



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of June 17, 2008**

DATE: June 9, 2008

- SUBJECTS:**
- A. GP-315-08-1 General Land Use Plan Amendment to designate a “Special Affordable Housing Protection District” and add Note 13 for the property generally bounded by Clarendon Boulevard to the north, 16th Road North to the south, North Oak Street to the east and North Ode Street to the west, with the exception of the parcels located in the southwest and southeast corners of the block (1509, 1521, and 1523 16th Road North; 1524, 1520, 1516, 1512, and 1508 Clarendon Boulevard; and 1628 North Oak Street).

 - B. SP #412 SITE PLAN: JBG/Rosslyn Commons, LLC; construct approx 435 apartment dwelling units, approx 27 townhouses, modifications of use regulations for density, height, parking, exclusion from density of mechanical room, exclusion of retail GFA from density calculation; 1509, 1521, 1523 16th Rd.; 1508, 1512, 1516, 1520, 1524 Clarendon Blvd., 1628 N. Oak St., (RPC #17-005-002, -003, -004, -006, -007, -008, -009, -010, -011).

Applicant:

JBG/Rosslyn Commons, LLC

By:

John G. Milliken, Agent
Venable LLP
8010 Towers Crescent Drive, Suite 300
Vienna, Virginia 22182

C.M. RECOMMENDATIONS:

1. Adopt the attached General Land Use Plan amendment resolution to designate a “Special Affordable Housing Protection District” and add Note 13 for the subject property.

County Manager: _____

County Attorney: _____

Staff: Samia Byrd, DCPHD, Planning Division
Margaret Rhodes, DCPHD, Planning Division
Dolores Kinney, DES, Division of Transportation
Betts Abel, DCPHD, Housing Division

PLA-4981

2. Approve the site plan request to construct approximately 454 apartment dwelling units, approximately 25 townhouses, modifications of use regulations for density, height, parking, exclusion from density of mechanical closets, trash and loading, storage and air shafts, and exclusion of retail GFA from density calculation subject to conditions.

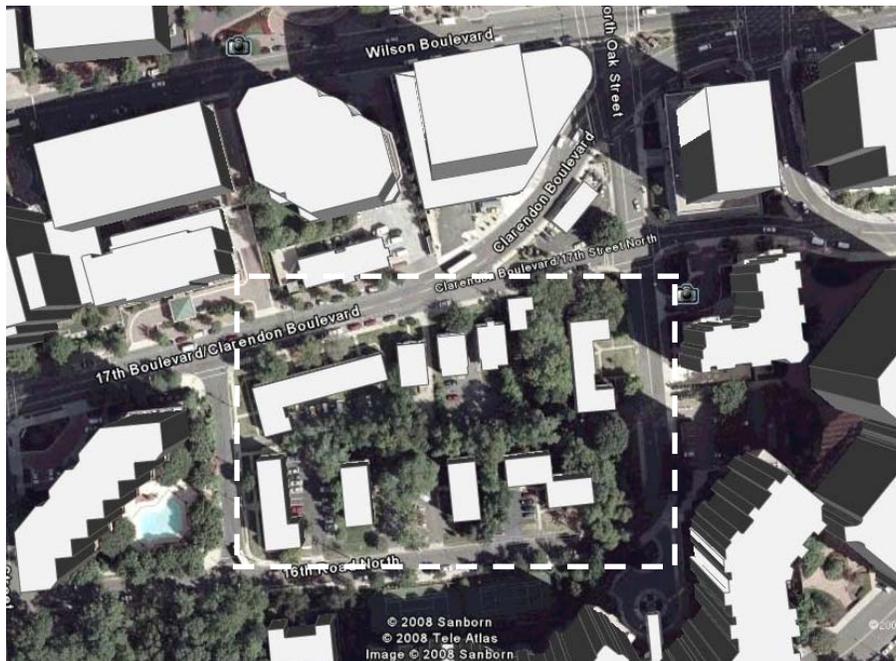
ISSUES: The Rosslyn Commons site plan proposes the redevelopment of a site currently developed with several garden-style apartment buildings containing market rate affordable housing units, with higher density residential uses and ground floor retail. The site meets the criteria for designation as a Special Affordable Housing Protection District. In addition, the site plan proposes retail consistent with the March 2008 Zoning Ordinance amendment approved for the “RA-4.8” zoning district. This retail GFA is proposed to be excluded from density. The site plan proposal is consistent with the General Land Use Plan designation and the Zoning Ordinance, requesting neither a GLUP Amendment nor Rezoning. The proposal also meets the requirements for redevelopment of the site set forth in the *Rosslyn Station Area Plan Addendum* and the *Rosslyn-Ballston Corridor Retail Action Plan*. There are no issues with the proposed site plan.

SUMMARY: Located on a prominent site in Rosslyn that fronts on Clarendon Boulevard, approximately 900 feet from the Metro Station, the Rosslyn Commons site plan proposes 450,425 square feet of residential gross floor area in two apartment buildings, 12,635 square feet of ground floor retail, and 25 townhouse units configured around 31,913 square feet of open space. The site plan proposes 25% bonus density to provide for the replacement of 84 existing market rate affordable dwelling units on site at the rate of one-for-one replacement of bedrooms. In addition, the two proposed apartment buildings would be certified by the US Green Building Council as LEED-NC. The proposal retains the existing “High-Medium” Residential General Land Use Plan designation and “RA-4.8” Zoning. The proposed site plan is consistent with the *Rosslyn Station Area Plan Addendum* and other policies and plans regulating development for the site. This includes the provision of street level retail as indicated in the *Rosslyn-Ballston Corridor Retail Action Plan*, and the recent amendment to the “RA-4.8” Zoning District. The proposed development program meets the County’s plans, policies, goals and objectives for design, development in Metro station areas, affordable housing, sustainable design and LEED, as well as retail. Therefore, staff recommends that the General Land Use Plan be amended to designate this site a Special Affordable Housing Protection District, with the addition of Note 13 for the subject property, and that the site plan be approved subject to conditions of the staff report.

BACKGROUND: A special exception site plan proposes to demolish garden-style apartment buildings in Rosslyn in order to construct higher density residential development. This redevelopment would include two apartment buildings with 454 dwelling units and ground floor retail, and 25 townhouses. Neither a rezoning nor a General Land Use Plan (GLUP) amendment is requested with this site plan proposal. The site, which is described below, is proposed for designation as a Special Affordable Housing Protection District.

Site: As identified in the *Rosslyn Station Area Plan Addendum*, the 121,062 sq ft site (2.78 acres) is the largest remaining redevelopment site in Rosslyn. With its prominent location fronting on Clarendon Boulevard, the site plays a key role in signifying the western entry to Rosslyn heading east to the core and transitioning from lower density office and residential uses. The site's boundaries and adjacent uses are as follows:

- To the north: Clarendon Boulevard and 17th Road North. (10-story Marriott Courtyard Hotel, a two-story residential building with a 10-story office/retail building behind, and a 16-story office/retail building. Across 17th Street North is a one-story retail building, occupied by Starbucks)
- To the west: N. Ode Street. (14-story Oakwood Apartment building)
- To the east: N. Oak Street. (12-story Residence Inn Hotel)
- To the south: 16th Road North. (18-story Belvedere Condominiums and a 3-story apartment building)



The block on which the site is located contains two out-parcels that are not proposed for redevelopment with this site plan. They include a parcel on the southwest corner of the block on which is located a 43-year old, by-right, three-story apartment building referred to as the Swanson Apartment Building, as well as a parcel located on the southeast corner of the block on which is located an open space area owned by the Belvedere Condominiums and part of SP #112.

Zoning: “RA-4.8” Multiple-Family Dwelling Districts.

Land Use: High-Medium Residential (3.24 FAR).

Neighborhood: Radnor-Ft. Myer Heights Civic Association and Rosslyn Renaissance; In the vicinity of the North Rosslyn Civic Association.

Existing Development: The site is currently developed with nine, two and three-story apartment buildings comprised of 84 market rate affordable dwelling units. The existing buildings are indicated in the draft Arlington County Historic Resources Inventory (HRI). As part of this inventory some of the buildings have in preliminary ranking been identified as “Important” historic resources, while others have been identified as “Notable”.

Development Potential: The following table sets forth the development capacity of the site both by-right and as approved by special exception site plan under the “RA-4.8” Zoning District.

	“RA-4.8” By-Right	“RA-4.8” (By Site Plan)
Permitted Uses	Apartment Houses & Town Houses Two Family Dwellings One Family Dwellings	Multiple family dwellings and associated convenience commercial space
Density <i>Site Area:</i> <i>121,062 sq ft</i>	Apartment Houses & Town Houses (67 Units @ 1,800 sq ft per Unit; 24.19 DU/Ac) Two-Family Dwellings (35 dwellings @ 7,000 sq ft per Lot; 12.44 DU/Ac) One-Family Dwellings (24 Dwellings @ 5,000 sq ft per Lot; 8.71 DU/Ac)	3.24 FAR (392,241 sq ft)
Height	3 ½ Stories or 35 ft (max)	136 ft (max) <i>*Includes penthouses and parapet walls</i>
Parking	Multifamily Dwellings <ul style="list-style-type: none"> • 1.125 per Unit for the first 200 units and 1 space per DU, thereafter Townhouses <ul style="list-style-type: none"> • 2 spaces per DU + .2 space per DU for visitors One and Two Family Dwellings <ul style="list-style-type: none"> • Fronting Cul-de-Sac <ul style="list-style-type: none"> - 2 spaces per DU • Not Fronting Cul-de-Sac <ul style="list-style-type: none"> - 1 space per DU 	Multiple-Family Dwelling: <ul style="list-style-type: none"> • One (1) off-street space per dwelling unit. • Located below grade and within the structure housing the use to which the parking is appurtenant (unless otherwise approved by site plan)

Proposed Development: A residential development is proposed that would redevelop the site with a 262-unit, 13-story apartment building, a 192-unit, 12-story apartment building, 12,635 square feet of ground floor retail, 25 townhouses, and 31,913 square feet of open space.

The following table sets forth the statistical summary for the proposed site plan:

	Proposal
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SITE AREA	121,062 sf (2.78 ac)
Apartment Buildings	76,279 sf (1.75 ac)
Townhouses	44,783 sf (1.03 ac)
Density¹	
Residential GFA	508,460 sq ft
Residential Density	4.20 FAR
Base Residential GFA	392,241 sq ft
Bonus Residential GFA	116,219 sq ft
Bonus – Affordable Housing (25% of Base)	98,060 sq ft
Bonus – LEED Certification (.15 FAR)	18,159 sq ft
Apt Building 1 GFA (Units)	264,846 sq ft (262 Units)
Apt Building 2 GFA (Units)	185,579 sq ft (192 Units)
Townhouses GFA (Units)	58,035 sq ft (25 Units)
“RA-4.8” Max. Permitted Residential GFA	392,241 sq ft
“RA-4.8” Max. Permitted Density	3.24 FAR
Retail GFA ²	12,635 sq ft
Retail Density	0.1 FAR
“RA-4.8” Max. Permitted Retail GFA	60,531 sq ft
“RA-4.8” Max Permitted Retail Density	0.5 FAR
Building Height	
Average Site Elevation	156.75 ft
Apartment Buildings	
Building 1	
Main Roof Height	128.00 ft
Main Roof Elevation from A.S.E.	284.75 ft
Penthouse Roof Height ³	144.00 ft
Penthouse Roof Elevation from A.S.E.	300.75 ft
Number of stories	13
Building 2	
Main Roof Height	128.08 ft
Main Roof Elevation from A.S.E	284.83 ft
Penthouse Roof Height	138.08 ft
Penthouse Roof Elevation from A.S.E	294.83ft
Number of Stories	12
Townhouses	
Main Roof Height	208.25 – 219.25 ft
Main Roof Elevation from A.S.E.	51.50 – 62.50 ft
Penthouse Roof Height	n/a
Penthouse Roof Elevation from A.S.E.	n/a
Number of stories	4
“RA-4.8” Max. Permitted Height	136 ft⁴

¹ The applicant is requesting 25% bonus density for replacement of affordable housing units on-site and .15 FAR bonus density for LEED Certification.

² The applicant is requesting a modification of use regulation to exclude retail gross floor area from density calculations.

³ The applicant is requesting a modification of use regulation for height for apartment building 1.

⁴ This includes the penthouse and parapet walls

Parking	
Total Vehicle Parking Spaces	464 Spaces
Apartment Buildings	409 Spaces
Standard Spaces (%)	357 (87.2%) Spaces
Compact Spaces (%)	39 (9.5%) Spaces
Handicap Spaces	10 Spaces
Van Accessible Spaces	3 Spaces
Tandem ⁵	14 Spaces
Townhouse Resident Spaces	50
Townhouse Visitor Spaces:	5
Standard Spaces	3
Handicap Spaces	2
Required Parking (Apartment Buildings)	454 Spaces
Required Parking Ratio (Apartment Buildings)	1.0 Spaces per Unit
Proposed Parking Ratio (Apartment Buildings)⁶	0.9 Spaces per Unit
Required Parking (Townhouses)	55
Required Parking Ratio (Townhouses)	2.0 Per Unit + 0.2 Spaces
Total Bicycle Parking Spaces	162 Spaces
Residents	152 Spaces
Guests	10 Spaces
Required Resident Bicycle Parking Spaces	151 Spaces
Required Resident Bicycle Parking Ratio	1 Space per 3 Units
Required Guest Bicycle Parking Spaces	9 Spaces
Required Guest Bicycle Parking Ratio	1 Space per 50 Units
LEED Score	26 Points (Certification)

Approved Plans and Policies: In addition to the General Land Use Plan (GLUP) which designates the site as “High-Medium” Residential and the Zoning Ordinance provisions in “RA-4.8” Multiple Family Dwelling Districts, the following adopted plans and policies further guide the development of the site:

- The *Rosslyn Station Area Plan Addendum* establishes design guidelines specific to the redevelopment of the subject site.
- The subject site is eligible for designation as a *Special Affordable Housing Protection District (SAHP)*, a land use overlay mechanism to require the replacement of existing affordable residential units on sites planned for densities of 3.24 FAR or higher.
- The *Rosslyn-Ballston Corridor Retail Action Plan* provides policy guidance for the development of retail and identifies this block along Clarendon Boulevard, which is the site’s frontage, as a street for secondary commercial retail to include “personal and business” services.

Site Design: The site’s redevelopment is proposed in two phases. Site area attributed to Phase I would include the two apartment buildings and associated open space proposed with frontage

⁵ These tandem spaces are not included in the total amount of spaces provided as they do not count toward the parking requirement.

