, including being located one (1) block (approximately 500-600 feet) from the Crystal City metro station, with service to the blue and orange lines. A bus stop on Eads Street provides service to numerous Metrobus routes, as well as the Fairfax Connector. There are also a number of existing bikeshare stations throughout Crystal City. Third, an enhanced TDM is proposed which would help reduce parking demand in this project. The enhanced portion of the TDM would require the applicant to provide a choice of a SmarTrip card plus \$65.00 Metro fare media or full membership subsidy to a bike sharing program, or full membership fee subsidy in a car sharing plan, to a minimum of forty-seven (47) reduced parking spaces, the number of spaces by which the applicant is requesting to reduce the required parking. The applicant has also agreed to unbundled parking and no reserved parking spaces. These both make the garage more efficient, so the demand can be accommodated in fewer parking spaces (Conditions #50 and #51).

Finally, in addition to the enhanced TDM measures indicated above, the developer is proposing a number of off-site transportation infrastructure improvements (see Community Benefits section of the report), which will aid in getting to the site by modes other than by vehicles. Furthermore, the applicant is proposing an on-site bike partnership with Revolution Cycles in Crystal City.

This would be in addition to the required internal and external bike spaces and racks required by site plan. The program would consist of a bike storage and maintenance facility on the ground floor of the building. Employees and residents of the proposed project would have access to the 1 – 2 men’s and 1 – 2 women’s bikes stored on site. Employees and residents would be able to use the bikes for free up to three (3) hours per day, and then would be charged an hourly rental rate after that. Residents would also incur a one-time fee of \$25.00 for use of the program. In addition to the bikes available on-site, residents and employees would be able to rent bikes free of charge, for up to three (3) hours at the Revolution Cycles facility at 220 S. 20th Street.

Given the proposed enhanced TDM and unbundling of parking spaces, the bike partnership proposed, and the off-site transportation infrastructure improvements, staff believes that the proposed parking ratio is adequate to support the variation from the standard parking ratio of 1.125 parking spaces per dwelling and the amount of residential units proposed.

Community Benefits: The “C-O-Crystal City” zoning district in accordance with the CCSP provides that the County Board may approve additional density above the base density shown in the GLUP within the maximum building height limits in return for extraordinary community benefits as identified in the CCSP. While the CCSP is not site specific in terms of identifying relevant community benefits in association with requests for density above the GLUP, the section on implementation references considerations related to affordable housing, transportation, public open space, community building, and environmental sustainability primarily.

Community benefits for the subject request can be distinguished between those benefits associated with the proposed base density up to 3.24 FAR typical with standard site plans, and those termed “extraordinary” in association with the request for an additional 2.94 FAR above the base density. These benefits are summarized below.

Standard Community Benefits: The following project benefits are considered as standard improvements typical of all site plan projects:

- \$39,000 Utility Underground Fund Contribution (Condition #5);
- Completion of on-site streetscape improvements to include sidewalks, curb, and gutter on-site along both S. Eads Street and 18th Street, and upgrading half of the traffic signal at the S. Eads St./18th St. South intersection (Conditions #19 and #21);
- Undergrounding of all on-site utilities (Condition #27)
- \$267,888 over a period of 30 years Transportation Demand Management program (Condition #50);
- \$98,700 over a period of 30 years in additional/enhanced Transportation Demand Management program;
- \$75,000 Public Art Contribution (Condition #64);
- \$460,233 Affordable Housing Contribution consistent with the Ordinance (Condition #66); and
- Multi-space parking meters (Condition #79).

The applicant further proposes a LEED Silver building at a minimum of 18% energy efficiency with the provision of data reporting on energy usage to the County for a period of 10 years and to certify the building after construction under the USGBC's LEED for Existing Buildings: Operations and Maintenance, LEED EBOM (Condition #70).

Additional Community Benefits: In addition to the above typical contributions to ameliorate impacts of the project on the community, the applicant proposes the following:

- *Affordable Housing:* The CCSP references the need for new affordable housing options in the Crystal City Metro Station area and achieving, in addition to the Affordable Housing Ordinance, committed affordable housing units through the realization of bonus density. It indicates as a goal for additional committed affordable housing units negotiated with projects approved above the base density, 20% of that GFA above the GLUP be provided as affordable on-site units up to 60% of the area median income (AMI). It indicates that of all community benefits, affordable housing is a high priority. The implementation section of the plan also includes actions such as encouraging the construction of accessible, affordable units as well as reviewing and evaluating proposals in the context of Arlington's Goals and Targets for Affordable Housing. This is the first residential site plan in the Crystal City Coordinated Redevelopment District created with the Crystal City Sector Plan. The applicant proposes 20% of the additional density requested, 17,666 square feet of gross floor area for a total of 16 units would be on-site in the new residential building. These units would include 2, one-bedroom units and 14, two-bedroom units. Further, of the 16 proposed affordable units, 2 will be fully Type A accessible (Condition #66). Finally, the affordable housing program for 1720 S. Eads would meet the following County Board-adopted Affordable Housing Goals and Targets:
 - Goal 5, Target 5B: The project would expand the County's CAF supply with 18 new units (approximately 18,000 square feet GFA).
 - Goal 1, Target 1A: The project would provide 2 affordable and accessible, Type A units for persons with disabilities.
 - Goal 7, Target 7B: Fourteen (14) of the affordable units would be 2- bedroom family-sized apartments.
 - Goal 8, Target 8A: The project brings 18,000 square feet of affordable GFA to a metro station area.
- *Transportation:* The Plan indicates a focus in this area of improving the multimodal transportation network to make it safe and comfortably accessible by everyone. It discusses projects being analyzed in the context of transportation impacts and proposed mitigating strategies including TIA, sidewalk improvements, other measures, TDM, traffic calming, and way finding improvements. The applicant proposes to construct off-site transportation infrastructure improvements to include the following (Conditions 19, 50, and 80):
 - New bus stop shelter on S. Eads Street at the existing bus stop.
 - Upgrade the intersection of 18th Street South and S. Eads Street to include upgrading the nubs, ADA ramps, and crosswalks on the southeast corner.

- Completion of upgrading the traffic signal at the intersection of 18th Street South and S. Eads Street.
 - Upgrade the streetscape on the north and south side of 18th Street South to the Crystal City Metro entrance, including new concrete sidewalk, and streetlights.
 - Improvements to the 18th Street median.
- *Public Open Space:* The CCSP in this regard focuses on preservation and enhancement of existing open space, and where called for, the provision of new open space such that the quantity and quality in Crystal City over time improves to a network of high quality and well distributed parks and plaza. In order to further plan implementation goals for public open space, the applicant proposes a contribution of \$396,881 into a County trust and agency account dedicated for use in the implementation and improvement of open space in Crystal City (Condition #82).
 - *Community Building:* The Plan provides for an implementation goal to foster reinvestment in existing and investment in future civic service such that the quality of life in Crystal City would be strengthened. This is envisioned through the potential for a number of new community facilities and amenities. In speaking to civic services as an action item, the Plan indicates that they are “necessary to building a truly mixed-use community that is safe, secure, self-reliant and vibrant” (page 142). While public safety and emergency response is a matter of course for County government, consistent with the plan, “creative opportunities to incorporate program elements into larger development projects or joint facilities” are to be explored and are further encouraged (page 142). In furthering this plan goal, the applicant proposes to install a fiber-optic-based in-building emergency first responder radio communication system that includes: a connection to the County’s Connect Arlington fiber optic network to allow a primary radio frequency of IP to connect to the in-building system; a redundant over-the-air donor antenna on the roof; and all associated equipment and fiber optic cabling, connections, and conduits. In a typical site plan, the applicant agrees only to: provide space on the roof for the County to install a donor antenna at the County’s expense; and connect the building annunciator with the County’s outdoor annunciator system. (Condition #57 and 81).

The existing building code requirements mandate a radio signal integrity level of 95% in 95% of a structure’s occupied areas. At the present this signal assessment occurs before interfering electronics are introduced to the building and, in some cases, before the building shell is fully installed. Testing in these near perfect conditions allows for acceptable signal levels that are greatly diminished once electronics, furniture, etc. are added to an occupied space. In most cases, emergency response personnel are unaware of these radio deficiencies until the moment they respond. The proposed in-building wireless system eliminates this risk by calling for a building to repeat emergency radio signals at a consistently high quality while including signal monitoring capabilities.

The total value of the additional benefits beyond the standard site plan improvements is \$5,451,517.

Community Process: The project was reviewed by the Site Plan Review Committee (SPRC) at three SPRC meetings each on: 1) June 26, 2012, 2) July 30, 2012, and 3) September 17, 2012. Issues raised through the process related to the proposal include: the proposed location for the garage and loading entrances on 18th Street South, the context of the building as urban in a residential setting, the siting and mass of the building in relation to the Sector Plan illustrative concept plan, building design and architecture including discussion regarding the entrances, balconies, façade treatment, mechanical penthouse, rooftop, and proposed modifications from the Sector Plan including proposed setbacks from build-to lines and streetscape and whether such things can be modified by the County Board, and the impact of the proposed development for any future redevelopment of Crystal Towers on the block. There were no major outstanding policy issues at the conclusion of the meeting. What was expressed was the desire for information regarding how the proposal relates to Sector Plan recommendations and an understanding of the proposed community benefits and specifically the distinction between those things that would be considered as standard with any site plan proposal and those associated with the bonus density requested and considered “extraordinary.”

Transportation Commission: The site plan request was reviewed by the Transportation Commission at its November 19, 2012 meeting. The Transportation Commission voted unanimously to support staff's recommendation of approval.

Planning Commission: The rezoning and site plan request were reviewed by the Planning Commission at its November 28, 2012 meeting. The Planning Commission recommended unanimously that the County Board adopt the Rezoning Resolution to rezone the property from “CM” to “C-O-Crystal City” with no conditions. With respect to the site plan, the Planning Commission recommended 7 to 1, that the County Board approve the subject site plan request with the following conditions:

- Amend Condition #82, to delete the last part of the sentence that states “and other areas adjacent to this site plan.”

Staff Response: Staff supports the Planning Commission recommendation and has revised Condition #82 to eliminate this statement.

- Recommend that the County Board not approve the modification of building height above 110 feet.

Staff Response: Staff agrees that the building height should not be modified above 110 feet. Code would allow for the bathrooms to be located one floor below the pool within a distance of no greater than a 500 foot travel path. If the bathrooms were located on the floor below, the building height would be consistent with the Zoning Ordinance. In addition, Code does not require a lifeguard room, but rather a lifeguard stand to include a seat and a platform, which may be portable. A portable lifeguard stand could be provided with the proposal and would be consistent with the Zoning Ordinance. Further staff recommends that the pool deck be brought into compliance with the Zoning Ordinance, lowering it approximately 4 feet.

- Recommend that the County Board not approve special paving in the clear sidewalk zone.

