



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting January 26, 2008**

**DATE:** January 24, 2008

- SUBJECTS:**
- A. GP-311-07-1 GENERAL LAND USE PLAN AMENDMENT from “Service Commercial” (Personal and business services. Generally one to four stories. Maximum 1.5 FAR with special provisions within the Columbia Pike Special Revitalization District.) and “Low-Medium” Residential (16-36 units/acre) to “Low” Office-Apartment-Hotel (Office Density up to 1.5 FAR, Apartment Density up to 72 units/acre and Hotel Density up to 110 units/acre) for the area bounded by the southern edge of Sheffield Court Apartments to the north, Pershing Drive to the south, the eastern edge of the right-of-way along Arlington Boulevard to the east and approximately 120 feet east of the right-of-way along North Barton Street to the west.
  - B. Z-2535-07-1 REZONING from “C-1” (Local Commercial Districts) to “C-O-1.5” (Commercial Office Building, Hotel and Apartment Districts); 2201, 2207 North Pershing Drive, 2151 Arlington Boulevard (RPC #18-038-019, -020, -023).
  - C. SP #406 SITE PLAN to construct approximately 190 dwelling units, approximately 33,500 square feet of commercial/retail, outdoor seating, comprehensive sign plan, modification of use regulations for density, exclusion of tenant storage space and retail mezzanine space, parking, shared loading; 2201, 2207 North Pershing Drive, 2151 Arlington Boulevard (RPC #18-038-019, -020, -023).
  - D. U-3173-07-1 USE PERMIT to construct two (2) dwelling units; 705, 707 North Barton Street (RPC #18-038-002).

**Applicant:**

Arlington Pershing, LLC

County Manager: \_\_\_\_\_

County Attorney: \_\_\_\_\_

Staff: Lorrie Pearson and Margaret Rhodes, DCPHD, Planning Division  
Adam Denton, DES, Division of Transportation

PLA-4855

**By:**

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**C. M. RECOMMENDATION:**

- A. Adopt the attached resolution to approve the General Land Use Plan amendment from “Service Commercial” (Personal and business services. Generally one to four stories. Maximum 1.5 FAR with special provisions within the Columbia Pike Special Revitalization District.) and “Low-Medium” Residential (16-36 units/acre) to “Low” Office-Apartment-Hotel (Office Density up to 1.5 FAR, Apartment Density up to 72 units/acre and Hotel Density up to 110 units/acre for the area bounded by the southern edge of Sheffield Court Apartments to the north, Pershing Drive to the south, the eastern edge of the right-of-way along Arlington Boulevard to the east and approximately 120 feet east of the right-of-way along North Barton Street to the west.
- B. Adopt the attached resolution to approve the rezoning request from “C-1” (Local Commercial Districts) to “C-O-1.5” (Commercial Office Building, Hotel and Apartment Districts) for the properties known as 2201, 2207 North Pershing Drive, 2151 Arlington Boulevard (RPC #18-038-019, -020, -023).
- C. Approve the site plan request to construct approximately 190 dwelling units, approximately 33,500 square feet of commercial/retail, outdoor seating, a comprehensive sign plan excluding the freestanding sign along Arlington Boulevard, modification of use regulations for density, exclusion of tenant storage space and retail mezzanine space, parking, shared loading; 2201, 2207 North Pershing Drive, 2151 Arlington Boulevard (RPC #18-038-019, -020, -023).
- D. Approve the use permit request to construct two (2) dwelling units; 705, 707 North Barton Street (RPC #18-038-002).

**ISSUES:** 1) The GLUP change in the context of the precedent it sets and the appropriateness of the increase in density. 2) One of the existing buildings has been preliminarily ranked as “Essential” on the draft Historic Resources Inventory. 3) The applicant proposes a freestanding sign along Arlington Boulevard. 4) The amount of open space provided.

**SUMMARY:** The applicant has requested a General Land Use Plan amendment (to “Low” Office-Apartment-Hotel), a rezoning (to “C-0-1.5”), a site plan for a mixed-use residential/commercial project on three parcels at the corner of Arlington Boulevard and North Pershing Drive, and vacations of easements. The applicant has also submitted an application for a Unified Residential Development (URD) to construct two single-family homes on three lots adjacent to the site plan and fronting North Barton Street. The proposed site plan and URD

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would share an access drive and are therefore considered simultaneously. An accompanying report discusses the requested vacations.

The site plan proposes 188 residential units and retains a retail component on the site. The applicant has requested that up to 20% of the retail space be permitted to be professional office and service space, such as dentist and accounting offices. The project would reconfigure the Arlington Boulevard/Pershing Drive intersection to replace the existing off-ramp with a right-turn lane from westbound Arlington Boulevard designed to slow traffic as it enters Pershing Drive. The applicant has requested a LEED bonus of 16,893 sf for providing a certified building and approval of a comprehensive sign plan that includes a project freestanding sign in addition to the typical retail tenant signs.

Staff has studied the existing and proposed GLUP designations in the context of the site and in terms of potential precedent for other “Service Commercial” sites. Although this site has not been the subject of a full planning study, the analysis conducted shows that additional density and a mix of uses on this site is appropriate from a planning perspective, provided any proposed site plan project provides benefits to mitigate the additional density. Staff has concluded that only a few, if any, sites have similar characteristics in any unplanned area of the County, thereby limiting the potential for precedent. The potential for a GLUP amendment to “Low” Office-Apartment-Hotel would likely be limited to this location by the site characteristics and adjacent uses. This site is bounded to the east by Arlington Boulevard, a limited-access highway, and Ft. Myer, a government installation. To the west lies an established single-family neighborhood; the character of which would be further reinforced by the proposed Unified Residential Development (URD) homes. To the north are the Sheffield Court garden apartments, which are designated only for residential uses on the GLUP and zoning maps.

The proposed GLUP amendment, if adopted, may prompt a similar GLUP amendment request on the hotel site across Pershing Drive from the proposed site plan, as that site is similarly located along a limited access highway and is designated both “Service Commercial” and “Low-Medium” Residential. Unlike the subject site, however, it is adjacent to “Low-Medium” Residential and is zoned “C-2.” Any request, however, for a site in an unplanned area would be evaluated in the context of a proposed site plan.

The subject site is designated “Service Commercial” on the GLUP. The zoning designation “C-2” is considered a zoning category consistent with a “Service Commercial” GLUP designation. Any “C-2” zoned site outside of a revitalization district is eligible for density up to 2.0 FAR under the Unified Commercial/Mixed Use Development (UC/MUD) provisions. Although this site is not zoned “C-2,” it illustrates that the overall density of this project (1.99 FAR) is not higher than what might be approved elsewhere outside of the Metro corridors.

The current zoning would permit only commercial uses at the site, or a limited number of single-family houses. The existing commercial space, much of which is vacant or underused, has seen little reinvestment over the years and is in need of revitalization. The proposed rezoning would

allow residential uses to be added to the site, providing an on-site retail base and the economic backing needed to build modern retail tenant spaces.

The site, at .75 miles from the Clarendon Metro Station, is slightly outside of the Metro corridor, yet is still within a reasonable walking distance from the Metro and is currently served by four buslines. The site is also at the corner of a limited-access highway, providing connectivity with Falls Church and points south and west as well as the District of Columbia to the east.

The proposed building is separated from the existing and proposed single-family homes to the west by a proposed 23-foot alley and 5-foot sidewalk, and provides additional steps in the buildings down to three stories along most of the western elevation. Along the northern elevation, in the direction of the Sheffield Court apartments, the building is between one and five stories in height, with the five story portions part of the building closest to Arlington Boulevard and farthest from the single-family homes. Over the one-story portion, landscaped courtyards are proposed. The proposed residential density of 72 units/acre is also consistent with the GLUP designation of “Medium” Residential for the Sheffield Court apartments (36-72 units/acre).

In addition, the applicant has proposed a site plan that offers a number of benefits to the community. As the general area had not undergone a formal planning study, staff expected a significant affordable housing contribution. The applicant has agreed to provide at least 18 on-site affordable units as part of the project, which is a significant contribution on this site. The applicant has also committed to completing a major intersection improvement of Arlington Boulevard and Pershing Drive, to involve removing the channelized right-turn lane from Arlington Boulevard onto Pershing Drive. The end result would be a more typical 90-degree turn and the slowing of traffic as it enters the Lyon Park neighborhood. Intersection improvements proposed also include the replacement of the mast arm traffic signals above Arlington Boulevard in both directions and removal of traffic signal cabinets. The scope of improvements at this size of intersection are significant given the size of the proposed site plan and its location at only one corner of the intersection.

Other benefits of the project include an extensive utility undergrounding project on three sides of the site and the extension of the planted median within Pershing Drive off-site to North Barton Street.

Since the site plan application was filed, one of the existing buildings has been preliminarily identified as “Essential” on the draft Historic Resource Inventory (HRI). Staff has considered the concerns expressed about the historic nature of one of the existing buildings. Staff recognizes the importance of Arlington’s history and preserving history for future generations. The existing building, however, has not been accorded “Local” designation by the County at this time and therefore has no legal protection. In addition, the results from the preliminary inventory finding the building Essential were released months after the site plan application was filed and the public review process was well underway. The current auto-oriented layout of the building also does not conform with County policies to encourage buildings to abut the sidewalk and provide a pedestrian-friendly streetscape. Should this site plan not be approved, there is no

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guarantee that the building would be preserved, as demolition could proceed after issuance of a demolition permit. Based on all of these considerations, and the significant benefits the project would provide but which would likely not be provided with either by-right development or preservation of the building, staff supports the current proposal.

Another issue is the proposed freestanding sign along Arlington Boulevard. Staff has added language to Condition #50 prohibiting construction of this proposed sign, to which the applicant does not agree.

The Lyon Park Citizen's Association noted three issues with the project: 1) the number of retail parking spaces was deficient, 2) the overall density should be reduced, and 3) that the project should provide quality green space that is accessible to the public. In response to the parking issue, the developer has provided additional retail parking. The density issue is summarized above and discussed in more detail later in the report. Staff has examined the open space question and found that the current site plan proposal maximizes the amount of retail along Pershing Drive and provides public gathering areas through ample sidewalks and outdoor dining areas. Some members of the community have requested the site of the URD homes be redevelopment as a park if one cannot be fit on the site of the proposed site plan. The proposed URD homes, on the other hand, would complete the block with compatible homes and tie the lone corner house into the neighborhood.

The applicant has designed a project that is generally consistent with the proposed General Land Use Plan designation and zoning district for the subject site. The proposed GLUP designation may encourage revitalization at this visible location and allow for a beneficial mix of uses to sustain the revitalization efforts. The implications for a change in the GLUP at this location are limited as few, if any, other unplanned sites meet the mix of adjacent land uses and location on this type of major roadway. As a mitigating factor for the proposed GLUP change, the applicant has planned extensive intersection improvements at Arlington Boulevard and Pershing Drive, as well as committed to providing 18 affordable units on site. Regarding the Historic Resources Inventory preliminary ranking, staff recognizes that it will be several months before the results are finalized and can be vetted with the community. The course of action that is to follow the final rankings has also not been determined nor discussed in a public forum. Therefore, staff recommends that, based on the merits of the project, its consistency with the Plan and the Code, and good planning practices, that the County Board adopt the resolution to approve the General Land Use Plan Amendment, and approve the rezoning, site plan, and use permit, all subject to the conditions of the staff report.

**BACKGROUND:** The site plan and associated GLUP amendment and rezoning will first be discussed in detail, followed by a discussion of the proposed URD.

**The following provides information on the site for the GLUP amendment, rezoning, and site plan:**

- **Site:** The site comprises 125,133 square feet (2.87 acres) at the northwest corner of North Pershing and Arlington Boulevard. The site is zoned “C-1” and is developed with one story retail buildings comprising the Lee Gardens Shopping Center and approximately 53,890 sf. The westernmost building is listed as “contributing” to the Lyon Park National Register District and has been preliminarily ranked as “Essential” on the draft Historic Resources Inventory.

To the north: Sheffield Court apartments, which are 3 to 5 story garden apartments, designated on the General Land Use Plan (GLUP) as “Medium Residential” (32-72 units per acre) and zoned “RA 6-15” (Apartment Dwelling Districts).

To the west: Single family homes, including the site of the proposed URD, designated “Low Residential” (1-10 units per acre) on the GLUP and zoned “R-5” (One-Family Dwelling Districts).

To the east: Fort Myer, which is designated “Government and Community Facilities” on the GLUP and is zoned “S-3A” (Special Districts).

To the south: Hotel which is designated “Service Commercial” (1-4 stories, 1.5 FAR) and “Low-Medium Residential” (16-36 units/acre) on the GLUP and is zoned “C-2” (Service Commercial – Community Business Districts) and “RA 6-15” (Apartment Dwelling Districts); and an office building with ground floor retail which is designated “Service Commercial” on the GLUP and is zoned “C-1” (Local Commercial Districts).

- **Zoning:** The site is zoned “C-1” (Local Commercial Districts).
- **Land Use:** The General Land Use Plan designation of the site is “Service Commercial” and “Low-Medium” Residential.
- **Neighborhood:** The site is located within the Lyon Park Citizens Association.

**Proposed General Land Use Plan (GLUP) Amendment:** The applicant proposes to amend the GLUP from “Service Commercial” and “Low-Medium” Residential to “Low” Office-Apartment-Hotel.

**General Land Use Plan**

Existing GLUP	Density Allowed	Maximum Development
“Service Commercial”	1.5 FAR (commercial) (site area of 99,850 sf, approx. 80% of total site)	149,775 sf of commercial GFA
“Low-Medium” Residential	16-36 units/acre (site area of 25,283 sf, approx. 20% of total site)	9-20 units (residential)

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<b>Proposed GLUP</b>	<b>Density Allowed</b>	<b>Maximum Development</b>
"Low" Office-Apartment-Hotel	1.5 FAR (office) 72 units/acre (residential) 110 units/acre (hotel) (site area of 125,133 sf for the mixed-use development)	187,699 sf of office GFA, or 206 units (residential), or 315 units (hotel)

**Proposed Rezoning:** The applicant is proposing to rezone the site from "C-1" Local Commercial Districts to "C-O-1.5" Commercial Office Building, Hotel and Apartment Districts.

**Rezoning**

	<b>Uses/Density Allowed</b>	<b>Maximum Development</b>
<b>Existing Zoning</b>		
"C-1" (125,133 s.f.)	By-right: Office/commercial: 1.0 FAR; Residential: 7.26 units/acre	By-right: Office/commercial: 125,133 sf Residential: 20 units
<b>Proposed Zoning</b>		
"C-O-1.5" (125,133 s.f.)	By-right: Office/commercial: 0.60 FAR; Residential: 7.26 units/acre  By site plan: Office/commercial: 1.5 FAR Apartments: 72 units/acre Hotel: 110 units/acre	By-right: Office/commercial: 75,079 sf or Residential: 20 units  By site plan: Office/commercial: 187,699 sf or Apartments: 206 units or Hotel: 315 units  With the proposed amount of retail (33,495 sf) plus a full .15 FAR LEED bonus, 190 units would be permitted with site plan.

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**Proposed Site Plan:** The table below sets forth the preliminary statistical summary for the proposed development:

<b>Site Plan Proposal</b>	
<b>SITE AREA</b>	125,133 sf 2.87 ac
<b>Density</b>	
Total, both buildings	249,438 sf
Residential G.F.A.	215,943 sf
Residential Units	188
Retail/Office GFA	33,495 sf
<b>Building 1</b>	
Residential G.F.A.	92,507 sf
Residential Units	70
Retail/Office GFA	12,455 sf
Building 1 Total GFA	104,962 sf
<b>Building 2</b>	
Residential G.F.A.	123,436 sf
Residential Units	118
Retail/Office GFA	21,040 sf
Building 2 Total GFA	144,476 sf
Total density (includes 16,893 sf bonus density for LEED certification)	1.64 FAR commercial 72 units/acre residential
Combined density, residential and commercial	1.86 FAR (1.99 FAR with bonus)
<b>Total permitted density (“C-O-1.5”)</b>	<b>1.5 FAR commercial</b> <b>72 units/acre residential</b>
<b>Total permitted density (by-right, “C-1”)</b>	<b>1.0 FAR commercial</b>
<b>Building Height</b>	
Average Site Elevation	232.99 ft ASL
Main Roof Elevation (a.s.l.)	299.52 ft ASL
Penthouse Elevation (a.s.l.)	308.52 ft ASL
Main Roof (a.s.e.)	66.5 ft
Penthouse Height (a.s.e.)	75 ft
Number of stories	3 to 5 stories
Permitted height (“C-0-1.5”)	10 stories
Permitted height (by-right, “C-1”)	35 ft.
<b>Parking</b>	
Retail/Office Spaces	134 <sup>1</sup>
Retail/Office Parking Ratio	1 sp/250 sf

<sup>1</sup> 120 of the retail/office spaces are located in the at-grade garage. 14 spaces are located in the below-grade garage and are intended for retail/office employees with controlled access.

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	<b>Site Plan Proposal</b>
On-street Spaces (not included in above)	17
Required Retail Parking Ratio	1 sp/250 sf
Required Retail Parking Spaces	134
Residential Spaces	262
Residential Parking Ratio	1.39 sp/unit
Required Residential Parking Ratio	1.125 sp/unit
Required Residential Parking Spaces	203
Total Parking Spaces	396
At grade parking spaces	120
Below grade parking spaces	276
Total Required Parking Spaces	337
Total Compact Spaces	17% <sup>2</sup> (residential only)
Total Permitted Compact Spaces	15%
LEED Score	26 (Certified)

**Site Plan Density and Uses:** This project has been revised to include a 188-unit residential building with approximately 33,495 square feet of ground floor commercial space. The applicant has requested that up to 20% of the commercial space (6,699 sf) be permitted to be leased as professional office space, for uses such as dentist or accounting offices. The proposed residential unit mix is summarized in the table below.

Number of Units	Unit Type	Average Unit Size (square feet)
8	studio	625
72	one-bedroom	760
27	one-bedroom + den	950
71	two-bedroom	1150
10	two-bedroom + den	1350

The applicant has proposed 1.5 levels of parking with a total of 396 spaces. One level containing 276 spaces is proposed below grade to serve primarily the residential units, with 14 of those spaces designed to serve the retail/office employees. The remaining 120 spaces are proposed at grade to serve the retail/office uses. All surface parking is screened from the public right-of-way by the retail. An additional 17 spaces would be available on-street along Pershing Drive.

**Site Plan Site and Design:** The site has frontages along both Arlington Boulevard and North Pershing Drive. Pedestrian entrances are proposed primarily along North Pershing Drive, with some retail pedestrian entrances proposed near the corner of Arlington Boulevard. Two

<sup>2</sup> Forty-seven compact spaces are proposed in the residential portion of the garage. These spaces are in addition to the number of standard spaces required by the Zoning Ordinance for a by-right project.

vehicular entrances for parking are proposed along North Pershing Drive: one from an access alley at the west end of the site for the below-grade residential parking, and one between the buildings for retail/office and guest parking. Loading is proposed to be accessed from the central access drive between the buildings.