⁶ The applicant requests a modification of use regulation for a reduced parking ratio at .9 space per dwelling unit for the apartment buildings.

along Clarendon Boulevard. A 13-story, L-shaped building would frame the eastern corner of the block at Clarendon Boulevard/17th Street N. and N. Oak Street, with its greatest height proposed at the corner and along N. Oak Street, stepping down to 11 stories as the building heads west along Clarendon Boulevard. The other apartment building would be an L-shaped, 12-story building heading west on Clarendon and framing the western corner of the block at Clarendon Boulevard and N. Ode Street. A monumental staircase is proposed mid-block between the two apartment buildings that provides access to a 31,913 sq ft open space area. The two apartment buildings sit atop a four-level, below-grade parking garage containing 409 parking spaces with an entrance from N. Oak Street. Adjacent to the parking garage entrance is a proposed loading dock entrance. Another loading dock entrance is proposed to service the western apartment building on N. Ode Street.

The remainder of the site that would be redeveloped as Phase 2 proposes 25, four-story townhouses in two rows separated by a one-way drive aisle accessible from 16th Road North. One row of townhouses fronts on 16th Road North, the other row fronts the proposed open space in the interior of the site. All townhouses propose rear-loaded garages accessed from the drive aisle. Each townhouse accommodates a two-car garage. Five (5) surface parking spaces are provided for visitors.

The apartment building facades would be constructed primarily of tan-brown, reddish brown and pink-brown brick with gray-blue to grey-green metal frames. The design of both buildings' Clarendon Boulevard elevations are purposed to provide significant street activation. As the apartment buildings meet the street, the western apartment building would include an all glass, residential lobby at N. Ode and Clarendon and retail continuing east to the elevator and monumental stair case, with floor to ceiling glass windows. On the other side of the monumental stair case would be additional retail space, and as the building heads east along Clarendon Boulevard embedded townhouse-style facades for six units, with stoops and stairs providing direct access to the sidewalk. The activation of Clarendon Boulevard at the ground level culminates with an all glass retail lobby at the corner of 17th Street North and N. Oak. The monumental stair case would descend to Clarendon Boulevard. Its recessed placement from the curb and between the buildings would allow for outdoor café seating. The townhouse facades are designed to incorporate elements of the architecture of existing buildings on site proposed for demolition. They are treated with brick in neutral tones of tan and brown, with beige trim and a stone base. Townhouses incorporate stoops leading to the sidewalk along 16th Road North and include balconies and terraces.

The 31,913 sq ft open space area is proposed as private open space serving the residents of the multifamily buildings with a public access easement. Located in the site's interior, the open space bisects the site in the east-west direction between N. Oak Street and N. Ode Street. While private open space, the space would be accessible to pedestrians via public sidewalks. A sidewalk traversing east-west through the site from N. Ode Street to the apartment building located on the eastern corner of the site is proposed. A sidewalk providing a mid-block pedestrian connection through the site would be provided with access from the monumental staircase, as well as an elevator proposed on Clarendon Boulevard adjacent to the stairs. The center of the open space area features a courtyard with seating covered by tree canopy. The

walkways extending into and throughout the proposed open space area would be accessible 24 hours a day, seven days a week. (Condition #72)

LEED Scorecard: In conjunction with the proposed site plan, the two apartment buildings would be LEED certified obtaining a minimum of 26 points under the U.S. Green Building Council’s (USGBC) LEED-NC program. The applicant requests, as a modification of use regulation, an additional 0.15 FAR as bonus density for LEED Certification. The LEED Scorecard does not propose any energy optimization credits as the project was registered with the USGBC prior to the implementation of requiring two energy optimization credits. While the County is committed to climate action, given the timing of registration, the USGBC will not require that energy efficiency components be included in the project. The 25 townhouses proposed for this project would comply with the Arlington County Green Home Choice Program obtaining a total of 175 points. (Condition #71)

Transportation: The Master Transportation Plan approved by the County Board in December 2007, classifies the streets that serve as boundaries for the site as follows:

- Clarendon Boulevard – Type B-Primarily Urban Mixed-use Arterial Streets;
- N. Oak – Residential Local Street;
- 16th Road North – Residential Local Street; and
- N. Ode Street – Residential Local Street.

Trip Generation: A Traffic Impact Analysis (TIA) prepared by Wells & Associates in June 2007 and updated March 2008, assessed the impact of the proposed development on the adjacent street system. The analysis estimates that currently there are approximately 17 AM peak hour trips and 17 PM peak hour trips generated from the site. The proposed development would add 106 AM peak hour vehicle-trips and 128 PM peak hour vehicle-trips for a total of 123 AM peak hour vehicle-trips and 145 PM peak hour vehicle-trips. Approximately 47% of the trips generated from the proposed development of the site would be non-auto trips. The table below indicates the 24-hour traffic volumes relevant to the streets that border the site from 2003 to 2006.

24-HOUR TRAFFIC VOLUMES				
Street Names	2003	2004	2005	2006
Clarendon Boulevard	12,366	14,635	N/A	12,400
N. Oak Street	N/A	N/A	N/A	N/A
16th Road North	N/A	N/A	N/A	N/A
N. Ode Street	N/A	N/A	N/A	N/A
N. Pierce Street	2,967	2,805	N/A	N/A

Source: Arlington County Traffic County Database

As shown, information was not available for N. Oak Street, 16th Road North and N. Ode Street. However, information available for Clarendon Boulevard indicates traffic volume increased approximately 18% from 2003 to 2004 and decreased approximately 15% from 2004 to 2006.

In reviewing the Level of Service (LOS) for the street intersections which service the site, it was determined that intersections within the vicinity of the site, but beyond the boundaries of the site, currently operate at LOS “D” or “F”.⁷ These intersections include Clarendon Boulevard/N.

⁷ (LOS describes the operation of intersections as “A” through “F” with “A” as the optimal LOS with minimal to no traffic delays, and “F” as the worst, with the longest delays)

Pierce Street and Wilson Boulevard/N. Lynn Street. The intersection at Wilson Boulevard and N. Lynn Street may remain at the current LOS after redevelopment of the site. But with minor signal timing adjustments, it is anticipated that the LOS will improve at the intersection of Clarendon Boulevard/N. Pierce Street. Based on the review, the intersecting streets adjacent to the site as indicated in the table below, currently operate at an acceptable LOS, and will continue to do so as a result of the proposed development.

LEVEL OF SERVICE (LOS)

Street Intersections	Level of Service			
	Existing		Proposed	
	AM	PM	AM	PM
Clarendon Boulevard/N. Oak Street	B	C	B	C
N. Oak Street/ 17th Street North	A	A	A	A
16th Road North/N. Oak Street	A	A	A	A
N. Ode Street/16th Road North	A	A	A	A
Clarendon Boulevard/N. Pierce Street	B	D	C	C
Wilson Boulevard/N. Lynn Street	E	D	F	E

Source: Rosslyn Commons Traffic Impact Analysis, Wells & Associates, Inc. (March 2008)

Parking: The following table summarizes proposed parking spaces under the site plan.

Apartments		
	Required	Proposed
<u>Vehicle Parking</u>	<u>454</u>	<u>409</u>
<i>Standard</i>		362
<i>Compact</i>		35
<i>Handicap</i>		10
<i>Van Accessible</i>		3
<i>(Tandem)</i>		(17)
Townhouses		
	Required	Proposed
<u>Vehicle Parking</u>	<u>55</u>	<u>55</u>
<i>Residents</i>	50	50
<i>Guests</i>	5	5
<i>(Standard)</i>		(3)
<i>(Handicap including van accessible (1))</i>		(2)
Retail		
	Required	Proposed
<u>Vehicle Parking</u>	<u>13</u>	<u>5</u>
Bicycle Parking		
<u>Bicycle Parking</u>	<u>160</u>	<u>162</u>
<i>Residents</i>	151	152
<i>Guest</i>	9	10

A reduced parking ratio is proposed at 0.9 spaces per unit for the multifamily apartment buildings. In addition, 5,000 square feet of retail GFA would be exempted from retail parking due to the site's proximity to Metro. The applicant proposes to further reduce the required number of retail parking spaces from 13 to five (5) given the proposal to provide convenient as opposed to destination retail, more appropriate for pedestrian as opposed to vehicular traffic. The retail parking spaces would be shared as residential visitor parking spaces. Finally, 17

tandem parking spaces are proposed. These tandem spaces would not count toward meeting the parking requirements.

On-street parking exists near and around the site on Clarendon Boulevard, N. Ode Street and 16th Road North, which accommodates approximately 41 spaces. Twelve (12) additional parking spaces are proposed on 16th Road North and four (4) additional parking spaces on the west side of N. Oak Street as part of the site plan proposal. As a result of the proposed development, the site would gain a net increase of approximately 16 spaces.

Loading Bay and Garage Access: The site plan proposes two (2) loading areas, one for each residential apartment building. Each loading area would include two (2) loading berths. The loading docks for the east tower would be located on N. Oak Street. The loading docks for the west tower would be located on N. Ode Street, approximately 80 feet south of Clarendon Boulevard. The loading docks would allow the multifamily residential building on N. Ode Street to be serviced by trucks no longer than 40-feet, and the multifamily residential building on N. Oak Street to be serviced by trucks no longer than 55-feet for loading, deliveries, or trash removal.

Trash and refuse collection would also be provided for in the loading areas. The height of the doors to the loading docks is proposed at 15-feet, and the internal height would be a minimum of 18-feet. Loading for the townhouses would be accommodated on the private drive aisle, interior to the site.

Streets and Sidewalks: The existing street sections/streetscape applicable to the subject site is indicated below.

Existing Street Section/Streetscape

Street Name	Existing	
Clarendon Boulevard	<u>South Side</u> 5' sidewalk 8' parking lane 16' travel lane	<u>North Side</u> N/A
N. Oak Street	<u>West Side</u> 2.5' & 10' sidewalk 15.5' travel lane	<u>East Side</u> N/A
16th Road North	<u>South Side</u> N/A	<u>North Side</u> 10' sidewalk 8' parking lane 11.5' travel lane
N. Ode Street	<u>West Side</u> N/A	<u>East Side</u> 5' sidewalk 11' travel lane

Pursuant to the *Master Transportation Plan* and the *Rosslyn Station Area Plan Addendum*, the following street sections/streetscape is required for the site.

**Master Transportation Plan & Rosslyn Station Area Plan Addendum:
Street Section/Streetscape Requirements**

Street	Classification	Travel Lanes	Bike Access	Restricted Access Pkg	On-street Parking	Pedestrian Access ⁸
Clarendon Blvd.	Arterial – Commercial & High Density Residential	2 – 4	Bike/Shared Lane	Yes	Yes	14’ sidewalk
N. Oak Street	Commercial & High Density Residential	2	Shared Lane	No	Yes	14’ sidewalk
16 th Road North	Commercial & High Density Residential	2	Shared Lane	No	Yes	14’ sidewalk
N. Ode Street	Residential Neighborhood Connector	2	Shared Lane	No	Yes	6’ sidewalk + 5’ green strip

The applicant proposes the following street sections and streetscape consistent with the requirements of the *Master Transportation Plan* and the *Rosslyn Station Area Plan Addendum* (Condition #21).

Proposed Street Section/Streetscape

Street Name	Proposed	
Clarendon Boulevard	<u>South Side</u> 11’ sidewalk 5’ tree pit 8’ parking lane 5’ bike lane 11’ travel lane	<u>North Side</u> N/A
N. Oak Street	<u>West Side</u> 14’ sidewalk 7’ parking lane 10’ travel lane 5’ tree pit	<u>East Side</u> N/A
16th Road North	<u>South Side</u> N/A	<u>North Side</u> 10’ sidewalk 7’ parking lane 10’ travel lane

⁸ 14-foot sidewalk includes 5’ x 12” tree pit and 8” tree pit banding

Proposed Street Section/Streetscape

Street Name	Proposed	
N. Ode Street	<u>West Side</u> N/A	<u>East Side</u> 8' parking lane 10.5 travel lane

Pedestrian Circulation: The site plan would provide for pedestrian circulation around and through the site. Sidewalks at the perimeter of the site would be contiguous around the property and a mid-block pedestrian connection would accommodate pedestrians walking north and/or south through the site, and provide access to the nearby Rosslyn Metro Station. This pedestrian connection would be accessed from the monumental staircase proposed on the north side of the site at Clarendon Boulevard, as well as from 16th Road North on the south side of the site.

Pedestrian access to the multifamily apartment buildings would be via N. Oak Street for the east building and Clarendon Boulevard for the west building. Pedestrian access to the street is also available for embedded townhouses on Clarendon Boulevard.

Transportation Management Plan (TMP): Under the proposed site plan, a Transportation Demand Management (TDM) Plan would be implemented to encourage reduced single occupancy vehicle (SOV) trips to and from the site. Among other measures, the multifamily residential units and the townhouse units would each have separate annual TDM monetary obligations. The multifamily contribution for each of the apartment buildings would be \$6,500 per year for a period of 30 years. The developer agrees to an annual contribution of \$1,500 per year for the townhouse component for a period of 30 years; \$1,000 of which would be paid by the multifamily buildings; divided equally between the multifamily buildings to defray the cost to the 25 dwelling units. The TDM would incorporate the following strategies and others as detailed in Condition #51:

- Designate a member of the building management team as Property Transportation Coordinator with responsibilities for completing and coordinating TDM Plan obligations.
- Provide transportation related information to residents in each multifamily residential building.
- Provide SmarTrip cards at initial occupancy to multifamily residential building and townhouse lessees and/or purchasers.
- Complete a transportation monitoring study of the site at intervals of two, five and 10 years

Public Transit: The subject site is served by Metro rail and accessible by bus. The site is 900 feet southwest of the Rosslyn Metro Transit Station. In addition, a bus stop for eastbound routes is located on Clarendon Boulevard at the northwest corner of the site and is currently served by the 4B, 4E, and 38B Washington Metropolitan Area Transit Authority (WMATA) Bus routes. The 4B and 4E routes provide service from Rosslyn to Courthouse and Seven Corners. The 38B route provides service from Ballston to Rosslyn and Farragut West. The bus stop for the westbound routes is located on the north side of Wilson Boulevard between N. Oak Street and N.

Pierce Street. The total number of daily eastbound passengers boarding at the bus stop at Clarendon Boulevard/N. Ode Street is 5 and exiting, 22. The total number of daily westbound passengers boarding at the Wilson Boulevard/N. Oak Street is 26 and exiting, 63. The #61 ART Bus, also serves the site. A bus shelter would be constructed as part of the proposed site plan on Clarendon Boulevard at the northwest corner of the site, and would enhance the existing transit stop. Several measures have been incorporated in the TDM to facilitate transit use (Condition #51).