Staff Response: Staff agrees with the Planning Commission recommendation. The special paving proposed as a “carpet treatment” the full width of the sidewalk at the main building entrance on 18th Street and in front of the secondary entrance to the leasing center on S. Eads Street should be eliminated. The special paving treatment could be implemented immediately outside the entrance and near the tree pits, but the 10-foot clear zone should be proposed as standard concrete, consistent with the Crystal City Sector Plan.

Housing Commission: The site plan request was reviewed by the Housing Commission at its November 29, 2012 meeting. The Housing Commission voted unanimously to support the proposed affordable housing program for the site plan request.

CONCLUSION: The proposed redevelopment of the former Crystal City Post Office site in Crystal City would fulfill the vision for this block identified in the Crystal City Sector Plan. The proposed variations to the recommendations of the Crystal City Master Plan related to how the building engages the recommended build-to line and the streetscape provides for a proposal that meets the overall intent of infill redevelopment for this block of enhancing the public realm along the frontages of the site. The proposed modification to reduce the parking ratio would be mitigated through the proposed Transportation Demand Management program including enhancements, along with the provision of off-site transportation improvements consistent with goals of the Sector Plan and policies expressed in the Master Transportation Plan. In addition, the additional density requested provides for a building form that is consistent with the general parameters of the CCSP and would allow for community benefits that meet a number of goals of the Sector Plan facilitating its implementation such as: affordable housing, transportation, open space, sustainable design, and community services. Staff finds that the proposed rezoning and site plan: 1) Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district; 2) Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and 3) is so designed and located that the public health, safety and welfare will be promoted and protected. Therefore staff recommends that the County Board adopt the attached resolution to rezone the subject property from “CM” to “C-O-Crystal City”. Staff further recommends that the County Board adopt the attached ordinance to approve the subject site plan, subject to the conditions of the ordinance and deny the requested modification to building height and the use of special pavers in the clear sidewalk zone on 18th Street and on S. Eads Street.

REZONING RESOLUTION

WHEREAS, South Eads LLC has requested a rezoning FROM “C-M” Limited Industrial Districts TO “C-O-Crystal City” Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts for property located at 1720 S. Eads Street (RPC# 35-011-001) (“Property”); and

WHEREAS, the County Board finds that the property is located within the Crystal City Metro Station Area and the Crystal City Coordinated Redevelopment District on the General Land Use Plan; and

WHEREAS, the County Board finds that the rezoning to “C-O-Crystal City” Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts will be consistent with the General Land Use Plan Designation for the Property; and

WHEREAS, the County Board finds that the rezoning to “C-O-Crystal City” Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts will achieve goals and objectives set forth in the Crystal City Sector Plan; and

WHEREAS, the County Board finds that the rezoning to “C-O-Crystal City” Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts is required by public necessity, convenience, general welfare, and good zoning practice; and

WHEREAS, the Planning Commission recommended approval of the rezoning to “C-O-Crystal City” Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts at their meeting on November 28, 2012; and

WHEREAS, the County Manager recommends approval of the rezoning to “C-O-Crystal City” Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts; and

WHEREAS, the County Board of Arlington County held a duly advertised public hearing on the proposed rezoning on December 8, 2012.

NOW THEREFORE, be it resolved, that the Property located at 1720 S. Eads Street, (RPC# 35-011-001) is hereby rezoned FROM “C-O” Commercial Office Building, Hotel and Multiple-Family Dwelling Districts TO “C-O-Crystal City” Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts, as shown on the attached map (Z-2563-12-1).

SITE PLAN ORDINANCE

WHEREAS, an application for a Site Plan dated March 8, 2012 for Site Plan # 424, was filed with the Office of the Zoning Administrator; and

WHEREAS, the Planning Commission held a duly advertised public hearing on that Site Plan on November 28, 2012 and recommended that the County Board approve it, subject to numerous conditions and has provided a letter dated December 3, 2012; and

WHEREAS, as indicated in Staff Report[s] prepared for the December 8, 2012 County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan subject to numerous conditions as set forth in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan on December 11, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
 - **Streetscape –reduced sidewalk width**
 - **.25 FAR Bonus Density for LEED Silver Certification;**
 - **.10 FAR Bonus Density for LEED Existing Building Certification;**
 - **2.54 FAR Bonus Density for additional community benefits implementing the Crystal City Sector Plan**
 - **Exclusion from density of gross floor area for vertical shafts (1,320 sf); and**

- **Reduced office parking ratio of .89 space per unit**

and

- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated March 8, 2012 for Site Plan # 424, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 below (which drawings, etc... are hereafter collectively referred to as “Revised Site Plan Application”), for a Site Plan to construct an approximately 210,918 sq ft residential, for the parcel of real property known as RPC # 35-011-001 and 1720 S. Eads Street, approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to the following conditions:

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

- **The following Conditions of site plan approval (#1 through #14) are valid for the life of the site plan and must be met by the developer before issuance of the Land Disturbance and Demolition Permits.**

1. **Site Plan Term**

The developer (as used in these conditions, the term "developer" shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1 and the revised plans dated November 26, 2012 and reviewed and approved by the County Board and made a part of the public record on December 11, 2012, including all renderings, drawings, and presentation boards presented during public hearings, together with any modifications proposed by the developer and accepted by the County Board or vice versa.

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

2. **Pre-Permit Meeting**

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

3. **Tree Protection and Replacement**

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

deciduous and evergreen trees consistent with the Tree Replacement Guidelines and which meet the minimum size and other requirements of Condition #15 below, provided, however, that replacement as specified in this subparagraph (3.d.5) does not relieve the developer of any violation resulting from the failure to save identified trees.

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

4. **Photographic Record of Development**

The developer agrees to produce and submit to the Zoning Administrator a photographic record of development, starting with a record of the site as it appears before demolition is begun, including photographic records during construction, and ending with a photographic record of the development as it appears after completion of construction. These photographs shall comply with the following specifications:

All photographic records can be either color or black and white. Submission of a photo contact sheet and 8" x 10" prints on photographic paper shall be the minimum acceptable

standard. Color photographs on compact disc, print copies of the photographs, and the photo contact sheet must be date-stamped and submitted at the end of the project prior to the issuance of the Master Certificate of Occupancy.

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

- a. Before Land Disturbance and Demolition of the site (shall be submitted before issuance of the Land Disturbance and Demolition Permits)–Views of north, south, east and west facades, as location permits, of buildings to be demolished, as well as at least one photo of the site before any land disturbance including the existing physical relationship with adjacent buildings and streets. The photographic record shall also include all historic aspects of the facades of the building to be demolished, consistent with the requirements described in Condition #54 below.
- b. Site Clearance (shall be submitted before issuance of the Footing to Grade Permit)–Views of cleared site facing north, south, east and west, as location permits, with adjacent buildings and streets included.
- c. Construction Phase (shall be submitted before issuance of the Shell and Core Certificate of Occupancy Permit)–At a minimum, views of the site: during excavation, upon completion of the first floor above grade, at topping out, and during the exterior cladding phase.
- d. Site Completion (shall be submitted before issuance of the Master Certificate of Occupancy)–North, south, east and west facades of completed building or buildings, as well as at least one view of completed project in context of adjacent buildings and streets.

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

Utility Fund Contribution

5. In addition to funding and constructing the utility undergrounding work, the developer agrees to contribute in the amount specified in Site Plan conditions to the County utility fund before the issuance of the Final Building Permit or prorated consistent with an approved phasing plan for the development. The total utility fund contribution for this site is \$39,000 (\$50,000 x .78 acres). These funds may, but need not, be used by the County for the purpose of providing the undergrounding of utilities along the properties which are not redeveloping in this undergrounding district. If the area of the site plan is subdivided, the contribution to be made by each owner shall be based proportionally on the amount of site area allocated to each subdivided parcel. The contribution, if not obligated by the County to pay for utility undergrounding projects within 10 years from the date of payment, will be refunded without any accrued interest to the development

owners of record at the time of any refund.

Plan for Temporary Circulation During Construction

6. The developer agrees to develop and implement (after approval) a plan for temporary pedestrian and vehicular circulation during construction. Throughout construction, the developer agrees to ensure that safe pedestrian access is maintained along the 18th St. South and S. Eads St. frontages of the site by providing a minimum 5-foot wide clear sidewalk at all times adjacent to the site. 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 when Inspection Services Division has determined that pedestrian access adjacent to the site should be limited for safety reasons, 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 Land Disturbance and Demolition Permits. The developer agrees to provide a copy of the approved plan to the ~~appropriate~~ Arlington Ridge and Aurora Highlands civic associations. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

The developer agrees, during the hours of construction, to provide “flagmen” to assist in the direction of traffic along or around a street any time that any driving lane of such a street is partially or fully blocked due to temporary construction activities. In addition, the developer agrees to notify the appropriate civic associations and all abutting property owners in writing (or, by mutual agreement, by e-mail) at least seven calendar days in advance of any street closure, except in the case of an emergency, of more than one hour duration on any street. “Emergency” street closures may include, but not be limited to, those relating to rupture or potential rupture of a water or gas main, insecure building façade, or similar unforeseeable public danger. “Emergency” street closures shall not include closures for setting up or dismantling of a crane, exterior building construction, materials deliveries, or utilities work, or similar situations.

During construction the Developer agrees to provide adequate temporary lighting for roadway users, including pedestrian walkways. A temporary lighting plan shall be submitted, approved and implemented prior to the issuance of the demolition and land disturbance permits. Lighting shall be turned on between dusk and dawn 7 days a week. Any high-intensity overhead lighting, such as lighting placed on construction cranes shall be used only during construction hours (except lower levels after hours for safety and security reasons), and shall be placed so as not to directly illuminate residential dwellings or be a nuisance to neighboring property owners. The approved temporary lighting plan shall be operated from prior to issuance of the Demolition and Land Disturbance permits until County standard lighting fixtures are in place and operational around the perimeter of the site. Street lighting shall be in accordance with the latest IES Roadway Lighting Design Guidelines, AASHTO Roadway Lighting Design Guide, VDOT Traffic Engineering design manuals, and Arlington County’s Streetlight System Design

Guidelines memorandum, and shall conform to minimum illuminance levels approved by the County.

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

Residential Relocation

- 7. Intentionally Omitted.

Retail Relocation

- 8. Intentionally Omitted.