Most of the proposed building would be constructed with facades primarily of brick, with metal panels and precast details throughout and areas of stonework at the base. The façade facing the north property line, toward Sheffield Court, introduces the use of hardipanel in addition to the brick. The applicant has agreed to replace the hardipanel on the façades closest to Sheffield Court with metal panels or masonry, retaining areas of hardipanel only within the courtyard elevations.

The ground floor uses prefinished metal storefront systems, with windows extending from approximately two feet high to approximately 10-12 feet high. Residential lobbies are proposed to be a small portion of the ground floor, with access to the western building from a lobby with frontage along Pershing Drive, and access to the eastern building from a breezeway between the corner retail and the remainder of the retail along Pershing Drive.

The proposed Building 1, the westernmost building, has been revised to be a maximum of four stories, stepping down to three stories toward the single-family homes along North Barton Street. Building 2, along Arlington Boulevard, is proposed to be four stories nearest the Sheffield Court Apartments and rise to five stories toward the center of the site and continue at five stories toward Arlington Boulevard. The stepback along the Sheffield Court elevation is proposed to be 35 feet in depth. The residential building has been set back from the retail base approximately 9 feet, with additional insets of approximately 5-10 feet. Two rooftop landscaped areas are proposed over the at-grade parking area.

The proposed LEED score is 26, including credits for sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation and design process. The applicant has a LEED accredited professional working on the project. Twenty-six credits is the minimum number of credits required to achieve a LEED certified building. The applicant has requested 16,893 sf of bonus density for certification by the U.S. Green Building Council (USGBC).

Historic Preservation: The National Register of Historic Places is an honorary listing of historic properties that is maintained by the U.S. Department of the Interior's National Park Service. Arlington County has been proactive in surveying its neighborhoods and has over 50 listings on the National Register, including Lyon Park. Essentially, the listing means that the State of Virginia and the National Park Service recognize that the history of Lyon Park is important not only to Arlington, but to the country. National Register nominations for districts look at each building within the proposed boundary and make a determination about whether or not the building "contributes" to the integrity of the district as a whole. The westernmost building on the subject site was examined and has been listed as a contributing structure. The nomination was prepared by a consultant in 2002 and included the history of the architecture and development of

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the Lyon Park neighborhood. The nomination was reviewed and approved by the State Historic Preservation Office (SHPO) and was then reviewed and approved by the steward of the National Register, the National Park Service. Lyon Park was listed officially as a National Register District in November 2003. It should be noted that being on the National Register is not the same as being a locally designated historic district in that there are no extra zoning controls. It is honorary and does not prohibit property owners from changing their buildings. A National Register listing is a prerequisite for receiving any tax credits for renovating a contributing historic building.

On July 18, 2007, the Historic Affairs and Landmark Review Board (HALRB) formally reviewed the proposed site plan. The HALRB submitted a letter requesting that the Planning Commission not recommend approval of a site plan that demolishes the contributing building. The letter noted that preliminary findings of the draft Historic Resources Inventory (HRI) ranked the Lee Center portion of the site as “Essential.” The HALRB restated its position in a letter following its September 19, 2007, meeting. Both letters are attached to this report.

The draft Historic Resources Inventory is a special project requested by the County Board and being conducted by the County’s Historic Preservation Program with assistance of Tracerics, their Countywide Historic Resource Survey consultants. The HRI goal is to rank into four categories (Essential, Important, Notable and Minor) all of the approximately 10,000 historic resources identified in the Countywide Historic Resource Survey. The first phase of the HRI, initiated this fiscal year, has as its goal the surveying and ranking all of the County’s historic garden apartment complexes, historic garden apartments, historic low- and mid-rise apartment buildings, historic shopping centers, and historic commercial buildings.

As part of this first phase, the Lee Gardens Shopping Center was surveyed and ranked as Essential. Because this first phase is still in progress, all rankings are not to be considered final until the Phase 1 report is done in June 2008. Listed and briefly described below are the four ranking categories:

- *Essential* to the historic character of Arlington County. This category will be applied to the most significant and best preserved of the County’s heritage resources, those that define Arlington’s history. Resources in this category will relate closely to, and best illustrate, the themes of the County’s history—especially those identified in the Statement of Significance in the Arlington Historic Preservation Master Plan. They will also retain substantial architectural and historic integrity and as much historic context as possible. The Essential category will only contain those resources truly essential to telling Arlington’s history; it will contain a selective list of properties or multiple property groupings that the County and historic preservation advocates, among others, are willing to protect despite challenges and difficulties. Thus, listing in this category signals that a property should be explored for local designation if not already designated. Properties in this category are highly likely to be listed in or eligible for the National Register of Historic Places.

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- *Important* to the historic character of Arlington County. The Important category will contain resources that are central to telling Arlington’s story, but these may have less integrity, be less concentrated, and/or be less distinctive than those in the Essential category. There will be more properties in this category than the Essential category. It is envisioned that the County and others will advocate and work for the protection of Important resources but will do so with more flexibility than for those in the Essential category. All currently existing local historic districts should be in the Essential or Important category. Properties in this category are likely to be listed in or eligible for the National Register of Historic Places.
- *Notable* to the historic character of Arlington County. This category will identify properties or multiple-property districts that have historic features related to the County’s history, but perhaps lack context, have lost some integrity, are scattered rather than concentrated, and/or are similar to other, better preserved resources in the County. The County and other preservation constituents will likely advocate for sympathetic or mitigated approaches to changes related to these properties, but a flexible response is appropriate. Some properties in this category may be listed in or eligible for the National Register of Historic Places.
- *Minor* to the historic character of Arlington County. This ranking will be applied to properties that are neither unique examples of their typology nor determined to be of high integrity. While over the 50-year threshold for National Register consideration, properties in this category would not be eligible for listing in the National Register of Historic Places and would be inappropriate for local historic designation. Historic preservation advocates and program staff will not impede development or other activities on these properties unless it affects neighboring historic buildings in the Essential or Important categories.

**Memorial Grove:** Conceptual plans for the proposed Memorial Grove, designed to commemorate those who died in and those who responded to the attack on the Pentagon on September 11, 2001, show the Grove primarily along the east side of Arlington Boulevard in the vicinity of the site, but not immediately adjacent to the site.

**Transportation:** The development is located in the block bounded by Arlington Boulevard to the east and North Pershing Drive to the south. The Master Transportation Plan classifies Arlington Boulevard as a controlled access arterial street and North Pershing Drive as a minor arterial street.

**Trip Generation:** A Traffic Impact Analysis (TIA) submitted by the applicant, prepared by Wells & Associates and dated November 8, 2006, assessed the impacts of the development on the adjacent street system. The proposed 33,495 square foot retail and 188 residential unit development is estimated to generate 136 AM and 326 PM peak hour vehicle trips upon project completion.

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The Department of Environmental Services takes traffic counts in the immediate area of the subject site plan as part of its regular traffic counting program. The following table details the all day, non-directional volumes and speeds.

Traffic Volumes		
Date of Count	Street	Volume
3-30-2006	North Pershing at North Barton	6,734
3-24-2004	North Pershing at North Barton	6,714
4-23-2003	North Pershing at North Barton	6,999

Source: Arlington County Department of Environmental Services

**Parking:** The applicant proposes a one-story underground garage and an at-grade level garage with a total of 396 parking spaces. Access to the residential parking garage would be provided from a driveway entrance located off the alley to the west of the site. Access to the retail parking would be provided from the central access drive.

**Streets and sidewalks:**

Pershing Drive Streetscape		
Existing Street	Existing Clear Sidewalk	Existing Total Sidewalk
Two 10-foot travel lanes, two 6-foot bike lanes, an 8-foot stamped median, two 8-foot wide parking lanes	Varying in size with a range from 17.83 feet to 4 feet wide	Varying in size with a range from 17.83 feet to 11.87 feet wide
Proposed Street	Proposed Clear Sidewalk	Proposed Total Sidewalk
Two 10-foot travel lanes, two 5-foot bike lanes, and two 8-foot wide parking lanes with a raised landscaped median on both sides of the central access driveway	8-foot clear sidewalk	6-foot wide landscape strip, café zone varying in size with a range from 2 feet to 11 feet, a total overall sidewalk width ranging from 20 feet to 31 feet at nubbed intersections

North Pershing Drive currently exists and is planned to continue to operate as a two-way street and is constructed at various widths ranging from a 51- to 61-foot wide paved area with on-street parking on both sides, two travel lanes approximately 10-11 feet wide, a 6-foot wide bike lane and an 8-foot wide stamped median. The applicant proposes to construct a newly configured streetscape ranging in size from a 46- to 67-foot wide paved area with on street parking on both

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sides, two travel lanes approximately 10-feet wide and 5-foot wide bike lanes on each side with a periodic raised landscape median. The sidewalk is proposed to have a minimum width of 15.6 feet measured from the back of curb, including an 18-inch banding, a 6-foot wide landscape strip, and an 8-foot wide clear sidewalk. Outdoor dining is proposed along the building but would maintain the 8-foot wide clear sidewalk. The applicant has agreed to Condition #67 requiring the minimum sidewalk width.

Bordering the subject site to the east, Arlington Boulevard (Route 50) was constructed as a six-lane divided facility with left-turn and right-turn/bus stop lanes. The civic association has discussed the reconstruction of the Pershing Drive channelized right turn lane from westbound Arlington Boulevard. The concept plan entails narrowing the Pershing Drive, west leg of the intersection and creating a more typical 90 degree angle turn. Excess right-of-way could be located behind the curb and adjacent to the residential property, providing an additional green space buffer between the requested redevelopment and the street.

The developer proposes to construct two private drives to provide improved circulation and access to the residential and retail development. The central access drive would be located at the intersection of North Wayne Street and Pershing Drive and another would be located at the western property boundary (alley) behind to the existing single-family homes. The driveways could also be used in the future for connections to the north.

The central access driveway would consist of a drive aisle approximately 25-feet wide with a 17.5-foot wide sidewalk on the east side and a 16.5-foot wide sidewalk on the west side, incorporating landscape pots and street lighting. The central access driveway would maintain a minimum of two 6-foot wide clear sidewalks.

The driveway at the western property line is proposed to consist of an alley type design providing a 23-foot wide paved area and a sidewalk along the east side measuring a minimum of 5-feet wide. This sidewalk would provide connectivity to the north to Sheffield Court Apartments and beyond.

Both driveways are proposed to be approximately 167-feet long to the north, measured from Pershing Drive to the south.

Although the driveways are proposed to be private, the developer would grant an easement to the County for public access across the western alley. Across the central access drive, the developer would provide access for fire and rescue services and an easement for public sidewalk and public access purposes for the sidewalk. If, in the future, the Master Transportation Plan is amended to establish the central access drive as a street, the developer has agreed to grant a public access easement over the entire driveway. The developer would enforce private parking regulations within the driveway until such time as the public access easement is granted, maintaining two lanes of traffic at all times.

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The Department of Environmental Services has been working with the Lyon Park Citizens Association since the early 1980s, addressing commuter cut-through traffic and speeding problems. Infrastructure improvements, which included a number of traffic calming strategies intended to slow vehicles down and to discourage through travel, have been installed to address these problems. Traffic calming strategies implemented include speed humps, gateway treatments, intersection nubs, and textured crosswalks at intersections.

Public Transit: The site is located approximately 3,983-feet (.75 mile) from the Clarendon Metrorail Station along Wilson Boulevard, which serves the Metrorail Orange Line. Metrobus 4B and 4E routes along North Barton provide service between Seven Corners east along Route 50 and Pershing Drive, north on North Barton Street to Clarendon and Wilson Boulevards, and from there to Rosslyn. Metrobus 4H and 4A routes along Arlington Boulevard provides service between Seven Corners east along Route 50 and Pershing Drive, north on Arlington Boulevard to Rosslyn.

Bicycle Access: The subject site has access to the County's bike trail system. On-street bicycle lanes are signed adjacent to the site along Pershing Drive and Arlington Boulevard to extend to Rosslyn, which provides connections to the Arlington Boulevard Trail to the south and the Key Boulevard and Custis Parkway Trails to the north. Consistent with site plan development and the Arlington Bicycle Transportation Plan, the developer would also provide secure bicycle storage facilities for residents and their guests, as well as retail employees and customers.

Transportation Management Plan (TMP): Consistent with site plan development and the County's adopted TDM Policy, staff would recommend that the developer implement a TDM Plan to encourage reduced single occupancy vehicle (SOV) trips to and from the site. Staff would recommend, and the applicant would agree, to implement the TDM strategies that are briefly summarized below and referenced in Condition #51 of the site plan conditions:

- Provide a contribution for off-site bus stop improvements.
- Distribute transit information, including a new resident package, to include site-specific transit-related information.
- Provide a parking management plan including include a schematic drawing depicting an area parking plan for all block faces abutting the site.
- Provide free SmarTrip cards for all new residents and employees.
- Designate a member of the building management team as Property Transportation Coordinator with responsibilities for completing and coordinating TDM Plan obligations.
- Provide a contribution toward a pre-paid carsharing program residents and employees of the site.
- Conduct a transportation monitoring study of the site.

Utilities: Staff recommends that the developer construct a new 12-inch water main from the existing 16-inch water main in North Barton Street to the easternmost proposed fire hydrant

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along the Pershing Drive frontage of the development and provide an 8-inch water main to provide system looping from the new 12-inch water main east of the easternmost water service for the development connecting to the existing 6-inch water main in North Wayne Street. The developer has agreed to these requirements in Condition #26.

In addition, staff recommends that the developer design an 8-inch water main along the western side of the development for a possible future connection to the Sheffield Court site. A 10-foot wide clear space would be provided for the future water main and a minimum 12-inch vertical distance would be provided from any utility crossings. The developer may be permitted to plant trees in this area on an interim basis since there are no plans to extend water service in this location at this time or in the foreseeable future. Condition #26 outlines these requirements, to which the developer agrees.

Consistent with site plan development and the Utility Undergrounding Plan, the developer agrees to contribute to the Utility Underground Fund in the amount of \$43,500. The developer would also remove or relocate all existing aerial utility lines along the periphery of the site, utility line connections adjacent to the site along Arlington Boulevard, and traffic signal span wires at the intersection of Arlington Boulevard and Pershing Drive. The developer would be required to comply with the new Chesapeake Bay Preservation Ordinance and the Plan of Development requirements, including a Resource Protection Area Delineation (site is not located in an RPA), a Landscape Conservation Plan, a Storm Water Management Plan, and an Erosion and Sediment Control Plan.

#### **DISCUSSION:**

**Adopted Plans and Policies:** The General Land Use Plan guides development on the subject site.

**General Land Use Plan and Rezoning:** The site, slightly beyond the boundaries of the Metro corridor, is not addressed in any existing sector plan nor is it the subject of any future planned study at this juncture. The requested rezoning and GLUP amendment must then be evaluated on their own merits and in the context of the proposed site plan.

#### **Neighborhood Gateway**

Planning staff contends that this area currently serves as a de facto gateway to the Lyon Park neighborhood and Clarendon from Arlington Boulevard. However, if this crossroads was accorded a greater sense of place through framing of the space, the establishment of a defined public realm and the creation of a more pedestrian-oriented experience, it could serve as a bona fide neighborhood gateway. Appropriately scaled buildings forming a street wall could create a real sense of arrival and provide for an effective transition from Arlington Boulevard, a limited access highway, and Pershing Drive, a minor arterial, to the local streets of the historic Lyon Park neighborhood. From a planning perspective, given that this area currently provides some neighborhood serving retail, it would be important for this area to continue to provide such services if redeveloped. With neighborhood serving retail, this area could provide services for Lyon Park, Sheffield Courts and Fort Myer and serve as a true neighborhood gateway.

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### Revitalization

The site in question is designated primarily “Service Commercial” on the GLUP and is developed with a shopping center. The revitalization and redevelopment of this site would be beneficial to the surrounding area, as the site currently is underutilized and some tenant spaces are characterized by failing retail operations. Little investment has been made in this center, which is now over fifty years old. Currently, there is approximately 53,890 square feet of retail in the shopping center. Of this, approximately 14,060 square feet can be characterized as storage or warehouse space, as three-quarters of the space is used for storage or manufacturing. Of the remaining 39,830 square feet of non-warehouse space, three tenant spaces totaling 6,180 square feet are vacant. An additional 1,043 square foot tenant space is only open three days a week. Similarly, the approximately 6,500 square feet of retail located across the street at 2300 North Pershing Drive has at times had several vacancies. Changing the GLUP designation for this site to “Low” Office-Apartment-Hotel may provide the additional density and uses needed to encourage the effective redevelopment of this site, to provide additional population to support retail in this area and to create more of a gateway to Lyon Park and Clarendon from Arlington Boulevard.

### Mix of Uses

In addition to potentially encouraging the revitalization of this site, there are several other reasons why amending the GLUP to “Low” Office-Apartment-Hotel would be an appropriate action for this site, provided such a request is accompanied by a site plan that meets with the community and the County Board’s approval. First, this GLUP category and the proposed corresponding zoning category of “C-O-1.5” allow for a mix of uses. These include office, commercial, apartment and hotel uses. The site is currently planned for a mix of uses, with its “Service Commercial” and “Low-Medium” Residential GLUP designations. Staff recommends that the site retain a mix of uses if redeveloped, as it is located at a key intersection for the surrounding neighborhood and a mix of uses would help to activate this corner. The County generally encourages mixed-use development, as it provides citizens with opportunities to live, work and play in their own neighborhood, thereby creating more vibrant communities and reducing vehicle trips.

A mix of uses on and users of the site would also help to sustain the proposed retail, which the community has identified as a necessary element in any redevelopment proposal for this site. Staff generally recommends retaining existing neighborhood-serving retail throughout the County and would advocate the retention of mixed-use development with retail at this location. This site is located near a significant number of single-family and multi-family residences in the Lyon Park neighborhood that would benefit from successful retail within walking or bicycling distance. Neighborhood serving retail is a vital resource in any area, particularly one such as this, located approximately .75 miles from the Clarendon Metro station. Furthermore, this site is situated at the crossroads of a limited access highway, Arlington Boulevard, and a minor arterial, Pershing Drive. Given its good roadway connectivity, a site like this can accommodate the customer and delivery traffic generated by mixed-use development with a retail component.