Bicycle Access: Clarendon Boulevard, on which the site has frontage, contains a bike lane which extends west to Ballston and east to Rosslyn. Bicycle parking would be provided with the proposed site plan for both the multifamily apartment buildings and the townhouses. This would include a total of 152 spaces for residents and 10 spaces for guests. In addition, accommodations for bicycles for guests are proposed for the townhouse portion of the site. On-street bicycle parking is proposed on Clarendon Boulevard for retail uses.

DISCUSSION

Land Use and Zoning: Adopted by the County Board in 1992 as an update to the 1977 *Rosslyn Transit Station Area Study*, the *Rosslyn Station Area Plan Addendum* establishes the following design parameters for the site's redevelopment:

- As much of the mass of the project as possible should be located along Clarendon Boulevard away from adjacent residential projects. This would not only mitigate the impacts of the project on nearby housing but should also give Clarendon Boulevard a stronger spatial definition.
- Building heights should be tapered from a high point at the northeast portion of the site towards the south and west. Along Clarendon Boulevard this tapering would enhance the sense of entry and underscore the transition from lower to higher density. Lower heights elsewhere on the site would tend to limit the impacts of new development on existing uses.
- A staggering of the mass of the buildings, use of a decorative architectural style and other techniques are encouraged on this block. This is necessary due to the above normal length of this block and the resulting possibility that a single building out of scale with surrounding development could be constructed.

The site design and layout, and the distribution of density, height and massing proposed respond directly to the redevelopment guidelines provided in the *Rosslyn Station Area Plan Addendum*. The massing of the project is proposed along Clarendon Boulevard in the form of two high-rise apartment buildings. The apartment buildings comprise a total gross floor area of 450,425 square feet which represents approximately 89% of the site's total proposed residential gross floor area at 508,460 square feet. The remaining density would be provided in the form of the 25, four-story townhouses that would front the interior open space area and 16th Road North. The placement of the townhouses on this area of the site respects the significance of this block of

Clarendon Boulevard in establishing its presence as a secondary gateway to Rosslyn from the west. It allows the proposed apartment buildings to serve as the face of the site to Rosslyn. This placement further mitigates impacts of the redevelopment on the surrounding high-rise and hotel uses, having no impact on established uses while providing a necessary transition to the lower density residential uses south and west of the site. This proposed placement of density and height, as well as massing is also what defines the taper south and west from the highest point of the proposed development at the site’s northeast corner. The highest height proposed on the site would be 144 feet at the corner of Clarendon Boulevard/17th Street N., and N. Oak Street. To further enhance this southwest taper, the apartment buildings themselves step down to provide a gradual transition from the northeast corner to the northwest corner of the block along Clarendon Boulevard. Finally, the proposed mid-block pedestrian connection and introduction of the monumental staircase between the two apartment buildings on Clarendon Boulevard provides for an effective means to stagger the massing and break up the length of the block to maintain scale with the surrounding buildings and uses, and to provide pedestrian linkages through the block.

Special Affordable Housing Protection District (SAHPD). The proposed site plan would involve the demolition of several garden-style apartment buildings and the loss of 84, market rate affordable dwelling units as follows:

Address	Units
1631 N. Ode Street (1524, 1528, or 1532 Clarendon Blvd.)	16
1520 Clarendon Boulevard	4
1516 Clarendon Boulevard	4
1512 Clarendon Boulevard	5
1628 N. Oak Street (1632 or 1636 N. Oak)	18
1609 16 th Road N.	8
1511 16 th Road N.	7
1521 16 th Road N.	11
1523 16 th Road N.	11
TOTAL	84

The SAHPD designation was established in 1990 as an overlay district on the GLUP, to require the replacement of existing affordable residential units on sites planned for densities of 3.24 FAR or higher. The site’s “RA-4.8” zoning district classification provides for a maximum permitted density of 3.24 FAR by site plan. As the proposed site plan project would involve the demolition of several garden-style apartment buildings with market rate affordable units and redevelopment at a density of 3.24 FAR or above, staff recommends that the County Board amend the General Land Use Plan (“GLUP”) to designate the site as an SAHPD and add Note 13 for this property to ensure the replacement of the aforementioned affordable units. This designation would complement the requirement in section 36.H.6.j. of the Zoning Ordinance that site plan applications that eliminate existing affordable housing address replacement of such housing in the site plan application. The applicant has no objection to the designation on the GLUP of the SAHPD for the proposed site plan. The replacement strategy for these units under the SAHPD is further detailed in the affordable housing section of this report.

Retail Density and Uses. The *Rosslyn-Ballston Corridor Retail Action Plan* identifies the block

of Clarendon Boulevard which serves as the site’s northern boundary, as “shopping streets principally providing personal and business services.” In addition, the *Rosslyn Station Area Plan Addendum* identifies this block of Clarendon Boulevard as a “secondary commercial street”, where activating the street with retail is “strongly encouraged.” Finally, in March 2008, a zoning ordinance amendment was approved to allow by site plan up to 0.5 FAR of commercial uses at the street level.

A total of 12,635 square feet of ground floor retail is proposed in the apartment buildings along the site’s northern boundary that is Clarendon Boulevard. The opportunity for street level commercial uses as proposed with this site plan would contribute to the mixed-use environment the County strives to create in medium to high density areas near Metro stations. Furthermore, the proposed retail is consistent with Section 16 of the Zoning Ordinance as amended, the *Rosslyn-Ballston Corridor Retail Action Plan*, and the *Rosslyn Station Area Plan Addendum*.

Affordable Housing: To meet the terms of the Special Affordable Housing Protection District designation, 54 affordable units with 92 bedrooms in 62,589 square feet of gross floor area is proposed under the provisions of the Affordable Housing Ordinance and Subsection 36.H.7. of the Zoning Ordinance that permits bonus density for affordable housing.

As indicated in the table below, 84 market-rate affordable apartment units would be demolished with a total of 92 bedrooms. The affordable housing plan proposed for this site plan would replace the demolished units with a total of 54 units and 92 bedrooms.

Unit Size	Existing Units	Existing BR	Proposed Units	Proposed BR
1 BR	76 ⁹	76	22	22
2 BR	8	16	26	52
3 BR	0	0	6	18
TOTAL	84	92	54	92

It has been more than four years since the County Board has considered an SAHPD project. Three (3) most recent SAHPD projects by private developers were approved by the County Board as part of a special exception site plan as follows:

- *Gables/Troy Street (The Palatine)*. The Board approved this site plan with 327 units in February 2004. The project, now nearing completion, replaced 49 units (51 bedrooms) by providing a cash contribution of \$1,472,000. This contribution was used to “purchase” 24 Committed Affordable Units (CAFs) with 42 bedrooms at the nearby Courthouse Crossings apartment complex.
- *The Monroe*. The Board approved this site plan project with 79 units in October 2003. Completed in 2007, the project used bonus density and replaced 17 units (24 bedrooms) with nine (9) affordable units (24 bedrooms).

⁹ Includes efficiency (0 BR) units.

- *WRIT Rosslyn (Bennett Park)*. Approved by the Board in July 2002 with 224 units, this site plan project is nearing completion. The project used bonus density and replaced 14 units (20 bedrooms) with 14 affordable units (23 bedrooms).

Where redevelopment of an SAHPD site is proposed, the higher density is intended to be achieved through on-site preservation or replacement of existing affordable low- and moderate-income housing units either on the site or a similar location off the site as part of the redevelopment proposal. Replacement can be achieved by providing units, bedrooms or GFA equivalent to the units/bedrooms/GFA lost. By replacing the number of bedrooms rather than the number of units, the proposed affordable housing program provides more family-sized units and more GFA than are available in the existing units, which is consistent with the County's Affordable Housing Goals.

Affordable Housing Plan: Rents for the 54 affordable units will be based on income levels up to 60 percent of the Area Median Income (AMI) for an affordability term of 30 years. The table below summarizes the proposed affordable housing plan.

Unit Type	No. of Units	No. of Bedrooms	Month Rent ¹⁰
1 BR	22	22	\$1,107
2 BR	26	52	\$1,329
3 BR	6	18	\$1,535
Total	54	92	

As proposed, the new affordable units would be dispersed throughout the 13-story apartment building located at Clarendon Boulevard and N. Oak Street. The units would be architecturally compatible with the market-rate units. Households living in the affordable units would have the same access to all common areas as households living in market-rate units. At least two of the units in the project that are required to be fully accessible to persons with physical disabilities would be marketed to households with eligible incomes who need such units.

The indicated rents are indexed to 2008 AMI as published by the U.S. Department of Housing and Urban Development (HUD) for the Washington, D.C. Metropolitan Area (MSA). If the HUD Median Income figure increases between the time of project approval and lease-up of the units, the rents would increase but would remain affordable to households at the same income tier. The rents could therefore rise to the maximum allowable rent under the HUD Median Income guidelines (less the utility allowance) for the agreed upon affordability level (i.e., 60% of the AMI). These affordability levels would be secured under the terms of tenants' leases and would be included as a provision in the Committed Affordable Housing Program Agreement between the County and the developer/owner.

Affordable Housing Ordinance: The proposed site plan would achieve the County's replacement objectives by providing on-site affordable units on 1) the base density according to the affordable housing ordinance and through 2) bonus density above 3.24 FAR by providing an amount of GFA for affordable units equivalent to that for the bonus market-rate units. Section

¹⁰ The Monthly Rent includes an estimate for utilities.

36.H.6.J of the Zoning Ordinance states: “*Site plan applications that result in the elimination of existing affordable housing will address replacement of the housing in the process of the County Board’s consideration of the approval of the site plan.*”

Of the 54 proposed affordable units, 12 would be considered as base units under the affordable housing ordinance at 5% of the GFA of the total project above 1.0 FAR. The applicant proposes to provide on-site units instead of a cash contribution, which would amount to \$1,461,000.

Bonus Density: The applicant proposes to add 25% bonus density, or 98,060 sq ft of GFA, to the project, which is equivalent to 97 units at 1,011 sq ft/unit. Subtracting the GFA of the 12 Affordable Housing Ordinance base units from the GFA of the 54 total affordable units proposed results in half of the bonus unit GFA as affordable units and half as market rate units.

Previously approved site plan projects that used bonus density to obtain on-site affordable housing units include the following:

- *The North Tract Lofts (the Aster)*. The Board approved this site plan project with 184 units in July 2005. The project, about to begin construction, used 20% bonus density to provide 31 bonus units, 15 as affordable and 16 at market rate.
- *Wilson-Pollard (the Hawthorn)*. Approved by the Board in April 2004 with 143 units and 25% bonus density, the project was completed in 2007. There are 29 total bonus units, with 11 as affordable and 18 at market rate. The developer also made a Housing Reserve Fund contribution of \$546,100.
- *The Monroe*. The Board approved this site plan project with 79 units in October 2003. Completed in 2007, the project used 25% bonus density. There are 19 total bonus units, with 9 as affordable and 10 at market rate.
- *WRIT Rosslyn (Bennett Park)*. Approved by the Board in July 2002 with 224 units, this site plan project is nearing completion. Using 25% bonus density, the project has 46 total bonus units, with 14 as affordable and 32 at market rate. Ten of the affordable units are being provided at 50% AMI.
- The number of affordable units is generally less than the number of market-rate units because more of the affordable units tend to be larger 2- and 3-bedroom units.
- The eight (8) bonus density projects approved by the Board between December 2001 and April 2004 generally provided one affordable unit for three units at market rate. In the case of SAHPD projects, the projects usually provided one affordable unit for two units at market rate.

The proposal provides 42 affordable units in 49,030 GFA of bonus density and 55 market-rate units in 49,030 GFA of bonus density. There are fewer units in the affordable GFA because more of these units are 2-bedroom apartments and three-bedroom townhouses for families, while more of the market-rate units are one-bedroom units.

Affordable Housing Goals: The proposal meets several of the County Board-adopted Affordable

Housing Goals and Targets as follows:

- **Goal 1**, Target 1A and **Goal 5**, Targets 5A and 5B: 32 of the 54 affordable units would be available to households with children.
- **Goal 3**, Targets 3B and 3D: The project would expand the County's housing supply and would target 50% of the bonus GFA as affordable units.
- **Goal 6**, Target 6A: The affordable rental units would be provided in Neighborhood Service Area (NSA) E (Target is for 60% of new, non-elderly, rental committed affordable housing units to be in NSA's D, E and H).

Historic Preservation: The draft Historic Resources Inventory (HRI) currently being prepared by Historic Preservation Program staff is pertinent to the development of the site. The existing buildings on the site have been preliminarily ranked as "Important" or "Notable" historic resources in the draft HRI. In response to this ranking, the applicant proposes to document the buildings utilizing documentation required for historically designated buildings and landmarks to national HABS standards, as well as incorporate into the design of the townhouses architectural elements of the existing buildings to be demolished. The applicant has worked closely with staff on the design of the proposed townhouses and the townhouse design has further been reviewed by the Historical Affairs Landmark Review Board. Based on this review, it has been determined that the proposed design effectively incorporates elements of the existing buildings on site and in the absence of a policy that requires the buildings not be demolished, respects the County's HRI preliminary ranking of the buildings as "Important" and "Notable" to the history of Arlington County. (Condition #54)

Modification of Use Regulations: Modification of use regulations are requested as follows: Density. The maximum permitted density that could be approved by site plan in the "RA-4.8" zoning district would be 392,241 sq ft of GFA (3.24 FAR). A modification of use regulation is requested to permit an additional 116,219 square feet in bonus density. This includes 25% (98,060 sq ft) bonus density on the base amount permitted in association with on-site replacement of affordable housing, as well as 0.15 FAR (18,159 sq ft) in association with the LEED-NC certification of the two apartment buildings proposed on Clarendon Boulevard. The proposed bonus density facilitates the development program allowing for on-site replacement of affordable housing units that would otherwise be lost as a result of the site's redevelopment, and provides for an overall development program that meets the County's policy goals and objectives related to green building and sustainable design. The bonus density would be consistent with the County's practice of providing for higher density development in and around Metro station areas. The subject site is within 900 feet of the Rosslyn Metro Station, and is the western point of entry to the higher density core of Rosslyn. The additional density would be not only appropriate, but consistent with the *Rosslyn Station Area Plan Addendum* which indicates higher density residential development on this site as 3.24 FAR or higher. Finally, the additional density would provide for the appropriate building scale and form along Clarendon Boulevard consistent with the *Rosslyn Station Area Plan Addendum*. The bonus density appropriately distributed on the site would be acceptable to, and respectful of the surrounding neighborhood and adjacent uses.

