



## ARLINGTON COUNTY, VIRGINIA

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

**DATE:** June 16, 2008

**SUBJECT:** U-3199-08-2 USE PERMIT REQUEST for approval under the Columbia Pike Form Based Code for the Arlington Mill Community Center at 4975 Columbia Pike (RPC #22-001-004) to construct a mixed-use development with a new community center facility (30,000 square feet), including a gymnasium (approximately 9,000 square feet), retail uses (approximately 3,000 square feet), and 192 residential housing units; modifications of Form Based Code provisions for architectural details on the community center.

**Applicant:**

Public Private Alliances, LLC  
7500 Old Georgetown Road  
Bethesda, MD 20814

**By:**

Nan E. Walsh  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, Virginia 22201

**C.M. RECOMMENDATIONS:**

1. Approve the Use Permit application for a residential building on the northern portion of the site with 159 units; for a 6-story mixed-use building on the southern portion of the site with approximately 40,000 square feet of community center uses including gymnasium, approximately 3,000 square feet of retail uses, and 33 residential units; an underground parking garage; and a public plaza, subject to the conditions in the staff report.
2. Approve the general location and approximate size of the plaza elements as shown on the Arlington Mill Plaza Master Plan.

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

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

Staff: Jennifer Smith, DCPHD, Planning  
Hunter Moore, AED; Greg Emanuel, Calvin Abram, and Sarah Stott, DES;  
Michelle Cowan, DMF; Carol Ann Perovshek, PRCR/CPHD

PLA-4994

3. Authorize staff to finalize the details and technical documents for the Ground Lease with the development partner, for formal consideration by the County Board at its meeting on July 19, 2008.
4. Authorize staff to finalize the details and technical documents for the Sale and Purchase Agreement with the development partner, for formal consideration by the County Board at its meeting on September 13, 2008 or soon thereafter.
5. Authorize staff to pursue development of an interim financing plan for the community center for consideration by the County Board at its meeting on October 18, 2008 or soon thereafter.

**ISSUES:** This is a request for the County Board to approve a Form Based Code Use Permit application, with modifications, for the Arlington Mill Community Center Project, which has gone through an extensive public review process. During the course of the review of the proposal, the project team has continually refined the proposal to address comments or concerns raised through meetings, including the architectural treatments of the proposed community center structure and the public plaza design to achieve the distinctive and landmark qualities desired by the Arlington Mill Steering Committee and others. Staff has concluded that the architectural renderings attached to this report satisfactorily meet the requirements of the FBC. Concerns raised by immediate neighbors include construction impacts, the overall scale of the proposed development, parking supply, and the capacity of the proposed street system. Concerns have also been raised on the proposed location of electrical transformer equipment, trail connection improvements, plaza master plan and site accessibility, and architecture.

**SUMMARY:** This proposal to redevelop the County-owned property and construct a new, modern community center facility will fulfill a long-standing County commitment. Following the vision expressed for the Columbia Pike corridor in the Columbia Pike Initiative – A Revitalization Plan (Update 2005), this proposal follows the prescriptive regulations of the Columbia Pike Form Based Code (FBC). The County is facilitating this process through the use of a public/private partnership which will help achieve expanded community center facilities and affordable housing, another County priority. As proposed, this complex project would redevelop the entire site with a mix of community center uses including a gymnasium (approximately 40,000 square feet), a public plaza (over 15,000 square feet), retail uses (approximately 3,000 square feet), and residential uses (192 units) with a portion of affordable units. The proposal will provide 61 affordable units to serve households at or below 60% of the Area Median Income level (AMI), by utilizing the Federal Low-Income Housing Tax Credits (LIHTC) program offered through the Virginia Housing Development Authority (VHDA). Two buildings are proposed. One building fronting on Columbia Pike would have a mix of public and private uses, including the proposed community center uses. In light of the public uses contained within this structure, this building is considered a “Civic Building” under the FBC and, as permitted with this designation, deviates from several of the FBC regulations to meet the community’s desire to achieve a distinctive structure on Columbia Pike. The building at the northern portion of the site, which is proposed as a rental apartment building, is FBC compliant. The proposal has been

reviewed and discussed at numerous community and Arlington Mill Plan Review Committee meetings. Associated Master Transportation Plan amendments and ordinances to vacate portions of the site are also proposed (the subject of other staff reports).

**BACKGROUND:** In March 2002, the *Columbia Pike Initiative-A Revitalization Plan* was adopted by the County Board. A major recommendation of the plan was to develop a new review process to evaluate redevelopment proposals in the corridor, which became the Form Based Code (FBC). In February 2003, the County Board adopted the FBC, which made development sites within the “Columbia Pike Special Revitalization District” designated on the General Land Use Plan eligible for development following the FBC. A Regulating Plan for each of the four development nodes along the corridor was included in the FBC, including the Neighborhood Center development node, where the Arlington Mill Community Center property is located. The subject property, at 4975 Columbia Pike, is bordered by Columbia Pike to the south, South Dinwiddie Street to the west, and Arlington Mill Drive to the east. The property is County-owned and has been in use as the Arlington Mill Community Center for approximately 10 years. The center occupies a building that was formerly a grocery store and renovated by the County to accommodate classrooms and activity and meeting rooms.

In 2006, the County decided to seek a development partner and utilized a two-step Request for Qualifications and Request for Proposals process to solicit interest from potential development partners. This process led to the County selecting a preferred development team, Public Private Alliances, LLC, in May 2007. Since that time, the County and its development partner, with assistance from citizens and staff appointed to the Arlington Mill Steering Committee, have been advancing redevelopment plans to meet the preferred vision and program outlined for this site.

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

Site: The 82,902 square foot (1.9 acres) site is located on Columbia Pike, and is bordered by South Dinwiddie Street and Arlington Mill Drive. The site currently contains a building of approximately 25,000 square feet in size, occupied by community center and school programs, and a surface parking lot.

Zoning: The site is zoned "S-3A" Special Districts, and is eligible, by reference, to be developed using the “CP-FBC” Columbia Pike Form Based Code District.

To the north: Multi-family dwelling units dispersed in 18 3-story buildings (Park Glen Condominium). The zoning is “RA-14-26”. The General Land Use Plan designates this area as “Low-Medium” Residential (16-36 units per acre).

To the west: Duplex residential units zoned “RA-14-26” and designated “Low-Medium” on the General Land Use Plan front S. Dinwiddie Street north of 9<sup>th</sup> Street. Strip commercial and associated surface parking (Pike Plaza Shopping Center) zoned “C-1” and designated “Service Commercial” on the General Land Use Plan exist south of 9<sup>th</sup> Street.

To the east: The Long Branch of Four Mile Run and Glen Carlyn Park zoned “S-3A” and designated “Public” on the General Land Use Plan.

To the south: Across Columbia Pike, east of Columbus Street, strip commercial (7-11) zoned “C-1” and designated “Low-Medium” with the Triangle symbol on the General Land Use Plan. This area is planned for open space per the Columbia Pike Revitalization Plan. Across Columbia Pike, west of Columbus Street, existing multi-family residential zoned “RA-7-16” and “RA-6-15” and designated “Low-Medium” on the General Land Use Plan.

Land Use: The site is designated on the General Land Use Plan (GLUP) as “Public”, which permits parks, schools, parkways, recreation areas, major unpaved rights-of-way, libraries, and cultural facilities. This site is located within the Neighborhood Center node of the Columbia Pike Special Revitalization District which allows for use of the FBC.

Neighborhood: The site is located within the Columbia Heights West Civic Association and adjacent to the Columbia Forest (south) and Barcroft (east) civic association areas.

Plans: The site is located within the Columbia Pike Special Revitalization District and is subject to the *Columbia Pike Initiative – A Revitalization Plan (Update 2005)*.

**Proposed Development & Zoning:** The proposal is a joint County and private developer venture to rebuild the Arlington Mill Community Center in a mixed-use development project with retail and residential uses following the Columbia Pike Form Based Code. The existing underlying zoning (“S-3A”) will be retained.

The table below compares the by-right development potential with the proposed FBC development.

	<b>“S-3A” By-Right</b>	<b>“Form Based Code”</b>	<b>Proposed Concept</b>
<b>Density</b> FAR	No density limit – height & setback requirements would control amount of allowable GFA	No density limit – density controlled by building form in FBC	~30,000 sf community center ~9,000 sf gymnasium ~3,000 sf retail 192 residential units
<b>Height</b> Building Height	45 feet	Main Street Site – 3 to 6 stories  Avenue Site – 2 to 5 stories	Main Street Site – 5 stories (above Required Building Lines) plus Plaza Level; 6 stories total  Avenue Site – 5 stories
<b>Parking</b>	Section 33 Varies depending on community center uses	1.125 per residential unit  1:1,000 sf of non-residential	192 residential parking spaces  130 shared parking spaces for: • Community Center uses

		use	<ul style="list-style-type: none"> <li>• Retail uses</li> <li>• Residential visitors</li> </ul>
<b>Permitted Uses</b>	Public & semi-public parks, recreation areas, etc.; public buildings, country clubs, cemeteries, churches, public/private arboretums	Main Street Site – Ground Floor Retail required; upper stories not specified  Avenue Site – Residential; Ground-Floor Retail not required	Community Center with Gymnasium, Residential, and Retail  Residential units and associated uses

**Proposed Development:** The following table sets forth the summary for the proposed development related to the Form Based Code requirements.