Compliance with Federal, State and Local Laws

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

Post-County Board 4.1 Filing

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

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

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

Community Liaison and Activities During Construction

11. The developer agrees to comply with the following before issuance of the Land Disturbance and Demolition Permits and to remain in compliance with this condition until the Master Certificate of Occupancy is issued.
 - a. The developer agrees to identify a person who will serve as liaison to the community throughout the duration of construction. This individual shall be on the construction site throughout the hours of construction, including weekends. 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, such as Crystal Towers, the Arlington Ridge and Aurora Highlands Civic Associations, and to the Zoning Administrator, and shall be posted at the entrance of the project.
 - b. Before commencing any land disturbance of the site, the developer shall hold a community meeting with those whose property abuts the project to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Zoning Administrator and the Arlington County Police representative must be notified once the community meeting dates/times are established. The developer agrees to provide documentation to the Zoning Administrator of the date, location and attendance of the meeting before a Land Disturbance and Demolition Permits is issued. The developer agrees to submit to the Zoning Administrator two (2) sets of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation (one set of which will be forwarded to the Police). Copies of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation shall be posted in the construction trailer and given to each subcontractor and construction vehicle operator before they commence work on the project. The location of all construction trailers shall be approved either by Administrative Change approval or to be shown on the Tree Protection Plan, with the construction staging's location and travel routes shown on a map approved as part of that plan. All trailers shall require approval by DES staff, and the site plan's Arlington County Police representative shall receive a copy of the aforementioned map.

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

C & D Waste

- 12. The developer agrees to provide a plan for diverting from landfill disposal the demolition, construction, and land clearing debris generated by the project. The plan should outline recycling and/or reuse of waste generated during demolition and/or construction. The plan should outline specific waste streams and identify the means by which waste will be managed (reused, reprocessed on site, removed by licensed haulers for reuse/recycling, etc.). The developer agrees to obtain the County Manager's approval of this plan prior to the issuance of the Land Disturbance and Demolition permits, and to implement the plan throughout demolition and construction of the project.

Green Building Fund Contribution

- 13. Intentionally Omitted.

14. Vacations and Encroachments

Prior to the issuance by the County of any permit for development of the site plan, except for demolition permits solely for buildings and structures not owned by the

County or located on property within which the County has an interest, the developer agrees to obtain approval of, and fulfill all required conditions of, all ordinances of vacation and/or ordinances of encroachment associated with and/or required to build the project, or any portion thereof, as depicted on the site plan referenced in Condition # 1 of this Ordinance and in accordance with civil 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 #68. Irrespective of any other conditions set forth herein, the developer agrees that no building, structure or utility of any type shall encroach upon, or interfere with, the use of any County property or the exercise by the County of any property right or interest, unless and until the developer, before any Excavation/Sheeting and Shoring Permit is issued, first has: a) obtained an ordinance of vacation or an ordinance of encroachment, enacted by the County Board, permitting such use, encroachment or interference; and, b) met all of the conditions of such ordinance(s).

- **The following Conditions of site plan approval (#15 through #31) are valid for the life of the site plan and must be met by the developer before issuance of the Excavation/Sheeting and Shoring Permit.**

15. **Coordination of these plans: final site development, landscape and site engineering**
The developer agrees to attach the County Board meeting minutes outlining the approved conditions and the conditions themselves to each set of Building Permit drawings that they submit to the County. The developer agrees to submit to the Zoning Administrator a detailed final landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the civil engineering plan as required in Condition #18 below, as well as a vicinity map with major streets labeled. The final landscape plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in the Commonwealth of Virginia. The developer further agrees that the final landscape plan and the civil engineering plan shall verify, by means of survey, that there are no conflicts between the street trees and utilities. The developer shall obtain approval by the County Manager for both plans as meeting all requirements of the County Board's site plan approval and all applicable county laws and plans before the issuance of the Footing to Grade Permit. The plan shall be consistent with the conceptual landscape plan approved as a part of the site plan, and, at a minimum, shall conform to: the landscaping requirements in Conditions #16 and 21 below; the Arlington County Streetscape Standards if applicable; the Sector Plans if applicable; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the civil engineering plan, the landscape plan shall be at a scale of 1 inch = 25 feet; the County may require more detailed plans appropriate to landscape installation at a larger

scale to also be submitted. The County may permit minor changes in building, street and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance governing administrative approval and with the intent of the site plan approval. The landscape plan shall include a Street Tree Plan which shall be reviewed by DPR and DCPHD, and shall be accompanied by the civil engineering plan. All hardscape features shown on the approved landscape plan shall be completed prior to the issuance of the first partial Certificate of Occupancy for tenant occupancy. All plant materials shown on the final landscape plan shall be installed before the issuance of the first Partial Certificate of Occupancy for occupancy any space above grade for the respective phase of construction. The Zoning Administrator may, for good cause shown and through the administrative change process, allow modifications to the timing of this condition based on the planting season, availability of plant materials, weather, or other construction-related issues, which may not permit installation of plant materials or construction of hardscape features by the required timing.

Upon approval of the final landscape plan and prior to the issuance of the first partial Certificate of Occupancy for the respective phase of construction/tenant occupancy, the developer agrees to submit to the Department of Community Planning, Housing, and Development (DCPHD) a copy of the contract for construction and installation of all landscape materials. The final landscape plan shall include the following details:

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

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

- 1) The entire traffic signal at the intersection of 18th Street South and South Eads Street. The developer also agrees to remove existing traffic signal poles and other traffic signal equipment at this location upon completion of the traffic signal upgrade.

- b. Intake and exhaust garage ventilation grates may not be located within public sidewalks or streets, or within areas between the street curb and any building which is used as a walkway. The developer agrees to provide drawings showing how the garage will be ventilated as part of the post-County Board Administrative Regulation 4.1 drawings required in Condition #10 above. Ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way. The developer shall obtain approval from the County Manager of the location and screening of all ventilation grates as part of the civil engineering plan and the final landscape plan before issuance of the Footing to Grade Permit.
- c. The location, dimensions, materials, and pavement pattern, where applicable, for driveways and access drives, automobile drop-off areas, ADA ramps, driveway aprons, service drives, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Interior walkways shall have a minimum width of four (4) feet. All plaza areas, access drives, automobile drop-off areas, interior walkways and roadways shall contain special treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager according to adopted Sector Plans or other urban design standards approved by the County Board as a part of review and approval of the final landscape plan.
- d. The location and types of light fixtures for streets, parking, walkway and plaza areas, and associated utilities, as contained in the lighting plan required in Condition #53 below.
- e. Topography at two (2) foot intervals, and the finished first floor elevation of all structures, and top-of-slab elevation for any proposed underground structures.
- f. Landscaping for open space areas, plaza areas, courtyards, raised planters (including cross-sections of raised planters), surface parking areas, and service drives, including a listing of plant materials; details of planting, irrigation and drainage; and details of proposed furnishings for all areas, including but not limited to dimensions, size, style(s), materials(s), finish(s) and manufacturer(s) of seating, bollards, trash receptacles, bike racks, arbors, trellises, and water features, and other landscape elements or structures. Include public art information, if known.
- g. The location and planting details for street trees in accordance with Department of Environmental Services Standards and Specifications for planting in public rights-of-way and as shown on the civil engineering plan.
- h. The limits of demolition and construction.

The developer agrees that once approved, the final landscape plan shall govern construction and/or installations of elements and features shown thereon, except as amendments may be specifically approved through an Administrative Change request.

Landscape Standards

16. The developer agrees that all landscaping shall conform to Department of Environmental Services Standards and Specifications and to at least the following requirements:
- a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:
 - (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 3 1/2 inches, except as indicated in Condition #21 below.
 - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)—a minimum height of 7 to 8 feet.
 - (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)—a minimum caliper of 3 to 3 1/2 inches. Multi-stem trees shall not be less than 10 feet in height.
 - (4) Shrubs—a minimum spread of 18 to 24 inches.
 - (5) Groundcover—in 2 inch pots.
 - b. The developer agrees to plant all street trees prior to issuance of the first Partial Certificate of Occupancy for occupancy of any space above grade for the respective phase of construction, unless otherwise approved by the Zoning Administrator, based on the planting season, the availability of street trees, and the weather. The developer also agrees to fulfill the Public Improvement Bond requirements (Condition #33). The developer agrees to notify the DPR 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 DPR 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 DPR Urban Forester.
 - c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager, based on accepted landscaping standards and approved in writing, seeding may be substituted for sod. All sod and seed shall be state certified.
 - d. Exposed earth not to be sodded or seeded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed.
 - e. Soil depth shall be a minimum of four (4) feet plus 12 inches minimum of drainage material or other drainage material commonly used in the industry as reviewed and approved by the County Manager on the landscape plan, for trees

and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2 1/2 feet, maximum) above the adjacent finished grade.

- f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
- g. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Land Disturbance and Demolition Permits and agrees to secure and maintain the site throughout the construction and phasing process. Further, the developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well-maintained condition for the life of the site plan and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator, as required in Section 32A of the Zoning Ordinance.

Utility Company Contacts

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

Civil Engineering Plan Approval by DES

- 18. The developer agrees to submit a complete set of civil engineering plans for each applicable phase of the project consistent with the approved Phasing Plan for the development. Whether the set is complete will be determined by the County Manager, based on the Minimum Acceptance Criteria document dated April 30, 2012 or subsequent amended submission checklist, prior to the issuance of the Land Disturbance Permit for that phase. The plans shall be drawn at a horizontal scale of 1 inch = 25 feet and a vertical scale of 1 inch = 5 feet and be 24 inches by 36 inches in size.

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

- 1. Obtain approval by the County Manager of a Maintenance of Traffic Plan for, at a minimum, the Excavation/Sheeting and Shoring phase of work;
- 2. Obtain approval by the County Manager of a tieback plan, or alternatively, submit a statement by the developer confirming that tiebacks will not be placed and will not extend into the public right of way during construction of the project; and
- 3. Obtain a minimum of one complete County staff review of the civil engineering plans that results in a finding by the County Manager that the limits of Excavation/Sheeting and Shoring shown on the plan will not interfere with, limit,

damage, or pose a substantial risk of damage to, existing and proposed public infrastructure and adjacent public or private property.

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

The developer agrees to obtain approval of civil engineering plans that agree with the approved final landscape plan, and the sequence of construction, from the County Manager as being consistent with all site plan approval requirements and all County codes, standards and specifications, and policies, prior to issuance of the Footing to Grade permit, for any phase consisting only of buildings on slab, prior to the issuance of the above grade building permit.

Pavement, Curb and Gutter Along All Frontages

19. The developer agrees to show on the civil engineering plans pavement, curb and gutter along all frontages of this site in accordance with the then-current Arlington County Standard for concrete curb and gutter and the then-current standards for pavement and according to the following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the first partial Certificate of Occupancy for occupancy of the applicable phase of the project/tenant occupancy. The Zoning Administrator may, for good cause shown and through the administrative change process, allow modifications to the timing of this condition based on the season, weather, or other construction-related issues, which may not permit installation of these features by the required timing.
 - a. The developer agrees to construct new curb and gutter along South Eads Street, which results in a street cross section of approximately 69 feet, as shown on the final engineering plan approved by the County Manager. The developer agrees to nub the parking lane along the west side of South Eads Street at 18th Street South. The developer agrees to construct a crosswalk across South Eads Street at 18th Street South, as shown on the final engineering plan approved by the County Manager.
 - b. The developer agrees to construct new curb and gutter along 18th Street south, which results in a street cross section of approximately 80 feet, as shown on the final engineering plan approved by the County Manager. The developer agrees to nub the parking lane along the north side of 18th Street South at South Eads Street, as shown on the final engineering plan approved by the County Manager. The developer agrees to construct a crosswalk across 18th Street South, as shown on the final engineering plan approved by the County Manager. The developer also agrees to upgrade the median in 18th Street South along the project frontage, as shown on the final engineering plan approved by the County Manager. The developer agrees to plant either London Plane trees, Bosque Elm, or Green Vase Zelkovas in the median along the site frontage of 18th Street South.