Height. A modification of use regulation is requested to permit additional height for both apartment buildings along Clarendon Boulevard. The maximum permitted height in the “RA-4.8” Zoning District is 136 feet including the penthouse and parapet walls. The 13-story apartment building located on the northeast corner of the block is proposed at a height of 144 feet including the penthouse and parapet walls. The additional height results from the location of a swimming pool and additional build out of non-living space on the roof to provide for the 31,913 sq ft of open space proposed at grade. The resulting eight-feet of additional height would be screened by the parapet walls and would have no visual or other adverse impacts on the surrounding uses. The additional height further placed at the northeast corner of the site would be consistent with the *Rosslyn Station Area Plan Addendum* and the Zoning Ordinance. Zoning Ordinance Subsection 36.H.5., permits a modification of use regulation due to “provisions made for open space and other environmental amenities.” The additional height in this regard is consistent with the *Rosslyn Transit Station Area Plan Addendum*, but also the Zoning Ordinance provision in providing a site design and layout that creates more than 31,000 square feet of open space in the Rosslyn Metro Station area and further provides an overall site coverage of 57%. A modification in height that creates this type of environmental amenity and this amount of open space within 900 feet of the Rosslyn Metro Station would be appropriately justified given the County’s open space and environmental goals and objectives.

The 12-story apartment building located on the northwest corner of the block is proposed at 138 feet at its highest point of the parapet walls, which is two feet of additional height beyond that permitted. A previous version of the proposal provided this building at 10-stories and a height within that permitted. However, in order to provide retail at the ground level along this building frontage working with topography that includes significant sloping at grade, the applicant raised the slab by 15 feet. Also, an additional floor was added to the building relocating existing units proposed at ground level now replaced with retail. The additional height is proposed at the corner of the building at the parapet wall and is an architectural embellishment. This is the only point at which the building height on this building including the penthouse and parapet walls exceeds that 136-foot height limit. Given that the proposed height is minimal in impact and is in response to the provision of retail providing for a better overall site layout, design and proposal, the additional height would be justified.

Parking. The applicant requests a modification of use regulation to allow a reduced parking ratio for the proposed apartment buildings, as well as that provided for the proposed retail uses. Currently one (1) space per unit may be approved by site plan for multifamily buildings, while one (1) space for every 580 square feet of retail gross floor area is required for office and commercial retail uses. The applicant proposes a ratio of 0.9 spaces for the multifamily residential buildings and to provide five (5) retail parking spaces in the garage as opposed to the 13 that would be required. Requests for modification to reduce the parking ratio are typically evaluated on a case-by-case basis and are determined based on reviewing the goals and objectives set forth in the Master Transportation Plan and commensurate community benefits that would be realized related to transportation and those benefits that would impact transportation.

The proposed project is consistent with several goals identified in the Master Transportation Plan including:

“Ensure that minimum parking needs are met and excessive parking is not built. Divert resources saved by reducing excess off-street parking to other community benefits.” (#6)

- Data collected and provided by the applicant to document the reduction of parking for new development in and around Metro stations in Arlington, indicates that parking in the Rosslyn-Ballston corridor could be reduced by up to 20% and still be adequate. Rosslyn Commons proposes a reduction of approximately 10%. The cost of the parking has been diverted to provide for the proposed open space area, mid-public public pedestrian connection, TDM measures, improvements to the bus stop on the site’s frontage of Clarendon Boulevard, off-site sidewalk improvements, increased curbside vehicle parking spaces, consolidated parking garage entrance, and affordable housing.

“Allow reduced parking space requirements for new development in close proximity to frequent transit service and exemplary access by non-motorized travel modes and car-sharing vehicles” (#8)

- The project site is 900-feet from Metro and regional bus connections and is provides for bus service in front of the site.

“Encourage the separations (“unbundling”) of the price of parking from the price of owning, renting or leasing a housing or office unit. Discourage subsidized parking for resident or commuters.” (#10)

- The applicant has agreed to unbundle parking from units. Additional costs for parking would further deter residents from owning vehicles, storing them, or leaving excessive spaces vacant and unused.

“Reduce or eliminate parking requirements for specialized projects near transit nodes when they advance related County transportation goals, such as lowering the cost of transit-proximate housing dedicated to those who cannot afford a private vehicle, making available underground space for a new subway entrance, or adding retail amenities to a transit stop.” (#11)

- The Rosslyn Commons site plan proposes to replace existing market rate affordable units on-site at a rate of one-for-one replacement of 92 bedrooms, and the two buildings would be certified by the U.S. Green Building Council as LEED-NC. The plan also provides street level retail as indicated in the Rosslyn-Ballston Corridor Retail Action Plan.

Further, a reduced parking ratio would facilitate a significant increase in the number of on-site replacement affordable housing units from an initially proposed 15 units to 54 units with 92 bedrooms and further provides a retail element that was not originally part of development program.

In addition to the large affordable housing program and other elements listed above, other community benefits associated with the proposed site plan highlighted in the MTP include:

- 31,913 sq ft of open space is proposed providing a mid-block pedestrian connection north to south through the site and partially east-to west. Public access easements would be provided over the walkways and an elevator that would be accessible to the public 24 hours a day, seven (7) days a week.
- An enhanced bus stop and bus nub along Clarendon Blvd.
- An off site sidewalk improvement at the adjacent Starbucks as no sidewalk exists today in this location.
- Monetary contributions for ACCS and other associated TDM requirements.
- A net increase of 14 to 16 on-street parking spaces;
- Reduction in curb cuts from 7 to 5;
- Improved ramp/geometry at existing crosswalks;
- Widening of all sidewalks around the site;
- Significant TMP contributions;
- Installation of full curb and gutter with drainage along 16th Road North;
- Single point of access underground parking garage;
- TDM Measures;
- A Parking Management Plan

These benefits would be realized although neither a change to Zoning or amendment to the General Land Use Plan is requested.

Other recently approved site plan projects in the vicinity of the Metro, where a parking ratio was approved at less than one (1) space per dwelling unit include:

- AHC Peck & Staples (SP #401) site plan was approved with a reduced parking ratio in the range of 0.7 to 1.0 per unit for the affordable housing portion of the project in February 2008.
- Rosslyn Central Place (SP #335) site plan was approved with a reduced parking ratio of 0.8 spaces per unit for the residential component based on a TDM, location to Metro, and Metro Station improvements proposed to reduce the demand for vehicle parking and single occupant vehicle travel in May 2007.
- Woodbury Park (SP #364) site plan was approved at a .96 ratio with an affordable housing program and based on an aggressive TMP and data provided on vehicle ownership in the area of the Metro station in October 2003; and
- Rosslyn Ridge (SP #369) site plan was approved in July 2004 with a .899 ratio with an affordable housing program and based on vehicle ownership data of renters in the vicinity of Metro and a TDM proposed to mitigate the impact of the lower parking ratio.

The Rosslyn Commons project proposes an overall parking ratio of .98 for the site, and the reduction is only seen in the high-density units similar to that of Rosslyn Ridge at .9 spaces per unit.

As the reduced parking ratio would be consistent with a number of goals and objectives of the Master Transportation Plan and given the commensurate community benefits proposed, the reduced parking ratios would be justified. This would not be a precedent as reduced parking ratios would continue to be reviewed on the merits of each individual site plan proposal.

Exclusion from GFA of mechanical closets, trash and loading, storage, and air shafts. The applicant requests to exclude from density calculations mechanical closets that would be located in the interior of the apartment building units. This density accounts for 4,296 sq ft of gross floor area. Located as closets in the units, they do not impact the façade of the buildings as the venting for these mechanical closets for HVAC equipment would be provided through the roof of the buildings. The excluded density would be utilized to provide amenity space on the penthouse level of the apartment buildings. In this respect the excluded density is accounted for in gross floor area that is calculated in the density elsewhere in the development.

The majority of the density proposed for exclusion the trash room/loading dock, storage and air shafts would be located below grade in the parking garage and not otherwise considered as buildable living space. The total GFA associated with these spaces proposed for exclusion would account for 13,705 square feet, of which only 936 square feet associated with air shafts is gross floor area above grade. The air shafts provide for air exhaust, air intake at the garage levels, corridor/stair pressurization shafts, flue shafts for the trash room and retail at residential levels. The exclusion of these non-living spaces would be consistent with current practice and have little to no impact on the overall density and GFA above grade.

Exclusion of retail GFA from density calculation. The applicant requests a modification of use regulation to exclude from density calculation, approximately 12,635 square feet of retail GFA. While the adopted plans and policies regulating development of the site including the *Rosslyn Station Area Plan Addendum* and the *Rosslyn-Ballston Corridor Retail Action Plan* both indicate that “personal and business services” retail should be provided on the site’s Clarendon Boulevard frontage, Section 16 of the Zoning Ordinance was amended in March 2008 to permit retail other than convenience uses by site plan in the district. Prior to this amendment, convenience uses were limited to a small category of general commodities and services for residents of the proposed development. As such, entrances, window displays or advertising on the street, were not permitted. With the approval of the Zoning Ordinance Amendment for the “RA-4.8” district, more substantial commercial uses on the street level are now permitted (up to 0.5 FAR) by site plan. The amendment specifically targets sites, like the subject site, that are located in areas adjacent to commercial corridors in which street level retail would contribute to activation of the street and where neighborhood services and shopping uses are generally called for in the *Rosslyn-Ballston Corridor Retail Action Plan*.

As the zoning ordinance was amended after the proposed site plan was filed and its development program was designed, the proposal did not initially provide for retail development and was inconsistent with the policies and plans referenced above. In response to continued discussion related to the lack of retail, and the de facto approval of the Zoning Ordinance Amendment, the development program including a significant redesign of the proposed apartment buildings fronting Clarendon Boulevard was completed. The provision of retail in response to the zoning

ordinance amendment would not only be consistent with the County's policies and Plans regulating the proposed site, but also the county's design goals and objectives allowing for the activation of a significant block of Clarendon in Rosslyn. Finally, the provision of retail provides for a comprehensive development program that generally meets all the County's development goals and objectives. The provision of retail in the development program represents a significant change to the site plan after community review of, and support for the development without retail. However, it was important that retail be provided as part of the site plan in order to comply with the County's regulatory policies and plans and provide a better overall design consistent with the county's goals and objectives for redevelopment in metro station areas. Recognizing that the zoning district did not allow for the type of retail required by the *Rosslyn-Ballston Corridor Retail Action Plan* and the *Rosslyn Station Area Plan Addendum* at the time the site plan was reviewed, and that the Zoning Ordinance Amendment was approved after the development program was well established and the review process nearly complete, an exemption of the 12,635 square feet of retail GFA would be justified. No other "RA-4.8" site would qualify for this exemption.

Community Process: The proposed site plan was the subject of four (4) Site Plan Review Committee Meetings as well as the Rosslyn Renaissance Urban Design Committee. The project received unanimous community support from Rosslyn Renaissance as indicated in the attached letter, as well as the civic associations and Belvedere Community. During the community review process the primary issues that were resolved centered on site design and layout and compliance with the *Rosslyn Station Area Plan Addendum*, building architecture and design, historic preservation, affordable housing, and the lack of retail and inconsistency with the *Rosslyn-Ballston Corridor Retail Action Plan*. These issues have been resolved and are no longer outstanding with respect to the community process.

Housing Commission Recommendation: The Housing Commission reviewed the affordable housing program at a meeting on May 8 and voted 7-0 (with one recusal) to support the use of bonus density to achieve the proposed affordable housing program of 54 units, 92 bedrooms and approximately 62,000 GFA.

Planning Commission Recommendation: The Planning Commission at its June 4, 2008 meeting recommended by a vote of 10-0 that the County Board approve the General Land Use Plan amendment to designate a Special Affordable Housing Protection District and to approve Site Plan #412 with requested modification of use regulations, subject to the following:

- All existing buildings on Phase 2 of the property remain intact until either the phase is sold or demolition is made a condition of sale.
 - *Staff Response:* Staff concurs and the applicant agrees. Site Plan condition #69 has been amended to indicate that any existing buildings located on site in the area defined as Phase 2 of the proposed site plan shall remain intact until the phase is sold, the buildings are vacated, or demolition is made a condition of sale.
- Add a site plan condition to incorporate the universal design and accessibility features in townhouses referenced in the January 10, 2008 letter from the applicant to staff.

- *Staff Response:* Staff concurs and the applicant has agreed to a condition to this effect, Condition #84.
- A minimum of five dedicated retail spaces in the garage be maintained at all times.
 - *Staff Response:* As proposed there would be five (5) spaces allocated for retail use that would also be shared as visitor parking for residents to the multifamily apartment buildings. The sharing of these spaces between uses is proposed based on the reduction in the parking ratio for the apartment buildings. Staff does not support dedicating the spaces for retail use only unless there would be also five (5) parking spaces reserved for visitors to the apartment buildings.
- Street parking around the perimeter of the site be metered and/or regulated to encourage turnover appropriate for retail locations.
 - *Staff Response:* Staff concurs and has amended Condition #52 to provide for metered parking spaces for retail use as part of the required curbside management plan.
- Add a site plan condition that allows for administrative review to provide activation of retail frontages by art installations or other window design treatments, should retail spaces go unleased;
 - *Staff Response:* Staff concurs and the applicant has agreed to incorporate language in Site Plan Condition #64, Retail Elements. This language provides that the minimum requirements for window transparency with respect to retail store fronts shall not apply to vacant retail space whereby windows may display art work, murals, or displays as approved by administrative change request.
- One handicapped parking metered space should be provided at the nearest curb cut to the retail.
 - *Staff Response:* Typically the designation of handicapped spaces for retail is done at the request of the retail tenant who can identify the best location for the space. Staff thinks that at this time that the reservation of handicapped metered parking spaces for retail cannot be delineated at this time. However staff proposes and the applicant has agreed to amend Condition, #52 with respect to the curbside management plan to provide that one handicapped parking metered space shall be provided at the nearest curb cut to the retail, upon request of the retail tenant.

Transportation Commission Recommendation: The Transportation Commission at its meeting of June 5, 2008, voted 10-0 to recommend that the County Board approve the site plan subject to the following:

- Amend site plan condition #6 to include new language requiring that the developer provide and maintain lighting around the perimeter of the site throughout the construction phase in accordance with a plan approved by the County Manager prior to the issuance of the demolition permit or disconnection of existing lighting, which ever occurs first.
 - *Staff Response:* The developer has agreed to the condition language change and

condition #53 has been modified to reflect the change.

- The written justification for the proposed reduction in the parking ratio below the zoning requirements are insufficient and the reduction should be weighed only against extraordinary and unusual site plan benefits in order to protect the County's interests on other similarly situated sites.
 - *Staff Response:* Staff has provided a memorandum to the Transportation Commission chair as requested and updated the Staff Report to reflect the request.