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### Connectivity and Transportation

The proposed GLUP designation of “Low” Office-Apartment-Hotel is appropriate for an area with this level of transportation connectivity. The site is located along one of the few limited access highways in the County, Arlington Boulevard. The site is furthermore situated at the first traffic signal encountered by vehicles traveling west on Arlington Boulevard from the District of Columbia. The only other roadways of such a level of intensity are Route 1, Route 110, Spout Run Parkway and Lee Highway (some segments). Indeed, the only more intense roadways in the County are interstates and parkways, comprising Interstate-66, Interstate-395 and the George Washington Parkway. Arlington County has a long history of planning for higher density development along major transportation corridors. Specifically, the “Low” Office-Apartment-Hotel category has been used along principal roadways in several instances outside of Metro Station areas, including along Lee Highway north of Rosslyn, in the Nauck Town Center area near Interstate-395 and, most recently, in East Falls Church along Lee Highway. “Low” Office-Apartment-Hotel would be a reasonable designation for this site given its good connectivity and location along a limited access highway.

### Compatibility with Surrounding Uses

While the existing GLUP designation of “Service Commercial” allows for a 1.5 Floor Area Ratio (FAR) for commercial development, the proposed GLUP designation of “Low” Office-Apartment-Hotel, would also allow for the same FAR of office development. Although the “Low” Office-Apartment-Hotel category would additionally allow for a maximum of 110 units per acre for hotel and 72 units per acre for residential use, the maximum residential density is no greater than that planned for the adjacent area to the north, which is shown as “Medium” Residential (36-72 units/acre) on the GLUP and is developed with the Sheffield Court garden-style apartments. As the accompanying site plan does not include hotel development, only residential development would be added to the site which already has commercial/retail development.

Although under the existing zoning of “C-1” the maximum by-right office/commercial density is 1.0 FAR and the maximum residential density is 7.26 units per acre, the proposed zoning designation of “C-O-1.5” would in fact allow for less density by right. Under “C-O-1.5,” the maximum by-right office/commercial development is 0.6 FAR and the maximum residential density is again 7.26 units per acre. Under the site plan option, the maximum office/commercial density is 1.5 FAR, the maximum residential density is 72 units per acre and the maximum hotel density is 110 units per acre. “C-O-1.5,” however, allows for less density than other zoning categories that correspond with the current “Service Commercial” GLUP designation, such as “C-2.” “C-2” allows for a maximum by-right office/commercial density of 1.5 FAR. While the site plan option under “C-2” is not allowed except in the Clarendon, Cherrydale and Columbia Pike Revitalization Districts, “C-2” would permit development per the Unified Commercial/Mixed Use Development (UC/MUD) regulations, which would allow for up to 2.0 FAR of development. Consequently, while the proposed “C-O-1.5” zoning designation allows for 0.5 FAR of additional office/commercial density under the site plan option than the current zoning designation of “C-1,” it allows for less density than the by-right options for “C-1” or “C-2” and similar density (1.99 FAR versus 2 FAR) under UC/MUD.

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### Implications for Other “Service Commercial” Sites

While there may be some concern about the potential implications of changing this site to “Low” Office-Apartment-Hotel, there are actually very few similar sites in the County. Many “Service Commercial” areas are situated in Metro station areas where even higher densities are often recommended. While there is a substantial amount of “Service Commercial” land that can be found along Lee Highway and Columbia Pike, it should be noted that most of the “Service Commercial” land along Columbia Pike is within the Columbia Pike Special Revitalization District and is therefore eligible for development per the Columbia Pike Special Revitalization District Form Based Code. There are even fewer “Service Commercial” sites in the County not located in a Metro station area that are adjacent to “Medium” Residential, which provides the same maximum residential development as “Low” Office-Apartment-Hotel, or higher residential categories. Excluding “Service Commercial” areas along Columbia Pike, the only other “Service Commercial” sites outside a Metro station area that are adjacent to “Medium” Residential are to be found near I-395 and Glebe Road.

Staff does not support changing all “Service Commercial” sites to “Low” Office-Apartment-Hotel. Just as with this proposal, staff would analyze other requests to amend the GLUP from “Service Commercial” to “Low” Office-Apartment-Hotel on an individual basis in conjunction with a site plan proposal. As the compatibility of adjacent land uses is an important factor in the review of any GLUP amendment proposal, staff would more likely support a GLUP amendment for a “Service Commercial” site adjacent to an area already designated for higher densities on the GLUP, such as “Medium” Residential, and situated along a major roadway such as a limited access highway, than it would a similar change for a site located adjacent to “Low” Residential on a less intensive roadway, such as the intersection at Washington Boulevard and Pershing Drive. Each proposal would be evaluated on its own merits and particulars.

### Form

The evaluation of the accompanying site plan project is indeed an important element in the analysis of this GLUP amendment proposal, as staff would not necessarily support the re-planning of this site without an appropriate site plan proposal. Staff, for instance, is interested in ensuring that an appropriate architectural form with compatible tapering is achieved. The surrounding area has numerous important historic resources, including the garden-style apartments located to the north of this site at Sheffield Courts, historic Fort Myer across Arlington Boulevard and the single-family homes of Lyon Park in the surrounding neighborhood. Staff would want to see a proposal that respected the scale and architecture of these resources. The “Low” Office-Apartment-Hotel GLUP category can generate a compatible form of development and the accompanying zoning districts would encourage the tapering and setbacks that would result in a building that respected this context, yet provided a needed buffer between the traffic along Arlington Boulevard and the neighborhood.

**Modification of Use Regulations:** The applicant has requested a modification of use regulations for bonus density.

Bonus density for LEED: The applicant has requested 16,893 sf of additional density in order to provide a LEED certified building.

**Comprehensive Sign Plan:** The applicant proposes a comprehensive sign plan that would include retail tenant sign criteria, project identification, and building and directional signs. The table below summarizes the request. The total requested sign area (535.25 sf) is within the limits outlined within the *Sign Guidelines for Site Plan Buildings* (1191 sf), although staff does not support the proposed freestanding sign (Sign Type A).

<b>Sign Type</b>	<b>Number of Signs</b>	<b>Sign Area (typical)</b>
A-Freestanding sign	1	160 sf
B-Address Signs	2	1.57 sf – 13.33 sf
C-Leasing Sign	1	14.63 sf
D-Retail Tenant Signs	28	16 sf – 50.59 sf
E-Parking Signs	1	6 sf - 12 sf
F-Retail Tenant Directional Sign	1	12 sf
Total Requested Sign Area		535.25 sf
Total Permitted Sign Area		1191 sf

Freestanding Sign (A): The applicant has proposed a freestanding sign measuring 160 sf, located within the landscaped area along Arlington Boulevard. The proposed sign would be lit and list the project name and six retail tenants. Staff has generally not supported freestanding signs of this nature. The design of the project allows for each retail tenant to have frontage along either Pershing Drive or Arlington Boulevard, eliminating the need for additional freestanding signs at the corner.

Address Signs (B): One sign listing the building address for each building is proposed no higher than the first floor fascia and located along Pershing Drive.

Leasing Sign (C): One sign reading “LEASING” is proposed to indicate the location of the leasing office.

Retail Tenant Signs (D): Retail tenant signs are proposed for potential retail spaces. The range of types of signs include internally-lit channel letters, canopies, and metal or acrylic mounted letters. Per the *Sign Guidelines for Site Plan Buildings*, each tenant would be permitted one sign per street frontage, of an area equal to the tenant’s linear frontage.

Parking Signs and Directional Sign (E): One illuminated blade sign reading “PARK” is proposed affixed to the façade at the corner of the easternmost building. An unlit pole sign indicating the location of additional retail parking is proposed outside of the 8’ clear sidewalk area near where the central access drive meets Pershing Drive.

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Retail Tenant Directional Sign (F): One unlit wall sign is proposed affixed to the easternmost building next to the breezeway and identifies the location of the retail parking and the residential lobby for that building.

**Vacations and Encroachments**: The applicant has requested vacation of two easements. One is an existing five-foot sanitary sewer easement; the other is a 15-foot public sidewalk and utilities easement. Details of the requested vacations are discussed in an accompanying report.

**Community/Project Benefits**: The applicant has proposed the following benefits in conjunction with this project:

Public Art: The applicant has proposed a \$75,000 contribution toward public art for the Courthouse Road/10<sup>th</sup> Street/Arlington Boulevard Interchange Public Art Project.

LEED Score: The applicant proposes to achieve a minimum of 26 points on the LEED scorecard and obtain certification through the USGBC. The applicant is also requesting 16,893 sf of bonus density for certification.

Transportation and Infrastructure: The applicant proposes a number of infrastructure improvements. Some of these improvements are beyond what would normally be expected of a site plan of this magnitude. These improvements include the removal of the channelized right-turn lane on Arlington Boulevard and the replacing of the mastheads in both directions on Arlington Boulevard. The applicant has also agreed to underground over 1,000 linear feet of aerial utilities on three sides of the site.

Affordable Housing: For site plan proposals that request changes to the GLUP designation, the Affordable Dwelling Unit Ordinance (Section 36.H.6.i) states: “*Site plan applications that include an application to change the GLUP designation of the site may be subject to an affordable housing requirement in addition to the above ADU requirement. Such affordable housing requirements shall be addressed separately in the process of the County Board’s consideration of the approval of the site plan.*”

As the requested GLUP amendment is not consistent with recommendations within an adopted plan, staff proposes that, in determining the number of affordable units expected, the increase in density over the existing GLUP in this project be treated at a level higher than under the ordinance. Staff proposes that the value of the gross floor area (GFA) of the increase gained from the change be split 50/50 between the developer and the County. A current GFA value of \$50 per sf for this project results in a GFA value of \$25 per sf attributable to the County.

The value of the affordable housing contribution on the base density is \$244,000. The contribution on the increased density calculated at \$25 per sf results in a value of \$2,412,000. Adding these two contribution values results in a total value of \$2,656,000. Dividing this value by \$150,000 per unit (the value of the subsidy for the ADUs at 60% Area Median Income (AMI)

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for 30 years) results in 18 units. At an average unit size of 1,130 sf, the equivalent GFA amounts to 20,339. This amount of GFA is 21% of the 96,485 sf of increase in the GFA due to the GLUP change. The GFA proposed is also 9.4% of the total residential GFA and of the total number of units. If the project was subject only to the provisions of the affordable housing ordinance without accounting for the increased GFA, the contribution would amount to \$652,000, while the number of affordable units expected on-site would be 5, with 8 or 10 off-site affordable units.

Providing 20,339 sf of GFA in 18 on-site affordable (for households with incomes up to 60% AMI for 30 years) 1- and 2-bedroom units (in the same proportion as the market-rate units) is a condition of the site plan. The applicant has proposed alternative options for the County to elect to receive a cash contribution instead of the affordable units on site or to accept an off-site affordable housing program. These options are included in the site plan condition.

**The following addresses the URD application:**

- **Site:** The site comprises 10,800 square feet (.25 acres) along North Barton Street, one lot north of North Pershing Drive. The site currently contains a surface parking lot and a Metrobus shelter.

To the north, west, and south: Single-family homes, which are designated on the GLUP as “Low” Residential (1-10 unites per acre) and zoned “R-5” (One-Family, Restricted Two-Family Dwelling Districts).

To the east: Existing one-story retail; proposed site plan, which are designated on the GLUP as “Service Commercial” and zoned “C-1” (Local Commercial Districts).

- **Zoning:** The site is zoned “R-5” (One-Family, Restricted Two-Family Dwelling Districts).
- **Land Use:** The General Land Use Plan designation of the site is “Low Residential” (1-10 units per acre).
- **Neighborhood:** The site is located within the Lyon Park Citizens Association.

**Proposed URD Development:** The applicant proposes to construct two single-family homes on the three lots. Each house would have a detached garage in the rear yard, with vehicular access from a rear access drive on the adjacent site plan property. The existing curbcut on Barton Street is proposed to be closed. The existing bus shelter is proposed to be shifted to a proposed bus numb in the right-of-way.

**By-Right Option:** As the three lots are “grandfathered” as to their width, three by-right homes could be constructed. If the lots were not “grandfathered,” only one home could be built by-right due to the total lot width of 90 feet rather than the 100 feet required.

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The table below compares the by-right and the proposed URD. Items in bold require a modification.

Lot	Coverage	Lot Size (sf)	Height (feet)	Setbacks (feet)						
				House Front	Porch Front	House Rear	Garage Rear	Side	Opposite Side	Side Total
"R-5" By-Right	No more than 53% with front porches and rear garages	5,000	35	25	21	25	1	10	8	15
22A	44%	5,400	30	25	<b>18.42</b>	<b>20</b>	<b>.42</b>	10	8	18
22B	44%	5,400	30	25	<b>18.42</b>	<b>20</b>	<b>.42</b>	10	8	18

**Zoning Ordinance Modification:** The applicant has requested modifications for lot width, front and rear setbacks, and for access to be provided from another lot. The requested modifications provide a scale of development that is compatible with other homes in the area. The proposed homes would fill in a gap within the block and help to link the single house on the corner to the rest of the block. The modification for access from another lot allows the existing curbcut on N. Barton Street to be closed and for access to the garages to be from the rear of the property.

**Community Process:**

**Site Plan Review Committee (SPRC):** The SPRC considered the site plan and related GLUP amendment and rezoning, as well as the URD application, at six meetings (March 29, April 30, June 4, July 12, July 30, and September 20, 2007).

Issues raised in reference to the site plan included the GLUP amendment, height, mass and density, traffic, street improvements, and historic preservation. In response, the applicant has decreased the building's density and lowered the height in areas, provided a traffic analysis, and has committed to reconfiguring the Arlington Boulevard and Pershing Drive intersection and providing a landscaped median within Pershing Drive along the frontage.

One of the issues raised about the URD was the location of the bus shelter. In response, the applicant has agreed to construct a bus nub and new shelter along N. Barton Street in the same proximity as the existing shelter.

**HALRB:** The Historic Affairs and Landmark Review Board (HALRB) formally reviewed the proposed site plan on July 18, 2007, and September 19, 2007. The HALRB submitted a letter requesting that the Planning Commission not recommend approval of a site plan that demolishes the contributing building. The letter noted that preliminary findings of the draft Historic Resources Inventory (HRI) ranked the Lee Center portion of the site as "Essential." The HALRB restated its position in a letter following its September 19, 2007, meeting. Both letters are attached to this report.

**Transportation Commission:** The Transportation Commission considered these items at its October 25, 2007, meeting. Due to issues regarding the proposed land use change, retail parking

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ratio, and the Arlington Boulevard/Pershing Drive intersection, the Commission voted 6-2 to defer the application.

The Transportation Commission considered these items at its January 10, 2008, meeting. Due to issues regarding the proposed land use change, historic preservation, and the Arlington Boulevard/Pershing Drive intersection, the Commission voted 5-1-2 to deny the GLUP change. Should the County Board approve the requested GLUP amendment, the Commission voted 7-1 to recommend approval of the rezoning and site plan, with amendments to Conditions #11, 19, 21, 40, 51, 52, 76, and 79.

- The GLUP as proposed is too dense for an area outside the Metro core.  
*Staff Response:* The proposed GLUP designation for this site is “Low” Office-Apartment-Hotel, the same designation of Shirlington and that planned for areas of the Nauck commercial core. Shirlington and portions of the Nauck are approximately 3 miles from the nearest Metro station (Pentagon City) via Interstate 395. While bus services in Shirlington offer 10 minute headways and the proposed development offers 20 minute headways, the subject site is significantly closer to a Metro station (.75 miles from Clarendon Metro). This project’s density of 1.86 FAR (1.99 FAR with the LEED bonus density) is also slightly less than the 2.0 FAR permitted by a Unified Commercial Mixed-Use Development, which can be requested anywhere in the County provided the site is zoned “C-2”. Additional analysis on the GLUP amendment has been included in this report.
  
- The project density as proposed is that of a transit oriented development and this project is not part of the Metro core area.  
*Staff Response:* The site is located approximately 3,983-feet (0.75 miles) from the Clarendon Metro Station and is serviced by Metro bus routes 4A, 4B, 4E, and 4H with headways every 20 minutes during peak hour. Additionally, the applicant proposes to improve existing bus stops along Arlington Blvd. and Barton Street as well as provide a contribution of \$30,000 for area bus stop improvements. Furthermore, the developer proposes to provide a bus nub along Pershing Drive to accommodate potential future bus routes.  
  
The developer also proposes a TDM program which will encourage alternate modes of travel and improve sidewalks and pedestrian connections around and through the site to further encourage walkability.
  
- Amend Condition #11 to add Lyon Park Citizen’s Association (LPCA) to the notification list.  
*Staff Response:* Staff and the developer concur. Condition #11 has been revised.
  
- Amend Condition #40 to require the developer to notify the LPCA of changes to the loading dock hours.  
*Staff Response:* Staff and the developer concur. Condition #40 has been revised.

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- Amend Condition #51 to set out the details of the Transportation Management Plan (TDM).  
*Staff Response:* Condition #51 outlines the details of the TDM.
- Amend Condition #52 to notify the LPCA of the proposed sign plan.  
*Staff Response:* The comprehensive sign plan is a part of this application and is attached to this report.
- Amend Condition #64 to specify a minimum number of doors for the areas designated as retail spaces.  
*Staff Response:* Staff and the developer concur. Condition #64 has been amended to require a minimum of six (6) doors for the retail/professional office spaces.
- Amend Condition #76 to add speed bumps and convex mirrors at garage egress locations.  
*Staff Response:* Staff and the developer concur. Condition #76 has been revised.
- Amend Condition #79 to require the developer to obtain a site plan amendment if VDOT required the developer to maintain the channelized right turn lane.  
*Staff Response:* VDOT has expressed conceptual support of this modified intersection improvement as proposed. Staff has worked closely with the applicant and VDOT to develop the proposed intersection improvements to obtain VDOT general support. Should VDOT not approve the design, Condition #79 requires the developer to have an alternative design approved by the County Manager and presented to the Lyon Park Citizen's Association.

Planning Commission: The Planning Commission considered these items at its January 14, 2008, carryover meeting. The Commission voted 7-3 to recommend denial of the items, citing concerns with the GLUP change and with historic preservation.

Housing Commission: The Bricks and Mortar subcommittee considered the affordable housing contribution at its January 9, 2008, meeting and recommended the applicant provide 20,339 sf GFA/18 affordable 1- and 2-bedroom units in the same proportion as the market-rate units. The applicant agreed with the recommendation. The full Housing Commission considered the affordable housing contribution at its January 17, 2008, meeting and voted 5-0 to support the staff recommendation of 20,339 sf GFA/18 affordable 1- and 2-bedroom units in the same proportion as the market-rate units.

**CONCLUSION:** The applicant has submitted applications for a GLUP amendment, a rezoning, a site plan, vacations, and a URD. Through the community process, the applicant has attempted to respond to a number of issues raised, including the height and massing of the project by lowering the building in areas, providing setbacks in other areas, and decreasing the overall floor area.

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The applicant has designed a project that is generally consistent with the proposed General Land Use Plan designation and zoning district for the subject site. Therefore, staff concludes that, based on the merits of the project, its consistency with the Plan and the Code, and good planning practices, that the County Board should the adopt the resolutions to approve the General Land Use Plan Amendment, approve the rezoning, site plan, and use permit, all subject to the conditions of the staff report.