- c. The developer agrees to construct improvements on the southeast corner of South Eads Street and 18th Street South, which shall include a nub and ADA ramps, a crosswalk across 18th Street South at South Eads Street, and a crosswalk across South Eads Street at 18th Street South.

All improvements to curb, gutter, sidewalks and streets for pedestrian and/or vehicular access or circulation shall be in full compliance with applicable laws and regulations. The developer further agrees that all improvements to curb, gutter, sidewalks, crosswalks, and streets for pedestrian and/or vehicular access or circulation shall be as determined by the County Manager on the final Site Development and Landscape Plan and on the Civil Engineering Plan, in accordance with the Rosslyn-Ballston Corridor Streetscape Standards, Crystal City Sector Plan, or other applicable urban design standards in effect at the time of Civil Engineering Plan Approval; provided, however, that the provision of such improvements shall not increase the projected cost anticipated for such improvements as shown on the site plan drawings dated November 26, 2012 unless the County provides additional funding to offset such increased cost.

20. Survey Monuments

The developer agrees to submit, before issuance of the Excavation/Sheeting and Shoring Permit, a survey of the site adherent to the following:

Horizontal Datum - All Site Plans shall be referenced to the Virginia Coordinate System of 1983 (VCS 83). Two (2) adjacent corners or two points on every plan sheet shall be referenced to the VCS 83 with coordinate values shown in U.S. Survey feet. All plans shall be annotated as follows: "The site shown hereon is referenced to the Virginia Coordinate System of 1983 as computed from a field run boundary and horizontal control survey."

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

21. Sidewalk Design and Improvements

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

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

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

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

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

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

South Eads Street – a minimum 16-18 foot wide sidewalk (as shown on the plans) measured from the back of curb maintaining a minimum 6-foot wide clear sidewalk, including minimum 5 feet by 12 feet tree pits, planted with minimum 3 ½ inch caliper street trees (species to be selected from those recommended in the Crystal City Sector Plan and as approved with the final landscape plan) and ground cover such as lirioppe, muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper). The developer also agrees to construct a bus shelter, with a bench, a landing pad for the bench, and a trash receptacle, along South Eads Street adjacent to the site, subject to approval by the County Manager.

18th Street South – a minimum 18-foot wide sidewalk measured from the back of curb maintaining a minimum 6-foot wide clear sidewalk, including minimum 5 feet by 12 feet tree pits, planted with minimum 3 ½ inch caliper street trees (species to be selected from those recommended in the Crystal City Sector Plan and as approved with the final landscape plan) and ground cover such as lirioppe, muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper).

The developer agrees to construct streetscape improvements along the north and south side of 18th Street South from the site to the Crystal City Metro station entrance

(approximately 400 feet on each side of the street). Improvements shall include new pedestrian street lighting per County standards and a new concrete sidewalk per County standards. The developer shall submit plans design plans for the work to the Department of Environmental Services for review and approval and the design shall be as determined by the County Manager on the civil engineering plan.

Subsurface Structure-free Zone for Utilities and Streetscape

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

Water Service Requirements

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

Existing Water Main or Fire Hydrant Service

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

Replacement of Damaged Existing Curb, Gutter and Sidewalk

25. The developer agrees to remove and replace, according to the Arlington County Department of Environmental Services Construction Standards and Specifications Manual, any existing curb, gutter and sidewalk along the street frontages of this site which is in poor condition or damaged by the developer, prior to the issuance of the first Certificate of Occupancy. The Zoning Administrator may, for good cause shown and through the administrative change process, allow modifications to the timing of this condition based on the season, weather, or other construction-related issues, which may not permit installation of these features by the required timing.

Street Lighting Requirements

26. The developer agrees to show on the civil engineering plans street lighting along all frontages of the site. The plans shall include the height and color of the street light poles. The developer agrees, at its cost, to purchase and install approved Arlington County street lighting along the frontages of the site prior to the issuance of the Shell and Core

Certificate of Occupancy. In addition, the developer agrees to furnish and install all conduit and junction boxes necessary for the lighting system. All construction shall meet Arlington County standards.

The developer agrees to purchase and install Arlington County standard street lights along all frontages of the site in accordance with the then current Arlington County Traffic Signal and Streetlighting Specifications. The developer agrees to remove all mastarm mounted streetlights (typically cobrahead lights mounted at 25' to 35' above grade) from all site street frontages. If the County decides that such streetlights are required to provide adequate lighting for street safety purposes at intersections or when the lights are part of a traffic signal mastarm system, they shall be called out on the civil engineering plans. The developer agrees to pay the cost of relocating existing or installing new mastarm mounted streetlights if standard pedestrian scale streetlighting is not adequate for the roadway conditions.

Underground Existing Aerial Utilities

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

The developer agrees to construct/install four (4) 2-inch communication conduits (HDPE or equivalent County standard for communication conduits) and junction boxes along all site frontages, for the sole and exclusive use by Arlington County, unless the County Manager determines that less conduit is required at the time of Civil Engineering Plan approval. The conduit shall be designed and built as approved in the Civil Engineering Plan and consistent with the then current Arlington County Traffic Signal Specifications for the installation of communication conduit. The developer agrees to install the conduit prior to the issuance of the Shell and Core Certificate of Occupancy for the respective phases of construction.

Off-street Parking for Construction Workers

28. The developer agrees to provide off-street parking for all construction workers without charge to the workers. In lieu of providing parking, the developer may provide a subsidy for the construction workers in order that they may use Metro, provide a van for van pooling, or use another established method of transportation to provide for construction workers to arrive at the site. Compliance with this condition shall be determined based on a plan which shall be submitted to the Zoning Administrator, and for which the developer has obtained the Zoning Administrator's approval, before the issuance of the Excavation/Sheeting, and Shoring Permit. This plan shall set forth the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the work site, and

mechanisms which will be used to encourage the use of Metro, carpooling, vanpooling, and other similar efforts. The plan shall also provide for a location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes, and carpooling and vanpooling information. If the plan is found to be either not implemented or violated during the course of construction, a correction notice will be forwarded to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, and construction halted until the violation has been corrected.

Address Indicator Signs

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

Façade Treatment of Buildings

30. The developer agrees that the design of the facade treatment for the buildings and the materials to be used on the facades shall be as specified and shown on the submitted drawings identified in Condition #1 and as presented to the County Board and made a part of the public record on the County Board date identified in Condition #1, including all renderings, drawings, and presentation boards presented during public hearings. The developer agrees to submit three (3) copies of colored façade elevations at 24" x 36", which label the materials and colors for each elevation of the building, including interior elevations (e.g. elevations adjacent to interior courtyards, plazas and access drives), one (1) copy of black and white architectural elevations, and one (1) sample material board at no larger than 24" x 36", for review by the County Manager for consistency with this site plan approval prior to the issuance of the Footing to Grade Permit. The submission shall be made to the Zoning Office. The developer further agrees to obtain the approval of the County Manager of the façade treatment as being consistent with the County Board approval before the issuance of the Final Building Permit.

The developer agrees that ~~all~~ ground floor non-residential uses on 18th Street South and S. Eads Street, which include the residential lobby and lounge, leasing center and fitness center ~~retail storefronts~~ which front along public rights-of-way will have an overall minimum transparency of 50% as measured from floor to ceiling. In addition, the portion of these uses ~~the retail storefronts~~ that is located between three and eight feet from grade ~~is~~ required to be at least 80% transparent. The purpose of this condition is to allow pedestrians to view the activity within ~~the retail establishment~~ and to allow residents and visitors ~~patrons and employees of the retail establishments~~ to view the activity on the sidewalk and street. "Transparency" shall mean using glass or other transparent exterior material offering a view into an area of the ~~retail establishment~~ where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like. Provided that the exterior material is glass or other transparent material, ~~a tenant~~ the developer may apply to the County Board for a site plan amendment to grant an exception to this condition for a specified duration.

Recordation of Deeds of Public Easements and Deeds of Dedications

31. The developer agrees that, for each phase, as phase is defined in the phasing plan required in Condition #68, all required plats, deeds of conveyance, deeds of dedication, and deeds of easement associated with, and/or required by the approved civil 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 Excavation/Sheeting and Shoring Permit for such phase; and b) approved by the County and recorded by the developer, among the land records of the Circuit Court of Arlington County, before the issuance of the first Certificate of Occupancy for the building(s) or any portion thereof for such phase. Real estate interests conveyed by the developer to the County for public street or public right-of-way purposes shall be conveyed in fee simple, free and clear of all liens and encumbrances. Real estate interests conveyed by the developer to the County for Public Improvements or public uses, including, but not limited to, sidewalk, street trees, other streetscape planting, water mains, storm sewers, sanitary sewers, and other public utilities and facilities, which other Public Improvements are not located, or to be located, in the public street or public right-of-way may be granted to the County by deed(s) of easement, provided, however, that in the deed(s) conveying such real estate interests to the County, all liens and encumbrances shall be subordinated to the easement rights of the County.
- **The following conditions of site plan approval (#32 through #40) are valid for the life of the site plan and must be met by the developer before issuance of the Footing to Grade Structure Permit.**

Plat of Excavated Area

32. The developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the building’s ground floor elevation(s) at the building’s lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #1 and #10 above. Spot elevations shall be taken at spots determined at the time of the pre-construction meeting and shall at a minimum consist of two corners and spot elevations from 50 % of the total area to be excavated. The elevations shall be provided prior to the issuance of the footing to grade permit. Provided however, that when the Zoning Administrator determines that the excavated area will be greater than 20,000 square feet, the Zoning Administrator may reduce the area for which elevations must be provided before issuance of a footing to grade permit. Additional elevations confirming the elevations of the remainder of the excavation shall be provided prior to issuance of any permit for above grade construction.

Public Improvements Bond

33. Upon approval of the civil engineering plan the developer agrees to submit a performance bond estimate for the construction or installation of all facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the Department of Environmental Services for review and approval. Upon approval of the

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

Prior to the release of the public improvement bond, the developer agrees to submit as-built drawings showing the location and facilities for all underground utilities (water, sanitary sewer, and storm sewer) that will be maintained by Arlington County.

Underground Electrical Transformers

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

Interior Trash Collection and Recycling Areas

35. The developer agrees that interior space shall be provided and used for the collection, storage, compaction, and removal of trash, as well as appropriate facilities for the recycling of reusable materials as defined by the County. The collection, storage, compaction, and removal of trash shall not occur outside the interior loading space. This space may not conflict with the use of a loading berth. The developer agrees to obtain

approval from the Zoning Administrator of drawings showing compliance with this condition before the issuance of the Footing to Grade Structure Permit.