CONCLUSION: The Rosslyn Commons site plan proposal would redevelop a prominent site in Rosslyn with higher residential development, ground floor retail and townhouses consistent with the County's goals for higher density development in Metro station areas. The proposal would provide one-for-one replacement of bedrooms on-site for existing market rate affordable units to be demolished; activate nearly the entire block of Clarendon Boulevard that comprises the site's northern boundary with a substantial amount of ground floor retail; preserve approximately 35,000 square feet of open space within 900 feet of the Rosslyn Metro station, providing for low coverage at 57% but high density on site; offer a reduced parking ratio as a means to promote transit oriented development; and would provide for two LEED certified buildings. In these ways, the proposed site plan meets in a comprehensive way, the County's development goals and objectives for affordable housing, retail, sustainable design and LEED certification, and open space. In addition the proposed site plan provides overall quality design and architecture, and site design and layout that is consistent with redevelopment guidelines outlined for the site in the *Rosslyn Station Area Plan Addendum*. Staff therefore recommends that the County Board adopt the attached General Land Use Plan amendment resolution to designate a "Special Affordable Housing Protection District" and add Note 13 for the subject property. Staff further recommends that the proposed site plan be approved subject to the following conditions.

- **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 with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008 and reviewed and approved by the County Board and made a part of the public record on June 17, 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. The project consists of the following two components, as shown on the plans with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008 and approved by the County Board on June 17, 2008: (1) the "Multifamily Residential Buildings" and associated open space as shown on sheet(s) of the plans with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008, also referred to herein as "Phase 1", located at the corner of Clarendon Boulevard and N. Oak

Street and the corner of Clarendon Boulevard and N. Ode Street; and (2) the "Townhouses" and associated open space as shown on sheet(s) of the plans with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008, also referred to herein as "Phase 2", located on the north side of 16th Road North between N. Oak Street and N. Ode Street. Together, the Multifamily Residential Buildings and the Townhouses shall be referred to as the "Development." Phasing of the Development is further described in Condition #69.

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 contact the DCPHD Site Planner to request a contact list for the above meeting participants, and if the list is received, shall notify the above meeting participants of the meeting time and location at least two weeks in advance. The purpose of the pre-construction meeting is to discuss the requirements of the site plan conditions.

3. **Tree Protection and Replacement**

- 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 #16 below, provided, however, that replacement as specified in this subparagraph (3.d.5) does not relieve the developer of any violation resulting from the failure to save identified trees.
- 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 #16a below and any replacement trees that cannot be accommodated on site will be provided in a monetary amount to the Tree Canopy Fund coordinated with Arlington County's Department of Parks and Recreation. The developer agrees to submit and obtain approval of this plan by the County Manager as part of the final landscape plan.

- f. The developer agrees to make a contribution to the County's Tree Canopy Fund of at least \$2,400.00 per tree not replaced on site ~~or a greater amount specified by the County Board~~. The payment shall be delivered to the Department of Parks and Recreation Office prior to the issuance of the Excavation/Sheeting and Shoring Permit, and evidence of compliance with this condition shall be provided to the Zoning Administrator in the form of a letter at the time of payment. If the contribution is made more than 12 months after the site plan approval, the contribution amount will be increased by the same percentage as the percentage change in the Consumer Price Index (CPI-U) from the date of initial County Board approval of the site plan to the first day of the month in which the contribution is made.

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 of each phase agrees to contribute in the amount specified in Site Plan conditions to the County utility fund before the issuance of the Building Permit for the applicable phase or prorated consistent with an approved phasing plan for the development. The total utility fund contribution for this site is \$139,000 (\$50,000 x 2.78 acres). This total payment shall be allocated between the two phases, with \$89,000 (\$50,000 x 1.78 acres) contributed with Phase 1, and \$50,000 (\$50,000 x 1.00 acres) contributed with Phase 2. 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. For each phase of the Development, the developer of each phase 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. During construction of Phase 1, the developer agrees to maintain a minimum six-foot wide sidewalk along the Clarendon Boulevard frontage of the site at all times, except that the County Manager may approve reasonable accommodations and may also approve temporary, short term closures of the sidewalk for reasons including, but not limited to, the installation of façade elements, construction of utilities and streetscape, and other stages of construction that would pose an imminent danger to pedestrians. 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 of each phase 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 for that phase. The developer agrees to provide a copy of the approved plan to the appropriate civic associations. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

The developer agrees, during the hours of construction, to provide “flagmen” to assist in the direction of traffic along or around a street any time that any driving lane of such a street is partially or fully blocked due to temporary construction activities. In addition, the developer agrees to notify the appropriate civic associations and all abutting property owners in writing (or, by mutual agreement, by e-mail) at least seven calendar days in advance of any street closure, except in the case of an emergency, of more than one hour duration on any street. The developer also agrees to coordinate with WMATA and Arlington County if bus operations are affected by any street closure or if the existing bus stop needs to be relocated during construction. If the existing bus stop is relocated where parking meters are currently located, or if any parking meters are blocked or removed during construction, the developer agrees to reimburse Arlington County for lost revenue. “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.

For each phase of the Development, the developer agrees to provide and maintain lighting around the perimeter of the site throughout the construction phase of the project in accordance with a plan approved by the County Manager prior to the issuance of the Demolition Permit, or disconnection of any existing exterior lighting, whichever is

~~earlier. The plan may include existing standard County fixtures, lighting attached to construction fencing, and/or other lighting as deemed appropriate by the County Manager. In approving a lighting plan, the manager may take into consideration existing public street lighting around the site that will not be disturbed by the construction. The lighting plan shall ensure that roads and public walkways around the site are well lit and safe for motorists and pedestrians. The plan shall also minimize disturbance to residential dwellings, and excessive lighting of the sky. 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. The developer agrees to coordinate with the Arlington County Relocation Program Coordinator in order to provide each rental household living in ~~either an apartment unit or a single family dwelling~~ which is displaced by the construction of this site plan, ~~except~~

~~those who sign initial leases for a unit in the project after the date of this site plan approval, with at least the following:~~

- a. A minimum of 120 days written notice to vacate.
- b. Relocation payments, in accordance with the *Arlington County Tenant Relocation Guidelines RC Relocation Plan (v8 FINAL)* approved by the Tenant-Landlord Commission on March 26, 2008 and to be adopted by the County Board and in effect on the County Board date identified in Condition #1.
- c. Relocation services in accordance with the *Arlington County Tenant Relocation Guidelines RC Relocation Plan (v8 FINAL)* approved by the Tenant-Landlord Commission on March 26, 2008 and to be adopted by the County Board and in effect on the County Board date identified in Condition #1.

~~If the developer decides to limit relocation benefits to persons who executed initial leases before adoption of the site plan, the developer agrees to notify, in writing, any tenant moving in after the date that the site plan is approved of his/her ineligibility for relocation payments and services. Any tenant who has not signed a waiver of rights to relocation assistance must receive assistance. In cases where State law requires 120-day notice to vacate (displacement from multi-family buildings containing four or more units), notice cannot be waived, but the lead time for such notice may be reduced by mutual agreement in writing. Evidence of compliance with this condition shall be provided to the Zoning Administrator before the issuance of the Clearing, Grading and Demolition Permit.~~

Retail Relocation

8. Intentionally omitted.

Compliance with Federal, State and Local Laws

9. The developer agrees to comply with all federal, state and local laws and regulations not modified by the County Board's action on this plan and to obtain all necessary permits. In addition, the developer agrees to comply with all of the agreed-upon conditions approved by the County Board as a part of this site plan approval. The developer specifically agrees that the County has the authority to take such actions as may be necessary, to include the issuance of a stop work order for ~~the entire project~~ the applicable phase, 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.

For each phase of the Development:

- a. The developer agrees to identify persons who will serve as liaisons to the community throughout the duration of construction. These individuals shall be on the construction site throughout the hours of construction, including weekends. The names and telephone numbers of these individuals shall be provided in writing to residents, property managers and business owners whose property abuts the site, and to the Zoning Administrator, and shall be posted at the entrance of the project.
- b. Before commencing any clearing or grading of the site, the developer shall hold a community meeting with those whose property abuts the project to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Zoning Administrator and the Arlington County Police representative must be notified once the community meeting dates/times are established. The developer agrees to provide documentation to the Zoning Administrator of the date, location and attendance of the meeting before a 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. For each phase of the Development, 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 for each phase, 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

13. Intentionally omitted.

14. **Vacations and Encroachments**

The developer agrees to submit Vacation and encroachment application(s) or waiver form(s) if necessary, 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 following Conditions of site plan approval (#15 through #31) are valid for the life of the site plan and must be met by the developer before issuance of the Excavation/Sheeting and Shoring Permit.**

15. **Coordination of these plans: final site development, landscape and site engineering**
For each phase of the Development:

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 #18 below, as well as a vicinity map with major streets labeled. The final landscape plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in the Commonwealth of Virginia. The developer further agrees that the final landscape plan and the final civil engineering plan shall verify, by means of survey, that there are no conflicts between the street trees and utilities. The developer shall obtain approval by the County Manager for both plans as meeting all requirements of the County Board's site plan approval and all applicable county laws and plans before the issuance of the Excavation/Sheeting and Shoring Permit. The plan shall be consistent with the conceptual landscape plan approved as a part of the site plan, and, at a minimum, shall conform to: the landscaping requirements in Conditions #16 and #21 below; the *Arlington County Streetscape Standards* if applicable; the Sector Plans if applicable; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the final civil engineering plan, the landscape plan shall be at a scale of 1 inch = 25 feet; the County may require more detailed plans appropriate to landscape installation at a larger scale to also be submitted. The County may permit minor changes in building, street and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance governing administrative approval and with the intent of the site plan approval. The landscape plan shall include a Street Tree Plan which shall be reviewed by

DPRCR and DCPHD, and shall be accompanied by the civil engineering plan. 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, or at an appropriate time based on the planting season and the availability of planting materials as determined by the DPRCR Urban Forester and DCPHD. The final landscape plan shall include the following details, unless otherwise modified by administrative change request:

- 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. Except for the garage exhaust vents located in the open space area associated with the Multifamily Residential Buildings which shall be screened with two rows of shrubs, 24" in height at the time of planting, as shown on sheet(s) of the plans with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008, and the supplemental sheets approved by the County Board on June 17, 2008, garage 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 five (5) feet except for private walkways and stoops as shown on sheet(s) of the plans with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008, and approved by the County Board on June 17, 2008, which shall have a minimum width of four (4) feet. All plaza areas, access drives, automobile drop-off areas, interior walkways and roadways shall contain special treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager

according to adopted Sector Plans or other urban design standards approved by the County Board as a part of review and approval of the final landscape plan.

- d. The location and types of light fixtures for streets, parking, walkway and plaza areas, and associated utilities, as contained in the lighting plan required in Condition #53 below.
- e. Topography at two (2) foot intervals, 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.
- 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 Department of Environmental Services Standards and Specifications and to at least the following requirements, unless otherwise modified by administrative change request:
- 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. For PRCR review: 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, or at an appropriate time based on the planting season and the availability of planting materials as determined by the DPRCR Urban Forester and DCPHD.
 - 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. Except for locations identified in the open space area associated with the Multifamily Residential Buildings as shown on sheet(s) of the plans with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008 and approved by the County Board on June 17, 2008, soil depth shall be a minimum of four (4) feet plus 12 inches minimum of drainage material or a drainage board for trees and tall shrubs and three (3) feet for other shrubs. Trees will not be planted in the open space area associated with the Multifamily Residential Buildings, where soil depths are not a minimum of four (4) feet plus 12 inches minimum of drainage material or a drainage board. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2 1/2 feet, maximum) above the adjacent finished grade.
 - f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
 - g. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the 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 DES

18. For each phase of the Development, the developer agrees to submit final site engineering plans to the Department of Environmental Services. The plans shall include a receipt from the Zoning Office that the landscape plan has been accepted for the phase under development. 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 Department of Environmental Services and the CPHD Site Planner, as consistent with all site plan approval requirements and all County laws. To ensure final sign-off, the plans shall include CPHD Site Planner review and signature blocks. 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 Department of Environmental Services for recording.

Pavement, Curb and Gutter Along All Frontages

19. For each phase of the Development, 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 16th Road North, which results in a varying street cross section of approximately 34 feet to 36 feet, as shown on the final engineering plan approved by the County Manager.
- b. The developer agrees to construct new curb and gutter along the south side of Clarendon Boulevard, which results in a varying street cross section of approximately 47 feet, as shown on the final engineering plan approved by the County Manager.
- c. The developer agrees to construct new curb and gutter along N. Oak Street which results in a varying street cross section of approximately 34 feet, as shown on the final engineering plan approved by the County Manager.
- d. The developer agrees to construct new curb and gutter along N. Ode Street which results in a varying street cross section of approximately 29 feet, as shown on the final engineering plan approved by the County Manager.
- e. The developer agrees to construct handicap ramps across receptive corners at the northeast corner of the site at the intersection of N. Oak Street and Clarendon Boulevard, and at the northwest corner at N. Ode Street and Clarendon Boulevard, and crosswalks of materials as approved by the County, built per Arlington County Standards, across Clarendon Boulevard, as shown on the final engineering plan approved by the County Manager.
- f. The developer also agrees to construct a nub at the southwest corner of the intersection of Clarendon Boulevard and N. Oak Street with handicapped ramps at receptive corners, if deemed necessary during final engineering with crosswalks of materials as approved by the County, built per Arlington County Standards.
- g. The developer agrees to construct pedestrian crosswalks of materials as approved by the County, built per Arlington County Standards, at the southwest and southeast corners of the intersections of Clarendon Boulevard and N. Oak Street with handicap ramps at the receiving ends as shown on the final engineering plan approved by the County Manager.
- h. The developer agrees to construct pedestrian crosswalks of materials as approved by the County, built per Arlington County Standards, at the southeast and southwest corners of the intersection of Clarendon Boulevard and N. Ode Street with handicapped ramps at the receiving ends 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 for each phase of the Development; 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 May 29, 2008 and June 6, 2008 unless the County provides additional funding to offset such increased cost.

Survey Monuments

20. For each phase of the Development, 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 VDES 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

For each phase of the Development, 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 or as shown on the approved 4.1 plans. 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, except as otherwise outlined below.
- 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 spacing 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:

N. Oak Street – A minimum 14-foot sidewalk measured from the back of curb, including a minimum 8-foot, 4 inch clear sidewalk in addition to pedestrian lighting and a 5-foot wide planting strip planted with 4 to 4 ½ inch caliper Scarlet Oak street trees, and such ground cover as liriope muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches from back of curb.

16th Road North – A minimum 14-foot sidewalk measured from the back of curb, including a minimum 8-foot, 4 inch clear sidewalk in addition to pedestrian lighting and 5-foot by 12-foot tree pits, unless otherwise approved by the County Manager on the final engineering plan. The tree pit areas will be planted with 4 to 4 ½ inch caliper Quercus phellos (Willow Oak) street trees, and such ground cover as liriope muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches from back of curb.