	<b>Required</b>	<b>Proposed</b>
<b>Site Area</b>		82,902 square feet (1.9 acres)
<b>Total GFA</b>		~30,000 sf Community Center ~9,000 sf Gymnasium ~3,000 sf Retail 192 Residential Units  Mixed Use Community Center Building – 81,304 sf GFA  Residential Building – 167,075 sf GFA  248,379 Total sf
<b>Columbia Pike Form Based Code Requirements</b>		
<b>Height</b>	Main Street Site – 3 to 6 stories  Avenue Site – 2 to 5 stories	6 Stories – approx. 60 feet (excludes penthouse) 5 Stories – approx. 64’ to cornice (excludes penthouse)
<b>Parking</b>		
Residential spaces (reserved)	192 spaces (1 space/unit)	192 spaces
Residential spaces (shared)	24 spaces (0.125 space/unit)	24 spaces
Retail/Community Center spaces (shared)	43 spaces (1 space/1,000 sq. ft. gfa)	106 spaces
<b>Total Parking</b>	<b>259 spaces</b>	<b>322 spaces</b>
<b>Parking Ratio</b>	1.125 spaces per residential unit / 1 space per 1,000 sq. ft. of non-residential	1.125 per residential unit 1 space per 1,000 sf retail 1 space per ~388 sf community center space
<b>Bicycle Parking</b>		
Retail Employees	2 spaces or 1 rack	2 spaces or 1 rack
Retail Visitors	2 spaces or 1 rack	2 spaces or 1 rack
Residential Units	128 spaces or 64 racks	128 spaces or 64 racks
Residential Visitors	8 spaces or 4 racks	8 spaces or 4 racks

	Required	Proposed
Community Center Employees	N/A	10 spaces or 5 racks
Community Center Visitors	N/A	30 spaces or 15 racks
Total Bicycle Parking	140 spaces or 70 racks	180 spaces or 90 racks
Class I – within garage		140 spaces or 70 racks
Class III (at grade along sidewalk)		40 spaces or 20 racks
<b>Open Contiguous Lot Area –</b>		
Main Street Site – 15% of Buildable Area	5,446 square feet (36,311 sf. Buildable Area x 15%)	15,624 square feet (43.02% of Buildable Area)
Avenue Site – 30% of Buildable Area	17,238 square feet (57,461 sf. Buildable Area x 30%)	17,744 square feet (30.88% of Buildable Area)
<b>LEED &amp; Earthcraft Scores</b>		<u>Mixed-Use Community Center Building:</u> LEED Silver Certified level  <u>Residential Building:</u> Earthcraft Certified level consistent with VHDA tax credit requirements, or LEED equivalent

**Transportation:** The subject site is located on the northeast corner of Columbia Pike and South Dinwiddie Street. The Master Transportation Plan classifies Columbia Pike as a principal arterial; South Arlington Mill Drive, South Dinwiddie Street and 9<sup>th</sup> Street South as neighborhood principal streets; 8<sup>th</sup> Road South provides a local connection between S. Carlin Spring Road and S. Dinwiddie Street respectively.

Trip Generation: A Traffic Impact Analysis (TIA) submitted by Arlington County and prepared by Kimley-Horn and Associates, Inc., dated December 2007, assessed the impacts of the development on the adjacent street system.

The existing facility includes 25,000 square feet of uses which generates approximately 91 AM and 185 PM peak hour vehicle trips. The proposed project is estimated to generate approximately 144 AM and 185 PM peak hour vehicle trips. It will generate a net increase of approximately 53 AM and no PM peak hour vehicle trips. The existing Community Center includes REEP and alternative school facilities that will not be part of the new center and therefore will not result in additional PM peak hour trips.

**Table I – 24-Hour Traffic Volumes**

<b>Streets Name</b>	<b>2000</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
<b>Columbia Pike @ South Glebe</b>	N/A	28,067	N/A	N/A	N/A
<b>South Dinwiddie Street south of 8<sup>th</sup> Rd. South</b>	6691	N/A	N/A	6,802	6,152
<b>South Arlington Mill Drive, north of 800 block</b>	N/A	N/A	234	N/A	N/A
<b>South Arlington Mill Drive, north of Columbia Pike</b>	N/A	N/A	429	N/A	N/A
<b>South Four Mile Run Drive south of Columbia Pike</b>	N/A	N/A	8,033	N/A	N/A

*Source: Arlington County Traffic Count Database*

As shown, information is available for South Dinwiddie Street, South Arlington Mill Drive and South Four Mile Run Drive. However, 24-hour traffic counts is not available for Columbia Pike between the intersections of South Columbus Street to South Wakefield Street; therefore, for contextual information, 24-hour traffic counts for Columbia Pike at its intersection with South Glebe is provided in the chart above. Given the nature of an arterial such as Columbia Pike, traffic volumes are typically greater than volumes of residential streets. Table I depicts the 24-hour traffic volumes of streets intersecting Columbia Pike during the designated years. From 2006 to 2007, traffic volume decreased slightly at South Dinwiddie Street south of 8<sup>th</sup> Road South due to traffic calming devices constructed in 2007.

Parking: A three-level underground parking structure is proposed for the project to accommodate the mix of community center, residential, and retail uses planned. Approximately 103 parking spaces are on the uppermost level, which is at the same elevation as the proposed plaza level of the mixed-use community center building, with the remaining spaces on G2 and a partial G3 level. The proposed parking complies with the minimum parking requirements of the Form Based Code (FBC) for residential dwelling units which requires 1.125 parking spaces per dwelling unit. A portion of this required parking, 0.125 spaces per unit, is allocated for shared visitor parking to the site. The proposed parking quantity also significantly exceeds the minimum parking requirements of the Form Based Code for the non-residential portion of the site which is 1 space per 1,000 square feet of GFA. The community center parking spaces will be made available to retail patrons and other visitors to the site on a non-reserved basis. In addition, a parking management plan will be developed for this site pursuant to development conditions.

The proposed access to the site’s loading dock and parking garage will be located off Arlington Mill Drive adjacent to the site’s eastern property line. Entry to the garage and loading dock would be by traveling southbound on Arlington Mill Drive from a new intersection with the proposed new 9<sup>th</sup> Street South. Vehicles would exit the site following the same path, north on Arlington Mill Drive connecting to the new 9<sup>th</sup> Street South. The existing intersection of Columbia Pike and Arlington Mill Drive would be closed to through vehicular traffic and accessible only to emergency vehicles, bicyclists and pedestrians.

Streets: The subject site has frontage adjacent to three existing streets and a proposed public street to the north, including Columbia Pike to the south, South Dinwiddie Street to the west, Arlington Mill Drive to the east, and the applicant proposes a new 9<sup>th</sup> Street South, adjacent to the development's northern boundary. The new street would allow vehicular and pedestrian connections from Arlington Mill Drive and the Park Glen Condominium Community to South Dinwiddie Street.

**Columbia Pike:** The existing cross-section includes four travel lanes varying in width from 10.2- to 12.5-foot-wide travel lanes and two turning lanes varying in width from 11.2- to 17.2-foot-wide.

The proposed cross-section is consistent with the adopted Form Based Code and the Columbia Pike Street Space Plan. The right-of-way improvements on Columbia Pike include a 7-foot-wide parking lane, two westbound 10- to 11-foot-wide travel lanes, a 10-foot-wide left-turn lane and a 2-foot-wide raised median to include a 1-foot-wide shy line for a cross-section that measures 35.9 feet from the face of curb to the centerline of Columbia Pike. Once the ultimate cross-section is implemented with redevelopment on the south side of Columbia Pike, both eastbound travel lanes will be decreased in width; therefore, providing 10- and 11-foot-wide travel lanes and a 7-foot-wide parking lane reducing the total crossing distance.

**South Dinwiddie Street south of 9<sup>th</sup> Street South:** The existing cross-section includes two travel lanes varying in width from 10.5- to 17.1-foot-wide travel lanes and a 10.5-foot-wide left-turn travel lane, in addition to two 8-foot-wide parking lanes.

The proposed cross-section is consistent with the Form Based Code requirement to implement an 80-foot-wide cross-section from Required Building Line (RBL) to RBL. The off-set cross-section will include two 8-foot-wide parking lanes and three 10.5- to 11-foot-wide travel lanes, one northbound and two southbound, that measures 37.5 feet from the centerline to the proposed face of building (RBL) on the Arlington Mill property. In addition, South Dinwiddie Street will be re-graded south of 9<sup>th</sup> Street South to alleviate the sight distance hazards associated with South Dinwiddie intersection with Columbia Pike. Once the ultimate cross-section is implemented with redevelopment at the Pike Plaza Shopping Center to the west, additional space will be provided along the western edge to widen sidewalks for enhanced pedestrian circulation and bus operations. A 10-foot-wide bus stop and layover lane would be provided south of 9<sup>th</sup> Street which would transition to a typical 8-foot-wide parking lane beyond the bus area on approach to Columbia Pike.

**South Dinwiddie Street north of 9<sup>th</sup> Street South:** The existing cross-section includes two 12.5-foot-wide travel lanes and two 8-foot-wide parking lanes.