Interior Loading Spaces

- 36. The developer agrees that all loading spaces shall be in the interior of the building and shall also comply with the following requirements: minimum 12-foot clear width ([including entrances), 30 foot-length and 14-foot height clearance. Any loading dock to be used for trash removal shall have a minimum interior height clearance of 18 feet. All loading docks shall contain roll-down doors. Use of the loading dock for deliveries or trash pick-ups, excluding moving vans, shall be limited to the hours from 8:00 a.m. to 6:00 p.m., seven (7) days a week. The loading dock door shall also be closed when the loading dock is in use, except when necessary for entry or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures.

Parking Garage Van Access

- 37. The developer agrees that new parking garages shall be designed to allow access and use by vanpools. At least 10% [2% (for residential/hotel)] of the total new parking supply shall be accessible to vans, shall be conveniently located on the level of the garage closest to street level, and shall have a minimum clearance of 98 inches. All other areas of the garage shall have a minimum clearance of 84 inches. Compliance with this condition shall be determined by review of the building plans by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit, which review shall not relieve the developer from constructing in accordance with this condition.

Parking Space Compliance with Zoning Ordinance

- 38. The developer agrees to ensure that all parking spaces comply with the requirements of Section 33 of the Zoning Ordinance, except as otherwise expressly approved by the County Board through this site plan approval. Unless otherwise approved by the County Board, the number of compact spaces may not exceed the Zoning Ordinance requirement. The developer shall submit drawings showing that these requirements are met, and shall obtain approval by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit.

Bicycle Storage Facilities

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

Office and Residential Bicycle Storage Facilities:

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

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

Employee and resident bicycle parking facilities shall be highly visible to the intended users and protected from rain and snow within a structure shown on the site plan. The facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians or any required fire egress. The facilities for ~~office users and~~ resident bicycle parking must meet the acceptable standards for Class I storage space as contained in the Arlington Bicycle Transportation Plan, dated April 1994 with Amendments through March 2003, and be highly visible from an elevator entrance, ~~a full-time parking attendant, a full-time security guard~~ or a visitor/customer entrance. Visitor parking must be located within 50 feet of the primary building entrance. Any bicycle parking racks used on the site must conform to the Arlington County Standard or be approved by the Bicycle and Pedestrian Program Manager. Drawings showing that these requirements have been met shall be approved by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit. Residential condominium covenants shall not prohibit the storage of bicycles in individual condominium units.

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

Retail Bicycle Storage Facilities:

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

~~retail visitors/customers must meet the County standards for bicycle racks, and be located close to retail visitor/customer entrances.~~

~~Hotel Bicycle Storage Facilities:~~

~~The developer agrees to provide, at no charge to the user, secure bicycle storage facilities on the following basis at a minimum:~~

~~One (1) space for every 10 hotel units, or portion thereof. These facilities shall be protected from rain and snow and shall not encroach on the sidewalk or on any area in the public right-of-way intended for use by pedestrians. These facilities for hotel users (guests and employees) must meet the acceptable standards for Class I storage space and be highly visible from an elevator entrance, a full time parking attendant, a full time security guard or a visitor/customer entrance if located in a parking facility; if located elsewhere in the building the room shall be access controlled by staff. These facilities shall be located in a minimum of two locations; half of the spaces shall be reserved and designated for employee only access and located convenient to the employee changing area, and half for guest access. Spill over bike parking from guests or employees may be accommodated, as space permits, in either location.~~

~~In addition, the developer agrees that for every 50,000 square feet or fraction thereof of office Gross Floor Area (GFA), one (1) shower per gender shall be installed, up to a maximum of three (3) showers per gender. Also, a minimum of one (1) clothes storage locker per gender shall be installed for every required employee bicycle parking space. The lockers shall be installed adjacent to the showers in a safe and secured area and both showers and lockers shall be accessible to all tenants of the building. The lockers will be a minimum size of 12" wide, 18" deep, 36" high, and shall be available for use on a 24 hour basis. The location, layout and security of the showers and lockers shall be reviewed by the Arlington County Police Department before issuance of the Footing to Grade Structure Permit.~~

~~If employees of retail establishments will not have access to shower facilities required by the previous paragraph, employee restrooms for these employees will be provided, one for each gender, and each restroom will have at least one shower with a changing area.~~

~~In addition, one (1) visitor space for every 50 hotel units, or portion thereof. These facilities for visitors/customers must meet the standards for Class III storage space and be highly visible from a main street level visitor/customer entrance. These visitor/customer bicycle spaces shall be installed at exterior locations within 50 feet of the primary entrance, and such locations shall be reviewed by the Division of Transportation. The developer agrees to obtain approval of the location, design and details of these visitor/customer bicycle spaces as part of the final site development and landscape plan.~~

~~If retail areas are ever provided in the hotel, the number of retail visitor/customer bicycle spaces shall be calculated by the following formula:~~

~~Two (2) visitor/customer spaces for every 10,000 square feet, or portion thereof, of the first 50,000 square feet of retail floor area; one (1) space for every 12,500 square feet, or~~

~~portion thereof, of additional retail floor area; and one (2) employee space for every 25,000 square feet, or portion thereof, of retail floor area. These visitor/customer bicycle spaces shall be installed at exterior locations within 50 feet of the primary entrance(s), or as approved and such locations shall be reviewed by the Division of Transportation.~~

~~All bicycle facilities must meet the County standards for bicycle racks and be approved by the Bicycle and Pedestrian Program Manager before installation. Drawings showing that these requirements have been met shall be approved by the Bicycle and Pedestrian Program Manager before the issuance of the Footing to Grade Structure Permit.~~

~~In addition to the spaces required above, the hotel will provide adequate space (minimum 8ft x 12ft, for six (8) bicycles, parked on the floor) in addition to normal space for luggage storage in a locked luggage storage facility, controlled by the hotel staff, inside the hotel, to accommodate guest's bicycles.~~

Emergency Vehicle Access/support on Parking and Plaza Areas

40. Intentionally Omitted.

- **The following conditions of site plan approval (#41 through #45) are valid for the life of the site plan and must be met by the developer before the issuance of the Final Building Permit.**

Wall Check Survey

41. The developer agrees to submit one (1) original and three (3) copies of a wall check survey to confirm its consistency with the plans approved by the County Board, as referenced in Conditions #1 and #10 above. The wall check survey shall show the location of the walls at the top level of the below-grade structure, and will be provided prior to the issuance of a permit for above-grade construction. The developer further agrees that, within thirty (30) days after approval of the wall check survey, or such other time as mutually agreed upon by the Zoning Administrator and the developer, to submit to the Zoning Administrator a wall check survey showing the location of the walls and the elevation of the slab, at grade.

Screening of Mechanical Equipment

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

Use of Penthouse

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

Review by Crime Prevention Through Environmental Design (CPTED) Practitioner

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

FAA Documentation

- 45. The developer agrees to obtain from the Federal Aviation Administration (FAA), before the issuance of the Excavation Sheeting and Shoring permit, a written statement that the project is not a hazard to air navigation or that the project does not require notice to or approval by the FAA.
- **The following conditions of site plan approval (#46 through #54) are valid for the life of the site plan and must be met by the developer before the issuance of the First Certificate of Occupancy.**

Water Main Improvements

- 46. The developer agrees to show on the civil 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 and in accordance with the requirements set forth in this condition. The water main improvements shall be constructed prior to the issuance of the first Certificate of Occupancy for the respective phases of construction.

The developer agrees to construct a new 8-inch water main along the site frontage of 18th Street South.

Sanitary Sewer Main Improvements

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

None

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

Storm Sewer Improvements

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

None

Fire Hydrant and Fire Department Connection Requirements

49. The developer agrees to show on the civil 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 civil 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 Fire Prevention Code. This information shall be clearly shown on the cover sheet of each civil engineering plan set submitted.

50. **Transportation Management Plan**

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.

All dollar denominated rates will be adjusted for inflation by the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index (CPI) Inflation Calculator from the date of site plan approval.

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

Participation and Funding

- a. Maintain an active, ongoing relationship with Arlington Transportation Partners (ATP), or successor entity, on behalf of the property owner.
- b. Designate a member(s) of building management as Property Transportation Coordinator (PTC) to be a primary point of contact with the county and undertake the responsibility for coordinating and completing all Transportation Management Plan (TMP) obligations. The applicant and /or building management will provide, and keep current, the name and contact information of the PTC to Arlington County Commuter Services (ACCS) or successor. The Property Transportation Coordinator shall be appropriately trained, to the satisfaction of ACCS, to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.

- c. In addition to supporting the ongoing activities of the Property Transportation Coordinator and other commitments of this TMP, the developer agrees to contribute to the Arlington County Commuter Services (ACCS), or successor, to sustain direct and indirect on-site and off-site services in support of TMP activities. Annual contribution is \$7,322.00 for thirty (30) years. Payment on this commitment will begin as a condition of issuance of the first Certificate of Occupancy. Subsequent payments will be made annually.

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 Site Plan conditions 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. Comply with requirements of Site Plan conditions to provide construction worker parking.
- d. Bus stops and shelters within 50 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. No on-street loading will be permitted.
- c. Provide effective directional signage to direct residents and visitors to

appropriate locations on the property, to include provision for the items specified in the Parking Management Plan.

- d. Establish monthly parking rates for single occupant vehicles (SOV) consistent with comparable buildings located in the Arlington County development corridors.
- e. Provide a one-time membership fee subsidy in a car sharing plan per residential unit. This subsidy shall be paid on proof of membership in a car share service by lessees or purchasers.

Promotions, Services, Policies

- a. Provide SmarTrip cards plus \$65.00 Metro fare media per residential unit ~~person~~, for free, one time, to each residential lessee or purchaser, distributed no later than the day of move in at initial lease-up.

In addition, provide a choice of a SmarTrip card plus \$65.00 Metro fare media or full membership subsidy to a bike sharing program, or full membership fee subsidy in a car sharing plan, to a tenant in a minimum of forty-seven (47) units for 30 years. Each year, such SmarTrip cards or membership subsidies shall be offered first to the tenant of each unit for which a parking space in the garage is not available, after which the balance shall be made available to any tenant.

- b. Provide SmarTrip cards plus \$ 65.00 Metro fare media per person, for free, one time, to on-site property management and maintenance employees (directly employed or contracted). 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/new-employee package (material provided by Arlington County) which includes site-specific ridesharing and transit-related information to each employee or residential lessee/purchaser. Packages will be distributed to tenants, owners, or employees no later than the day of move-in or 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 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 developer 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, and continuous reports of changes in commercial tenants during each year.

Residential Parking and Parking Management Plan

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

The developer further agrees that renters of dwelling units, or purchasers of condominium units, shall not be required to also rent or purchase parking spaces. Parking spaces shall not be individually assigned to a particular residential tenant or dwelling unit.