N. Ode Street – A minimum 11-foot, 8-foot wide sidewalk measured from the back of curb, including a minimum 6-foot clear sidewalk in addition to pedestrian lighting, and a 5-foot wide planting strip, planted with 4 to 4 ½ inch caliper Quercus Phellos (Willow

Oak) street trees and such ground cover as lirioppe muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper) placed approximately 30 feet apart on center and a minimum of eight (8) inches from back of curb.

Clarendon Boulevard A minimum 14-foot sidewalk measured from the back of curb, including a minimum 8-foot, 4 inch clear sidewalk in addition to pedestrian lighting and 5-foot by 12-foot tree pits, unless otherwise approved by the County Manager on the final engineering plan. The tree pit areas will be planted with 4 to 4 ½ inch caliper Quercus phellos (Willow Oak) street trees, unless otherwise approved by the County Manager, and such ground cover as lirioppe muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center or as shown on sheet(s) of the plans with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008 and approved by the County Board on June 17, 2008 and a minimum of eight (8) inches from back of curb.

The developer agrees to construct a mid-block pedestrian connection through the site from Clarendon Boulevard to 16th Road North with a minimum five-foot wide sidewalk of materials as approved by the County, built per Arlington County Standards.

The developer agrees to construct a minimum 5 foot wide sidewalk on the west side of N. Oak Street at the current location of the Starbuck's site at 1501 North 17th Street, subject to obtaining necessary permissions from the owner of that site.

Subsurface Structure-free Zone for Utilities and Streetscape

22. Except as shown on sheet(s) of the plans with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008 and approved by the County Board on June 17, 2008, 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, ~~and shall be constructed~~ in accordance with the standards defined in the Arlington County Department of Environmental Services Construction Standards and Specifications Manual. All proposed townhouse water meters and services connected to new water mains shall be installed by the

developer and placed in a 5-foot by 5-foot clear area with no other utilities and protected from vehicular traffic.

Existing Water Main or Fire Hydrant Service

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

Replacement of Damaged Existing Curb, Gutter and Sidewalk

25. The developer agrees to remove and replace, according to the Arlington County Department of Environmental Services Construction Standards and Specifications Manual, any existing curb, gutter and sidewalk along the street frontages of this site which is in poor condition or damaged by the developer, prior to the issuance of the first Certificate of Occupancy.

Street Lighting Requirements

26. 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 each phase of the site prior to the issuance of the Shell and Core Certificate of Occupancy for that phase. 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 street lights shall be double globe along Clarendon Boulevard and single globe along all other frontages of the site. The height of the street lights shall be 12 feet along 16th Road North and 16 feet along all other frontages of the site, 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

27. For each phase of the Development, 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. All

utility relocation shall be completed prior to the issuance of the Shell and Core Certificate of Occupancy for the applicable phase.

Off-street Parking for Construction Workers

28. For each phase of the Development, 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 for each phase 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 for the applicable phase. 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 for the applicable phase, and construction halted until the violation has been corrected.

Address Indicator Signs

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

Façade Treatment of Buildings

30. The developer agrees that the design of the facade treatment for the buildings and the materials to be used on the facades shall be as specified and shown on the submitted drawings identified in Condition #1 and as presented to the County Board and made a part of the public record on the County Board date identified in Condition #1, including all renderings, drawings, and presentation boards presented during public hearings. The developer agrees to submit 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.

Recordation of Public Easements and Dedications

31. For each phase of the Development, all required public deeds of easement and deeds of dedication shall be submitted to the Department of Environmental Services 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. Deeds of dedication granted by the developer for street and public right of way purposes and improvements shall be dedicated in fee simple to the County. Real Estate interests conveyed by the developer to the County 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.

- **The following conditions of site plan approval (#32 through #40) are valid for the life of the site plan and must be met by the developer before issuance of the Footing to Grade Structure Permit.**

Plat of Excavated Area

32. For each phase of the Development, 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.

Public Improvements Bond

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

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

Underground Electrical Transformers

34. Except for the electrical transformers located at the northeast and northwest portions of the Townhouses and as screened as shown on sheet(s) of the plans with seal dates of May

28, 2008, June 5, 2008 and dated June 6, 2008 and approved by the County Board on June 17, 2008, the developer agrees that all new electrical transformers shall be placed underground in vaults which meet Virginia Power standards. These vaults 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

35. For the Multifamily Residential Buildings, the developer agrees that the loading dock area 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. The developer agrees that the Multifamily Residential Building on N. Ode Street shall be serviced by trucks no longer than 40-feet (SU40 and WB40) for loading, deliveries, and trash removal, and the Multifamily Residential Building on N. Oak Street shall be serviced by trucks no longer than 55-feet (WB50) for loading, deliveries, or trash removal. For the Multifamily Residential Building on N. Ode Street, use of the loading docks for deliveries or trash pick-ups, excluding moving vans, shall be limited to the hours from 8:00 am to 4:00 pm and 6:00 pm to 8:00 pm on weekdays and 9:00 am to 6:00 pm on weekends and holidays. For the Multifamily Residential Building on N. Oak Street, use of the loading docks for deliveries or trash pick-ups, excluding moving vans, shall be limited to the hours of 9:00 am to 4:00 pm and 6:00 pm to 8:00 pm on weekdays and 9:00 am to 6:00 pm on weekends and holidays. The loading dock doors shall be closed when the loading dock is in use, except when necessary for entrance or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures. If any tenant demonstrates the need, based on the nature of the tenant's business, for earlier deliveries, for example of baked goods or other perishable items, to accommodate morning patrons, the hours may be administratively changed by the Zoning Administrator through an Administrative Change request and notifications to the tenants of the buildings on the site. Any common trash containers exterior to the Townhouses shall be enclosed and screened from view.

Interior Loading Spaces

36. For the Multifamily Residential Buildings, 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~~ 18-foot clear width (including entrances), 30 foot-length and 14-foot height clearance. Any loading dock to be used for trash removal shall have a minimum interior height clearance of 18 feet. All loading docks shall contain roll-down doors. The developer agrees that the Multifamily Residential Building on N. Ode Street shall be serviced by trucks no longer than 40 feet (SU40 and WB40) for loading, deliveries, or trash removal, and the Multifamily Residential Building on N. Oak Street shall be serviced by trucks no longer than 55-feet (WB50) for loading, deliveries, or trash removal. For the Multifamily Residential Building on N. Ode Street, use of the loading docks for deliveries or trash pick-ups, excluding moving vans, shall be limited to the hours from 8:00 am to ~~6~~ 4:00 pm and 6:00 pm to 8:00 pm on weekdays and 9:00 am to 6:00 pm on weekends and holidays., ~~seven (7) days a week.~~ For the Multifamily Residential Building on N. Oak Street, use of the loading docks for deliveries or trash pick-ups, excluding moving vans, shall be limited to the hours of 9:00 am to 4:00 pm and 6:00 pm to 8:00 pm on weekdays and 9:00 am to 6: 00 pm on weekends and holidays.

The loading dock doors shall be closed when the loading dock is in use, except when necessary for entrance or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures.

Parking Garage Van Access

37. Intentionally Omitted.

Parking Space Compliance with Zoning Ordinance

38. The developer agrees to ensure that all parking spaces comply with the requirements of Section 33 of the Zoning Ordinance, unless otherwise approved by the County Board, or as referenced in Condition #52. The number of compact spaces may not exceed the Zoning Ordinance requirement. The developer shall submit drawings showing that these requirements are met, and shall obtain approval by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit.

Bicycle Storage Facilities

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

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

Retail Bicycle Storage Facilities:

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

Emergency Vehicle Access/Support on Parking and Vehicular Access Plaza Areas

40. The developer agrees to construct all ~~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 shall be used on pedestrian plazas 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 (#41 through #45) are valid for the life of the site plan and must be met by the developer before the issuance of the Final Building Permit.**

Wall Check Survey

- 41. The developer agrees to submit one (1) original and three (3) copies of a wall check survey to confirm its consistency with the plans approved by the County Board, as referenced in Conditions #1 and #10 above.

Screening of Mechanical Equipment

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

Use of Penthouse

- 43. The use of any penthouse shall be limited to those uses shown on the plans with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008 and approved by the County Board on June 17, 2008, which might include a pool, rest rooms/locker rooms, club room, fitness center, and amenity room, as well as 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

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

FAA Documentation

- 45. The developer agrees to obtain from the Federal Aviation Administration (FAA), before the issuance of the 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 (#46 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.**

Water Main Improvements

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

The developer agrees to construct approximately 300 feet of 8-inch water main in N. Ode Street from a connection to the existing 12-inch water main in Clarendon Boulevard to a connection to the existing 12-inch water main in 16th Road North.

Sanitary Sewer Main Improvements

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

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.

Storm Sewer Improvements

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

Fire Hydrant and Fire Department Connection Requirements

49. For each phase of the Development, the developer agrees to show on the final engineering plan and to install, fire hydrants at intervals of not more than 300 feet, as well as fire department connections in order to provide adequate fire protection. The County shall specify kind of service and locations at the time of the final site engineering plan approval based on applicable safety standards. The fire hydrants and fire department connections shall be installed prior to the issuance of the first Certificate of Occupancy for the respective phases of construction.

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.

Comprehensive Sign Plan

50. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs (including identification and directional signage) shall generally be consistent with the guidelines contained in "Sign Guidelines for Site Plan Buildings" and with Section 34 of the Zoning Ordinance for each phase of the project. ~~The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance.~~ No sign permits will be issued for the respective phase of the project until a comprehensive sign plan is approved for that phase. The developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign plan before the

issuance of the first Certificate of Occupancy for each phase. A temporary construction sign plan for each phase may be approved prior to the comprehensive sign plan by the County Manager. The temporary construction sign plan may contain more than 100 square feet, as long as the signs only include reference to Rosslyn Renaissance and the Rosslyn BID in addition to project information (including leasing, identification, directional and construction information) and graphics. Consistent with Condition #6, the comprehensive sign plan for each phase may also include project specific signs and graphics to be shown on sidewalk enclosures or fencing. 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.

Retail Tenant Signs

Retail tenant signs shall be permitted for the new construction as follows:

- a. Final locations of all signs located in or adjacent to the public sidewalks shall be indicated on street engineering plans and are subject to approval by the Department of Environmental Services prior to issuance of all sign permits. All such signs shall be located so as not to obstruct pedestrian movement or the views of motorists.
- b. Minor modifications to signs, including changes in the information provided and changes in design and location in response to the Department of Environmental Service's review, shall be subject to review and approval by the County Manager prior to issuance of all sign permits.
- c. Retail tenant signs shall conform to either the standards of Section 34 of the Zoning Ordinance or the following criteria, and shall generally be consistent with the Comprehensive Sign Plan as reviewed and approved by the County Manager:
 1. Up to three (3) building wall signs, for a maximum total sign area of 60 square feet, are permitted for each retail tenant with 60 linear feet of frontage or less; up to four (4) building wall signs, for a maximum total sign area of one (1) square foot per linear foot of the tenant's frontage, are permitted for each retail tenant with more than 60 linear feet of frontage.
 2. Additional sign area shall be permitted to accommodate awnings, except any text, logo, graphic, or other image on awnings shall count toward the total allowable sign area for that tenant. This additional sign area on awnings shall be applied only toward graphic images with abstract or stylized patterns that contain no clearly understood images or message content.
 3. For building wall signs, the distribution of the sign area and the location and number of signs shall be approved as part of a unified design approach for the individual retail tenants, and shall be subject to administrative review and approval by the County Manager.

4. Blade signs which exceed six (6) square feet of total sign area may be permitted up to a maximum total sign area of 15 square feet per retail unit. The difference between six (6) square feet and the actual total blade sign area shall be calculated as part of the maximum permitted sign area for the retail unit to which the blade sign is attached. In no event shall such difference increase the maximum permitted sign area for any retail unit.
5. Window signs the size of which exceeds the Zoning Ordinance standard of 20 percent of window area may be permitted, subject to administrative review and approval by the County Manager. The amount of sign area in excess of 20 percent of the window area shall be calculated as part of the maximum permitted sign area for the retail tenant unit. In no event shall such excess increase the maximum permitted sign area for any retail unit.
6. The colors and materials of retail tenant signs shall harmonize with and complement the exterior materials and design of the individual retail storefronts and be consistently treated so as to present a unified design approach for the individual retail unit. The colors and materials of such signs are subject to review and approval by the County Manager.
7. In order to ensure a coordinated approach to the various tenant signs and the sign designs on the building, while at the same time maintaining the individuality of each tenant and unit within the building, the developer shall submit a prototypical sign plan for each building, which plan includes sign options for the retail tenants. This plan shall be administratively reviewed and approved by the County Manager prior to the issuance of the first tenant build-out permit and any tenant sign permits for that building.
8. The types of retail signs that shall be permitted shall be consistent with the types of signs permitted by Section 34 of the Zoning Ordinance, and shall include: building wall signs; blade signs; window signs; carved, painted or sculptural signs; canopy or awning signs; logo signs; and, permanent quotes on building walls and blade signs.
9. The retail tenant signs shall be illuminated only during the hours of operation of the retail business.
10. The retail signs shall not exceed 35 feet in height on the building.

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. There are two (2) development components of the site plan: the Multi-Family Residential and the Townhouses.

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:

A. Participation and Funding

1. Maintain an active, on going relationship with Arlington Transportation Partners (ATP), or successor entity, at no cost to the developer, on behalf of the property owner. Applies to the Multi-Family Residential Buildings and Townhouses.
2. Townhouse residents shall form an association or appoint a manager to be the primary point of contact with the county and undertake their required TDM obligations. Applies to the Townhouses.
3. Designate a member of building management as Property Transportation Coordinators (PTC) to be the primary point of contact with the county and undertake the responsibility for coordinating and completing all TMP obligations. The developer and /or multi-family residential building management will provide, and keep current, the name and contact information of the PTC to Arlington County Commuter Services (ACCS). The Property Transportation Coordinators shall be appropriately trained, to the satisfaction of ACCS, to provide rideshare, transit, and other information provided by Arlington County intended to assist residents of the buildings with transportation to and from the site. Applies to the Multi-Family Residential Buildings.
4. 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 \$6,500.00 per year (which includes a payment of \$500 by each of the multi-family residential buildings on behalf of the townhouses)

for a period of thirty (30) years for each of the multi-family residential buildings and \$500.00 per year for a period of thirty (30) years for the townhouse component. Payment on this commitment will begin as a condition of issuance of the first Certificate of Occupancy for the first finished unit in each of the Multi-Family Residential Buildings and the first finished unit in the first completed townhouse (not included in the multi-family residential buildings). Subsequent payments will be made each year on the anniversary of the issuance of the first Certificate of Occupancy for each component. Applies to the Multi-Family Residential Buildings and Townhouses.