The proposed cross-section is consistent with the FBC requirement to implement a 65-foot-wide cross-section from Required Building Line (RBL) to RBL; although, only one-half of this cross-section would be implemented because the west side of Dinwiddie Street is outside of the Revitalization District. The cross-section will include an 8-foot-wide parking lane and an 11-

foot-wide northbound travel lane, which measures 33 feet from the centerline to the proposed face of building (RBL) on the Arlington Mill property. The curb on the west side of South Dinwiddie Street in this area would remain unchanged.

**Proposed 9<sup>th</sup> Street South:** Along the northern site frontage, a proposed new street would connect Arlington Mill Drive to South Dinwiddie Street. The new street improvements would be constructed to a 23-foot-wide cross-section measured from face of curb to face of curb and includes two 10-foot-wide travel lanes and two 1.5-foot-wide gutters that would provide access to South Dinwiddie Street.

**Arlington Mill Drive:** The existing cross-section includes two travel lanes varying in width from 10.5- to 10.9-foot-wide travel lanes and a 7.4-foot-wide parking lane.

Arlington Mill Drive south of the new 9<sup>th</sup> Street South would change from its current condition with this project. As proposed, the southern portion of Arlington Mill Drive would be converted to a public plaza and would be closed to traffic, except for pedestrians, bikes and emergency vehicles. The northern portion of Arlington Mill Drive, however, would remain open to vehicular traffic for parking and loading access. From the proposed 9<sup>th</sup> Street South, Arlington Mill Drive would provide a 34-foot-wide cross-section which includes two 10.5- to 11-foot-wide travel lanes. Once beyond the parking garage entrance, the street would be marked and paved with different material to indicate the restricted loading and pedestrian area. The paving surface would change again beyond the loading dock where the former Arlington Mill Drive changes to the public plaza.

In addition to the above mentioned street improvements, the developer would be paying an in-lieu fee for the installation of traffic signal mast arms at the intersection of Columbia Pike and South Dinwiddie Street as specified in the FBC. The County would be responsible for the coordination with the additional mast arms needed for the intersection and the installation, which is expected to be done concurrently with the construction of this project.

Pedestrian Access: The proposed streetscape standards are consistent with the adopted standards of the Columbia Pike Form Based Code.

**Table II- Master Transportation Plan and Form Based Code Street Requirements**

Street	Classification	Travel lanes	Bike Access	Restricted Access	On-Street Parking	Pedestrian Access
<b>Columbia Pike</b>	Arterial	4	Shared Lane	No	Yes	2' shy zone 13.7' s/w + 5' tree pit
<b>South Dinwiddie south of 9<sup>th</sup> Street South</b>	Neighborhood Street	2	Shared Lane	No	Yes	6' s/w + 5' tree pit
<b>South Dinwiddie north of 9<sup>th</sup> Street</b>	Neighborhood Street	2	Shared Lane	No	Yes	6' s/w + 5' tree pit

<b>South</b>						
<b>Proposed 9<sup>th</sup> Street South</b>	Neighborhood Street	2	Shared Lane	No	No	6' s/w + 4' tree pit
<b>South Arlington Mill Drive</b>	Neighborhood Street	2	Shared Lane	Yes	No	6' s/w + 4' tree pit

The following lists the streets section/streetscape requirements for the proposed site pursuant to the Master Transportation Plan and the Form Based Code Street Space Task Force requirements.

**Table III-Existing and Proposed Street Standards**

<b>Existing and Proposed Streetscape Sections/Streetscape Requirements</b>				
<b>Street Name</b>	<b>Existing</b>		<b>Proposed</b>	
<b>Columbia Pike</b>	<b>(North Side)</b> 12.2' s/w 10.2' to 12.5' travel lanes 17.2' turn lane	<b>(South Side)</b> N/A	<b>(North Side)</b> 2' shy zone 13.2' clear s/w 5' by 12' tree pits 7' parking lane 10' to 11' travel lanes	<b>(South Side)</b> N/A
<b>South Dinwiddie Street south of 9<sup>th</sup> Street South</b>	<b>(East Side)</b> 4' s/w 4' grass strip 8' parking lane 17.1' travel lane	<b>(West Side)</b> Retaining wall 6' s/w 8' parking lane 10.5' travel lane 10.5' turn lane	<b>(East Side)</b> 9.5' s/w 5' by 12' tree pits 8' parking lane 11' travel lane	<b>(West Side)</b> Retaining wall 6' s/w 8' parking lane 10.3' travel lane 11' turn lane
<b>South Dinwiddie Street north of 9<sup>th</sup> Street South</b>	<b>(East Side)</b> 4' s/w 4.4' grass strip 8' parking lane 12' travel lane	<b>(West Side)</b> 4' s/w 2' grass strip 8' parking lane 12' travel lane	<b>(East Side)</b> 9' s/w 5' by 12' tree pit 8' parking lane 11' travel lane	<b>(West Side)</b> N/A
<b>South Arlington Mill Drive</b>	<b>(East Side)</b> 10.9' travel lane	<b>(West Side)</b> 3' s/w 7.4' parking lane 10.5' travel lane	<b>(East Side)</b> 11' travel lane	<b>(West Side)</b> 6'-8' s/w 4' planting strip 10.5' travel lane
<b>Proposed 9<sup>th</sup> Street South</b>	N/A	N/A	<b>(North Side)</b> 10' travel lane	<b>(South Side)</b> 6' s/w 4' landscape strip 10' travel lane

Public Transit: The site is well served by public transit. Washington Metropolitan Transit Authority's Columbia Pike bus routes were recently improved and designated "Pike Ride" which provides frequent service to both the Pentagon and Pentagon City Metrorail stations. Two Arlington Transit routes and one Metrobus route are also available. ART Route 41 provides

service between Columbia Heights West and the Courthouse Metrorail Station via the Ballston area with 15 minute headways between buses on weekdays. ART Route 75 also provides service to the Ballston Metrorail Station via the Columbia Heights West neighborhood and the Carlin Springs Road corridor. The Metrobus Columbia Pike lines (routes 16 A, B, D, E, F, and J) travel along Columbia Pike. The Metrobus Columbia Heights West-Pentagon City lines (routes 16 G, H, K, and W) travel along Columbia Pike neighborhood streets, with destinations to the west (such as Bailey's Crossroads and Annandale) and the Pentagon and Pentagon City Metrorail stations. The Metrobus 16 (G, H, and K) provides service from Columbia Heights West to Pentagon City and operates on a headway time of 12 minutes. The Metrobus 16 service to the Pentagon operates on headway times of three to 4 minutes during peak hours and 6 minutes at off-peak hours.

Bicycle Access: The subject site is conveniently located adjacent to the Four Mile Run Bike Trail, the W & OD Trail and on-street bicycle routes along 9<sup>th</sup> Street South and South George Mason Drive. The Bicycle Transportation Plan was recently amended with adoption of the Columbia Pike Form Based Code Regulating Plan and Form Based Code Streetscape Standards. On-street 5-foot-wide bicycle lanes are proposed along Columbia Pike between South Jefferson Street and South Dinwiddie Street; however, bike lanes are not proposed in the segment of Columbia Pike directly adjacent to this site. The area between South Dinwiddie Street and South Wakefield Street are proposed to be more of an urban area with required building lines closer to the street. Constructing building frontage closer to the street and the narrowing of lanes reduce traffic speeds thus negating the need for bike lanes. The proposal includes improvements to the multi-use trailhead at the northern end of Arlington Mill Drive as well as provisions for an improved connection to the Four Mile Run Trail in the area near the plaza to facilitate access to this existing trail. Consistent with Form Based Code requirements, the applicant proposes secure bicycle storage for residents and visitors, and for retail patrons and employees.

A Transportation Demand Management (TDM) Plan has been established for the proposed development that will influence travel behavior, therefore allowing South Dinwiddie Street at the Columbia Pike intersection to continue to operate at its existing level of service (LOS) during the AM and PM peak hours. TDM is the establishment of measures to influence travel behavior by mode, frequency, time, route, or trip length in order to achieve the maximum efficient use of transportation facilities. TDM plans in Arlington County are established and carried out as a cooperative endeavor of transportation system users, employers, developers, builders, building complex managers, residents and County government. Examples of TDM measures are:

- Provide in the residential lobby and in the Community Center lobby an information display, the number/content/design/location of which shall be approved by Arlington County Commuter Service/Arlington Transportation Partners (ACCS/ATP), to provide transportation-related information to the residents and visitors;
- Provide in the lobby a means to call a taxi;
- Provide a choice of one (1) SmarTrip card plus \$40.00 Metro fare media, or four (4) Metrobus Weekly Passes (Valid for a full week of unlimited travel region wide or regular Metrobus routes); and

- Distribute a new-resident package, material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each lessee. Packages will be distributed to tenants no later than the day of move-in at the building. Distribute equivalent package to new employees no later than their first day of work.