## CONDITIONS FOR SP #406:

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 Clearing, Grading and Demolition Permit.**

### 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 January 15, 2008, and reviewed and approved by the County Board and made a part of the public record on January 26, 2008, including all renderings, drawings, and presentation boards presented during public hearings, together with any modifications proposed by the developer and accepted by the County Board or vice versa.

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

### 2. **Pre-Construction Meeting**

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

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meeting time and location at least two weeks in advance. The purpose of the pre-construction meeting is to discuss the requirements of the site plan conditions.

### 3. **Tree Protection and Replacement**

- a. The developer agrees to complete a tree survey, which shows existing conditions of the site and locates and identifies all trees which are four (4) inches in diameter or greater. The survey shall include any tree on adjacent sites whose dripline extends onto the subject site.
- b. The developer agrees to file and implement a tree protection plan which will designate any trees proposed to be saved by the developer. Trees designated to be saved on the tree protection plan, or those specified to be saved by the approved site plan and shown on any filing in connection with this case, will be protected. This plan shall include any tree on adjacent sites whose dripline extends onto the subject site. The tree protection plan shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in tree protection techniques on urban sites and shall be submitted and approved, and found by the County Manager to meet the requirements of this site plan, before the issuance of the Clearing, Grading and Demolition Permit.
- c. Upon approval of the tree protection plan the developer agrees to submit to the Department of Parks, Recreation, and Cultural Resources (DPRCR) a performance bond estimate for the trees to be saved. Upon approval of the performance bond estimate by the DPRCR, the developer agrees to submit to the DPRCR a performance bond, in the approved amount of the estimate, and the approved tree protection plan, which bond shall be executed by the developer in favor of the County before the issuance of the Final Building Permit. Prior to the release of the public improvement bond, the developer agrees to submit to the DPRCR as-built drawings showing the location of all saved trees.
- d. The Developer agrees that any tree proposed to be saved on the tree protection plan or other filing shall be saved. At a minimum, this plan shall include:
  - (1) A site grading plan at two (2) foot intervals, including the location of all proposed improvements and utilities.
  - (2) Detailed specifications for any tree walls or wells proposed.

- (3) A description of how and where building materials and equipment will be stored during construction to ensure that no compaction occurs within the critical root zone of the trees to be saved.
  - (4) Identification of tree protection measures and delineation of placement of tree protection.
  - (5) Any tree required to be saved pursuant to this condition, which dies (any tree which is 30% or more dead as determined by the County's Urban Forester shall be considered to have died) prior to, or within ten (10) years of, the issuance of the Master Certificate of Occupancy shall be removed and replaced by the developer at his expense with the number of major deciduous and evergreen trees consistent with the Tree Replacement Guidelines and which meet the minimum size and other requirements of Condition #21 below, provided, however, that replacement as specified in this subparagraph (3.b.5) does not relieve the developer of any violation resulting from the failure to save identified trees.
- 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 #21a below and shall be installed on the project site or on County-owned land, determined by the County Manager. The developer agrees to submit and obtain approval of this plan by the County Manager as part of the final site development and landscape plan.

#### 4. **Photographic Record of Development**

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

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

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

- a. Before Clearing, Grading and Demolition of the site (shall be submitted before issuance of the Clearing, Grading and Demolition Permit)–Views of north, south, east and west facades, as location permits, of buildings to be demolished, as well as at least one photo of the site before any clearing or grading including the existing physical relationship with adjacent buildings and streets. The photographic record shall also include all historic aspects of the facades of the building to be demolished, consistent with the requirements described in Condition #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.

If the developer uses the "Fast Track" Permit Process, the Site Clearance and Construction Phase photographs shall be submitted before the issuance of the Footing to Grade Structure Permit, or the first Building Permit, whichever comes first. The Construction Phase photographs, showing any construction to grade, shall be submitted before the Final Building Permit. The Construction Phase photographs showing all construction above grade and the Site Completion Photographs and completed compact disc showing the entire photographic history of the site shall be submitted before issuance of the Master Certificate of Occupancy.

#### **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

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fund before the issuance of the Building Permit or prorated consistent with an approved phasing plan for the development. The total utility fund contribution for this site is \$43,500. These funds may, but need not, be used by the County for the purpose of providing the undergrounding of utilities along the properties which are not redeveloping in this undergrounding district. If the area of the site plan is subdivided, the contribution to be made by each owner shall be based proportionally on the amount of site area allocated to each subdivided parcel. The contribution, if not obligated by the County to pay for utility undergrounding projects within 10 years from the date of payment, will be refunded without any accrued interest to the development owners of record at the time of any refund.

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

6. The developer agrees to develop and implement (after approval) a plan for temporary pedestrian and vehicular circulation during construction. This plan shall identify temporary sidewalks, interim lighting, fencing around the site, construction vehicle routes, and any other feature necessary to ensure safe pedestrian and vehicular travel around the site during construction. Exceptions may be made only during an emergency as defined below, during actual demolition, and for such limited periods as are unavoidable for utility upgrades. The developer agrees to submit this plan to, and obtain approval of the plan from, the County Manager as meeting these standards, before the issuance of the Clearing, Grading and Demolition Permit. The developer agrees to provide a copy of the approved plan to the appropriate civic associations. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

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

Where county street lighting has been removed *or disconnected* due to construction and not yet replaced *or reconnected*, the developer agrees to maintain lighting around the perimeter of the site between the start of construction and completion of the project. The lighting shall be designed to illuminate the temporary pedestrian walkways and roads around the perimeter of the site. The developer may do this by means of overhead lights

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

The developer agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period. Whenever a significant portion of an adjacent road surface is disturbed for reasons relating to the construction, including utility work, the developer agrees to repair promptly the disturbed portion(s) of pavement with hot patching to return the road surface to a clean, smooth condition. The developer agrees to insure that the road surface is promptly repaired regardless of whether the 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. The developer agrees to coordinate with the Department of Economic Development in order to provide the following relocation assistance to all retail tenants under lease as of the date of the approval of the proposed site plan:
  - a. The developer agrees to keep all retail tenants informed of the redevelopment schedule by providing periodic updates with regard to material changes in the development program for the site, including the phasing of the project, anticipated schedules for eviction, construction and occupancy, and any

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anticipated material impacts on the tenants while they remain on the site, such as test borings, construction signs and fencing, asbestos removal, disruptions to customer parking and pedestrian paths, and the like.

- b. The developer will assist the County to make available to all retail tenants, either directly or through the developer, information on available commercial space in the County, business counseling services and appropriate business courses.
- c. The developer agrees to cooperate with the retail tenants by referring tenants who so request to private sources of professional assistance in regard to lease negotiation (i.e., understanding lease terms, trends and negotiation strategy), space planning and other related sources of help.
- d. Except for provisions in any lease to the contrary, the developer agrees to maintain the site, structures and systems in good repair and in a businesslike appearance until the last retail tenant vacates or until the notice to vacate expires, whichever comes first.
- e. The developer agrees to show compliance with the terms of this condition to the Zoning Administrator before the issuance of the Clearing, Grading and Demolition Permit.

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

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

**Post-County Board 4.1 Filing**

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

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

The developer agrees to convene and participate in a meeting with pertinent County staff to address requirements of the site plan approval.

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 approved by the lead DCPHD contact for the site plan.

**Community Liaison and Activities During Construction**

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

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

**C & D Waste**

- 12. The developer agrees to provide a plan for diverting from landfill disposal the demolition, construction, and land clearing debris generated by the project. The plan should outline recycling and/or reuse of waste generated during demolition and/or construction. The plan should outline specific waste streams and identify the means by which waste will be managed (reused, reprocessed on site, removed by licensed haulers for reuse/recycling, etc.). The plan must include letters from contracted haulers, reprocessors, and recyclers indicating that they are able to manage waste from the project. The developer agrees to obtain the County Manager's approval of this plan prior to the issuance of the Clearing, Grading, and Demolition permit, and to implement the plan throughout demolition and construction of the project. Compliance with this condition may contribute to achieving LEED credits MR 2.1 and 2.2 (Construction Waste Management.)

**Green Building Fund Contribution**

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13. Intentionally omitted.

14. **Vacations and Encroachments**

~~The developer agrees to submit Vacation and Encroachment application(s) or waiver form(s) prior to the issuance of any permits for the site plan. Vacations and encroachments shall be recorded before the Final Building Permit is issued.~~

The developer agrees to submit applications for, and obtain enactment by the County Board of all ordinances of vacation and encroachment required to build the project that is the subject of this site plan prior to the issuance of any permits for the site plan. All deeds of vacation and ordinances of encroachment shall be subject to approval by the County Manager, as to substance, approved by the County Attorney, as to form. Such deeds shall be recorded by the developer among the land records of Arlington County, Virginia, before the Final Building Permit is issued.

- **The following Conditions of site plan approval (#15 through #35) 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 and obtain approval from the County Manager a detailed final landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final civil engineering plan as required in Condition #21 below, as well as a vicinity map with major streets labeled. The final landscape plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in the Commonwealth of Virginia. The developer further agrees that the final landscape plan and the final civil engineering plan shall verify, by means of survey, that there are no conflicts between the street trees and utilities. The developer shall obtain approval by the County Manager for both plans as meeting all requirements of the County Board's site plan approval and all applicable county laws and plans before the issuance of the Excavation/Sheeting and Shoring 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 Condition #21 below; the *Arlington County Streetscape Standards* if applicable; the Sector Plans if applicable; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the final civil engineering plan, the landscape plan shall be at a scale of 1 inch = 25 feet; the County may require more detailed plans appropriate to landscape installation at a larger scale to also be submitted. The County may permit minor changes in building, street and driveway locations and

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other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance governing administrative approval and with the intent of the site plan approval. The landscape plan shall include a Street Tree Plan which shall be reviewed by DPRCR and DCPHD, and shall be accompanied by the civil engineering plan. The installation of all plant materials shown on the final landscape plan shall take place before the issuance of the first Certificate of Occupancy for the respective phase of construction. The final landscape plan shall include the following details:

- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, bus stops, the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final civil engineering plan and placed so they do not obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets (existing or proposed) shall not be located in the pedestrian clear zone of the public sidewalk, including but not limited to access areas to ADA ramps, crosswalks, building entrances, and interior walkways. Transformers shall not be placed above grade in the setback area between the building and the street.
- b. Intake and exhaust garage ventilation grates may not be located within public sidewalks or streets, or within areas between the street curb and any building which is used as a walkway. The developer agrees to provide drawings showing how the garage will be ventilated as part of the post-County Board Administrative Regulation 4.1 drawings required in Condition #10 above. Ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way. The developer shall obtain approval from the County Manager of the location and screening of all ventilation grates as part of the review of the final civil engineering plan and the final landscape plan before issuance of the Footing to Grade Permit.
- c. The location, dimensions, materials, and pavement pattern, where applicable, for driveways and access drives, automobile drop-off areas, ADA ramps, driveway aprons, service drives, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Interior walkways shall have a minimum width of four (4) feet. All plaza areas, access drives, automobile drop-off areas, interior walkways and roadways shall contain special treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager according to adopted Sector Plans or other urban design standards approved by the County Board as a part of review and approval of the final landscape plan.
- d. The location and types of light fixtures for streets, parking, walkway and plaza areas, and associated utilities, as contained in the lighting plan required in Condition #53 below.

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

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

**Landscape Standards**

- 16. The developer agrees that all landscaping shall conform to Division of Transportation Standards and Specifications and to at least the following requirements:
  - a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:
    - (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 4 to 4 1/2 inches, except as indicated in Condition #21 below.
    - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)—a minimum height of 7 to 8 feet.
    - (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)—a minimum caliper of 3 to 3 1/2 inches. Multi-stem trees shall not be less than 10 feet in height.
    - (4) Shrubs—a minimum spread of 18 to 24 inches.
    - (5) Groundcover—in 2 inch pots.

- b. The developer agrees to coordinate with the DPRCR urban Forester to determine an appropriate and acceptable season in which to conduct planting. Planting is to occur during a season so as to best ensure the viability of the plantings. In addition, the developer agrees to plant trees prior to issuance of the first Certificate of Occupancy Permit.
- 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 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, except in freestanding planter pots. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall, or to the top of mounded planting soil. The walls of raised planters shall be no higher than seat-wall height (2 1/2 feet, maximum) above the adjacent finished grade. For rooftop courtyard applications, the 12-inch minimum of drainage material can be replaced by appropriate drainage board as approved by the County Manager as being adequate to provide the necessary drainage.
- f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began. Finished grade inside raised planters or adjacent to retaining walls may create a slope of two (2) to one (1) if groundcover is planted.
- g. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process. Further, the developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well-maintained condition for the life of the site plan and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator, as required in Section 32A of the Zoning Ordinance.
- h. The developer agrees to notify the DPRCR Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way

and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.

**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.

**Final site engineering plan approval by DOT**

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

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

19. The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site in accordance with the then-current Arlington County Standard for concrete curb and gutter and the then-current standards for pavement and according to the following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project.
- a. The developer agrees to construct new curb and gutter along the north side of N. Pershing Dr. varying from approximately 24-feet to approximately 30 feet from the Arlington County survey centerline and varying in locations due to landscape medians and nubs, as shown on the final engineering plan approved by the County Manager.
  - b. The developer agrees to construct intersection improvements at the intersection of Arlington Boulevard and North Pershing Drive as indicated in Condition #79

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- c. The developer agrees to construct nubs along N. Pershing Dr. at the northeast and northwest intersection of N. Wayne St. The nub at the northwest intersection will include a 40-foot long landing area for a future bus stop. as shown on the final engineering plan approved by the County Manager.
- d. The developer agrees to construct crosswalks of materials as approved by the County, built per Arlington County Standards, across N. Pershing Dr with handicap ramps at receiving ends.
- e. The developer agrees to construct crosswalks at the intersection of Arlington Blvd and N. Pershing Dr. at the west and south sides of the intersections and handicap ramps at their receiving ends, and to modify the existing crosswalk at the north side of the intersection, all of materials as approved by the County and VDOT.
- f. The developer agrees to construct the new central access driveway at the N. Wayne St. alignment. This includes, but is not limited to, a 25-foot wide drive aisle as shown on the final engineering plan approved by the County Manager.
- g. The developer agrees to construct the new access driveway at the western property line in alignment with the existing private alley to the north. This includes, but is not limited to, a 23-foot wide drive aisle, curb and gutter along the east side of the drive as shown on the final engineering plan approved by the County Manager.

All improvements to curb, gutter, sidewalks and streets for pedestrian and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act (ADA) and any regulations adopted thereunder, as well as any other applicable laws and regulations. The developer further agrees that all improvements to curb, gutter, sidewalks, crosswalks, and streets for pedestrian and/or vehicular access or circulation shall be as determined by the County Manager on the final Site Development and Landscape Plan and on the final Site Engineering Plan, in accordance with the ~~Rosslyn-Ballston Corridor Streetscape Standards~~ or other applicable urban design standards in effect at the time of final Site Engineering Plan Approval; provided, however, that the provision of such improvements shall not increase the projected cost anticipated for such improvements as shown on the site plan drawings dated January 15, 2008, unless the County provides additional funding to offset such increased cost.

### **Survey Monuments**

- 20. The developer shall submit a boundary survey of the site, with an error of closure within the limit of one (1) in twenty thousand (20,000), related 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 feet. If a conversion

from meters to feet is necessary, the foot definition used for conversion is the U.S. Survey Foot of 1 ft = 1200/3937 E+00 meters. If the development is located more than one-half mile from an Arlington County Survey Control Network (ACSCN) monument, the developer shall utilize a Virginia Licensed Land Surveyor to establish a permanent second order accuracy (or higher) survey control monument. The surveyor shall comply with standards and specifications contained in the current VDOT Survey Manual. The surveyor will be required to submit his or her computations to the Office of the County Surveyor for inclusion into the ACSCN. Plans referenced to the VCS 83 shall be annotated as follows: "The site shown hereon is referenced to the Virginia Coordinate System of 1983 as computed from a field survey which ties this boundary to the Arlington County Survey Control Network."

**21. Sidewalk Design and Improvements**

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

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

- a. Continue across all driveway aprons for loading and garage entrances along all frontages of the site plan, and there shall be no barriers to impede the flow of pedestrian traffic.
- b. Not be less than six feet wide at any point
- c. Allow encroachments by sidewalk cafes only in accordance with Condition # 67 and under the provisions of the Arlington County Streetscape Standards
- d. Allow pinch-points only under the provisions of the Arlington County Streetscape Standards
- e. Use plain, un-tinted concrete or, subject to approval, an integral tint that harmonizes with its setting. Non-standard materials or surface treatments may be used subject to approval and under the provisions of the Arlington County Streetscape Standards.
- f. Not contain joints or use patters 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 Certificate of Occupancy for occupancy of the applicable phase of the project.

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:

**North Pershing Drive** - A minimum 15-foot wide sidewalk measured from the back of curb, including an 8-foot clear sidewalk, and a 6-foot wide landscape strip, planted with 4 ½ inch caliper Willow Oak street trees and such ground cover as liriope muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), placed 28 to 35 feet on center and a minimum of eighteen (18) inches back from the back of curb.

**Central Access Driveway** - A minimum 14-foot wide sidewalk measured from the face of building to the edge of the drive aisle, including a 6-foot wide clear sidewalk and freestanding planter pots, tactile warning strips, and change in color of materials between the sidewalk and the drive aisle. The Central Access Driveway shall be designed as a “barrier-free” area with no raised curb.

**West Property Line Driveway** - A minimum 5-foot wide sidewalk along the eastern side measured from the back of curb.

**Arlington Boulevard (Route 50)** - A minimum 8-foot wide clear sidewalk transitioning back to existing conditions to the north, measured from the back of curb, as approved in coordination with Arlington County and VDOT as shown on the final engineering plans and approved by the County Manager.

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

22. The developer agrees that in order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the final design of the project shall provide a structure-free zone under the public sidewalk along all street frontages, as required in the *Standards for Planting and Preservation of Trees in Site Plan Projects*. This zone shall be a minimum of five (5) feet deep and shall extend from the back of the street curb to the far edge of the public sidewalk. No subterranean structures (such as parking garages) shall intrude into this five foot deep zone. Within the zone, underground utilities and utility vaults shall not be located in a manner that interferes with the appropriate spacing and replacement of street trees, consistent with the approved final site and development and landscape plan. Utility lines shall not be located beneath

street trees. The location of all existing and proposed utility lines shall be shown on both the final landscape plan and the final site engineering plan.

**Water Service Requirements**

23. The developer agrees that the location of the water services will be determined at the time of the review of the final engineering plan in accordance with the following standards: water meter installations shall be located behind and adjacent to the curb line in an area clear of driveways, a minimum of five (5) feet clear of other utilities and a minimum of 10 feet clear of structures; a clear space 15 feet wide by 20 feet long by 10 feet deep shall be provided for three (3) inch and four (4) inch meter installations, and 20 feet wide by 25 feet long by 10 feet deep for six (6) inch and larger meter installations; and the building walls shall be adjusted as necessary to provide these clearances.