B. Facilities and Improvements

1. Provide, in the each multi-family residential building(s), a static Transportation Information Center Display, content/design /location approved by ACCS / ATP, to provide transportation-related information to residents and visitors. Management shall keep the display(s) stocked with approved materials at all times, at no cost to the developer. Access to the kiosk(s) will be granted to townhouse owners upon request during staffed lobby hours. Applies to the Multi-Family Residential Buildings.
2. Provide in the multi-family residential building lobbies, a means to call a taxi. Applies to the Multi-Family Residential Buildings.
3. During construction, maintain or coordinate relocation of any existing car sharing spaces surrounding the site, at the developer's expense. Applies to the Multi-Family Residential Buildings and Townhouses.
4. During construction, maintain or coordinate relocation of any existing bus stops, surrounding the site, at the developer's expense. Applies to the Multi-Family Residential Buildings and Townhouses.
5. Comply with requirements of Site Plan conditions to provide bus stop improvements.
6. Bus stops and shelters within 25 feet of the property and contiguous to the property shall be maintained free of snow, ice, trash, and debris, upon issuance of the first Certificate of Occupancy for the first finished unit in the Multi-Family Residential Building. After issuance of the first Certificate of Occupancy for the first finished unit in the Multi-Family Residential Building, a 6 foot wide path, or the full width of the sidewalk (if less than 6 feet), clear of snow and ice, to the main entrance of the multi-family residential buildings shall be maintained to bus stops within 25 feet of the property on the project's side of street, via the most direct route. Applies to the Multi-Family Residential Buildings.

7. Maintain at least one on-site business center (including, at a minimum, access to a copier, fax, pc, and internet service 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. Applies to the Multi-Family Residential Buildings.
8. Comply with requirements of Site Plan conditions to provide bicycle parking/storage facilities, and construction worker parking. In addition to the standard conditions the developers shall provide four (4) visitor bicycle parking spaces along Clarendon Blvd and 17th St. N, four (4) spaces on 16th Rd. N. and four (4) spaces in the courtyard area, the location of which shall be determined by the County Manager or his designee. Bicycle racks will be provided consistent with the Arlington County Standards provided on January 27, 2008, as attached. Applies to the Multi-Family Residential Buildings and Townhouses.

C. Parking Management Plan

1. Comply with requirements of Site Plan conditions to develop a parking management plan (PMP) including proposed locations for: taxi passenger loading and unloading; accessible paratransit pick-up, drop-off, handicapped access, and passenger waiting area; bicycle parking; 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. Applies to the Multi-Family Residential Buildings and Townhouses.
2. After construction, return any relocated car sharing vehicles to their original locations or a location approved by the County Manager or designee; the developer will bear any associated cost. Upon request of the County Manager or his designee, up to two (2) car sharing spaces shall be set aside in the underground garage for car sharing services, if demonstrated demand exists, as determined by the County Manager or his designee and a car sharing service, and with six (6) months written notice given to the developer by Arlington County. Upon a determination by the County Manager and written notice by a car sharing service that such spaces are needed, the spaces shall be provided by the developer to the car sharing service at market rate. These spaces shall be located convenient to the garage entrance, available to the members of the car sharing service during normal property management operating hours (for security reasons the garage may be gated — in such event, members of the car sharing service would have access to the spaces via the property management office and/or a call-box or key pad combination to a pass code system, or other similar device). There shall be internal and

external signage to direct people to the spaces. Until requested, the spaces may be used for any other use. Signs will be planned and included in the comprehensive sign plan, but not installed until the garage spaces are requested. The car sharing spaces shall be counted towards the parking requirements of the project. Applies to the Multi-Family Residential Buildings.

3. No on-street loading will be permitted between the hours of 7 and 9 AM and 4 to 6 PM. Applies to the Multi-Family Residential Buildings and Townhouses.
4. 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. Applies to the Multi-Family Residential Buildings and Townhouses.

D. Promotions, Services, Policies

1. Provide a one time membership fee subsidy in a car sharing plan for each Multi-Family Residential Building unit. This subsidy shall be paid on proof of membership in a car share service, at initial occupancy, by Multi-Family Residential Building lessees and/ or purchasers of the Multi-Family Residential Building units. Applies to the Multi-Family Residential Buildings.
2. Provide SmarTrip cards plus \$60.00 Metro fare media per person, for free to each initial occupancy Multi-Family Residential Building lessee and/or purchaser, and townhouse lessees or purchasers (limited to two persons per unit) distributed no later than the day of move in for each phase. Applies to the Multi-Family Residential Buildings and Townhouses.
3. Provide SmarTrip cards plus \$ 60.00 Metro fare media per person, for free, to each on-site employee of the property management company, distributed no later than the employees first day of work at the building. Provide or administer a sustainable commuter benefit program for these employees (the program shall include, at a minimum, at the developers option, pre-tax employee contributions and/or tax-free transit or vanpool monthly contributions). Applies to the Multi-Family Residential Buildings.
4. Provide website hotlinks to CommuterPage.comTM under a “transportation information” heading from the Multi-Family Residential Building’s websites. Applies to the Multi-Family Residential Buildings.
5. Distribute a new-resident package, material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each

Multi-Family Residential Building lessee, and/or purchaser, and townhouse purchaser. Packages will be distributed to each resident no later than the day of move-in at the building. Distribute equivalent package to new employees of the property management company no later than their first day of work at the building. Applies to the Multi-Family Residential Buildings and Townhouses.

6. Provide reference to the Rosslyn Metro Station and local bus routes in promotional materials and advertisements. Applies to the Multi-Family Residential Buildings and Townhouses.
7. 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, employees, and visitors. Applies to the Multi-Family Residential Buildings and Townhouses.
8. Participate in Ozone Action Days and other regionally sponsored clean air, transit, and traffic mitigation promotions by posting notice of such promotions in locations acceptable to the developer, within the building(s). Applies to the Multi-Family Residential Buildings and Townhouses.

E. Performance and Monitoring

1. Upon approval of the TMP by the County Manager or his designee, the developer agrees to implement all elements of the plan with assistance when appropriate by agencies of the County. Applies to the Multi-Family Residential Buildings and Townhouses.
2. Conduct a transportation performance monitoring study at two years, five years, and 10 years after issuance of first Certificate of Occupancy for the Multi-Family Residential Buildings and provide a report summarizing findings to the County. The County will specify the scope of the study, subject to the developer's reasonable approval. 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 reports 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 participation in mode split surveys which may be of an on-line, email variety. Applies to the Multi-Family Residential Buildings.
3. During the first year of implementation of the TMP, and on an annual basis thereafter, the developer will submit an annual letter to the County Manager, describing completely and correctly, the TDM related activities of the site. Applies to the Multi-Family Residential Buildings and Townhouses.

Residential Parking and Parking Management Plan

52. For the Multifamily Residential Buildings, the developer agrees that The intent of this condition is to ensure that at least one parking a ratio of 0.9 parking spaces per Multifamily Residential Building unit is available in perpetuity for parking use by each residential units 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 0.9 parking spaces for each dwelling unit. For the Townhouses, the developer agrees to provide at least 2 parking spaces per Townhouse unit. In addition, 5 visitor parking spaces are available in perpetuity for parking use by the Townhouse units and their visitors. There will be 5 spaces available for use by retailers and residential visitors.

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 for future purchase or lease.

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

For each phase of the Development, or consolidated into one plan, the developer agrees to submit to the Zoning Administrator a parking management plan which outlines. The plan will outline how guest and visitor parking for the residential buildings, 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, will be directed to the parking spaces. It will also include a queuing analysis for the entrance/exit, description of how handicapped spaces will be provided, and plans showing the location of any access and control equipment. It will also explain the pricing plan for the garage, for informational purposes only. The plan will also include the developer's policy regarding allowing motorists from outside the development to use the garage at times of low resident usage (shared parking), for informational purposes only. The developer further agrees to make a minimum of residential visitor parking spaces, and retail tenant parking spaces, available within the residential garage. The parking management plan shall be submitted to the Zoning Administrator, and reviewed and approved by the County Manager, prior to the issuance of the first Certificate of Occupancy for the first residential building.

The developer agrees that it shall coordinate with County staff to develop a curbside management plan for the site. The curbside management plan may include locations for metered spaces, including metered spaces reserved for retail parking, one of which the developer agrees shall be a handicapped parking metered space provided at the nearest

curb cut to the retail, upon request of the retail tenant, a taxi stand, bus stops, short-term parking, and car-sharing spaces. The curbside management plan shall be submitted for review and approval by the Zoning Administrator prior to the issuance of the first Certificate of Occupancy for the first residential building. In its management of the public street parking, the County will cooperate with the applicant in providing short term parking to facilitate the operation of the rental office and to provide for over-sized vehicle parking as may be necessary.

For the Multifamily Residential Buildings, the developer may construct, operate, and sell tandem parking spaces, which will be considered legal spaces by Arlington County, but such spaces shall not count toward satisfying the required parking ratio.

Lighting Plan for Public Areas

53. For each phase of the Development, 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 #26 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. For each phase of the Development:
The developer agrees to be responsible for documenting any historical artifact or historical natural feature uncovered during construction on the site. Should the project be assessed as a possible archeological site because any historical artifact or historical natural feature is uncovered ~~by Historic Preservation Program staff~~, the developer agrees to pursue, at a minimum, a level one and two archeological study. The developer agrees to submit to the Arlington County Historic Preservation Program all written results of the level one and two archeological study and all artifacts found 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.

For the four buildings located at 1628-1636 N. Oak Street, 1512 Clarendon Boulevard, 1516 Clarendon Boulevard, and 1520 Clarendon Boulevard, if historical buildings are located on the site, then photographic documentation shall be consistent with Historic American Building Survey (HABS) standards for the exteriors of the buildings only. All photographic documentation, along with the negatives, is to be delivered to the Arlington County Historic Preservation Program before the demolition of the four buildings note above.

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

55. If any phase of 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 for the applicable phase, 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. For the Multifamily Residential Buildings only, the developer agrees to obtain a Master Certificate of Occupancy within ~~90~~ 180 days of receipt of ~~any partial~~ the Certificate of Occupancy that permits for full occupancy of the building. The developer may request in writing to extend the timeframe for obtaining the Master Certificate of Occupancy.
- **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 of the Multifamily Residential Buildings, 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 private 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 #83) are valid for the life of the site plan and must be met before the issuance of the permit specified in each Condition.**

Retail Elements

64. The developer agrees to market a minimum of 10,000 square feet of retail space located on the G-1 level of the Multifamily Residential Buildings along Clarendon Boulevard 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 Rosslyn Station Area Plan Addendum (Rosslyn Sector Plan) Rosslyn-Ballston Corridor Retail Action Plan and the “RA-4.8” Zoning Ordinance Amendment adopted in January 1992, May 19, 2001 and March 15, 2008, respectively.
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 that all retail storefronts along public rights-of-way are required to have an overall minimum transparency of 50% as measured from floor to ceiling. In addition, the portion of the retail storefronts that is located between three and eight feet from grade is required to be at least 80% transparent. The purpose of this condition is to allow pedestrians to view the activity within the retail establishment and to allow patrons and employees of the retail establishments to view the activity on the sidewalk and street. “Transparency” shall mean using glass or other transparent exterior material offering a view into an area of the retail establishment where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like. Provided that the exterior material is glass or other transparent material, a tenant may apply to the County Board for a site plan amendment to grant an exception to this condition for a specified duration. Vacant retail space shall be exempt from the above minimum transparency requirements, and the developer may display items inside the windows of the vacant retail space such as art work, murals, or displays, as may be approved by administrative change request.

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 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 earmarked for partial implementation of *Corridor of Light* by Cliff Garten, and if this project does not move forward, for use in the Rosslyn metro area. Such contribution shall be made to the Public Art Fund prior to the issuance of the first above grade building permit. If the contribution is made more than 12 months after site plan approval, the contribution amount will be adjusted based on the percentage change in the Consumer Price Index-Urban (CPI-U) between the date of site plan approval and the first day of the month in which the contribution is made.

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 Clarendon Boulevard and N. Ode Street 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 6 feet of clear sidewalk width must be maintained along Clarendon Boulevard and a minimum of 6 feet of sidewalk width must be maintained along N. Ode Street. 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 Plan

68. Prior to the issuance of the footing to grade building permit for new construction of Phase 1, 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 such plan is set forth in a March 28, 2008 letter (attached) from Erika L. Byrd to Hank Leavitt, County staff, and also including, but not necessarily limited to, the following conditions:
- a. **Affordable Rents:** The developer agrees to provide a mix of 1-, 2-, and 3-bedroom apartments with a minimum of 92 bedrooms (with no less than 75% of the bedrooms in 2- and 3-bedroom units) in a minimum area of 62,589 sf of gross floor area (GFA). The apartments shall have rents affordable to households at or below 60% of Area Median Income (AMI). The developer agrees to lease the affordable units to households whose incomes do not exceed this affordability

level. The developer agrees that the affordable rents shall not exceed the established affordability level for 60% AMI, as published by the U.S. Department of Housing and Urban Development (HUD), minus a utility allowance (if applicable) as per the Utility Allowance Schedule annually approved by HUD for the Arlington County, VA Section 8 Housing Certificate/Voucher Program.

- 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 issuance of the Master Certificate of Occupancy for the building.
- d. **Accessible Units:** The developer agrees to maintain a minimum of 2 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 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.

Phasing Plan

69. 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. The developer further agrees that any existing buildings located on site in the area defined as Phase 2 of the proposed site plan shall remain intact until the phase is sold, the buildings are vacated, or demolition is made a condition of sale. 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. The phasing plan shall be consistent with the following provisions:
- a. Either the Multifamily Residential Buildings (Phase 1) or the Townhouses (Phase 2) may be built first.
 - b. The Phase 1 plan shall include the construction of the Multifamily Residential Buildings and the associated open space as shown on the plans dated with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008, including, but not limited to, the majority of the open space area, the sidewalk across the open space area which forms part of the north-south mid-block connection from Clarendon Boulevard up to the Phase 2 line, the sidewalk across the open space area between N. Ode Street and the north-south mid-block connection, the monumental staircase, and the elevator located next to the monumental staircase. The developer agrees to grant and convey, not later than the issuance of the first Certificate of Occupancy for the Multifamily Buildings, a permanent public use and access easement to the County Board of Arlington County providing for public use and access by the County and the public at large of (1) the sidewalk across the open space area which forms part of the north-south mid-block connection from Clarendon Boulevard up to the Phase 2 line, (2) the sidewalk across the open space area between N. Ode Street and the north-south mid-block connection, (3) the monumental staircase, and (4) the elevator located next to the monumental staircase, as such easement is more particularly described in Condition #72.
 - c. The Phase 2 plan shall include the construction of the Townhouses and the associated open space as shown on the plans with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008, including, but not limited to, the remaining open space areas and the sidewalk across the open space area which forms part of the north-south mid-block connection from 16th Road North up to the Phase 1 line. The developer agrees to grant and convey, not later than the issuance of the

first Certificate of Occupancy for the last Townhouse, a permanent public use and access easement to the County Board of Arlington County providing for public use and access by the County and the public at large of the sidewalk across the open space area which forms part of the north-south mid-block connection from 16th Road North up to the Phase 1 line, as such easement is more particularly described in Condition #72.