Improvements to the natural trail, opposite the parking garage and loading area along Arlington Mill Drive, are proposed with this project to provide enhanced bike and/or pedestrian access from the project site and plaza areas to the Four Mile Run Trail and stream area. As originally discussed by the developer and staff, this improvement would involve the removal of some existing trees and the introduction of a series of switchback paved surface to connect the top and bottom of slopes. In light of further discussions and concerns raised by community members on that design solution (see discussion below in Community Process), staff now recommends that an alternative trail connection be included in the project, one that is designed in a more environmentally-friendly manner than the prior proposal. However, staff recommends that this connection be included as a bid alternative. Therefore, if sufficient funding is available within the project budget, the trail improvements would be made during the construction of this project. If additional funding is needed, the County would identify additional funding and a timeline to improve the connection.

**Utilities:** Adequate water and sanitary sewer system capacity is available to serve the development. Staff recommends, and the developer agrees, some improvements and relocation of the utilities along the frontage of the site may be required of the developer as conditions of this development as specified in Condition # 16. The developer has agreed to remove or underground all aerial utility lines on the site. In addition, the County will continue to analyze the projected cost estimates to relocate the overhead utility lines that run along the eastern edge of Arlington Mill Drive in the adjacent parkland once additional details are available through further discussions with Dominion Virginia Power. The County's goal is to relocate these lines underground; however, in light of budget constraints, this work may not be feasible as part of this project. If sufficient funding is not available for this work, the County could identify this work to be completed through future County undergrounding initiatives. In addition, the developer will be required to comply with the new Chesapeake Bay Preservation Ordinance and the Plan of Development requirements, including a Resource Protection Area Delineation, a Landscape Conservation Plan, a Storm Water Management Plan, an Erosion and Sediment Control Plan, and Resource Protection Area requirements including a Water Quality Impact Assessment.

**DISCUSSION:** The Arlington Mill Community Center project is utilizing the Columbia Pike Form Based Code to guide its development. As part of the Columbia Pike Special Revitalization District, the subject site is eligible for redevelopment under the Columbia Pike FBC, subject to use permit approval by the County Board, since the site is greater than 40,000 square feet. The Regulating Plan (map) of the FBC specifies what Building Envelope Standards (BES) apply to each property within the District, and sets forth regulations pertaining to building height, placement, and permitted uses. The FBC also specifies where open space should be built or maintained. For this site, two BES apply: Main Street Site and Avenue Site. The Main Street

frontage, along Columbia Pike and the southern portion of S. Dinwiddie Street, calls for a building between three (3) and six (6) stories in height. The Avenue frontage, along the northern portion of S. Dinwiddie Street, calls for a building height between two (2) and five (5) stories in height. In addition, the Regulating Plan requires a public plaza in this location.

The project contains a mix of community center, retail, and residential uses in two buildings, each of which follow the respective Main Street and Avenue frontage types. A new, 6-story mixed-use building including approximately 40,000 square feet of community center uses, approximately 3,000 square feet of retail uses, and 33 rental apartments is proposed for the Main Street frontage. A new, 5-story residential building with 159 rental apartments is proposed for the Avenue frontage. A public plaza, approximately 14,500 square feet in size is proposed along the Columbia Pike frontage in the southeast corner of the site. The plaza occupies a portion of the existing Arlington Mill Drive right-of-way, which, as proposed, would be incorporated into the plaza with pedestrian, bicycle emergency vehicle access only.

The proposal has been reviewed extensively with the Arlington Mill Plan Review Committee, the community, and advisory commissions and the County Board. Additionally, the County Board reviewed and endorsed the proposed Concept Plan on January 29, 2008, which enabled the developer to submit the proposal to the Virginia Housing Development Authority (VHDA) by its February 15, 2008 deadline, for consideration of low-income housing tax credits. The proposal endorsed by the Housing Commission and then reviewed by VHDA included the provision of 61 affordable housing units within the 5-story residential building. On May 6, 2008, VHDA awarded tax credits to this project for the proposed affordable housing program, which will provide a significant financing component for this project. In exchange for tax credit funding, the affordable units must be constructed and available for occupancy by December 2010.

The proposed project is compliant with the FBC and is consistent with the goals of the *Columbia Pike Initiative – A Revitalization Plan* (Update 2005). The mixed-use community center building deviates from some FBC regulations, as permitted for this designated “Civic Building” (see discussion below). Some highlights of the overall proposal include the following:

- A mixed-use civic building on the Main Street Site with:
  - Frontage along Columbia Pike and Dinwiddie Street where Required Building Lines (RBLs) are present;
  - At least 75% of the building frontage built along the RBLs;
  - Community center uses including Parks, Recreation, and Cultural Resources (PRCR) and Department of Human Services (DHS) programs, including a high school-sized gymnasium that can “open” up to the plaza and expand the area available for special community events on the plaza; retail uses; and residential units;
  - Approximately 33 residential units;
  - Six (6) stories in total with three allocated for community center uses (including the plaza level);

- LEED Silver Certified rating, including a vegetated green roof above portions of the gymnasium, and other environmental and energy efficient elements; and
- The main building entries along South Dinwiddie Street, the public plaza, and the upper-most level of the parking garage;
- A residential building on the Avenue Site with:
  - Frontage along Dinwiddie Street where the RBL is present;
  - The majority of the building frontage located on the Dinwiddie Street RBL which exceeds the 10% minimum requirement;
  - 159 residential units in a mix of studio, 1-, 2-, and 3-bedroom-type units;
  - 61 units as affordable units to households with incomes at or below 60% of the Area Median Income (AMI) level, including 10 units available to the Department of Human Services clients (for its Supportive Housing program);
  - Five (5) stories above grade relative to Dinwiddie Street;
  - The main building entry located along Dinwiddie Street and additional building entries to individual ground floor units along Dinwiddie Street at least every 60’;
  - Earthcraft Certified rating, an alternative green-building rating system to LEED used by VHDA, or the equivalent LEED Certified rating;
  - An open contiguous lot area of at least 30% of the site’s Buildable Area for amenity space;
  - A portion of the open space dedicated for public access from Dinwiddie Street to the public plaza area at the eastern end of the site;
- Additionally, site improvements proposed with this project include:
  - A new public plaza with frontage on Columbia Pike for public gatherings and special events;
  - Widened sidewalks and streetscape improvements around the site’s perimeter following the FBC requirements and other County plans and policies;
  - A new street connection between Dinwiddie Street and Arlington Mill Drive to allow vehicular access to the proposed parking garage and to help facilitate connectivity for the adjacent Park Glen Condominiums;
  - An underground parking garage for all proposed uses with parking quantities consistent with the FBC for the residential and retail uses as well as a supply of additional public parking spaces for visitors to the community center uses and other visitors to the site consistent with the parking analysis undertaken through the process;
  - Bicycle parking consistent with the FBC and additional visitor bicycle parking;
  - A single, shared loading dock/service area;
  - The removal of a free-right turn on Columbia Pike per the Columbia Pike Street Space Task Force Report recommendations;
  - The re-grading of South Dinwiddie Street from generally 9<sup>th</sup> Street South (existing) to Columbia Pike to improve sight lines across Columbia Pike to S. Columbus Street; and

- The restriction of a portion of Arlington Mill Drive for vehicular circulation, except emergency vehicles, as a way to enlarge the public plaza, provide additional pedestrian safety, and provide an improved relationship with the adjacent Four Mile Run/Glen Carlyn Park; and
- Enhancements and improved access to multi-use trails along Arlington Mill Drive.

**Civic Building Modifications:** As per the FBC, Civic Buildings may deviate from the standard requirements that would otherwise apply to private commercial or residential development if the County Board finds that the overall intention of the proposal is consistent with the Columbia Pike Initiative Plan and the Form Based Code. In order to meet the stated objectives to achieve a landmark and distinctive architectural design for the community center building, the proposal deviates from the FBC in the following ways:

Building Envelope Standards (BES): The Civic Building (i.e., community center building) is not subject to these regulations; however, the proposed deviations have been listed for informational purposes.

- **Ground Story Uses:** The BES for Main Street frontages requires the ground story to be primarily occupied with retail uses with allowances for lobby and access to upper story uses. The lower levels of the community center building are partially occupied with retail uses and building lobby and access spaces; however, a large portion of the space is also occupied with community center uses. This proposal seeks to spread community uses over several floors. However, in order to maintain an operational community center and to provide visible and accessible spaces to the public, placing several programs for the community center on the ground floor is necessary.
- **Ground Story Fenestration:** The BES for Main Street frontages requires fenestration (i.e. transparency through windows and doors) for the ground story of at least 60 percent up to 90 percent for the portion of the façade that is between 2 feet and 10 feet above the adjacent sidewalk level. In order to achieve the desired architectural design, the ground floor fenestration percentage along the S. Dinwiddie Street façade is 56 percent, which is slightly less than the minimum standard. However, the fenestration along Columbia Pike exceeds the maximum percentage and is 100 percent transparent, which will provide additional daylight into the ground-floor space.