**Sanitary Sewer and Water Main Requirements**

24. The developer agrees that all sanitary sewers and water mains, including water services, shall have a minimum of ten (10) feet horizontal clearance from each other and five (5) feet clearance from all other utilities, and shall have a minimum of 10 feet horizontal clearance from buildings and other structures. Water mains 16 inch and larger, and mains placed more than 10 feet deep shall have a minimum of 15 feet horizontal clearance from buildings and other structures; and sanitary sewers 15 inches and larger, or sewers placed more than 10 feet deep shall have 15 feet minimum clearance from buildings and other structures. All water mains and sanitary sewers shall meet County Standard design criteria.

The developer agrees that the minimum clear horizontal separation between each individual barrel of the storm sewer and proposed buildings or other permanent structures shall be as follows: 10 feet from the center line of storm sewer mains less than 27 inches in diameter and 10 feet or less in depth; 15 feet from the center line of storm sewer mains less than 27 inches in diameter and greater than 10 feet in depth; 15 feet plus half the diameter from the center line of storm sewer mains greater than 27 inches in diameter, at any depth.

**Existing Water Main or Fire Hydrant Service**

25. 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 Division of Transportation. This approval shall be obtained before the issuance of the Excavation/Sheeting and Shoring Permit.

**Water Main Improvements**

26. The developer agrees to show, on the final engineering plans, water main improvements in accordance with the following. The water main improvements shall be constructed prior to the issuance of the first Certificate of Occupancy ~~Final Building Permit~~ for the respective phases of construction.

Construct a new 12-inch water main from the existing 16-inch water main in North Barton Street to the eastern most proposed fire hydrant along the Pershing Drive frontage of the development and connecting back to the remaining portion of existing 8-inch water main in Pershing Drive. Abandon the portion of existing 8-inch water main in Pershing Drive being replaced by the new 12-inch water main and transfer all appurtenances to the new 12-inch water main. Provide an 8-inch water main to provide system looping from the new 12-inch water main in the proximity of the eastern most water service for the development, connecting to the existing 6-inch water main in North Wayne Street, and as shown on the final engineering plan

Design an 8-inch water main along the western alley of the development for a possible future connection to the Sheffield Court site. A 10-foot wide clear space shall be provided for the future water main and a minimum 12-inch vertical clearance shall be provided from any utility crossings.

### **Sanitary Sewer Main Improvements**

27. The developer agrees to show, on the final engineering plans, and to construct sanitary sewer main improvements in accordance with the following. The sanitary sewer main improvements shall be constructed prior to the issuance of the Final Building Permit.

None.

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

### **Horizontal Standpipe or Fire Hydrant Requirements**

28. The developer agrees to show, on the final engineering plan, horizontal standpipes or fire hydrants at intervals of not more than 300 feet in order to provide adequate fire protection. The County shall specify kind of service and locations at the time of the final site engineering plan approval based on applicable safety standards. The fire hydrants shall be installed prior to the issuance of the Final Building Permit, and horizontal standpipes shall be installed prior to the issuance of the first Certificate of Occupancy.

The developer agrees to provide calculations to demonstrate the needed fire flow as defined in the Arlington County Department of Environmental Services Construction Standards and Specifications Manual. This information shall be clearly shown on the cover sheet of each plan set submitted.

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

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29. 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.

#### **Street Lighting Requirements**

30. The developer agrees to show on the final engineering plans street lighting along all frontages of the site prior to the issuance of the Excavation/Sheeting and Shoring Permit. The plans shall include the height and color of the street light poles. The developer agrees, at its cost, to purchase and install approved Arlington County street lighting along the frontages of the site prior to the issuance of the Shell and Core Certificate of Occupancy. 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 Virginia Power "Carlyle" standard street lights along all frontages of the site in accordance with adopted County Street Lighting Policy. The height of the street lights shall be 16 feet, single-globe along North Pershing Drive and 12-feet, single globe along the Central Access Driveway, and VDOT standard light fixtures along Arlington Blvd., measured from the sidewalk to the base of the luminaire. The developer agrees to remove all standard thoroughfare lights from the site, unless the County decides that one or more are required to provide adequate lighting for street safety purposes at intersections. . The developer agrees to pay the cost of moving existing or installing additional standard thoroughfare lights if required above.

#### **Underground Existing Aerial Utilities**

31. The developer agrees to remove or place underground all existing aerial utilities within or along the periphery of the entire site plan site as shown on the final site development and landscape plan and the final engineering plan approved by the County Manager. Any utility improvements necessary to provide adequate utility services to this development or utility work necessary to provide a terminus to the underground facilities shall be paid for by the developer and shall not result in the installation of any additional utility poles, or aerial devices. The developer agrees to complete off-site improvements as necessary to accomplish such undergrounding which may include (by the way of illustration and not limitation), relocation of the existing utility pole to the north of the site along Arlington Blvd affected by the Arlington Blvd Pershing Dr. intersection reconfiguration. All utility relocation shall be completed prior to the issuance of the Shell and Core Certificate of Occupancy.

#### **Off-street Parking for Construction Workers**

32. 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**

33. 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**

34. 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 colored drawings and renderings which label the materials and colors for each elevation of the building, including interior elevations (e.g. elevations adjacent to interior courtyards, plazas and access drives), and material samples, for review by the County Manager for consistency with this site plan approval prior to the issuance of the Footing to Grade Permit. The developer further agrees to obtain the approval of the County Manager of the façade treatment as being consistent with the County Board approval before the issuance of the Final Building Permit.

The developer agrees that all retail and professional office and service storefronts along public rights-of-way are required to have an overall minimum transparency of 50% as measured from floor to ceiling. In addition, the portion of the retail and professional office and service storefronts that is located between three and eight feet from grade is required to be at least 80% transparent. The purpose of this condition is to allow pedestrians to view the activity within the retail establishment and to allow patrons and employees of the retail establishments to view the activity on the sidewalk and street. "Transparency" shall mean using glass or other transparent exterior material offering a view into an area of the retail establishment where human activity normally occurs and

shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like. Provided that the exterior material is glass or other transparent material, a tenant may apply to the County Board for a site plan amendment to grant an exception to this condition for a specified duration.

### **Recordation of Public Easements and Dedications**

35. ~~All required public deeds of easement and deeds of dedication shall be submitted to the Division of Transportation prior to the issuance of the Excavation/Sheeting and Shoring Permit, and be approved and recorded among the land records of the Clerk of the Circuit Court of Arlington County, by the developer before the issuance of the Final Building Permit. The developer agrees that there shall be no building construction within the easement area without approval by the County Manager or the County Board. Dedications granted by the developer for street and public right of way purposes and improvements shall be dedicated in fee simple to the County. Dedications granted by the developer for improvements, including, but not limited to, sidewalks, street trees, other streetscape plantings, and water, storm sewer, sanitary sewer, and other utilities, may be dedicated by easement to the County.~~

Unless otherwise specified in these conditions, all required deeds of public easement and deeds of dedication shall be submitted by the developer to the Department of Environmental Services, Division of Transportation, prior to the issuance of any Excavation/Sheeting and Shoring Permit, and be subject to approval as to substance by the County Manager, and by the County Attorney as to form. Such deeds shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County, by the developer before the issuance of the Final Building Permit. The developer agrees that there shall be no building construction within the easement area without approval by the County Manager or the County Board. Dedications granted by the developer to the County for street and public right of way purposes and improvements shall be dedicated in fee simple to the County. Dedications granted by the developer to the County for public improvements, including, but not limited to, sidewalks, street trees, other streetscape plantings, and water, storm sewer, sanitary sewer, and other utilities, may be dedicated by deed of easement to the County.

- **The following conditions of site plan approval (#36 through #44) 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**

36. 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.

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### **Public Improvements Bond**

37. Upon approval of the final site engineering plan the developer agrees to submit a performance bond estimate for the construction or installation of all facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the Division of Transportation for review and approval. Upon approval of the performance bond estimate by the Division of Transportation, the developer agrees to submit to the Division of Transportation 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**

38. Unless otherwise approved by the County Manager or shown on the plans dated January 15, 2008, the developer agrees that all new electrical transformers shall be placed underground in vaults which meet Virginia Power standards. These vaults, if any, may be placed in the street right-of-way or in driveways if approved by the County on the final site engineering plan. Ventilation grates may not be located within public sidewalks or streets, or within areas used as a walkway between the street curb and any building. The locations of the vaults shall be coordinated with other utility locations so as to have a minimum clearance of five (5) feet to conduits and manholes and a minimum clearance of 10 feet to water mains and sanitary sewers unless otherwise approved by the owner of that utility. The developer shall obtain approval from the County Manager on the location of all vault ventilation grates and utilities as part of the review of the final site engineering plan and the final site development and landscape plan before the issuance of the Footing to Grade Structure Permit.

### **Interior Trash Collection and Recycling Areas**

39. 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**

40. 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

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(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~~14 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. If a tenant demonstrates the need for deliveries at other times, for example of baked goods or other perishable items, the hours may be administratively changed by the Zoning Administrator through an Administrative Change request. The developer agrees to notify the Lyon Park Citizen's Association of any approved change in delivery hours in writing and within ten (10) business days of the Administrative Change approval. The loading dock door shall also be closed during overnight hours when the loading dock is not permitted to be in use and 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**

41. The developer agrees that new parking garages shall be designed to allow access and use by vans. At least 1% of the total new parking supply shall be accessible to vans, shall be conveniently located on the level of the garage closest to street level, and shall have a minimum clearance of 98 inches. All other areas of the garage shall have a minimum clearance of 84 inches. 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**

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

**Bicycle Storage Facilities**

43. 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 Division of Transportation. 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 or the closest retail vehicle parking spaces.

**Emergency Vehicle Access/support on Parking and Plaza Areas**

44. The developer agrees to construct all at-grade plaza areas used for vehicular access and all surface parking areas to support the live load of any fire apparatus. Architecturally designed bollards or curbs, decorative planter pots, specialty paving patterns, or other treatment reviewed and approved by the County Manager shall be used on ~~pedestrian plazas~~ the central access drive area to separate the areas intended for emergency vehicle use from areas intended for pedestrian use. No above-grade structure shall be allowed to obstruct fire lanes. The requirements of this condition shall be incorporated in the drawings submitted for the Footing to Grade Structure Permit.

- **The following conditions of site plan approval (#45 through #49) are valid for the life of the site plan and must be met by the developer before the issuance of the Final Building Permit. If the developer uses the "Fast Track" Permit Process, then the following conditions of site plan approval (#45 through #49) are valid for the life of the site plan and must be met by the developer before the issuance of the Structure Permit.**

**Wall Check Survey**

45. 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.

**Screening of Mechanical Equipment**

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

**Use of Penthouse**

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

**Review by Crime Prevention Through Environmental Design (CPTED) Practitioner**

48. The developer agrees to submit to the ~~Zoning Administrator and the~~ Operations Division of the Arlington County Police Department the approved post-4.1 drawings for review by documentation that a the Crime Prevention Through Environmental Design (CPTED) practitioner ~~referred by~~ in the Police Department for review of ~~has reviewed the site plan for~~ CPTED design requirements.

**FAA Documentation**

- 49. The developer agrees to obtain from the Federal Aviation Administration (FAA), before the issuance of the final building permit, a written statement that the project is not a hazard to air navigation or that the project does not require notice to or approval by the FAA.
- **The following conditions of site plan approval (#50 through #55) 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.**

**Comprehensive Sign Plan**

- 50. The developer agrees not to erect the freestanding sign proposed along Arlington Boulevard and identified as sign "A1" in the comprehensive sign plan titled "2201 North Pershing Drive Comprehensive Sign Plan", dated October 25, 2007, and as approved by the County Manager Board on January 26, 2008. The developer agrees to develop and submit a comprehensive sign plan and that all other exterior project signs (including identification and directional signage) signs, shall be consistent with the guidelines contained comprehensive sign plan titled "2201 North Pershing Drive Comprehensive Sign Plan", dated October 25, 2007, and as approved by the County Manager Board on January 26, 2008, or as otherwise approved by the County Manager using the standards set forth in "The Sign Guidelines for Site Plan Buildings" and with Section 34 of the Zoning Ordinance. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign plan before the issuance of the first Certificate of Occupancy. <Insert language here to address issues with brokers regarding retail marketing and leasing signs> All proposed rooftop signs, defined as all signs that are 35 feet or more above the ground, shall require a site plan approval or amendment.

**Transportation Management Plan**

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

The developer agrees to develop and implement a Transportation Management Plan (TMP) in order to achieve the desired results of the Arlington County Transportation Demand Management (TDM) program. 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.

Annual assessment 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, on going relationship with Arlington Transportation Partners (ATP), or successor entity, on behalf of the property management company.
- b. Designate a member(s) of building management as Property Transportation Coordinator to be a primary point of contact with the county and undertake the responsibility for coordinating and completing all TMP obligations. The applicant and /or building management will provide, and keep current, the name and contact information of the PTC to ACCS. 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) to sustain direct and indirect on-site and off-site services in support of TMP activities annual contributions of \$7000.00 per year for thirty (30) years. Payment on this commitment will begin as a condition of issuance of the first Certificate of Occupancy for the first finished unit in the first completed building. Subsequent payments will be made annually.

### **Facilities and Improvements**

- a. Provide in each residential lobby, an information display, the content/design/location of which shall be approved by ACCS / ATP, to provide transportation-related information to residents and visitors.

- b. Provide in each building lobby a means to call a taxi.
- c. During construction, maintain or coordinate relocation of any existing bus stops at the developer's expense.
- d. Comply with requirements of Site Plan conditions to provide bus stop improvements.
- e. Bus stops and shelters within 100 feet of the property shall be maintained free of snow, ice, trash, and debris. A 6 foot wide path, clear of snow and ice, to the main entrance of the building(s) shall be maintained to bus stops.
- f. Maintain one on-site business center (including, at a minimum, access to copier, fax, pc, and internet services in a minimum 56 sq. ft. of space), which shall be made available to support residents of the buildings who choose to work from home.
- g. Comply with requirements of Site Plan conditions to provide bicycle parking/storage facilities, and construction worker parking.

### **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, 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. Two car sharing vehicles shall within or adjacent to the site for a minimum time period of two years, with terms negotiated with a car sharing company, at a location to be determined by the County Manager, developer will bear any associated cost.
- c. Provide reserved spaces for carpools and vanpools for retail and/or office tenant employees that are conveniently located with respect to the elevators serving the buildings. Oversee a program to provide carpools and vanpools with a parking subsidy. Subsidies shall be:
  - (a) Two-person car pool equal to two thirds the single-occupant vehicle

- monthly parking rate.
- (b) Three-person (or more carpool) equal to one third the single-occupant vehicle monthly parking rate
- (c) Provide registered vanpools with free parking.
- d. No on-street loading will be permitted between the hours of 7 and 9 AM and 4 to 6 PM.
- e. Provide effective directional signage subject to approval of a Comprehensive Sign Plan to direct residents and visitors to appropriate locations on the property, such plan to include provision for the items specified in the Parking Management Plan.

Promotions, Services, Policies

- a. Provide a one time membership fee subsidy in a car sharing plan for each residential unit. This subsidy shall be paid on proof of membership in a car share service by lessees and/ or condominium purchasers.
- b. Provide a choice of either one (1) SmarTrip card plus \$40.00 Metro fare media, or four (4) Metrobus Weekly Passes (Valid for a full week of unlimited travel region wide on regular Metrobus routes) or successor fare media, for free, one time, to each residential lessee or condominium purchaser of each unit, distributed no later than the day of move in at the building. Senior or Disabled weekly bus pass may be substituted if criteria are met. Passes shall be purchased through CommuterDirect, or successor entity, for ease of verification by ACCS. Signs announcing the program shall be approved by ACCS and posted in the lobby of each building and in each mail room. The program shall also be announced in any newsletter or website for the site. This program will be in effect for thirty (30) years from first Certificate of Occupancy for the first finished unit in the first completed building.
- c. Provide SmarTrip cards plus \$ 65.00 Metro fare media per person, one time, for free, to on-site employees of the property management company. Provide or administer 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.)
- d. Ensure that retail tenants provide a choice of either one (1) SmarTrip card plus \$40.00 Metro fare media, or four (4) Metrobus Weekly Passes (Valid for a full week of unlimited travel region wide on regular Metrobus routes) or successor fare media, for free, one time, to on-site employees of the retail tenants distributed no later than the employee's first day of work at the building. Senior or Disabled weekly bus pass may be substituted if criteria are met.

Passes shall be purchased through CommuterDirect, or successor entity, for ease of verification by ACCS. This program will be in effect for thirty (30) years first Certificate of Occupancy for the first finished unit in the first completed building.

- e. Provide website hotlinks to CommuterPage.com<sup>TM</sup> under a “transportation information” heading from the developer and property manager’s websites regarding this development.
- f. Distribute a new-resident package, material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each lessee and / or condominium purchasers. Packages will be distributed to tenants no later than the day of move-in at the building. Distribute equivalent package to new employees no later than their first day of work.
- g. Reference to the Courthouse and or Clarendon Metro Station and bus routes in promotional materials and advertisements.
- h. 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.
- i. Participate in Ozone Action Days and other 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. Conduct a transportation performance monitoring study at two years five years, and ten years after issuance of first Certificate of Occupancy and provide a report summarizing findings report findings to the County. The County will specify the 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. Such report shall include an all-day count of site-generated vehicle traffic and a voluntary

mode-split survey. The building owner and/or operator will assist and encourage tenant's employee participation in mode split surveys which may be of an on-line, email variety.

- c. During the first year of start up of the TMP and on an annual basis thereafter, the Applicant will submit an annual letter to the County Manager, describing completely and correctly, the TDM related activities of the site.

### **Residential Parking and Parking Management Plan**

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

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

For both rental and condominium buildings, the use of the minimum 212 residential 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 120 residential visitor parking spaces, and — retail tenant parking spaces, available ~~within the~~ in the at-grade structured parking area for retail customers, employees and residential visitors and up to 14 spaces in the below-grade parking structure for retail employees, subject to the approval of the parking management plan 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.

**Lighting Plan for Public Areas**

53. The developer agrees to include a lighting plan for all internal and external public areas, including parking areas, as part of the final site development and 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 site development and landscape plan certification that the lighting plan meets the minimum standards of the Zoning Ordinance, Section 2, Subsection H, and the Illumination Engineering Society of North America Standards. The developer agrees to obtain the approval of all lighting from the County Manager, and to install approved lighting, before the issuance of the First Certificate of Occupancy for occupancy of the applicable phase of the project.