Further, for condominium units, the developer agrees to notify the Zoning Administrator at the time of the settlement of the last dwelling unit. If excess parking spaces are

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

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

The developer agrees to submit to the Zoning Administrator a parking management plan which outlines how guest and visitor parking for the residential 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 visitors, ~~and retail employees and customers,~~ will be directed to the parking spaces. ~~The developer further agrees to make a minimum of _____ residential visitor parking spaces, and _____ retail tenant parking spaces, available within the residential garage.~~ The parking management plan shall be submitted to the Zoning Administrator, and reviewed and approved by the County Manager, prior to the issuance of the first Certificate of Occupancy for the first residential building. The developer agrees to implement the Parking Management Plan for the life of the site plan.

Lighting Plan for Public Areas

52. The developer agrees to include a lighting plan for all internal and external public areas, including parking areas, as part of the civil engineering plan and the final landscape plan. This lighting plan shall be subject to review by the County Manager, including street lighting as described in Condition #30 above. The developer shall include in the civil engineering plan and in the final landscape plan certification that the lighting plan meets the then current standards of the Illumination Engineering Society of North America Standards. The developer agrees to obtain the approval of all lighting from the County Manager, and to install approved lighting, before the issuance of the First Certificate of Occupancy for occupancy of the applicable phase of the project.

Documentation of Historical Artifacts, Features and Buildings

53. The developer agrees to be responsible for documenting any historical artifact or historical natural feature uncovered during construction on the site. This documentation shall include written notation describing the artifact or natural feature, color photographs, and mapping of the location and/or depth of the site excavation at which the item was

found. The developer agrees to submit a copy of this documentation to Arlington County before issuance of the First Certificate of Occupancy.

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

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

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

54. If the project includes a residential condominium or cooperative component, then the developer agrees that a copy of the conditions of this site plan approval shall be made available to all prospective purchasers with the condominium's, cooperative's or homeowners association's bylaws or agreements. Documentation that this condition has been satisfied shall be provided to the County Manager before the issuance of the First Certificate of Occupancy. If the project includes a residential rental component that is converted to a condominium or a cooperative, then the developer agrees that a copy of the conditions of this site plan approval shall be made available to all prospective purchasers with the condominium's, cooperative's, or homeowners' association's bylaws or agreements prior to the issuance of the first Certificate of Occupancy following the conversion.
- **The following condition of site plan approval (#55) is valid for the life of the site plan and must be met by the developer before the issuance of the Master Certificate of Occupancy.**

Building Height Certification

55. The developer agrees to submit, before the issuance of the Master Certificate of Occupancy, drawings certifying the building height as measured from the average site elevation to both the building roof and to the top of the penthouse roof.
- **The following condition of site plan approval (#56) is valid for the life of the site plan and must be met by the developer within 90 days of receipt of the partial Certificate of Occupancy for full occupancy of the building.**

Obtain Master Certificate of Occupancy

56. The developer agrees to obtain a Master Certificate of Occupancy within 180 days of receipt of any partial Certificate of Occupancy for full occupancy of the building.

- **Post Certificate of Occupancy: the following Conditions of site plan approval (#57 through #62) are valid for the life of the site plan.**

County Installation of Telecommunications Transmitter and/or Receiver Equipment

57. In order to maintain the effectiveness of the County's public safety systems, the developer agrees to design, construct, install, and maintain in an operable condition, an over the air radio-frequency over the internet protocol fiber-optic based in-building emergency responder communication and distribution system that will include, at a minimum:

- a donor antenna, traffic monitoring system, hazardous material detection sensors and related equipment, all with dedicated and backup generator power, on the roof of the building in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both;
- roof penetration to connect the donor antenna to a head-end equipment room;
- dedicated, conditioned, and secured-access closet with dedicated and backup generator power, and room for two network racks with 360 degree access to locate all head-end equipment;
- dedicated, conditioned, and secured-access space on each floor with dedicated and backup generator power to locate fiber distribution remote units;
- two 2-inch communications conduits (or, at developer's option, one 4-inch communications conduit) and fiber optic connections from Arlington County fiber optic network installed by the Developer into the head-end room within the building;
- two 2-inch conduit or armored cabling (or, at the developer's option, one 4-inch conduit or armored cabling) from lowest to highest building level, stacked floor to floor;
- single mode fiber optic backbone comprised on two home run fiber optic pairs from each floor distribution remote unit to the head end room;
- omni-directional antennas, including coaxial connections to the remote distribution units on each floor, , in a number and configuration that is appropriate on each floor to permit public safety radio communications to transmit in the 806-825 MHz frequency and to receive in the 851-870 MHz frequency from all areas of the building;
- appropriate head end room equipment to support bi-directional transmission from and to radio frequency over internet protocol fiber-optic link;
- appropriate equipment to support bi-directional amplification from and to the donor antenna to propagate life safety radio;
- appropriate tie-ins from the County's outdoor emergency warning system to the interior building fire/emergency warning annunciator systems.

The developer agrees to submit to the County Manager for his/her review and approval, electrical engineering drawings indicating that adequate accommodations have been

made in the building to meet this requirement prior to issuance of the Building Permit. The County Manager will approve the drawings if she finds that the drawings meet the standards of this site plan approval.~~applicant hereby agrees to grant to the County in perpetuity the right to install telecommunications transmitter and/or receiver equipment and conducting wire in or on the penthouse or top floor, and antennae and traffic monitoring systems on the roof of the proposed buildings in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both upon request by the County. The developer agrees to provide, upon request by the County, access to electrical service separately metered, including auxiliary electrical power, and telephone radio control lines to the penthouse in the defined area. The developer is not required to pay for design and installation costs for such equipment. Any radio transmitter or receiver equipment and antenna to be installed or used by others must not interfere with the emergency communication system of the County.~~

~~In addition, to enhance the reach of the County's public emergency communications system of systems, the developer/applicant agrees to grant to the County in perpetuity the right to install tie-ins from the County's outdoor emergency warning system to the interior building fire/emergency warning annunciator systems using either land lines or emergency relay transceivers in or on the penthouse or top floor, antennae systems and along with hazardous material detection sensors on the roof of the proposed buildings in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both upon request by the County. The developer agrees to provide, upon request by the County, access to electrical service separately metered, including auxiliary electrical power, and telephone radio control lines to the penthouse in the defined area. Any radio transmitter or receiver equipment and antenna to be installed or used by others must not interfere with the emergency communication system of the County.~~

Structural Additions

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

Snow Removal

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

Maintenance of Residential Common Areas

60. If the project includes a residential component, then the developer agrees that the maintenance of the common area, walkways, private drives and parking areas which are tied to condominium units shall be provided for by the condominium's, cooperative's or

homeowners association's bylaws or agreements consistent with Section 2.D.6 of the Zoning Ordinance.

Retention of Approved Parking Ratio over Subdivided Site

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

Retention of Approved Density over Subdivided Site

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

63. **Retail Elements**

Intentionally Omitted.

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

Public Art

64. The developer agrees to make a contribution to the Public Art Fund in the amount of \$75,000 to support County public art initiatives described in the Public Art Master Plan (adopted December 2004) and the goals of the Public Art Policy (adopted September 2000). Such funds shall be used to commission public art shall be earmarked for use in the Crystal City/Pentagon City metro area. Such contribution shall be made to the Public Art Fund prior to issuance of the first above grade building permit. If the contribution is made more than 12 months after site plan approval, the contribution amount will be adjusted based on the Consumer Price Index.

After-hours Parking in Office Garages

65. Intentionally Omitted.

66. **Affordable Housing Contribution**

- a. Base Contribution: The developer agrees to comply with Subsection 36.H.6 of the Zoning Ordinance, "Affordable Dwelling Units for Increased Density Within General Land Use Plan." Prior to the issuance of the first Certificate of Occupancy for the project, the developer shall have submitted to and obtained from the County Manager confirmation or approval of the developer's finalized plan for meeting the requirements of the affordable housing ordinance, and shall have executed all necessary documents to implement the approved or confirmed plan.
- b. Additional Density Associated with C-O Crystal City - The developer agrees to provide 16 affordable units with a total of approximately 18,000 gross square feet to be dispersed

throughout the high-rise building, as approved by the County Manager. Prior to the issuance of the first Certificate of Occupancy for the project, the developer agrees to execute documents requested by the County to evidence agreement to all of the terms and conditions outlined in the developer's approved final Affordable Housing Plan as set forth in the following conditions:

1. **Affordable Rents:** The developer agrees to provide 16 units, consisting of 2, one-bedroom units and 14, two-bedroom units and ~~three bedroom units~~ in approximately 18,000 gross square feet or approximately 14,500 rentable square feet. The apartments 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 provided by the Development office of the Housing Division, minus a utility allowance (if applicable) as per the Utility Allowance Schedule also provided by the Development office of the Housing Division.
2. **Rent Increases:** The developer agrees that rent increases for tenants continuing in occupancy shall be based on AMI increases as provided each year by the Development office of the Housing Division, subject to a maximum cap of 5% per year for the first five (5) years for each tenant. Rents for households moving into vacated affordable units shall be set according to Paragraph (A) above. After an initial 5 year period for each tenant, annual rent adjustments shall not exceed the established affordability level for the rents minus a utility allowance as in Condition Paragraph (A) above.
3. **Compliance Period:** The developer agrees that the site plan condition shall require units to remain affordable for a term of 30 years from the issuance of the last Certificate of Occupancy for the last floor that is able to be occupied for the building in which the units are located.
4. **Accessible Units:** The developer agrees to maintain 2 of the affordable units as Type A under standards described in the American National Standards Institute "Accessible and Usable Buildings and Facilities" (ICC/ANSI A117.1) as adopted by the Virginia Uniform Statewide Building Code. The developer agrees to diligently market the accessible units to income-qualified households with persons with physical disabilities for a period of 60 days during the initial marketing and leasing period. If after 60 days the developer is unable to rent the unit(s) to households with persons with disabilities, then the developer agrees to provide the unit(s) to income-qualified households without disabilities. After the initial marketing and leasing period, when the units become available, the developer agrees to make best efforts to market and lease the units to income-qualified households with persons with disabilities but may market and lease these units to any income-qualified households, regardless of disability. The developer agrees to market these units to households in need of such units as part of the developer's Affirmative Marketing Plan, described below.

5. **Developer Affirmative Marketing Plan:** The developer agrees to implement an Affirmative Marketing Plan in substantially that form as required by the Development office of the Housing Division. The developer agrees that the proposed marketing plan shall call for the initial advertising and marketing of all the Income-Restricted Units for a period of at least forty-five (45) days prior to the projected occupancy of the complex.

i. In addition, employees of the Owner, developer and/or property management company shall not submit applications for CAFs until the CAF units have been openly marketed for a minimum of four weeks.

6. **Condominium Conversion:** If at any time prior to the end of the 30-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 site plan condition for the remainder of the compliance period.