Architectural Standards:

- **Building Walls:** The FBC prescribes building wall materials that are traditional such as brick, native stone, and pre-cast masonry. In order to achieve the desired architectural design, the community center building has been designed using a metal panel wall system as the primary façade material. This material is an acceptable material under the FBC; however, it is typically limited to ornamental applications.
- **Wall Configurations:** Under the FBC, wall openings (glass) shall not span vertically more than one story. In this case, in order to emphasize the plaza entrance to the

- **Cornices:** For the height of the community center building, the FBC requires cornice projections within a range of 30” to 60”. The proposed cornices, or sun shades, project from the roof line approximately 24” which will provide sun shade.
- **Windows Configurations:** The FBC limits window groupings to a maximum of 5 windows per group with separations provided between groupings of at least 7 inches. Several of the window groupings along Dinwiddie Street have window groupings that exceed five windows. In addition, the FBC limits window placement no closer than 30 inches to a building corner. Along the Columbia Pike frontage and wrapping around to the plaza façade and Dinwiddie Street facades, corner windows are proposed. Both of these deviations are intended to achieve the desired architectural design as well as to provide additional light into the interior spaces.
- **Window Sizes:** The FBC limits residential window panes to 36 inches in height by 30 inches wide. Several of the proposed window panes for the upper story windows on the community center building are 56 to 58 inches in height. In addition, the FBC limits shopfront windows to maximum dimensions of 6 feet in height by 4 feet wide. Some of the proposed ground floor shopfront window panes along Columbia Pike are 102 inches in height.

**Plaza Master Plan:** The proposed Arlington Mill plaza is bordered by Columbia Pike to the south, the community center building to the west and north, and Glencarlyn Park to the east. The proposal closes a section of Arlington Mill Drive to vehicular traffic, utilizing the right-of way to create a larger plaza and allowing the plaza to be located directly adjacent to the park. As designed and sized, the proposed plaza fulfills the 15% open contiguous lot requirement as set forth in the Building Envelope Standards for Main Street Sites in the Columbia Pike Special Revitalization District Form Based Code. The plaza measures approximately 15,600 square feet, which equates to approximately 43% of the total 36,311 square feet of Buildable Area on the Main Street Site.

The plaza is intended to be a flexible, urban, public space that supports a variety of active and passive engagement by local residents, community center users, and visitors. The proposed master plan has evolved over the course of several years. The earliest goals and objectives for the plaza were identified by the original Arlington Mill Steering Committee in 2005. The Steering Committee identified the future plaza as the “front porch” of the community center, a place where area residents and community center users could gather and socialize informally or as part of organized events. They stressed the importance of orienting the plaza toward Columbia Pike to enhance accessibility and safety, and they voiced the need for the plaza to acknowledge and relate to Glencarlyn Park located directly to the east. The plaza was also required to include an outdoor children’s play area (tot lot) to support future childcare programs located on the lower level of the new community center.

In the Spring of 2008, as part of the public/private partnership process, a Plaza Design Working Group was formed with the charge of expanding upon and refining the Steering Committee's earlier work and developing a master plan for the plaza. The Working Group was comprised of County advisory commission members, local design professionals, neighborhood representatives, and staff. The Working Group also included a consultant member from Project for Public Spaces, a non-profit organization based in New York that is dedicated to creating and sustaining great public places around the country. The Working Group established a master list of goals and objectives to guide the plaza's design. The group's ideas were collected and used to development multiple design alternatives for the plaza. Then, the Working Group analyzed alternatives and provided direction to the development team to determine a refined, preferred master plan.

Overall success of the plaza is contingent upon it functioning well on a day-to-day basis, requiring its design to incorporate key attributes such as accessibility, comfort, safety, a variety of things to do and see, opportunities for socializing, and linkages to other amenities or destinations. To this end, it is located directly on Columbia Pike to provide access and allow sightlines into the space from the sidewalk, which would increase the overall transparency, or porosity, of the plaza. The plaza includes an entrance to the community center, which would generate pedestrian activity, providing "eyes and ears" on the plaza as well as a source of diverse users. The plaza includes a variety of distinct zones to support a mix of activities and a variety of users at any given time. These areas include: retail shops, a tot lot, an upper seating/performance platform adjacent to Columbia Pike, a main plaza level adjacent to the gymnasium, and a viewing and seating area adjacent to the park. Within these different activity zones, the design proposes movable and fixed seating, shady and sunny locations, open areas with more exposure, as well as quieter, more intimate spaces. In addition to accommodating typical activities such as people-watching, child play, socializing, quiet contemplation, spillover of community center programs, and dining opportunities, the plaza's design also takes into account the desire to host occasional special events and scheduled gatherings such as festivals, performances and markets. A series of large doors between the gym and the plaza are designed to accommodate joint usage of these two spaces, expanding the area available for events. The proposed design also establishes and highlights important connections—both physical and visual—within the project and between the project and its surrounding environs including: a staircase connecting the plaza and the retail terrace, clear pedestrian passage to the community center entrance, views into the gymnasium and community center, wayfinding signage and access to the Four Mile Run Multi-Use Trail, and a scenic overlook adjacent to the park.

Moving forward from the master plan, the County's development partner will continue to work with County staff to determine the final finishes, furnishings, and amenities and their locations within the proposed plaza and share these refinements with the Arlington Mill Steering Committee for final review and comment.

**Community Review Process:** Staff and the applicant have participated in numerous meetings for this project since last summer including Steering Committee meetings, plan review meetings

referred to as the Arlington Mill Review Committee, community meetings, and Advisory Commission meetings. As a precursor to the Public Facilities Review Process, it was determined that additional community input would be needed to augment the typical, streamlined Form Based Code review process due to the public nature of the project as well as the inclusion of affordable housing units. The Arlington Mill Plan Review Committee meetings (similar to the Site Plan Review Committee meetings) provided the forum for most of these discussions. As envisioned for other public facility projects, this one evolved from a preliminary concept plan to final design based on community input which contrasts with the review of private development projects whereby the community reviews and discusses a final proposal from the beginning.

Arlington Mill Plan Review Committee: Six Arlington Mill Plan Review Committee meetings were held since October 2007 to discuss the proposal and concerns of the community. Of particular interest to the community are the impacts to the street network and parking resources, and the architectural details of the proposed community center building. Staff hired traffic consultants to analyze the existing and proposed street network. With this analysis, staff and the consultant concluded that the proposed street network would accommodate the projected traffic growth from this project as well as the additional vehicular traffic generated by adjacent development. Visitor access to this site would also be augmented with the proposed sidewalk and crosswalk improvements, the existing bus service, and the future streetcar improvements. The consultants also analyzed the projected parking demands for the site and compared similar community center facilities in the County in order to determine an adequate amount of parking spaces for the proposed facility taking into account a transportation demand management program.

In addition, two working groups spent additional time with staff and the development team to refine the proposed architectural design for the community center building and the plaza master plan. With input from these groups, the Arlington Mill Plan Review Committee in February and April, and during community meetings, the building architecture and plaza designs have evolved and have been generally supported as meeting the landmark and distinctive status desired by the Steering Committee.

In light of community concerns, staff has continued to focus on the following components of the project:

- **Parking Management Plan:** Community members have remained concerned about how the proposed parking garage will accommodate all of the projected users and also allow shared parking for community users during hours the community center is not open. Therefore, strategically managing the proposed parking garage with shared users will be necessary for this project, similar to many mixed-use projects the County Board approves, and is a priority for this project. The County's goal is to have the garage managed so that the parking spaces are not used by commuters or others that the garage was not designed to accommodate. As part of the permitting process, the applicant will be preparing a parking management plan for County Manager approval. One key priority for the plan will be to outline that the garage will serve the Community Center patrons

and new residents. Also, staff expects that the plan will indicate that the garage would be available to the neighbors and others after the Community Center closes.

- **Natural Trail Improvements:** In order to accommodate a desire of the Arlington Mill Steering Committee, the proposed project would provide an improved connection to the Four Mile Run Trail within close proximity to the plaza and community center building. The staff and development team analyzed numerous options to achieve this physical and visual connectivity between the community center and the Glencarlyn Park and determined that a modest improvement to the existing dirt path, near the proposed loading dock, would be the most beneficial and cost effective installation to achieve this stated objective for a physical connection. However, during discussions with the E2C2 and the Park and Recreation Commission, concerns were raised about the impacts to the Resource Protection Area, the loss of tree vegetation to construct this improved trail connection, and questioned why the existing trail connection further north along Arlington Mill Drive would not be sufficient to serve as the connection point. The trail improvements, as presented to E2C2 and others through the design review process, would consist of approximately 200 linear feet, including two (2) switchbacks, of a paved surface to accommodate bicyclists and pedestrians. This design would disturb approximately 7,000 square feet of space with approximately 1,400 square feet of new impervious surface within the Resource Protection Area; however, the proposed facility was considered to be beneficial because an additional trail connection would be provided more directly from the community center to the park and existing trails. The paved trail may reduce future erosion that could occur if the existing natural dirt path continues in operation with increased foot traffic from the development. In addition, the trail edges would be replanted to help reforest the area and reduce future erosion. With this type of trail design, additional review would be needed by the Chesapeake Bay Ordinance Review Committee (CBORC), due to the encroachment in the RPA (see additional discussion below).
- **Transformer Location:** Placement of the transformers has raised concerns with some community members. This necessary electrical equipment is commonly placed below grade for private development in the Rosslyn-Ballston Corridor, although some above-grade conditions occur, commonly for County properties. The proposed location, at the park's edge alongside Arlington Mill Drive, was seen as a less invasive location than other locations on the Arlington Mill property which are more exposed and in public view. This location would be partially depressed from view by regrading a knoll and maintaining a berm on the trail side (eastern side). The equipment would be screened from public view by a retaining wall and gates facing Arlington Mill Drive, which would be used to access the equipment by the power company, and new planting material around the edge of the berm. This location is within the Resource Protection Area and the CBORC would need to review and approve an exception request to place the equipment here. Other numerous locations were examined and found to be problematic including:

- Along Columbia Pike and Dinwiddie Street frontages: These frontages have Required Building Lines (RBLs) under the FBC and the placement of mechanical equipment within 31' feet of the RBL is not permitted.
- Within the plaza: Allocating space for the placement of above-grade transformers within the plaza will diminish the overall functionality and flexibility for the plaza, as well as reduce the overall high-quality appearance desired in this space. The space needed to accommodate up to 3 to 4 transformers and switching equipment could require a space approximately 12' to 15' wide by approximately 40' in length.
- At the eastern edge of the gymnasium: The proposed façade for the gymnasium includes a series of transparent glass walls; therefore, placing the transformer equipment at the edge of the gym will reduce the views from within the gymnasium to the existing park. In addition, this space may be better suited toward bicycle parking spaces, fountains and air pump stations, or additional landscaping.
- Within the G1 level of the garage adjacent to Arlington Mill Drive: This location would impact the residential building layout and total number of units because space would be needed above to lift out the transformers for replacement if needed, or would require the elimination of the pool area which is seen as an appropriate amenity for the residents.
- Within the G1 level of the garage (western side): Depending upon the total quantity of transformer equipment, placing the equipment in the G1 level near the western wall, under the pedestrian walkway, could be examined; however, the options to place the equipment inside garage would likely require a reduction in parking spaces from the G1 level which would then need to be recaptured on a lower level of the parking garage. This would conflict with the goal of maintaining as many parking spaces for the community on the uppermost level of the garage and would result in a garage layout and management system that could be more difficult to control.
- Below grade under Arlington Mill Drive: While this location is not visually intrusive, this option is the most cost prohibitive. This option would cost approximately \$350,000 to \$500,000 to construct an underground vault that would meet the power company's needs. At this time, staff does not recommend taking this course of action, unless there is sufficient funding in place to relocate the electrical equipment below grade.
- Within the pedestrian walkway abutting the residential building: This location would be directly adjacent to the residential building and in close proximity to the sidewalk along Dinwiddie Street. In order to remain FBC compliant, however, this location would have to be at least 31' from the RBL along Dinwiddie Street, the equipment would have to be fully screened from view from the adjacent sidewalk space (although could be open to the sky for service), and would have to be excluded from the required open contiguous lot area. While the interior landscape plan for this space would be redesigned to accommodate this equipment and a narrow walkway could be maintained along the community

center building, there could be insufficient space to accommodate all the necessary equipment without obstructing the windows in the residential building, the private courtyard space, or the vista to the park at the eastern end of the walkway.

- **Location of Affordable Housing Units:** When the County Board reviewed and endorsed the Concept Plan for this project on January 29, 2008, the details for the residential building were sufficiently determined to enable the tax credit application to be filed and meet the VHDA criteria. The mixed-use community center building had not been sufficiently designed at that time to request consideration of the units spread through both buildings. Staff does not recommend approaching VHDA to request a shift of some portion of the units from the residential building to the community center building, largely because some of the VHDA criteria may not met by the proposed community center building.
- **Construction Impacts:** Through the process, community members from Park Glen have raised concerns regarding the impacts to their community during construction as well as the desire to reduce air pollution from construction vehicles. The development team has identified the preliminary construction phases and shared this information with the community in several meetings. As part of the permitting process a detailed temporary traffic and pedestrian circulation plan will be submitted for review and approval to ensure that adequate measures are taken to maintain accessibility for Park Glen residents to reach Dinwiddie Street or Columbia Pike. The preliminary approach would maintain access at all times. Once developed, staff will review the temporary traffic plan with the Steering Committee so that there is a common understanding of the construction sequence and timing and to determine if there are major concerns.

In addition, staff analyzed the possibility of whether it would be feasible for the County to initiate a measure to reduce air pollution by requiring the developer to install diesel particulate reducing equipment or use other reduction measures on all construction trucks and vehicles for this project. While this is a notable concern and objective, implementing this measure for this project is not feasible due to additional costs that would be incurred and the beneficial equipment would remain on contractor vehicles rather than County vehicles. However, it may be a beneficial measure for the County to investigate for future projects or for County-owned vehicles such as bus fleets or other fleet vehicles.

- **Parking Garage Layout:** As part of the continuing design process, the team adjusted the parking layout when the total residential unit count was decreased by 11 units (by removing one floor of residential uses from above the community center uses) in order to reduce the total cost of the project. When this occurred, the design team redesigned the parking garage layout which utilizes a linear ramping system rather than the curvilinear ramp originally proposed. Staff has raised concerns with the operational movements within the garage with this layout and has requested that the developer readjust the garage layout to locate the down ramp away from the plaza entrance to the community

center. This change will reduce the amount of conflicts between visitors exiting their vehicles and walking towards the plaza entrance and those motorists who will need to reach the G2 level, primarily residential parking. The developer has agreed to make this change in the final development plans. No reduction in the total quantity of parking is anticipated with this reorientation.

The Environment and Energy Conservation Commission (E2C2) considered this proposal on several occasions, most recently on April 28, 2008, and raised several concerns, including the following:

1. Proposed bike trail connection: In light of the topographical change, the use of switchbacks and possible retaining walls will result with tree loss and potential erosion. With an existing trail connection in close proximity, E2C2 does not recommend the trail connection.

*Staff response: Staff has modified the trail connection recommendation. See discussion below.*

2. Clearing vegetation to create views: E2C2 is adamantly opposed to any clearing of vegetation to improve “views” to Four Mile Run from the plaza area and would recommend to staff that a tree survey be completed before any clearing to ensure that natural/native communities are preserved. If any vegetation is recommended for removal at that time, E2C2 recommends that it be completed through the County’s Remove Invasive Plants (RIP) program.

*Staff response: As part of the plaza design effort, recommendations from the plaza working group were made that some selective pruning or clearing may be beneficial to provide additional visual connectivity between the new community center and plaza area with the natural stream and parkland. Once the plaza is constructed, staff will assess the need for any possible pruning and/or clearing consulting with the County’s Urban Forester.*

3. Transformer location: E2C2 members preferred an underground transformer location; however, if an above ground location is ultimately determined, E2C2 recommends that the location be as unobtrusive as practical.

*Staff Response: Staff agrees with this recommendation and will continue to work with the developer to provide as unobtrusive design for the transformers as possible within the budget limitations of the project.*

4. Security lighting: E2C2 recommends the use of dark-sky compliant lighting.

*Staff Response: Staff will continue to work with the developer to use lighting that is appropriate for the site and which is also, to the extent possible, dark-sky compliant.*

5. Construction concerns: E2C2 concurs with neighbors who support a “no-idling” policy for construction vehicles and that low-sulfur diesel be required. Also, the site should exceed the standard Erosion & Sediment Control measures, including regular inspections during construction.

*Staff Response: The County is in the process of developing an anti-idling policy. Staff is analyzing this policy to see how it may be applicable to this project and how future ordinances or policies could be applicable to this site in the future. If any anti-idling ordinance is in place when this project goes to bid, the developer would be agreeable to*

meeting those standards. Also, the County has standards that are applicable for this type of condition adjacent to a wooded stream area and the developer will be expected to meet the standards.

6. Stormwater controls: E2C2 also recommends that the developer work to exceed the County's minimum standards for Stormwater management.  
*Staff Response: The developer will be improving the overall stormwater management on this site with this project. Stormwater vaults and/or other devices will be incorporated to meet County standards.*
7. Environmental design of the plaza: E2C2 recommends that additional vegetation and permeable paving be incorporated into the plaza area.  
*Staff Response: In order to maintain flexibility for this plaza space to accommodate a wide range of programs and special events, much of the plaza area has been designed as an open area without obstacles. However, in order to accommodate the grade change along Columbia Pike and to offer locations for shade trees, raised planters have been incorporated, which will offer shaded areas within the plaza. While the final finishes and materials have not been determined, staff anticipates that the majority of the plaza will be stable and accessible impervious surfaces to accommodate large gatherings, various programs and reduce maintenance issues; however, staff also anticipates that other areas would offer permeable surfaces.*
8. Energy efficiency: E2C2 encourages the maximum amount of energy efficiency in the project.  
*Staff Response: The proposal seeks to attain a LEED Silver Certified rating from the U.S. Green Building Council for the community center building and will have enough green building components to achieve this certification including at least 2 energy optimization credits. Through the final design phase, staff will continue to work with the developer to refine the sustainable design elements of the project and work to increase the energy efficiency of this building.*

The Park and Recreation Commission (PRC) considered this proposal on May 20, 2008 and its response was favorable overall on the proposed mixed-use project that will include an enhanced recreation center, a plaza, retail, and housing. However, the PRC raised the following issues:

1. Parking: PRC stressed the importance to provide adequate parking for the new center and plaza users with sufficient spaces allocated to handicapped spaces.  
*Staff Response: After careful analysis, based on the comparisons of similar facilities in Arlington, coupled with TDM measures, staff concludes that the parking supply will be adequate to serve the project. In addition, staff continues to recommend that the parking garage be managed to effectively provide sufficient parking for all intended users and to preclude commuter parking.*
2. Stormwater Management: PRC recommends that stormwater from this site be reduced before entering into Four Mile Run. A green roof and cisterns could be beneficial to accomplish this goal.  
*Staff Response: As proposed, the project will reduce run off from the site compared to the existing conditions. The project currently includes a vegetated roof above the*

*gymnasium. Staff will continue to work with the developer on the details of this system through the final engineering design process.*

3. Canopy Trees: PRC noted concerns on the loss of mature canopy trees along Dinwiddie Street.

*Staff Response: Eleven existing street trees along Dinwiddie Street and Columbia Pike would be removed with this development; however, 25 new street trees are proposed along Columbia Pike, S. Dinwiddie Street, proposed 9<sup>th</sup> Street South, and Arlington Mill. In addition, several trees are recommended at the edges of the plaza. Proposed landscape planters in the pedestrian walkway and residential courtyards will offer additional landscape plantings.*

The Planning Commission considered this item on June 4, 2008 and voted to approve the Use Permit, with conditions as described below, by a vote of 6 to 5. The Commission took the following actions:

1. The proposed transformer equipment should not be located in the park;  
*Staff Response: As described above, several possible locations for the electrical transformers have been examined and many areas are constrained due to the FBC requirements and the proposed layout of buildings, streets, sidewalks, and plaza on the site. While an underground location is preferred, the added costs of constructing a vault to Dominion Virginia Power's specifications would likely be in the range of \$350,000 to \$500,000. Until such time that more definitive specifications from Dominion can be provided to determine the exact quantity and size of the needed equipment, the proposed location at the edge of Arlington Mill Drive is recommended. This location is in a less visible location within the park and the design can be completed in such a way as to mitigate its overall visual impact. However, this location as mentioned above, will require further review with the Chesapeake Bay Ordinance Review Committee before final permits are issued for this project as it is within the Resource Protection Area associated with Four Mile Run. Staff will continue working with the developer and Dominion to determine if any alternative locations can occur without incurring significant cost increases, which would require other elements of the project to change or be eliminated; however, staff does not see an alternative solution at this time.*
2. The proposed trail connection, described as paved switchbacks, should not be undertaken. Instead, a curb ramp should be installed at the existing trail head along Arlington Mill Drive further to the north (adjacent to the Park Glen property), wayfinding signs should be incorporated to direct pedestrians and bicyclists to the trail, and the existing dirt path should be improved in a less intrusive manner;  
*Staff Response: Staff concurs with the Planning Commission recommendations. First, the County intends to improve access to the existing trail head later this year by constructing a curb ramp. Secondly, in order to improve the existing erosion problems at the existing dirt path, opposite the proposed parking garage and loading area, staff now recommends further design analysis to develop an alternative, low-cost, approach with less impact to the natural environment and existing trees than the previously proposed switchback trail. This improved connection would be handled as a bid alternative to this project and, if funding is available, the connection would be completed with the project.*

*Therefore, staff will continue to work with the developer to determine possible alternative solutions and would seek additional input from the Pedestrian and Bicycle Committee, E2C2, PRC, and the Transportation Commission before making a final decision. If sufficient funding is not available through this project budget, the County would seek to identify additional future funding sources and determine a timeline for implementation. Lastly, staff would continue working with the developer on the proposed wayfinding signs to identify the various trail connections from the community center and plaza areas, including the existing bicycle trail connection further north along Arlington Mill Drive.*

3. Examine whether any of the proposed affordable dwelling units could be distributed within the community center building;  
*Staff Response: See discussion above.*
4. Require seven (7) of the units to be fully ADA accessible with roll-in showers and that 2% (or at least one unit) be designed for persons with visual and hearing impairments;  
*Staff Response: The VHDA tax credit application included, and the developer has agreed, to construct eleven percent of the 61 affordable units (or seven) to meet VHDA's Universal Design Standards. These standards exceed ADA accessibility regulations by providing a design that can be used by everyone, to the greatest extent possible, without the need for adaptation or specialized design, and would allow people to age in place. The developer will construct the units pursuant to the VHDA criteria in order to maintain consistency with the tax credit approval. This will entail the developer working with a consultant specified by VHDA to ensure that universal design elements, per VHDA Universal Design guidelines, are incorporated into the seven units. These guidelines are geared toward seated handicap persons as well as those with visual or hearing disabilities.*
5. Require that the residential lease arrangements for the accessible units are consistent with HUD initiatives to maintain availability of the ADA units to disabled persons requiring the accessible units and, if necessary, that any non-disabled tenant occupying an accessible unit may be relocated to another unit within the project if an ADA-accessible unit is needed for a prospective disabled tenant;  
*Staff Response: After further examination of VHDA's criteria, a rider or specific lease arrangement would not be necessary for the accessible units as VHDA requires that these units be maintained open and available only for disabled persons and they can not be leased to non-disabled renters.*
6. Prepare a master plan for the plaza, consistent with other typical park master plans and incorporate additional tree planting to reduce sun exposure;  
*Staff Response: As part of the review process, the staff and the development team collaborated with a working group of community members, other staff members, and architectural design professionals to develop a recommended master plan. The Working Group participated in three plaza design sessions held on March 14, March 27 and April 17, 2008. The intent of the process was to determine the preferred composition of major elements that would harmonize with the adjacent architecture and relate well to the Columbia Pike frontage, the park, and provide a flexible space that would lend itself to a wide variety of everyday uses and larger special events. Among the many discussions, the Group debated the inclusion of more trees along the CP frontage and in the plaza.*

*The group decided that it was important to: 1) maintain the main level as open as possible and not break up the space with trees; and 2) maintain the edge along Columbia Pike as porous and open as possible, providing clear sight lines down into the plaza.*

*Once the master plan is approved, staff would continue working with the development team to select the finishes and materials for the space. The proposed master plan consists of the following elements:*

- A large, level plaza of approximately 6,200 square feet left primarily open without fixed elements to provide a flexible surface that can accommodate a large number of people and various functions such as performance seating, movable chairs and umbrella tables on a daily basis, community center programs and classes, or market stalls;*
  - A mid-level terrace, approximately 1,200 square feet, adjacent to Columbia Pike that would provide direct access from Columbia Pike, offer performance space, provide shade with an identifiable pergola/trellis feature, provide seating at the sidewalk level, and adjacent planters for landscaping that help to address the sloping grade of Columbia Pike as it intersects with the relatively flat plaza elements;*
  - A stair connection from the mid-level terrace to the upper retail terrace within the building footprint to provide a direct connection from the retail space to the plaza;*
  - A space approximately 1,500 square feet, dedicated as a tot lot associated with the early childhood development program space in the community center. The play area will be open to the public when not in use by community center programs;*
  - A seating wall and new plantings along the eastern edge adjacent to the park to provide a transition and views from the more formalized plaza area to the natural wooded stream bed;*
  - An open fire/emergency lane (along the South Arlington Mill Drive right-of-way) that is integrated with the plaza; and*
  - Clearly defined points of connection to the Community Center entrance at the Plaza level and to the gymnasium façade.*
7. Confirm that the project will be required to obtain LEED/Earthcraft certifications;  
*Staff Response: The respective project's sustainable design elements will be submitted for certification to the U.S. Green Building Council and EarthCraft Virginia. Condition #52 has been modified to clarify this point.*
8. Incorporate anti-idling measures into the development conditions.  
*Staff Response: At the present time, the County does not have an adopted anti-idling policy in place; however, discussions are in progress. The developer has agreed to comply with any anti-idling requirements that are place when this project is bid by the general contractor.*

In addition, some Planning Commissioners raised concerns with the following:

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- Modifications to the proposed community center architecture since its original presentation;  
*Staff Response: Since the proposed architecture was developed and shared with the community, staff and the development team have discussed necessary modifications to the project in order to bring the total project within the budget allocated for the County's portion. Additionally, some modifications have occurred to meet the desired LEED Silver rating. As a result, one level of residential uses above the community center (11 units) has been removed; a portion of the G2 parking level under the plaza has been removed; the original pitch of the gym roof has been slightly modified and changed to a sloping parapet-like roof line surrounding a flat, vegetated roof; and, some opaque wall materials have been introduced along the gymnasium façade in order to reduce costs and to increase the design functionality for the gymnasium space. Staff does not consider these modifications as significant changes that would minimize the distinctive curb appeal of this Civic Building, particularly in light of the beneficial sustainable design elements introduced and the added functionality.*
- Frontage type designation on the northern portion of the site – In response to Park Glen concerns that the residential building should have been set back further from the property line, have a setback above the third level, and/or a lesser FBC frontage type designated along 9<sup>th</sup> Street, the Planning Commission questioned whether the County was modifying the rules because this is a County project.  
*Staff Response: Last year, staff identified several FBC amendments that would be needed to fully utilize this tool for this project and alerted community members. Staff recommended that the Revitalization District be extended to include the full extent of the property and that once extended, that the remainder of the Dinwiddie Street frontage be designated with the Avenue Frontage Type. These amendments were reviewed by the Planning Commission and County Board and ultimately approved. During that review, staff analyzed what frontage type would be the appropriate condition for the northern portion of the site. Based on the General Land Use Plan designations in this area and surrounding the site, Low-Medium Residential, and the zoning pattern, "RA-14-26", applying the Avenue frontage type was determined as appropriate and consistent with the multi-family residential pattern surrounding the site. This site is distinctly different from most sites within the Town Center redevelopment node where the Local Frontage type is used to buffer the Main Street sites from the existing single-family detached homes immediately outside of the Revitalization District. In this case, the surrounding development is multi-family development. The Avenue frontage type allows building heights of two to five stories and there are no requirements for a step back unless a site abuts single-family detached dwellings. In this case, the site does not abut single-family detached dwellings, only a one-story garage structure. In addition, the existing zoning for the Park Glen property, "RA-14-26," would allow redevelopment up to six (6) stories or 60 feet in height due to the total site size in excess of five acres. That property could potentially redevelop, or partially redevelop, and the existing building heights could be exceeded.*