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

54. 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**

55. 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 (#56) 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**

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

- **The following condition of site plan approval (#57) 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**

57. The developer agrees to obtain a Master Certificate of Occupancy within 90 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 (#58 through #63) are valid for the life of the site plan.**

**County Installation of Telecommunications Transmitter and/or Receiver Equipment**

58. In order to maintain the effectiveness of the County's public safety systems, the developer/applicant hereby agrees to grant to the County in perpetuity the right to install telecommunications transmitter and/or receiver equipment and conducting wire in or on the penthouse or top floor, and antennae and traffic monitoring systems on the roof of the proposed buildings in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both upon request by the County. The developer agrees to provide, upon request by the County, access to electrical service separately metered, including auxiliary electrical power, and telephone radio control lines to the penthouse in the defined area. 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**

59. 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**

- 60. 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**

- 61. 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**

- 62. 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**

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

- **The following unique site specific conditions (#64 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.**

64. **Retail Elements**

- a. The developer agrees to develop and implement a retail attraction and marketing plan for the 33,495 square feet of retail space located on the first floors of the ~~office and~~ residential buildings. The plan shall identify the types of retail desired, the marketing strategy to attract the retail, and strategies to retain the retail. ~~The retail attraction and marketing plan shall be in accordance with the approved Retail Action Plan for the Rosslyn Ballston Corridor, dated January 2001.~~ The retail attraction and marketing plan shall be reviewed and approved by the Department of Economic Development before being submitted to the Zoning Administrator. The above-grade building permit shall not be issued until

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documentation has been provided to the Zoning Administrator assuring that the plan has been approved by the Department of Economic Development. Any change in the use of the retail space from retail to ~~office or other non-retail use~~ uses other than those permitted in paragraph (c) below, shall require a site plan amendment.

- b. The retail spaces shall be designed and constructed to include interior and exterior improvements necessary to ensure that they are functional and attractive to prospective retailers and that they animate the street frontage. These elements shall include, but are not limited to: approximately 14 foot or greater floor to floor heights, as shown on the plans dated January 15, 2008; access to the service corridor/areas as shown on the architectural plans dated January 15, 2008; direct street frontage and access; rough-in of utilities, i.e., sprinkler heads, plumbing, electrical wiring, and stubs for extensions; provision for any venting systems required for any food preparation or restaurant use; and sufficient transparency of the building facade to achieve adequate street exposure. The developer agrees to provide a minimum of six (6) active doors to serve the retail and professional office spaces.
  
- c. ~~OR~~ The Retail Attraction and Marketing Plan shall permit up to 20% of the retail space to be occupied by professional office and services uses such as dentists, accounting and bookkeeping firms, computer consulting and repair, optician office, other medical care professionals, and the like. The developer agrees that professional office and service uses shall not occupy the retail tenant space labeled as "Retail 2B" on Sheet A3-2 of the plans dated January 15, 2008, and located on the eastern end of Building #2 along Arlington Boulevard.

~~The developer agrees to market a minimum of \_\_\_\_\_ square feet of retail space located on the first floor of the building to uses consistent with the approved Retail Action Plan for the Rosslyn Ballston Corridor, dated January 2001 and the following:~~

- ~~1. The developer is encouraged to lease space designated for "personal or business services" in the Retail Action Plan to "Entertainment and Main Street Retail" businesses.~~
  
- ~~2. The retail space shall be designed and used in a manner consistent with the \_\_\_\_\_ (\_\_\_\_\_ Sector Plan, adopted in \_\_\_\_\_).~~
  
- ~~3. Each separate retail space shall have direct access to the building's service corridor.~~

4. ~~The developer shall build out the retail space to include the rough in of utilities, i.e., sprinkler heads, plumbing, electrical wiring, and stubs for extensions.~~

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

**Public art site plan condition – standard language for Public art fund contribution**

65. 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 at specific project name or opportunity designated by the County Manager~~ OR shall be earmarked for use in the \_\_\_\_\_ metro (or other specified) area. Such funds shall be earmarked for the Courthouse Road/10<sup>th</sup> Street/Arlington Boulevard Interchange Public Art Project or used within the Arlington Boulevard corridor. 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~~ by the same percentage as the percentage change in the Consumer Price Index.

**After-hours Parking in Office Garages**

66. Intentionally Omitted.

**Outdoor Cafes**

67. Outdoor cafes shall be permitted in the public right-of-way or within public easements along North Pershing Drive and the central access drive in accordance with the applicable provisions of the Zoning Ordinance, with a maximum seating area and all other applicable requirements as set forth in the Zoning Ordinance and as determined by the Zoning Administrator. A minimum of eight feet of clear sidewalk width must be maintained along North Pershing Drive and six feet of clear sidewalk width must be maintained along the central access drive. Plans for all outdoor cafes shall be subject to prior administrative approval by the Zoning Administrator for consistency with County ordinances, regulations and policies. Any outdoor café shall be administratively reviewed one year following its approval to evaluate it after a season of operation. At that time, the Zoning Administrator may review the approval, impose conditions on the operation of the outdoor café, or revoke the prior approval.

**Affordable Housing Contribution**

68. Prior to the issuance of any permit for new construction on the site, 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

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such plan is set forth in a January 18, 2008, letter (attached) from Arlington Pershing, LLC to Hank Leavitt, County staff, and also including, but not necessarily limited to, the following conditions:

a. **Affordable Rents:** The developer agrees to provide 18 units (1- and 2-bedroom units in 20,339 sf of gross floor area) that 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 these affordability levels. The applicant agrees that the affordable rents shall not exceed the established affordability level for the rents, as published by the U.S. Department of Housing and Urban Development (HUD), minus a utility allowance (if applicable) as per the Utility Allowance Schedule annually approved by HUD for the Arlington County, VA Section 8 Housing Certificate/Voucher Program.

b. **Rent Increases:** The developer agrees that rent increases for tenants continuing in occupancy shall be based on AMI increases as published by HUD, 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 Condition 68a, 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 #68a, above.

c. **Compliance Period:** The developer agrees that the affordable housing plan shall require units to remain affordable for a term of 30 years from the execution of the lease of the first unit of the 18 affordable units.

d. **Accessible Units:** The developer agrees to maintain a minimum of two of the affordable units as fully accessible under standards described in the American National Standards Institute "Accessible and Usable Buildings and Facilities" (ICC/ANSI A117.1-2003) and Type A units as provided in the current applicable Accessible Standards as adopted by the Virginia Uniform Statewide Building Code. The applicant agrees to diligently market the accessible units to persons with physical disabilities for a period of 60 days. If after 60 days the applicant is unable to rent the unit(s) to persons with disabilities, then the applicant agrees to provide the unit(s) to residents without disabilities. The applicant agrees to market these units to households in need of such units as part of the applicant's Affirmative Marketing Plan.

e. **Developer Affirmative Marketing Plan/Marketing Period:** The agreement shall include an Affirmative Marketing Plan in substantially that form as required by HUD and including, at a minimum, the elements specified in the Developer's final Affordable Housing Plan and Affirmative Marketing Plan. The Affirmative Marketing Plan shall be in a form and substance acceptable to the County Manager, with the concurrence of the County Attorney, according to the County's criteria for such marketing plans. The developer agrees that the proposed marketing plan shall call for the initial advertising and

marketing of the affordable units for a period of at least 45 days before projected occupancy.

**f. Condominium Conversion:** ~~If prior to or during the 30-year term for the affordable units the property is converted to a condominium, then the Owner agrees that, at the County's option, one of the following would occur:~~

~~———(1) The affordable units would continue to be operated as rentals for the remaining term;~~

~~———(2) The Owner would market and sell the affordable units at market rate prices. Upon the sale of each unit, the Owner agrees that it will provide the Net Proceeds of Sale to Arlington County within 30 days after closing. Net Proceeds of Sale shall be defined as the actual retail purchase price minus (i) the imputed affordable sales price of the unit (calculated based on 60 percent of MFI for the applicable household size, times a factor of 2.75 at the time of the sale of the first condominium unit in the project) and (ii) all Expenses of Sale. Expenses of Sale shall include, but not be limited to, a pro rata share of marketing expenses, transfer and recording taxes, brokerage commissions, and all carry expenses incurred by the developer from a date that is 30 days after the issuance of a Certificate of Occupancy for that unit to the date of sale, which expenses may include the condominium fees, financing costs (but only to the extent that said costs are actually incurred) and utilities. Said expenses shall be reviewed and agreed to by the County Manager or his designee prior to or at settlement of any unit, it being agreed that the definitive standard for reimbursement shall be only those costs that would not have been incurred by the Owner if the units had been sold to Arlington County at the affordable market rate thirty (30) days after the issuance of a Certificate of Occupancy for the respective unit. Owner shall submit a marketing plan for approval by the County Manager that outlines the marketing steps being taken to assure that the County's units are sold concurrently with all other units; or~~

~~———(3) The Owner would sell the units at the affordable prices as defined in (2) above to an affordable housing provider who will agree to all the conditions and terms of the County/Developer Agreement for maintaining the affordable rental program.~~

~~———Upon a decision to convert to condominium, the Owner agrees to notify the County Manager of that decision. Until such notification is given, the Owner agrees to provide rental units as called for by these conditions.~~

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 affordable housing plan for the remainder of the compliance period.

**g. Alternative Options**

In the event that the developer chooses to present an alternative to the County Manager for the 18 on-site affordable units, the Housing Commission shall review that option. After a public hearing on the proposal, the Housing Commission shall present a report of its review to the County Manager within the timeframe described in options 1 and 2 below). After the Housing Commission's consideration of the alternative plan, the County Manager, or his designee, may approve or reject it administratively. In the event that the alternative is rejected, the applicant may request that the County Board consider the alternative as a site plan amendment.

1. The developer may send a written notice to the County Manager at least 60 days prior to obtaining the earliest permit for construction at the site indicating that the developer is planning to proceed with the on-site program unless the County Manager provides written notice that the County wishes to exercise the cash contribution option. The County Manager will then have sixty (60) days from the date of the developer's notice in which to respond. If the County Manager responds affirmatively within the 60-day time frame that the County wishes to exercise the cash contribution option, the developer agrees to contribute \$2,656,000 to the County or a non-profit designated by the County Manager towards the costs of an off-site program as follows: \$650,000 prior to issuance of the earliest permit for construction of the project, \$650,000 prior to issuance of the full building permit for the project, \$650,000 prior to issuance of the first certificate of occupancy for the project, and \$706,000 prior to issuance of the final certificate of occupancy for the project. If the County Manager does not respond within sixty days of the date of the developer's notice, then the cash contribution option will expire and the developer will proceed with the on-site program as outlined above.; or
2. The developer may propose an off-site program alternative for the County Manager's consideration up to ninety (90) days before the start of the marketing program for the on-site affordable units. In such event, the developer will send written notice to the County Manager outlining the proposed off-site program and the financial contribution of the developer towards such off-site program. The County Manager will then have sixty (60) days to respond to the proposed alternative. If the County Manager fails to respond then the County will be deemed to have rejected the alternative developer proposal and the developer will continue to proceed to develop the project with the on-site program as outlined above.

The developer agrees, at all times, to fully comply with the requirements of such documents and the plan.

**69. 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

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base) and streetscape. All exterior building security measures shall be shown on, and approved as part of, the final site development and landscape plan and the approved façade treatment plan. The base of the buildings, as shown in the drawings dated January 15, 2008, and consistent with Condition #64 above, have been designed to accommodate retail uses and provide interest and activate the streetscape. Any change in the use and design of the base resulting from any proposal for exterior building measures shall require a site plan amendment.

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

### **Phasing Plan**

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

### **Enclosure of Balconies**

71. 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.

### **72. LEED Credits and Sustainable Design Elements**

- a. The developer agrees to hire a LEED certified consultant as a member of the design and construction team. The consultant shall work with the team to incorporate sustainable design elements and innovative technologies into the project so that numerous building components may earn the developer points under the U.S. Green Building Council's system for LEED certification. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for seven (7) LEED Prerequisites and include at least "26" LEED points, including at least two (2) points from LEED Section EA.1, "Optimize Energy Performance." ~~The developer agrees to use commercially reasonable efforts to achieve additional LEED points which would qualify the building for certified levels.~~ The developer agrees to register the project with the USGBC as assurance that the project will seek LEED certification. The developer agrees to provide documentation of this registration to the County Manager prior to the issuance of the excavation, sheeting and shoring permit.
- b. For residential development, the developer agrees that all of the following types of appliances, fixtures, and/or building components used in the project shall have earned the U.S. EPA's Energy Star label: clothes washers, dishwashers, refrigerators, ceiling fans, ventilation fans (including kitchen and bathroom fans), residential light fixtures (comply with Energy Star's Advanced Lighting Package), programmable thermostats, and exit signs. The developer shall submit to the County Manager a statement listing all Energy Star-qualified components prior to issuance of the Core and Shell Certificate of Occupancy. For the commercial lighting in common areas of multifamily residential projects, (by way

of illustration and not limitation, these areas include lobbies, corridors, stairwells, common rooms, fitness rooms, etc.), 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.

- c. The developer further agrees to submit, to the Department of Environmental Services (DES) and to the Zoning Office, a report prepared by the LEED consultant and documentation upon request to substantiate the report. Such reports will be submitted prior to issuance of the following permits or certificates of occupancy for construction of the project and will summarize the efforts to date of the inclusion of the sustainable elements within the project:
  1. Clearing, Grading & Demolition Permit
  2. Excavation, Sheeting and Shoring Permit
  3. Footing to Grade Permit
  4. Final Building Permit
  5. Shell and Core Certificate of Occupancy
  6. Partial Certificate of Occupancy for occupancy of the last floor of space
  7. Master Certificate of Occupancy
- d. In addition, prior to issuance of the first Certificate of Occupancy after the Shell and Core Permit, the developer will have its LEED consultant submit a certification to the County Manager that the elements to earn the above specified numbers of points have been included in the buildings. Final decision on LEED credit interpretations and final LEED certification level is to be determined by the US Green Building Council (USGBC).
- e. Within ninety (90) days after the issuance of the first certification of occupancy for any part of the last floor of floors two through five, the applicant agrees to provide a certification by a LEED-accredited professional. The certification shall state that all of the Green Elements, as set forth above in the reporting mechanisms and including all of the LEED Prerequisites, have been incorporated into the project and that, in the professional's opinion, the project will qualify for a LEED Score of 26 points or higher. The developer also agrees to submit all appropriate documentation to the USGBC for review and evaluation for LEED certification. The developer agrees to permit the County Manager 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.

- f. Prior to the issuance of the first certificate of occupancy for the project office, 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 \$675,720 (\$40 per square foot x 16,893 s.f. of bonus density), guaranteeing that, within eighteen months from the date of the issuance of the first certificate of occupancy for any part of the last floor of floors two through five, the developer will have received its LEED “Certified” certification (26 or more credits) from the United States Green Building Council. ~~Should the developer miss up to three credits, but still achieves LEED certification, the developer agrees to forfeit 50% of the bond, which shall be immediately paid to the County. Should the developer miss four or more credits, but still achieves LEED certification, the developer agrees to forfeit 100% of the bond, which shall be immediately paid to the County.~~ Should the developer fail to obtain the USGBC’s Certified Level rating within the eighteen month period, the developer shall automatically forfeit the security, which shall be immediately paid to the County.

### **Public Use and Access Easements**

73. Intentionally Omitted.

### **Refuse Delivery to County Disposal Facility**

74. 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. 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**

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

**Speed Bumps at Garage Exit Ramps**

76. The developer agrees to install speed bumps and convex mirrors 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**

77. 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**

78. 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.

**Arlington Boulevard – Pershing Drive Intersection Improvements**

79. The developer agrees to construct road and streetscape improvements to the Arlington Boulevard – N. Pershing Drive intersection, to incorporate (i) removal of the existing right turn ramp from westbound Arlington Boulevard onto westbound Pershing Drive; (ii) installation of a new dedicated right turn lane; and (iii) construction of a new plaza in the location of the existing right turn ramp, all as generally shown the plans dated January 15, 2008, subject to the following terms and conditions:
- a. The developer agrees to apply to the Virginia Department of Transportation (VDOT) for a design exception request for the proposed intersection improvements, to diligently pursue approval of such request from VDOT, and to subsequently apply for a permit from VDOT to construct the improvements in the Arlington Boulevard right of way after receipt of an approval letter from VDOT for the design exception request. Lane configurations, turning lengths, lane widths, curb returns, ADA ramps, sidewalks, and other roadway/geometric elements shall be coordinated and approved by VDOT and the County.
  - b. If the design exception request and right of way permit are denied or not approved by VDOT prior to issuance of the final building permit for the first building in the project, but the developer has diligently pursued such permits with VDOT and the County, then the developer agrees to coordinate an alternative design with the County for alternative streetscape improvements and submit that design for

review and approval by the County Manager. The developer agrees to present the alternative streetscape improvements to the Lyon Park Citizen's Association prior to review and approval by the County Manager.

- c. The developer agrees to complete the construction of the intersection improvements prior to issuance of the final certificate of occupancy for the final phase of the project.
- d. In the event the cost of implementing the alternative design (including all construction costs and all design costs associated with both the alternative design and the original design) is less than the cost which the developer would have incurred to implement the original design, as evidenced by third party construction cost bid data, then the developer shall pay the balance to the County and the County shall use such funds for other transportation improvements in the proximity of the Lyon Park neighborhood after consultation with the Lyon Park Citizens Association.

**Traffic Signal Improvements – Arlington Boulevard and Pershing Drive**

- 80. The developer agrees to replace the existing overhead wire traffic signals at the intersection of Arlington Boulevard and Pershing Drive with new traffic signals mounted on mast arms in conformance with VDOT and County requirements. The developer agrees to submit plans for the coordination and construction of these traffic signal improvements, including but not limited to, signal and marking designs, MOT designs, mast-arm upgrades, LED and countdown signals, UPS, video detection, new TS-2 cabinet, and related improvements, to the County for approval. County staff will approve the initial signal design, which will require final approval from VDOT. County staff will also provide inspection services towards the construction of the traffic signal. The developer agrees to complete the signal improvements prior to issuance of the final certificate of occupancy for the final phase of the project, subject to VDOT approval.

**Contribution to Bus Shelters**

- 81. The developer agrees to contribute \$30,000 for area bus shelter and/or bus stop improvements prior to the issuance of the first certificate of occupancy. In addition, the developer agrees to improve the existing bus stop located on the westbound/southbound side of Arlington Blvd north of the intersection with N Pershing Dr. to include an accessible connection to streets, sidewalks or pedestrian paths, bus shelter, bench, provisions for lighting the shelter (should the location be deemed appropriate for solar power than the developer may provide power by either conduit or solar technology), bus pole, and trashcan/recycling receptacle, to meet Arlington County guidelines and standards, and that will be fully compliant with current ADA requirements. In addition, the developer agrees to install a secure device and concrete pad for the corralling of newspaper bins at the bus stop. The developer agrees to obtain the approval of the County Manager or his designee for the design of the bus stop as consistent with current standards prior to construction.