67. **Building Security Requirements**

- a. The developer agrees to coordinate with County staff on the design of exterior building security measures in order to limit or mitigate any adverse impacts that these measures may have on the project's urban design (including street and retail base) and streetscape. All exterior building security measures shall be shown on, and approved as part of, the final site development and landscape plan or the approved façade treatment plan. The base of the buildings, as shown in the drawings dated November 26, 2012, and consistent with Condition #63 above, have been designed to accommodate retail uses and provide interest and activate the streetscape. Any change in the use and design of the base resulting from any proposal for exterior building measures shall require a site plan amendment.
- b. The developer agrees that it is the policy of the County to maintain the maximum number of on-street parking spaces around the perimeter of a site, and that it will not remove or reduce the number of on-street parking spaces around the perimeter of a site whether at the request of the developer or a tenant or otherwise. Accordingly, the developer agrees that it shall notify tenants of the aforesaid policy prior to execution of any lease with a tenant.

Phasing Plan

68. Intentionally Omitted.

Enclosure of Balconies

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

70. **LEED Credits and Sustainable Design Elements**

a. **Green Building Design and Construction**

1. The developer agrees to include a LEED[®] Accredited Professional (LEED-AP) as a member of the design and construction team. The team will incorporate sustainable design elements and innovative technologies into the project so that numerous project components will earn the developer points under the U.S. Green Building Council's LEED green building rating system. Specifically, the developer agrees to meet the requirements for all LEED Prerequisites and achieve at least the number of LEED credits necessary to achieve LEED certification at the Silver level using the LEED NC version 2009 green building rating system. At least four (4) points from LEED EA credit 1, "Optimize Energy Performance," shall be included in the certification of the project.

2. **Shell & Core CO**

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

ii. For residential units, the developer agrees that all the following fixtures initially installed in the project shall have earned the U.S. EPA's WaterSense label (or equivalent as approved by the County Manager): toilets, showerheads, and bathroom sink faucets. The developer shall submit to the County Manager documentation sufficient to confirm that such components are WaterSense qualified (or equivalent as approved by the County Manager) prior to issuance of the Shell and Core Certificate of Occupancy.

iii. For the commercial lighting in common areas (by way of illustration and not limitation, common areas include lobbies, corridors, stairwells, common rooms, fitness rooms, etc.), of multifamily residential projects, the developer shall reduce the need for lighting (through daylighting where possible) and shall specify the use of energy efficient fixtures, bulbs, light sensors, motion sensors, timers, and interior design, e.g., paint color, that maximize energy efficiency in lighting. The guidelines outlined by the US Green Building Council's LEED for Commercial Interiors (LEED-CI) credit entitled, Optimizing Energy Performance: Lighting Power shall be used toward the goal of maximizing energy efficiency in the lighting of common areas.

3. **First Partial CO** – ~~The developer agrees to submit documentation to the County manager (or his/her designee) verifying that the prerequisites and credits needed to earn the above specified LEED certification have been included in the project. A site visit to verify LEED components will be accommodated as required by staff. The developer agrees to provide certification by a LEED-AP within ninety (90) days after the issuance of the first certificate of occupancy. The certification shall state that all the prerequisites and the minimum number of LEED credits, as set forth above in the reporting mechanisms, have been incorporated into the respective building and that, in the professional’s opinion, the project will qualify for at least a LEED Certification as outlined in the LEED version 2009 or a more recent version. At the request of staff, the developer agrees to accommodate site visits to verify LEED progress. The developer also agrees to submit all appropriate documentation to the USGBC (or their designee) for review and evaluation for LEED certification.~~

4. **Report Submittals** - The developer further agrees to submit to the Department of Environmental Services (DES) (with notification of submission to the Zoning Office), reports prepared by the LEED-AP and documentation upon request to substantiate the report. Such reports will be submitted prior to the issuance of the following permits or certificates of occupancy for construction of the project and will summarize the efforts to date of the inclusion of the sustainable elements within the project:
 - i. Demolition and Land Disturbance Permits
 - ii. Excavation/Sheeting & Shoring Permit
 - iii. Above-Grade Building Permit
 - iv. Shell and Core Certificate of Occupancy
 - v. Partial Certificate of Occupancy for occupancy of the last floor of space
 - vi. Master Certificate of Occupancy

5. ~~The developer agrees to provide certification by a LEED AP within ninety days after the issuance of the first certificate of occupancy for any part of the last floor of the building. The certification shall state that all the prerequisites and the minimum number of LEED credits, as set forth above in the reporting mechanisms, have been incorporated into the respective building and that, in the professional’s opinion, the project will qualify for at least a LEED Certification as outlined in the LEED [insert version] or a more recent version. The developer also agrees to submit all appropriate documentation to the USGBC (or their designee) for review and evaluation for LEED certification.~~

6. Prior to the issuance of the partial certificate of occupancy for any space on the last floor of space for which a certificate of occupancy is issued, the developer agrees to provide to the County financial security (in the form of a bond or letter of credit or other form approved by the County Attorney) in the amount of \$580,516 [(\$68 per s.f.) x (8,537 s.f. of LEED NC bonus density)] guaranteeing that, within twenty-four (24) months from the date of the issuance of the partial certificate of occupancy for any space on the last floor of space for which a

~~certificate of occupancy is issued first certificate of occupancy for tenancy for any part of the last floor of the building,~~ the developer will have received from the U.S. Green Building Council its LEED Silver certification. If the total number of LEED points earned during certification is less than the number of points required to achieve the agreed upon LEED certification level, the developer shall automatically forfeit a percentage of the financial security as follows:

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

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

- b. **Energy Reporting** - The owner agrees to provide a complete ENERGY STAR Portfolio Manager report (or equivalent as approved by the County Manager) as outlined in County guidelines titled Submission Requirements for Site Plans with Portfolio Manager Proffers for the project each year for a period of ten (10) years. The first report shall be due on or before January 31 of the year following issuance or the partial certificate of occupancy of the last floor of space.

- c. **Post-Occupancy Green Building Performance**
 - 1. In addition to LEED Silver certification (including four (4) points from LEED 2009 EA credit 1, “Optimize Energy Performance”) for New Construction, the developer agrees to meet the requirements and achieve at least the number of credits necessary to achieve LEED certification at the Certified level using the LEED for Existing Buildings: Operations & Maintenance (LEED EBOM) version 2009 green building rating system, or a more recent version.

 - 2. **Report Submittals** - The developer agrees to submit to the Department of Environmental Services (DES) (with notification of submission to the Zoning Office), reports summarizing the LEED EBOM performance of the project and, upon request, documentation to substantiate the report. Such reports will be submitted prior to the issuance of the following certificates of occupancy for construction of the project:
 - i. Above Grade Building Permit
 - ii. Shell and Core Certificate of Occupancy
 - iii. Partial Certificate of Occupancy for occupancy of the last floor of space
 - iv. Master Certificate of Occupancy

- v. Every six months following issuance of the Partial Certificate of Occupancy for the Last Floor of Space until LEED EBOM certification is achieved.
3. The developer agrees to accommodate site visits by County staff, upon request, to verify LEED EBOM progress. The developer also agrees to submit all appropriate documentation to the USGBC (or their designee) for review and evaluation for LEED EBOM certification in sufficient time to achieve LEED EBOM certification within forty-eight (48) months after issuance of the partial certificate of occupancy for any space on the last floor for which a certificate of occupancy is issued.
 4. The developer agrees, prior to the issuance of the partial certificate of occupancy for any space on the last floor of space for which a certificate of occupancy is issued, to provide to the County financial security (in the form of a bond or letter of credit or other form approved by the County Attorney) in the amount of \$232,220 [(\$68 per s.f.) x (3,415s.f. of LEED EBOM bonus density)] guaranteeing that, within forty-eight (48) months from the date of the issuance of the partial certificate of occupancy for any space on the last floor of space for which a certificate of occupancy is issued, the developer will have received from the U.S. Green Building Council its LEED for Existing Buildings: Operations and Maintenance certification at the Certified level. If the total number of LEED points earned during certification and within 48 months is less than the number of points required to achieve the agreed upon LEED certification level, the developer shall automatically forfeit a percentage of the financial security as follows:

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

Should the developer miss seven (7) or more points within the forty-eight (48) month period (unless due to delay related solely to the USGBC), the developer shall automatically forfeit 100 percent (100%) of the security. The forfeited amount shall be paid to the County within 30 days of the date of notification from the USGBC. The developer agrees that the County may take any amounts due under the condition out of the financial security as deposited with the County.

- d. The LEED points referenced in this condition for new green building design and construction refer to LEED NC version 2009. The developer agrees that the LEED points referenced in this condition for post-occupancy green building certification refer to LEED EBOM version 2009. If the developer requests to use an updated version of LEED, then the County Manager or designee may approve the request upon finding that the point valuations incorporated into future updates to the LEED Green Building Rating System are equal to or exceed the requirements outlined in the 2009 version of LEED.

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

Public Use and Access Easements

71. Intentionally Omitted.

Refuse Delivery to County Disposal Facility

72. The developer agrees to deliver all refuse, as defined by the Arlington County Code, to an operating refuse disposal facility designated by the County Manager. Any facility designated by the County Manager will have competitive rates at or below other facilities in the region otherwise available to the developer. The developer agrees that if it intends to deliver its refuse from this project to a facility other than the disposal facility designated by the County Manager, then the developer will submit that decision in writing to the DES Solid Waste Bureau along with a comprehensive cost analysis justifying the developer's decision. The developer further agrees to stipulate in any future lease or property sale agreements and deeds that all tenants or property owners shall also comply with this requirement for the life of the site plan.

Towing of Impermissibly Parked Vehicles

73. The developer agrees to have, as a part of its parking management plan, provisions relating to the towing of impermissibly parked vehicles. Such provisions shall include, but not be limited to:
 - a. ~~Requirements for signage at the developer's parking lot(s) providing notice of all applicable parking restrictions enforced by towing, the location of the towing contractor(s)' impoundment yard, and the name and telephone number of the developer's on-site representative responsible for towing-related complaints, as well as the telephone number of the Arlington County Office of Citizen and Consumer Affairs;~~ shall be in conformance with all requirements provided in Section 14.3 of the Arlington County Code.
 - b. Disclosure by the developer and its towing contractor(s), at the developer's parking lot(s), of all fees and charges for towing; and

- c. Evidence that the developer has a contract with the towing contractor that requires the towing contractor to clearly display all fees and charges for towing.

Speed Bumps at Garage Exit Ramps

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

Authorization for Police to Enter Residential Parking Areas

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

Public Safety Radio Communications

- 76. The developer agrees to install and maintain in operable condition, in a manner acceptable to the County Manager, an internal antenna/amplifier system that permits public safety radio communications to transmit in the 806-825 MHz frequency and to receive in the 851-870 MHz frequency from all areas within the building. The developer agrees to provide documentation in the approved electrical engineering drawings that adequate accommodations have been made in the building to meet this requirement.