Enclosure of Balconies

70. 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.

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

For each of the Multifamily Residential Buildings:

- a. The developer agrees to hire a LEED ~~certified~~ accredited 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 New Construction (LEED-NC) certification. Specifically, the developer agrees to include sustainable elements in design and construction in each building that are sufficient to meet the requirements for seven (7) LEED-NC Prerequisites and include at least "26" LEED-NC points (LEED-NC Certified) ~~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 each~~ each building for additional points beyond the minimum 26 required for LEED certification certified levels. The developer agrees to register both building the project with the US Green Building Council as assurance that the project will seek LEED certification.
- 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 where possible. 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 separate report for each building prepared by the LEED consultant and documentation upon request to substantiate the reports. 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. Prior to issuance of a Certificate of Occupancy for any part of the last floor of each of the Multifamily Residential Buildings to be occupied, the applicant agrees to provide a certification by a LEED-accredited professional. The certification shall state that all of the 26 points, as set forth above in the reporting mechanisms and including all of the LEED-NC Prerequisites, have been incorporated into the project and that, in the professional's opinion, the project will qualify for a LEED-NC Score of 26 points or higher for each of the Multifamily Residential Buildings. 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 provide the County Manager with such authorization as may be necessary to allow such access. 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 number of points have been included in the buildings.
- e. For the Multifamily Residential Buildings, prior to the issuance of the first certificate of occupancy, 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 \$544,770 (\$30 per square foot x 18,159 sf of bonus density), guaranteeing that, within eighteen months from the date of the issuance of the certificate of occupancy for any part of the last floor to be occupied, the developer will have received its LEED-NC "Certified" certification (26 or more credits) from the United States Green Building Council. Should the developer miss up to three (3) points, resulting in 23-25 points, within the

eighteen month period, the developer shall automatically forfeit twenty-five percent (25%) of the total financial security called for, for each point, up to a total of seventy-five percent (75%) of the security, which shall be immediately paid to the County. The developer agrees that the County may take any amounts due under the condition out of the financial security as deposited with the County. Should the developer achieve less than 23 points, within the eighteen month period, the developer shall automatically forfeit 100 percent (100%) of the security, which shall be immediately paid to the County.

For the Townhouses:

- a. The developer agrees to register the Townhouses with Arlington's Green Home Choice program and will incorporate at least 175 credits in the Townhouses in order to receive Green Home Choice certification upon project completion. 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 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 Townhouse unit.

Public Use and Access Walkway Easements

72. For each phase of the Development as defined in Conditions #1 and #69, the developer agrees to grant, by Deed of Easement(s), permanent public walkway use and access easements ("Easement(s)", in accordance with the conditions set forth herein and in a form acceptable to the County Attorney and County Manager, to the County Board of Arlington County, for the benefit of the County and the public at large, providing for a public use and access pedestrian walkway by the County and the public at large over, on and through: (1) a sidewalk to be constructed and located in the open space area which forms a north-south mid-block connection between Clarendon Boulevard and 16th Road North; (2) a sidewalk to be located in the open space area which forms an east-west connection between N. Ode Street and the north-south mid-block connection; (3) a monumental staircase fronting on Clarendon Boulevard; and (4) the elevator located next to the monumental staircase; each of the easement areas (1) through (4) as shown on the plans prepared by Bowman Consulting Group, Ltd., seal dated June 5, 2008 ("Easement Areas"). The final location of the Easement Areas may change with the preparation, and approval by the County, of the final building plans. The developer agrees to construct and landscape the Easement Areas, as shown on plans with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008 and made a part of the public record on June 17, 2008. Final landscape design and installation shall be approved by the County Manager as part of the final site development and landscape plan. Construction and landscaping of each of the Easement Areas shall be completed prior to the granting of the Easement for that Easement Area. Granting of all of the Easements located in a phase of Development shall be completed prior to the issuance of the first certificate of occupancy for the building corresponding phase of Development. The Easements shall be granted by deed,

in substance acceptable to the County Manager, and subject to approval as to form by the County Attorney, and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County.

The Easements shall:

- a. Provide that the developer shall be responsible, at its sole cost and expense, for the continued care, cleaning, maintenance, repair, replacement and installation of all Easement Areas and all improvements contained within the Easement Areas, including, but not limited to concrete, bricks, masonry, stone work, sidewalks, lighting, trash receptacles, steps, monumental staircases, elevators and any other fixtures or improvements, if any, shown on the final site development and landscape plans. In addition, the developer shall be responsible, at its sole cost and expense for snow and ice removal in the Easement Area.
- b. Provide that no motorized vehicles, other than emergency vehicles or wheelchairs, and no bicycles, skateboards, scooters or similar non-motorized vehicles shall be operated in the Easement Areas.
- c. Provide that the County, its contractors and agents, and the public at-large, shall at all times, have full and free use of the Easement Area for the purposes named, and shall have all rights and privileges reasonably necessary to the exercise and use of the Easements, including, but not limited to, the right to access to and from the Easements; and the right to use the adjoining land of the developer where necessary, provided however, that this right to use the adjacent land shall be limited to that use necessary for the County, its contractors and agents, to repair or maintain the Easement Areas should the developer fail to do so promptly after notice from the County, and further this right to use the adjacent land shall not be construed to allow the County to erect any building, structure or facility of a permanent nature on such adjoining land unless otherwise provided in such Easements.
- d. Provide that the Easement Areas shall be open for public access twenty-four hours a day, seven days a week.
- e. Provide that upon written request of the developer to the County Manager, stating the proposed time period, spatial area(s) and the reasons for such request, and with the written approval of the County Manager, not to be unreasonably withheld, the Easement Area, or portion thereof, may be temporarily restricted or prohibited for limited times and limited purposes (e.g. for maintenance, repair, replacement, or special events).
- f. Provide that the developer shall be responsible for all trash and debris removal in the Easement Areas.

- g. Permit the installation, by the developer, within the Easement Areas, of benches, seating, trash receptacles, lighting, walls and landscaping features, if any, depicted on the final landscape and site plans.
- h. Provide that the developer may use the Easement Areas in any manner that is not inconsistent with the terms of the Deed of Easement or inconsistent with the use of the Easement for the purposes named therein.
- i. Provide that the developer may restrict or prohibit the following activities from the Easement Area: (1) vending; (2) soliciting; (3) any activity that violates the Noise Control Ordinance of Arlington County, Virginia; and (4) any activity which blocks the use of the Easement Area by pedestrians.

The developer agrees that the Easements shall include the consent of any lender for the project that is the subject of the site plan, the subordination of any lien or 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 Areas.

Refuse Delivery to County Disposal Facility

- 73. 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. Any facility designated by the County Manager will have competitive rates at or below other facilities in the region otherwise available to the developer.

Towing of Impermissibly Parked Vehicles

- 74. 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

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

Authorization for Police to Enter Residential Parking Areas

76. For the Multifamily Residential Buildings, 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

77. For the Multifamily Residential Buildings, 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.

Salvaging and Recycling of Building Materials From Building(s) to be Demolished

78. ~~The developer agrees to develop and implement a plan for the salvage and recycling of building materials from the existing building to be demolished.~~ The developer agrees to contact and permit the staff of the County's Historic Preservation Program to inspect the property and the existing building(s) to identify remove the pilasters and columns for the main entry door frames of the buildings located at 1632 N. Oak Street, 1512 Clarendon Boulevard, 1516 Clarendon Boulevard, 1520 Clarendon Boulevard, and 1528 Clarendon Boulevard those historic materials and fabric to be salvaged at the County's expense prior to demolition of the existing buildings. The developer agrees to obtain the County Manager's approval of this plan prior to the issuance of the Clearing, Grading and Demolition Permit for the existing buildings.

The developer acknowledges that there are recyclable architectural materials at 1628-1632-1636 N. Oak Street and at 1512, 1516, and 1520 Clarendon Boulevard. These materials include the exterior doors, the individual unit entry doors and the interior solid doors, radiators and radiator covers, and the double hung wood sash windows. The developer agrees to make a good faith effort to contact local firms/organizations that may be interested in removing these materials, at their own expense, prior to demolition of these buildings, and report on this effort to the County's Historic Preservation Program staff before any demolition is initiated.

Repair and Replacement of Belvedere Park Landscape and Hardscape Features

79. The developer agrees to repair and replace existing Belvedere Park landscape and hardscape features as shown on the plans with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008, and approved by the County Board on June 17, 2008, or as may be damaged or destroyed during construction, pursuant to the Easement recorded in Deed Book 2298 at Page 0662 and subject to necessary permissions from the County and the Belvedere Condominium. Future maintenance shall be the responsibility of the County pursuant to the Easement recorded in Deed Book 2298 at Page 0662.

Transit, Bus Stop and Bus Shelter

80. The developer agrees to provide and install for Arlington County a bus stop and bus shelter located on the south side of Clarendon Boulevard, east of the intersection with N. Ode Street. The design and location of the bus stop and bus shelter shall be approved by the County Manager or his designee prior to construction as consistent with standards current at the time of County Board approval of the Development, to include an accessible connection to streets, sidewalks or pedestrian paths, bus shelter, bench, a newspaper rack securement device and 18'6" x 6' wide concrete pad that shall be a minimum of 4" thick, reinforced concrete for the full size of the bus shelter and extension pad, construct a minimum 4' x 12' wide bus shelter between a minimum 8' wide clear sidewalk area and a minimum 5' wide clear hard surface area adjacent to the bus shelter measured from face of curb, provisions for providing power to the shelter for the purpose of lighting and/or information technology (should the location be deemed appropriate for solar power then 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 standards.

The bus stop and shelter on the property shall be maintained free of snow, ice, trash and debris. A 6' wide path, clear of snow and ice, to the main entrance of the building(s) and nearest intersections shall be maintained at bus stops.

During construction, the developer agrees to develop and implement a plan to coordinate, provide, and maintain temporary Washington Metropolitan Area Transit Authority and/or ART bus relocation, including routing, temporary shelters and signs as required.

The bus stop and shelter shall be provided during Phase 1 construction.

The developer agrees to construct a 40-foot long landing area for a bus stop as shown on the final engineering plan approved by the County Manager.

Multi-Space Parking Meters

81. Prior to the first certificate of occupancy for each phase, where parking meters are called for along the frontages adjacent to the site, the developer agrees to install either parking meters or multi-space parking meters as required by the County Manager.

Vents on Facades of Multifamily Residential Buildings

82. The vents on the facades of the Multifamily Residential Buildings will be painted the same color as the brick and will be no larger than 8" x 12" as shown on the plans with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008 and supplemental plans provided to the County Board on June 17, 2008 approved by the County Board on June 17, 2008. The vents in the windows of the Multifamily Residential Buildings will be the same color and made of the same metal material as the window frames and will be sized appropriately to blend in to the window transom and will be no larger than 16" x 32" as shown on the plans with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008 and supplemental approved by the County Board on June 17, 2008.

ADA Power Door Openers

83. In addition to the regulations and requirements established with ADA Federal law, the developer agrees to install an electric eye or a power door opener for the main pedestrian residential entrances to the residential buildings. In addition, at the secure interior doors, the developer agrees that call boxes, if used, shall be mounted and measured at the lowest given height under the ADA with hands-free remote capability. The entrances to the lobbies of the residential elevators from the parking garages (if there are lobbies) will have automatic door openers.

Universal Design and Accessibility

84. The developer agrees that the multifamily apartment buildings and townhouses will incorporate the elements of universal design and accessibility as indicated in a letter of June 10, 2008 to Rosemary Ciotti from James T. Nozar (attached).

GENERAL LAND USE PLAN RESOLUTION

WHEREAS, the County Board of Arlington County has been presented with a proposed amendment to the General Land Use Plan (“GLUP”), a part of the County’s Comprehensive Plan, to designate a “Special Affordable Housing Protection District” and apply Note 13 to the property generally bordered by Clarendon Boulevard to the north, 16th Road North to the south, N. Oak Street to the east and N. Ode Street to the west as shown on the attached map entitled GP-315-08-1 (“Property”); and

- Note 13 on the GLUP should read as follows:

“13. These areas were designated a “Special Affordable Housing Protection District”: Pollard Gardens/Clarendon Courts on 11/17/90; Twin Oaks on 5/24/00; The Odyssey on 11/20/01; Ballston Center on 1/26/02; WRIT Rosslyn Center on 7/20/02; North Monroe Street Residential on 10/18/03; North Troy Street Residential on 2/7/04; ~~and~~ Rosslyn Ridge on 7/10/04; and Rosslyn Commons on (date to be determined).”; and

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

WHEREAS, the Planning Commission has recommended that the proposed amendment be approved; and

WHEREAS, the County Board of Arlington County has considered the foregoing recommendations 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 (date to be determined).

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 amendment to the GLUP should be, and hereby are, approved, designating the Property as a “Special Affordable Housing Protection District” and applying Note 13 to the Property.

PREVIOUS COUNTY BOARD ACTIONS:

1961	Designated “High-Medium (Multi-Family)” Residential (14-39 units per acre) on the General Land Use Plan. This designation remained unchanged on the 1964 and 1966 versions of the General Land Use Plan.
1962	Designated “Medium” Residential” (31-72 units per acre) on the General Land Use Plan.
June 1978	Approved a rezoning of the subject block from “RA6-15” Apartment Dwelling Districts to “RA4.8” Multiple-Family Dwelling Districts.
1979	Designated “High-Medium” Residential (73-90 apartment units per acre; 72-135 hotel units per acre) on the General Land Use Plan.
1983	The description of “High-Medium” Residential on the General Land Use Plan was amended to “3.24 FAR residential, 72-135 units per acre hotel.”
July 7, 1984	County Board deferred a General Land Use Plan Amendment request from “High Medium” Residential (3.24 FAR residential, 72-135 units per acre hotel) to “High” Residential (4.8 FAR residential; 3.8 FAR hotel) for the block bounded by North Oak Street, North Ode Street, 16 th Road North and 17 th Road North to the January 1985 County Board meeting. (GP-164-84-1)
January 5, 1985	County Board deferred the above request to the April 1985 County Board meeting.
April 13, 1985	County Board voted to take no action on the above request.
1987	The description of “High-Medium” Residential on the General Land Use Plan was amended to “3.24 FAR residential.” This remained unchanged on the 1990, 1996 and 2004 printings of the General Land Use Plan.