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82. In the event the County Manager waives the fee charged for temporary removal of existing parking meters along Pershing Drive during construction, the developer will install, at the developer's expense, multi-space parking meter machines of style and location along the Pershing Drive frontage of the project, as determined by the County Manager.

**Alley Easement**

83. The developer agrees to grant, before issuance of the first Certificate of Occupancy which allows a tenant (including any retail tenants) to occupy any portion of any building which is authorized by this site plan, to the County Board of Arlington County for alley, sidewalk, utilities and related purposes and facilities for the benefit of the County and the public at large, a permanent public use and access easement over, under, across and through an alley of variable width ("Alley Easement") for access to and use, at all times, by the County and the public at large, except during actual alley maintenance and repairs by the developer. The alley shall be located at the western edge of RPC # 18038019 and as labeled "Public Access & Utility Easement 6,401 SF±" ("Alley Easement Area"), and depicted upon the plan prepared by Bowman Consulting Group, Ltd., dated January 15, 2008, and entitled "Proposed Easements Exhibit, 2201 N. Pershing Drive, Arlington County, Virginia" ("Plan").

Before issuance of the first Certificate of Occupancy allowing tenant occupancy (including retail tenants), the developer agrees to construct and landscape the Alley Easement Area as shown on the plan prepared by Bowman Consulting Group, dated January 15, 2008, entitled Plot and Location Plan and made a part of the public record on January 26, 2008. The final location of the Alley Easement Area may change after the preparation of the final building plans and approval thereof by the Department of Environmental Services. Final landscape design and installation of landscaping and any facilities located within the Alley Easement Area shall be approved by the County Manager as part of the final site development and landscape plan.

The developer agrees that the Alley Easement, among other things, shall: permit the use of the Alley Easement Area by the County for alley, sidewalk, utilities and related purposes, and facilities; permit vehicular and pedestrian passage and access over, across and through the Alley Easement Area by the County and the public at large; permit the County to regulate traffic and parking thereon; and permit the County to install sidewalks, utilities and other public facilities, upon and under the alley, provided that any underground utilities do not physically conflict with any underground utilities installed within the Alley Easement Area by the developer: a) at the time of the initial installation and construction of the structures and improvements authorized by this site plan; and b) at the time of the initial installation and construction of the structures and improvements that may be authorized by the approved plans for the two proposed Unified Residential Development single family houses that front Barton Street and are the subject of U-3173-07-1.

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The Alley Easement shall neither obligate nor require the County to construct or maintain the Alley Easement Area or any improvements or facilities located therein including, but not limited to, streets or sidewalks, which construction and maintenance shall be the responsibility of the developer, nor shall the County be obligated to construct or maintain any improvements, facilities, or areas located underneath the Alley Easement Area, which construction and maintenance shall be the responsibility of the developer, except for any utilities owned by the County and constructed under the Alley Easement Area by the County after the date of initial construction by the developer of the developer's facilities within the Alley Easement Area as provided for on the approved final building plans.

The Alley Easement also shall provide, among other things, that:

1) the developer and the tenants, occupants, owners, invitees and guests of the project authorized by this site plan shall have the non-exclusive right, together with the public at large, to access the developer's parking facilities that are part of this site plan through the Alley Easement Area;

2) the developer shall have the right, until the issuance of the first Certificate of Occupancy on the last floor of the last building, to construct the developer's utilities shown on the approved final building plans under the Alley Easement Area;

3) the developer shall be responsible, at its sole cost and expense, for the continuing care, cleaning, maintenance, repair, replacement, installation and removal of the Alley Easement Area, and all improvements and facilities contained in and under the Alley Easement Area, including, but not limited to, snow and ice removal, and all landscaping, outdoor seating, concrete, bricks, masonry, road bed, curb, gutter, sidewalk, streetlights, stone work, lighting, developer's underground utilities, trash receptacles, steps and bicycle racks; and

4) the developer shall provide for public passage, and maintain pedestrian and vehicular access, through the Alley Easement Area from North Pershing Drive over, above and through the Alley Easement Area and shall provide pedestrian and vehicular access to the two proposed Unified Residential Development single family houses that front Barton Street if U-3173-07-1 is approved by the County, and for all other property adjacent to and abutting the Alley Easement Area if such access is requested of the developer by the County Manager, or his designee.

The developer agrees that the Alley Easement also shall provide, among other things, that the grantor, and its successors in title and interest, shall indemnify and hold harmless the County Board, its elected and appointed officials, employees and agents from all liability, claims, damages, costs and expenses of whatever nature concerning or arising out of the construction, maintenance, repair, replacement, installation, removal and regulation of the

Alley Easement Area, and all facilities and improvements located therein, and use of the Alley Easement Area by the County, public at large, the developer, or the grantor. Provided that such liability, claims or damages are not caused in whole or in part by the developer, such indemnity shall not apply to any construction, maintenance, repair, replacement, installation, removal and regulation of any improvements or facilities constructed in the Alley Easement Area solely by, or on behalf of the County.

The developer agrees that the Alley Easement also shall include the consent of any lender with a legal interest in the Alley Easement portion of the Property which is the subject of the site plan, the subordination of any lien of a mortgage or deed of trust and the consent of all parties and entities having any property interest, with priority, in any portion of the Alley Easement Area. The developer agrees that the Alley Easement shall be granted by deed, in form and substance acceptable to the County Manager and the County Attorney, and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County, Virginia.

#### **Central Access Drive Easement**

84. If at any time the County Board approves a Master Transportation Plan, or amendment thereto, indicating a street to connect North Pershing Drive to the northern property line of the subject site plan and if the County Manager deems it necessary that a public access easement, as hereinafter described, is needed for the public vehicular and pedestrian purposes, then the developer agrees to grant by deed of easement, within sixty (60) days after receipt of a written request therefor from the County Manager, a permanent surface public use and access easement (“Easement”), including the terms and conditions set forth herein, to the County Board of Arlington County for the benefit of the County and the public at large, for public access at all times, except as necessary for street maintenance and repairs by the developer, by the County and the public at large, the surface area labeled “Reservation for Future Public Access Easement 4,677 SF±” and “Public Sidewalk Easement 5,287 SF±” (“Easement Area”), shown on the plan prepared by Bowman Consulting Group Ltd., dated January 15, 2008, and entitled “Proposed Easement Exhibit, 2201 N. Pershing Drive, Arlington County, Virginia (“Plan”), for street, sidewalk and related purposes. Such deed of easement shall be granted for ten dollars (\$10.00) and other good and valuable consideration, and shall be granted subject to the terms and conditions outlined in this condition, free and clear of all non-mortgage and non-deed of trust related liens and encumbrances, except for the sidewalk easement shown in the Plans and provided for by Condition #85, the area of which sidewalk easement the developer and the County agree shall be included in the Easement Area defined herein. The developer agrees that no further consideration will be due from the County to the developer at the time the Easement is granted or at any other time.

The developer agrees that the Easement shall permit the public use and access, at all times, of the Easement Area for street, sidewalk, and related purposes and shall permit the County to use and control the Easement Area in the same manner and to the same degree as any other street in the County system of streets and to regulate parking thereon.

The Easement shall authorize and permit, but shall neither obligate nor require, the County to construct or maintain the Easement Area and any improvements located thereon including, but not limited to, streets or sidewalks. The County shall not be obligated to construct or maintain any improvements or areas located underneath the Easement Area, which construction and maintenance shall be solely the responsibility of the developer.

The Easement also shall state, among other things, that:

1) the developer may have the right to locate and maintain an underground parking garage and underground or surface utilities, as shown on the approved plans, in the Easement Area;

2) at the time the County Manager requests the Easement, the developer may locate outdoor seating, landscaping, surface parking, and a retaining wall (“Facilities”) in the Easement Area, provided that such Facilities are approved, in writing, by the County Manager as to location and design as being consistent with the site plan approval and the County’s plans for construction of any road and streetscape improvements in the Easement Area;

3) alternatively, at the time the County Manager requests the Easement, and upon further written notice from the County Manager to the developer: a) all or a portion of the Facilities, or any other improvements or elements set forth on the site plan, located in the Easement Area may be removed by the County, at no cost to the developer; and b) the County, at its own expense, may construct a street through the entire length of the Easement Area.

4) the developer shall have the right to access loading dock and parking facilities set forth on the site plan through the Easement Area; and

5) the developer shall be responsible, at its sole cost and expense, for the continued care, cleaning, maintenance, repair, replacement and installation of all Facilities and other improvements within the Easement Area, and for the Easement Area itself, including, but not limited to snow and ice removal, and all landscaping, outdoor seating, concrete, bricks, masonry, stone work, lighting, trash receptacles, steps and bicycle racks.

The developer agrees that the Easement shall provide, among other things, that the grantor shall indemnify and hold harmless the County Board, its elected and appointed officials, employees and agents from all liability, claims, damages, costs and expenses of whatever nature concerning or arising out of the construction, maintenance, repair, replacement, removal and regulation of the Easement Area, and the Facilities and other improvements therein, by the developer and use thereof by the public at large and the developer or grantor. Provided that such liability, claims or damages are not caused in

whole or in part by the developer, such indemnity shall not apply to any construction or removal work completed by or on behalf of the County in accordance with subsection 3 above.

The developer agrees that the Easement shall include the consent of any lender for the project that is the subject of the site plan, the subordination of any lien of a mortgage or deed of trust and the consent of all parties and entities having any property interest, with priority in any portion of the Easement Area. The developer agrees that the Easement shall be granted by deed, in form and substance acceptable to the County Manager and the County Attorney, and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County, Virginia.

In the event that the County Manager requests the Easement from the developer and provides written notice that the County intends to alter or remove any Facilities, improvements or elements set forth on the site plan in the Easement Area, the developer may apply for, and the Zoning Administrator may approve (if consistent with the purpose and the intent of this site plan approval), an administrative change to the site plan, reflecting such alterations or removals in the Easement Area by the County.

Prior to issuance of the first Certificate of Occupancy allowing tenant occupancy in the buildings (including retail tenants), the developer shall execute, and deliver to the County Manager, a Notice and Acknowledgment of Site Plan Conditions, in recordable form, prepared by and acceptable to the County Manager, as to content, and the County Attorney, as to form, evidencing the existence of this Site Plan Condition and giving public record notice of the binding obligation of the developer, owner, applicant and all successors and assigns in title and interest, to grant to the County Board, upon receipt of the written notice, of the Easement. The obligation of the developer, owner, applicant and all successors and assigns in title and interest to convey such Easement shall be enforceable by the County in the Circuit Court of Arlington County, Virginia. Such Notice and Acknowledgment shall be recorded in the Arlington County Land Records and indexed in the name of the developer and property owner(s) as Grantors and Grantees.

In addition to the requirements set forth above, before issuance of the first Certificate of Occupancy allowing tenant (including retail tenants) occupancy in the buildings, the developer agrees to construct all of the Facilities and other improvements in the Easement Area as shown on the Plan and to landscape the Easement Area as shown on the Plan. The final location of the Easement Area may change with the preparation of the final building plans. Final landscape design and installation shall be approved by the County Manager as part of the final site development and landscape plan.

#### **Sidewalk Easement**

85. The developer agrees to grant, before issuance of the first Certificate of Occupancy which allows tenants (including retail tenants) to occupy any portion of any building which is

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authorized by this site plan, a permanent surface sidewalk easement for sidewalk and public access purposes (“Sidewalk Easement”), including the terms and conditions set forth herein, to the County Board of Arlington County for the benefit of the County and the public at large, for use of, at all times, except as necessary for the developer to perform sidewalk maintenance and repairs, the area (“Easement Area”) labeled “Public Sidewalk Easement 5,287 SF±” depicted upon on the plan prepared by Bowman Consulting Group, Ltd., dated January 15, 2008, and entitled “Proposed Easements Exhibit, 2201 N. Pershing Drive, Arlington County, Virginia” (“Plan”).

Before issuance of the first Certificate of Occupancy allowing tenants (including retail tenants) to occupy any portion of any building which is authorized by the site plan, the developer agrees to construct all of the Facilities, as defined herein, and improvements in the Easement Area as shown on the Plan, and to landscape the Easement Area as shown on the Plan. Before the completion of the final building plans, the final location of the Easement Area may change, provided that such changed location is acceptable to the County Manager as evidenced by the written approval of the final plans by the County Manager, or his designee. Final landscape design and installation also shall be subject to written approval by the County Manager as part of the final site development and landscape plan.

The Sidewalk Easement shall authorize and permit, but shall neither obligate nor require, the County to construct the Easement Area or any Facilities, as defined herein, or improvements located thereon, including, but not limited to sidewalks, which construction thereof shall be the responsibility of the developer.

The Sidewalk Easement, shall state, among other things, that:

1) the developer shall be permitted to locate outdoor seating, landscaping, street lights, potted plants, fencing, trash receptacles, bicycle racks, surface parking, and a retaining wall as shown on the Plan (“Facilities”) in the Easement Area, provided that such Facilities are permitted by the applicable County laws, ordinances and regulations and further provided that such Facilities are approved, in writing, by the County Manager as to location and design as consistent with the final building and landscape plans for the site plan, and further provided that such Facilities are permitted under the applicable site plan conditions, and all applicable County laws, ordinances and regulations. The developer may construct a parking garage, utilities and related facilities below the surface of the Sidewalk Easement, it being agreed that the Sidewalk Easement shall be an easement over the surface of the land only;

2) the developer shall have the right, and may permit others, to enter the Easement Area to access loading dock and parking facilities set forth on the site plan;

3) the developer shall be responsible, at its sole cost and expense, for the continued care, cleaning, maintenance, repair, replacement, removal and installation of

the underground parking garage, utilities and related facilities below the surface of the Sidewalk Easement, the Easement Area, and all Facilities contained in and under the Easement Area, and all other improvements, including, but not limited to, all concrete, bricks, masonry, stone work, lighting, trash receptacles, steps, fencing and bicycle racks. The developer also shall be responsible for all snow and ice removal in the Easement Area; and

4) upon the written notice from the County Manager to the developer: a) all or a portion of the Facilities, or of any other improvements set forth on and authorized by the approved site plan or approved final building plans, located in the Easement Area, may be removed by the County, at no cost to the developer; and/or b) the County, at its own expense, may construct the sidewalk for the entire length of the Easement Area. Developer agrees that the County may dispose of Facilities and any other improvements as the County deems appropriate, in its sole discretion, without any cost to the developer.

The developer agrees that the Sidewalk Easement also shall provide, among other things, that the grantor shall indemnify and hold harmless the County Board, its elected and appointed officials, employees and agents from all liability, claims, damages, costs and expenses, of whatever nature, concerning or arising out of the construction, maintenance, repair, replacement and removal of Facilities in the Easement Area, and regulation of the Easement Area by the developer, and use of the Easement Area by the general public and the developer or grantor. Provided that such liability, claims or damages are not caused in whole or in part by the developer, such indemnity shall not apply to any construction or removal work completed by, or on behalf of the County in accordance with subsection 4 above.

The developer agrees that the Sidewalk Easement also shall include the consent of any lender with a legal interest in the Sidewalk Easement portion of the Property which is the subject of the site plan, the subordination of any lien of a mortgage or deed of trust and the consent of all parties and entities having any property interest, with priority in any portion of the Easement Area. The developer agrees that the Easement shall be granted by deed, in form and substance acceptable to the County Manager and the County Attorney, as consistent with this approval and the protection of the County and the public's rights, and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County, Virginia.

In the event that the County Manager provides written notice to the developer that the County intends to alter or remove any Facilities, or any improvements in the Easement Area set forth on the site plan, the developer may apply for, and the Zoning Administrator may approve, an administrative change to the site plan, reflecting such alterations or removals in the Easement Area by the County in a manner that is consistent with the purpose and intent of this site plan approval.

86. The developer agrees to develop and implement a plan for the salvage and recycling of building elements and materials from the existing building(s) proposed to be demolished. One month prior to demolition, 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 all costs of such salvage using a recycling firm or other licensed contractor.

## CONDITIONS FOR U-3173-07-1:

1. The developer (as used herein, the term developer includes the owner, the applicant and their agents, employees, and all successors and assigns) agrees to comply with the plans dated January 15, 2008, and reviewed and approved by the County Board at the County Board meeting of January 26, 2008, together with any modifications proposed by the developer and accepted by the County Board or vice versa. This Unified Residential Development Use Permit approval expires three (3) years after the date of County Board approval if the owner has not obtained a building permit for construction of the first new dwelling in the approved plan and commenced construction under that building permit. Extension of this approval shall be at the sole discretion of the County Board. The developer agrees that this discretion shall include a review of this Unified Residential Development Use Permit and its conditions for their compliance with County policies for land use, zoning, and special exception uses current at that time.
2. The developer agrees to comply with the following before issuance of a final building permit for the new dwellings and to remain in compliance with these conditions until the 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. The developer agrees to provide the name and telephone number of this individual, in writing, to the Zoning Administrator and to post that information at the entrance of the project.
  - b. 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 or to enter the construction site are free of mud, trash, and debris.
  - c. Throughout construction of the project, the developer agrees that construction work shall be in accordance with the Arlington County Noise Ordinance (Section 15 of the Arlington County Code). The developer agrees that any construction activity which produces noise levels which exceed the noise levels established in Table I of the Arlington County Noise Ordinance shall be permitted only during the daytime. Daytime is defined as between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and from 10:00 a.m. to 7:00 p.m. on Saturdays and legal holidays.
3. The developer agrees to submit to and obtain approval of final site development/engineering plans from the County Manager or designee for consistency with this approval, any applicable statutes and ordinances, and County guidelines and policies. The final site development/engineering plan shall include the proposed location of water mains and service lines, storm and sanitary sewers, proposed underground utility services to the buildings, the trees to be preserved and new proposed trees on site. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. No Building Permit shall be issued for this site until final site development/engineering plans

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and the sequence of construction has been approved by the County Manager or designee. The developer further agrees that the approved final site development/engineering plans will govern all construction on the property.

4. The developer agrees to provide an enhanced bus shelter and bus stop nub along N. Barton St., on the northbound side of the road, north of the intersection of Pershing. Bus stop improvements include a nub as shown on the final engineering plan, to include an accessible connection to streets, sidewalks or pedestrian paths, bus shelter, bench, provisions for lighting the shelter (should the location be deemed appropriate for solar power than the developer may provide power by either conduit or solar technology), bus pole, and trashcan/recycling receptacle, to meet Arlington County guidelines and standards, and that will be fully compliant with ADA requirements. The developer agrees to submit for review and approval of the County Manager for the design of the bus stop as consistent with current standards prior to issuance of the first certificate of occupancy.

The developer agrees to install a 4-foot wide sidewalk along N. Barton St. connecting the existing sidewalks to the north and south, in addition to providing a 4-foot wide paved area at the front of the bus stop as shown on the final engineering plan and as approved by the County Manager.

The developer agrees to remove the existing driveway aprons along North Barton Street and within the site and reconstruct the curb and gutter as shown on the final engineering plan as approved by the County Manager.