Historic Building Deconstruction

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

Power Door Openers

- 78. The developer agrees to install power door openers for the main pedestrian entrances to the residential building. In addition, at the secure interior doors, the developer agrees that call boxes, if used, shall be mounted and measured at a height that allows for hands-free remote capability. The entrances to the lobby of the residential elevators from the first level of the parking garage will have automatic door openers. These items shall be installed and functional prior to issuance of any certificate of occupancy for tenancy of the building.

Multi-space Parking Meters

79. The developer agrees that, prior to issuance of the certificate of occupancy, where parking meters are called for along the frontages adjacent to the site, the developer agrees to install either parking meters or multi-space parking meters as required by the County Manager.

Traffic Signal Contribution

80. The developer agrees, prior to the issuance of the first certificate of occupancy for the development, to construct the entire traffic signal at the intersection of 18th Street South and South Eads Street. The developer also agrees to remove existing traffic signal poles and other traffic signal equipment at this location upon completion of the traffic signal upgrade.

In-Building First Responder Network

81. The Developer agrees to submit to the County Manager and to obtain her review and approval of, reports verifying that the level of emergency responder radio communications coverage in the building is sufficient to permit emergency responder communication throughout all portions of the building. The developer agrees to submit these reports at the following times: a) prior to the issuance of the first certificate of occupancy for any space in the building; and b) every four years after the date of issuance of the first certificate of occupancy for any space in the building. The County Manager may waive this condition in the future if he/she determines that the level of emergency responder radio communications coverage within the building can be monitored and verified to be at an acceptable level by the County through the County's Connect Arlington fiber-optic network.

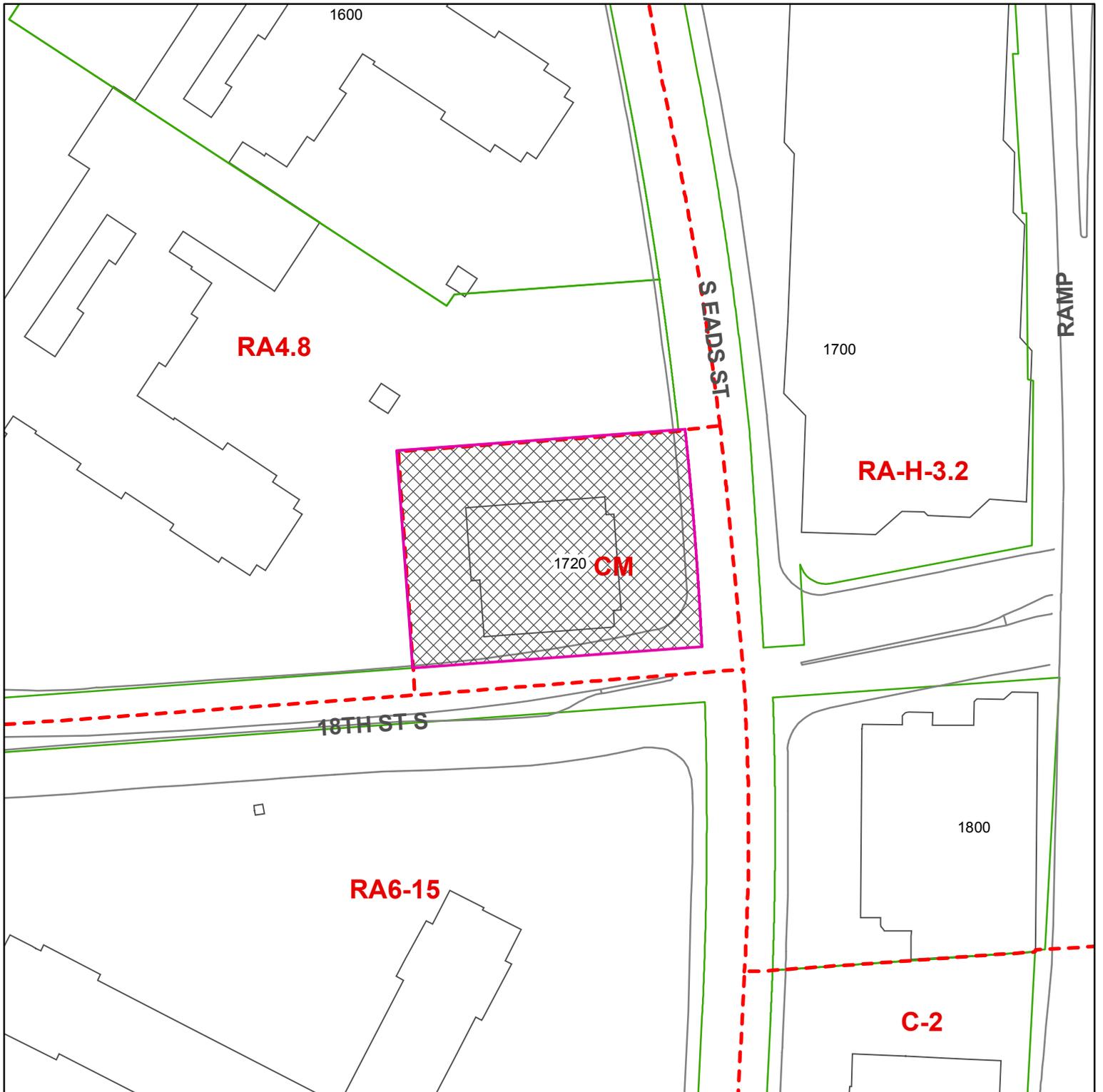
Open Space Contribution

82. The developer agrees to pay, prior to the issuance of the first certificate of occupancy for any space on the sixth floor or above, the amount of \$396,881 into a County trust and agency account dedicated for use in the implementation and improvement of open space in Crystal City.

PREVIOUS COUNTY BOARD ACTIONS:

November 17, 2012

Deferred a rezoning request, site plan and encroachment to the December 8, 2012 County Board meeting.



Z-2563-12-1

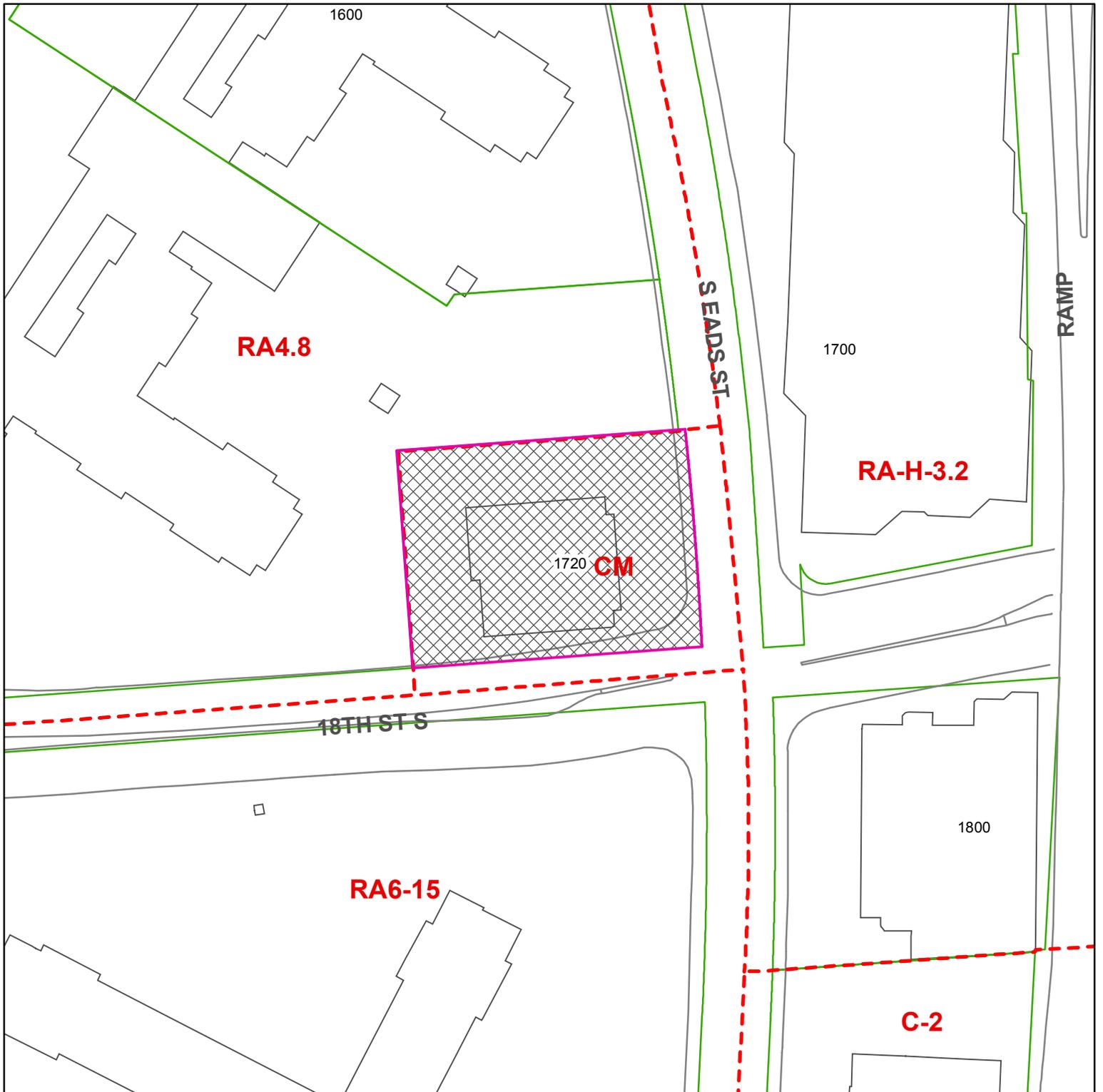
1720 S. Eads St.

RPC # 35-011-001



 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.



SP# 424

1720 S. Eads St.

RPC# 35-011-001



 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.

November 26, 2012

Ms. Barbara M. Donnellan
Arlington County Manager
2100 Clarendon Boulevard #302
Arlington, VA 22201

Ms. Donnellan:

In striving to reduce energy consumption at all our multifamily residential communities, Kettler Management will be happy to participate in the Arlington County Green Games. As part of the 1720 South Eads Street site plan application, The Gramercy at Metropolitan Park, The Millennium at Metropolitan Park and The Fields of Arlington will actively participate throughout 2013. During this upcoming year, these three properties will strive to reduce energy and water and to divert waste through resident engagement as outlined in the parameters of the program. We look forward to receiving more details on the Green Games to provide to the properties directly for their participation next year.

If you have any questions or concerns, please contact Stephan Rodiger (srodiger@kettler.com, 703-852-5718) or me (cclare@kettler.com, 703-226-6010).

Sincerely,



Cindy Clare, President

cc: Michael Halewski, Joan Kelsch, Jessica Abralind, Samia Byrd, Stephan Rodiger