5. The developer agrees to complete construction of a driveway apron to provide access to the garages in the rear yards of the two single family homes from the alley to be installed on the adjacent property (2201 N Pershing Drive, SP #406) as shown on the final engineering plan approved by the County Manager prior to issuance of the certificate of occupancy for the first house.
6. The developer agrees to install address indicator signs, 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 engineering plan, prior to issuance of a Certificate of Occupancy for the house on which the address sign is located.
7. The developer agrees that, except as otherwise specifically provided in these conditions, all required easements and right-of-way agreements shall be submitted to the County Manager or designee for approval and that approved easements and agreements will be recorded by the developer before the issuance of a Final Building Permit for the new houses.
8. The developer agrees that all landscaping on the site shall be established and maintained in accordance with the concept Landscape Plan approved by the County Board on

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January 26, 2008, and these conditions. The developer further agrees that all landscaping called for in the conceptual landscape plan for any lot shall be installed for the specific lot before the issuance of a certificate of occupancy for any structure on that lot unless another timing arrangement is approved by the Zoning Administrator because of the impractical or impossible nature of such timing. Furthermore, the applicant agrees to obtain the County Manager's or his designee's approval of a final landscape plan, consistent with the Conceptual Landscape Plan, the final site development/engineering plan, and with this use permit approval prior to the issuance of a building permit. Upon approval, the final landscape plan shall govern construction of the site.

The final site development and landscape plan shall include the following details, if applicable:

The location and dimensions of utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, stormwater detention facilities, the location of all existing and proposed utility lines and of all easements.

The location, dimensions, and materials for driveways, driveway aprons, parking areas, interior walkways and sidewalks.

Topography at two (2) foot intervals and the finished first floor elevation of all structures.

Planting strip along N. Barton Street.

9. Landscaping shall conform to Department of Environmental Services (Transportation Planning) Standards and Specifications and to the following requirements:
  - a. New planting materials shall be of good nursery stock and a nursery guarantee shall be provided by the developer for two (2) years including the replacement and maintenance (to include but not be limited to pruning, feeding, spraying, mulching, weeding and watering) of all landscape materials following the issuance of the final certificate of occupancy for each individual lot.
  - b. New plant materials and landscaping shall meet the American Standard for Nursery Stock Z60.1-73, and shall also meet the following standards:
    - (1) Major deciduous trees, including street trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) - a height of 12 to 18 feet with a minimum caliper of 4 to 4 1/2 inches.
    - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.) - a minimum height of 8 to 10 feet.

- (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.) - a height of 10 to 14 feet with a minimum caliper of 1 1/2 to 2 inches.
  - (4) Shrubs - a minimum spread of 18 to 24 inches.
  - (5) Groundcover - in 2" pots.
- c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager or his designee, based on accepted landscaping standards, 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 for trees and tall shrubs and three (3) feet for other shrubs.
  - f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began, or otherwise approved by the County Manager or his designee.
  - g. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process.
  - h. The developer agrees to show on the landscape plan the locations and sizes of the proposed decks/patios. The developer agrees that the unenclosed decks/patios shall only be added to the units in locations shown on the Site and Grading Plan. Minor modifications (less than 200 square feet in area) to the design of the buildings, decks, patios and lot layout may be approved by the County Manager or his designee. Any addition shall not encroach into the Tree Preservation Areas.
  - i. The developer agrees that fences along the interior property lines of this Unified Residential Development shall be no greater than six (6) feet in height. The developer further agrees that any fences along the exterior property lines of this Unified Residential Development are subject to Section 32, 3-e of the Arlington County Zoning Ordinance.
  - j. The developer agrees that decks and patios may only be added to the units in locations shown on the plans dated January 15, 2008. The proposed decks and

patios shall be open and shall not be enclosed or built over, with the exception that trellis or similar open air architectural elements may be used.

10. 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.

**11. Tree Protection and Replacement**

- a. The developer agrees to complete a tree survey, which shows existing conditions of the site and locates and identifies all trees which are four (4) inches in diameter or greater. The survey shall include any tree on adjacent sites whose dripline extends onto the subject site.
- b. The developer agrees to file and implement a tree protection plan which will designate any trees proposed to be saved by the developer. Trees designated to be saved on the tree protection plan, or those specified to be saved by the approved site plan and shown on any filing in connection with this case, will be protected. This plan shall include any tree on adjacent sites whose dripline extends onto the subject site. The tree protection plan shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in tree protection techniques on urban sites and shall be submitted and approved, and found by the County Manager to meet the requirements of this site plan, before the issuance of the Clearing, Grading and Demolition Permit.
- c. Upon approval of the tree protection plan the developer agrees to submit to the Department of Parks, Recreation, and Cultural Resources (DPRCR) a performance bond estimate for the trees to be saved. Upon approval of the performance bond estimate by the DPRCR, the developer agrees to submit to the DPRCR a performance bond, in the approved amount of the estimate, and the approved tree protection plan, which bond shall be executed by the developer in favor of the County before the issuance of the Final Building Permit. Prior to the release of the public improvement bond, the developer agrees to submit to the DPRCR as-built drawings showing the location of all saved trees.
- d. The Developer agrees that any tree proposed to be saved on the tree protection plan or other filing shall be saved. At a minimum, this plan shall include:
  - (1) A site grading plan at two (2) foot intervals, including the location of all proposed improvements and utilities.

- (2) Detailed specifications for any tree walls or wells proposed.
  - (3) A description of how and where building materials and equipment will be stored during construction to ensure that no compaction occurs within the critical root zone of the trees to be saved.
  - (4) Identification of tree protection measures and delineation of placement of tree protection.
  - (5) Any tree required to be saved pursuant to this condition, which dies (any tree which is 30% or more dead as determined by the County's Urban Forester shall be considered to have died) prior to, or within ten (10) years of, the issuance of the Master Certificate of Occupancy shall be removed and replaced by the developer at his expense with the number of major deciduous and evergreen trees consistent with the Tree Replacement Guidelines and which meet the minimum size and other requirements of Condition #9 above provided, however, that replacement as specified in this subparagraph (3.b.5) does not relieve the developer of any violation resulting from the failure to save identified trees.
- 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 #9a above and shall be installed on the project site or on County-owned land, determined by the County Manager. The developer agrees to submit and obtain approval of this plan by the County Manager as part of the final site development and landscape plan.
12. The developer agrees that all permanent utility services serving the new building on the site shall be located below ground, unless this would result in the erection of another utility pole on or near the site. Any utility improvements necessary to provide adequate utility services to this development shall be paid for by the developer and shall not result in the installation of any new utility poles.
  13. The developer agrees that all engineering design plans and subsequent construction shall be in accordance with the latest edition of the Arlington County Department of Environmental Services (Transportation Planning) Construction Standards and

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Specifications. The developer agrees that all sanitary sewers and water mains, including water services, shall have a minimum of ten (10) feet horizontal clearance from each other and five (5) feet from all other utilities, and shall have a minimum of 10 feet horizontal clearance from buildings and other structures unless otherwise approved by the County Manager or his designee. Water mains 16 inches and larger, and mains placed more than 10 feet below the surface shall have a minimum of 15 feet horizontal clearance from buildings and other structures; and sanitary sewers 15 inches and larger, or sewers placed more than 10 feet below the surface shall have 15 feet minimum clearance from buildings and other structures. All water mains and sanitary sewers shall meet County Standard design criteria and shall be shown on the final engineering plan and approved by the County Manager or his designee.

14. All Port-a-Johns shall be located on the interior of the site away from the public streets for the term of construction on the site. The developer agrees to contact the Department of Environmental Services (Transportation Planning) to obtain any necessary Construction Equipment permits.
15. The developer agrees that at the time of any transfer of the property or any part of the property, the purchaser shall be provided with a copy of the conditions of the use permit as well as with information clearly stating that all owners of property on the site and their successors and assigns are bound to the terms and conditions of this use permit.
16. The developer agrees that the trees designated on the landscape plan as TBS may not be removed except to replace them with a tree of greater caliper size or maturity or as may be required either to (i) prune, trim and maintain these designated trees, or to (ii) remove them because of a determination that they are diseased or otherwise a safety concern or threaten to defeat the purpose of preserving the subject area. The final location of replacement trees is to be reviewed and approved by the County Arborist.
17. The developer agrees to comply with all federal, state and local laws and regulations not modified by the County Board's action on this URD and to obtain all necessary permits. In addition, the developer agrees to comply with all of the agreed-upon conditions approved by the County Board as a part of this use permit approval. The developer agrees the County has the authority to take actions to include issuance of a stop work order when the developer is not in full compliance with any of the agreed-upon conditions. Further, temporary Certificates of Occupancy will not be issued without approval by the Zoning Administrator.
18. The developer agrees to register the project with Arlington's Green Home Choice program and will incorporate at least 175 credits in the project in order to receive Green Home Choice certification upon project completion (at least 75 points must be in the Energy Efficient Building Envelope and Systems category). The developer agrees to request and complete two Green Home Choice inspections through the Inspections Services Division: the first inspection will occur prior to dry wall installation and the

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second inspection will occur at project completion. As required by the Green Home Choice program, a final report documenting compliance will be submitted to the Green Home Choice program coordinator for review and approval prior to issuance of the first Certificate of Occupancy for any unit.

PREVIOUS COUNTY BOARD ACTIONS:

August 12, 1961	On this GLUP map, the site is shown as “Neighborhood Shopping” Commercial and “High Medium (Multi-Family)” Residential (14-39 dwelling units per gross acre).
January 15, 1964	There were no changes from the previous GLUP map.
January 1, 1966	There were no changes from the previous GLUP map.
April 22, 1975	On this GLUP map, the site is shown as “Service Commercial” (“Personal and business services. Generally one to three stories, maximum 1.0 FAR”) and “Low-Medium” Residential (16-30 units per acre).
March 24, 1979	There were no changes from the previous GLUP map.
December 41, 1983	There were no changes from the previous GLUP map.
January 7, 1984	Renewed U-2355-83-1, 2211 N. Pershing Dr. with a review in three (3) years.
June 6, 1987	On this GLUP map, the site is shown as “Service Commercial” (“Personal and business services. Generally one to four stories. Maximum 1.5 FAR”) and “Low-Medium” Residential (16-36 units per acre).
October 9, 1988	Renewed U-2355-83-1, 2211 N. Pershing Dr. with a review in three (3) years.
June 30, 1990	There were no changes on this GLUP map.
January 8, 1994	Deferred review of U-2355-83-1, 2211 N. Pershing Dr. (Royal Lee Delicatessen) to February 5, 1994.

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February 5, 1994	Renewed U-2355-83-1, 2211 N. Pershing Dr. (Royal Lee Delicatessen) with a review in three (3) years.
February 2, 1997	Renewed U-2355-83-1, 2211 N. Pershing Dr. (Royal Lee Delicatessen) with an administrative review in five (5) years.
April 27, 2004	On this GLUP map, the site is shown as “Service Commercial” (“Personal and business services. Generally one to four stories. Maximum 1.5 FAR with special provisions within the Columbia Pike Special Revitalization District”) and “Low-Medium” Residential (16-36 units per acre).
July 7, 2007	County Board authorized advertisement of a General Land Use Plan amendment from “Service Commercial” (Personal and business services. Generally one to four stories. Maximum 1.5 FAR with special provisions within the Columbia Pike Special Revitalization District.) and “Low-Medium” Residential (16-36 units/acre) to “Low” Office-Apartment-Hotel (Office Density up to 1.5 FAR, Apartment Density up to 72 units/acre and Hotel Density up to 110 units/acre).
October 13, 2007	Deferred SP#406, GP-311-07-1, Z-2535-07-1, U-3173-07-1, and Vacations to vacate two (2) easements to the November 13, 2007, County Board meeting.
November 13, 2007	Deferred SP#406, GP-311-07-1, Z-2535-07-1, U-3173-07-1, and Vacations to vacate two (2) easements to the December 15, 2007, County Board meeting.
December 15, 2007	Deferred SP#406, GP-311-07-1, Z-2535-07-1, U-3173-07-1, and Vacations to vacate two (2) easements to the January 26, 2008, County Board meeting.

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## GENERAL LAND USE PLAN RESOLUTION

WHEREAS, the County Board of Arlington County has been presented with proposed amendments of the General Land Use Plan (“GLUP”), a part of the County’s Comprehensive Plan, to designate the property bounded by the southern edge of Sheffield Court Apartments to the north, Pershing Drive to the south, the eastern edge of the right-of-way along Arlington Boulevard to the east and approximately 120 feet east of the right-of-way along North Barton Street to the west as “Low” Office-Apartment-Hotel (Office Density up to 1.5 FAR, Apartment Density up to 72 units/acre and Hotel Density up to 110 units/acre); and

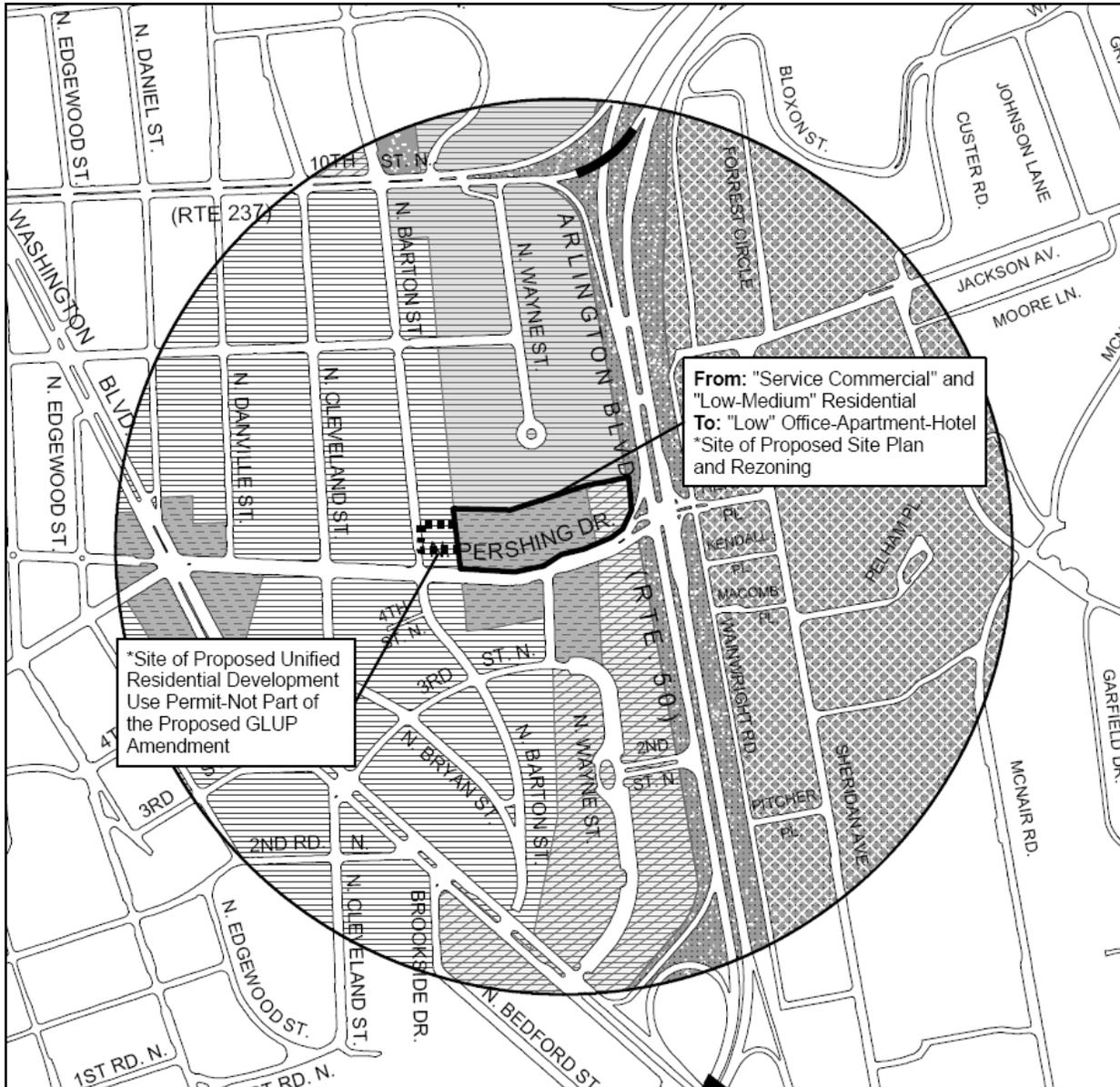
WHEREAS, the County Manager has recommended that the proposed amendments be approved; and

WHEREAS, after a duly-advertised public hearing, the Planning Commission has recommended that the proposed amendments be denied; and

WHEREAS, the County Board of Arlington County has considered the foregoing recommendation and the purposes of the GLUP and the Comprehensive Plan as set forth in these documents, the Arlington County Zoning Ordinance and the Code of Virginia; and

WHEREAS, the County Board of Arlington County held a duly advertised public hearing on the proposed amendment to the GLUP on January 26, 2008.

NOW, THEREFORE, be it resolved that, based on the aforementioned considerations, deliberations and all public comments, the County Board of Arlington County finds that the proposed amendments to the GLUP should be, and hereby are, approved.



**Recommendation: Approve  
General Land Use Plan Amendment**

**GP-311-07-1**



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## REZONING RESOLUTION

WHEREAS, the County Board of Arlington County (“County Board”) finds that Arlington Pershing, LLC, has requested a rezoning of properties located at 2201, 2207 N. Pershing Dr., 2151 Arlington Boulevard, which are identified in the County Record as RPC #18-038-019, -020, -023, from “C-1” Local Commercial Districts to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts; and

WHEREAS, on January 14, 2008, the Planning Commission recommended that a rezoning to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts be denied; and

WHEREAS, the County Manager has recommended that a rezoning from “C-1” Local Commercial Districts to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts be approved as it is consistent with the General Land Use Plan; and

WHEREAS, the County Board finds that the proposed rezoning to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts is consistent with the General Land Use Plan; and

WHEREAS, the County Board finds that the proposed rezoning to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts is required by public necessity, convenience, general welfare, and good zoning practice; and

WHEREAS, the County Board held a duly advertised public hearing on the proposed rezoning on January 26, 2008.

NOW THEREFORE, be it resolved that, based on the aforementioned considerations, deliberations and all public comments, the County Board of Arlington does find that the proposed rezoning **FROM** “C-1” Local Commercial Districts **TO** “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts, for the properties located at 2201, 2207 N. Pershing Dr., 2151 Arlington Boulevard which are identified in the County Record as RPC # 18-038-019, -020, -023, should be, and is thereby, approved.



**Z-2535-07-1 REZONING**  
**Recommendation: APPROVE**

**2201, 2207 N. Pershing Dr., 2151 Arlington Blvd.**  
**(RPC #18-038-019, -020, -023)**

Note: These maps are for property location assistance only.  
 They may not represent the latest survey and other information.



Not To Scale