Finally, the Avenue frontage type was not proposed to wrap around to the proposed 9<sup>th</sup> Street South, as this travel way would typically be constructed as an “alley” following the FBC to provide access from the secondary street (in this case, S. Dinwiddie St.) to the rear of the site, parking and loading areas and “alleys” are not coded with a frontage type in the FBC. Therefore, a frontage type was not designated for 9<sup>th</sup> Street or Arlington Mill Drive. However, in this case, a typical, narrow “alley” condition (25’ total width) was not desired for this travel way which would need to provide access and connectivity for both this project as well as Park Glen. Therefore, the proposed 9<sup>th</sup> Street exceeds the FBC standards as this new street connection will be a dedicated street in the Master Transportation Plan, and it will offer widened sidewalks and landscape plantings (10’) along the southern edge for a total width of approximately 33 feet.

- Accessibility

*Staff Response: Staff recognizes that accessibility is a critical component to this project and many aspects of the project would provide full ADA accessibility. However, in light of the site’s significant change in grade from one side to another (14’ grade change from Arlington Mill Drive to S. Dinwiddie Street), some areas will be more accessible than others but all will be accessible, subject to the limitations of existing conditions such as the slope of Columbia Pike at the property frontage. The proposed main entrances to the community center will be fully flush from the adjacent walkways: along Dinwiddie Street, from the plaza, and from the G1 parking level. The mid-block pedestrian walkway will be fully accessible from S. Dinwiddie Street or from the eastern end of the site via an elevator. The plaza area offers accessible areas: 1) to the main, large level via the easternmost portion of the site; 2) to the mid-level terrace from the Columbia Pike sidewalk, and 3) from the Community Center which will have internal elevators to address the grade difference between S. Dinwiddie Street and South Arlington Mill Drive. Accessible routes will be provided through and around the northern residential building to provide unencumbered access to the private residential building. Code required life-safety measures, including appropriate paths of egress from all areas of the building, will be provided.*

The Planning Commission also recommended approval of the associated Master Transportation Plan Amendments and the proposed vacations (the subject of other staff reports).

The Transportation Commission considered this item on June 5, 2008 and voted unanimously to approve the Use Permit, with conditions. The Commission took the following actions:

1. The existing dirt path should be improved to improve pedestrian connectivity from the community center and plaza areas to Four Mile Run trail;

*Staff Response: Staff concurs with the Transportation Commission (and Planning Commission, see discussion above) that the existing dirt path should be improved; however, the prior proposed improvement consisting of a series of paved switchbacks, would significantly alter the natural look and feel of the park, therefore it should be redesigned to accommodate a less obtrusive solution that does not substantially impact existing trees and does not introduce a substantial amount of impervious paving into the*

*park area. Staff maintains the recommendation that modest improvements should be included as a bid alternate to the project.*

2. The proposed parking management plan should not formalize parking charges for overnight parking until sufficient analysis has been completed to understand the existing agreements; the parking management plan should be reviewed by the Transportation Commission with consideration and approval by the County Board.

*Staff Response: Pursuant to Condition # 43, the applicant will develop a Parking Management Plan for review and approval by the County Manager as commonly done for other projects. Staff will continue to analyze the existing conditions and policies in place for this part of the County in order to determine with the applicant the appropriate measures to achieve the primary objectives for this facility, which are to provide a shared parking garage that provides parking for the community center users and the residents living at this site.*

3. The residential parking spaces dedicated for tenant parking shall be unbundled from the unit; and

*Staff Response: Staff and the developer concur that parking should be unbundled from the units.*

4. The surface materials along Arlington Mill Drive from the plaza area should be continued to the trail connection;

*Staff Response: Staff will work with the developer to incorporate either a surface material similar to the plaza or additional wayfinding signs to direct pedestrians and bicyclists to the trail connections.*

In addition, some Park Glen neighbors raised questions on how temporary access from Park Glen and/or the subject site to adjacent streets would be provided if the proposed 9<sup>th</sup> Street South had to be closed to vehicular traffic (i.e. to complete underground utility repairs)?

*Staff Response: If an incident occurred and the proposed 9<sup>th</sup> Street South had to be closed temporarily, the County would examine several options to maintain access from Park Glen and the subject site to reach adjacent streets (Dinwiddie and/or Columbia Pike) including: 1) whether temporary ingress and egress movements could share one lane and only partially close 9<sup>th</sup> Street by using flagmen to direct traffic flow; and 2) allow temporary access across the plaza to reach Columbia Pike.*

**CONCLUSION:** Staff recommends that the County Board approve the use permit request, subject to the development conditions attached to this report and subject to the conditions of the vacation report associated with this report, and find that the residential building is compliant with the Form Based Code and that the community center building, considered as a Civic Building, is consistent with the purposes and intent of the *Columbia Pike Initiative Plan* and the Form Based Code, and does not adversely impact the health or safety of persons residing in the neighborhood of the proposed project or is detrimental to the public welfare or injurious to property or improvements in the neighborhood.

**FISCAL IMPACT:** The public portions of the project (community center, gym, plaza and associated parking) will be financed with general obligation bonds previously authorized by

County voters, including \$26 million authorized in November 2006. Total project costs are being finalized and will be incorporated into the Purchase and Sale Agreement that will be approved by the County Board in the fall of 2008. Incremental operating costs associated with the new facilities will be incorporated into future operating budgets. In January 2008, the County Board approved the utilization of the upfront value of the land lease payment (approximately \$3.09 million) to support the creation of 61 affordable housing units. This amount will be lent to the developer as an Affordable Housing Investment Fund (AHIF) loan.

**Arlington Mill Community Center Use Permit Conditions (U-3199-08-2):**

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

**The following Conditions of Form Based Code Use Permit approval (#1 through #10) are valid for the life of the Use Permit and must be met by the developer before issuance of the Clearing, Grading and Demolition Permit.**

**Use Permit Term**

1. The developer (as used in these conditions, the term "developer" shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and the plans dated May 9, 2008 and May 12, 2008 and reviewed and approved by the County Board and made a part of the public record on June 24, 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.

Any modifications to the design, height and placement of the buildings made subsequent to June 17, 2008 will require approval by the County Manager with, as necessary, additional review by the Columbia Pike Form Based Code Administrative Review Team to ensure compliance with the Columbia Pike Form Based Code (Section 20. – Appendix A of the Zoning Ordinance, as amended through June 24, 2008) and the intent of the County Board's approval, which may require either an Administrative Change, or a Use Permit Amendment if the proposed change is inconsistent with the intent of the County Board's approval of this Use Permit; however, this condition shall in no way relieve the developer of any obligation under any other condition.

This Columbia Pike Form Based Code Use Permit approval expires three (3) years after the date of County Board approval if the developer has not obtained a building permit (a Excavation/Sheeting and Shoring, in this context shall be considered a "building permit") for construction of the approved plan and commenced construction under that building permit. Extension of this approval shall be at the sole discretion of the County Board. The developer agrees that this discretion shall include a review of this Columbia Pike Form Based Code Use Permit and its conditions for their compliance with the County policies for land use, zoning and special exception uses current at that time. Extension of the Use Permit is subject to, among other things, inclusion of amended or additional 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.

**Use Permit Plan Orientation Meeting (subsequent to Use Permit approval)**

2. The developer agrees to attend, along with its construction team, an orientation meeting coordinated by the DCPHD lead planner prior to the issuance of any permits for the Use Permit plan. The meeting is intended to inform the developer of the following: 1) a review of each of the Use Permit plan conditions that apply to the approved Use Permit plan, 2) the general process and contacts for obtaining permits, including plan review and approval and overview of associated site plan compliance requirements, and 3) the potential need to attend additional pre-permit and pre-construction meetings coordinated by the Inspection Services Division (ISD) and the Department of Environmental Services (DES).

**Community Liaison and Activities During Construction**

3. The developer agrees to comply with the following before issuance of the any building permit and to remain in compliance with this condition until the Master Certificate of Occupancy is issued.
  - a. The developer agrees to identify a person who will serve as liaison to the community throughout the duration of construction. This individual, or his designee, shall be on the construction site throughout the hours of construction, including weekends. The name and telephone number of this individual shall be provided in writing to the Columbia Pike Revitalization Organization Executive Director, Columbia Heights Civic Association President, Arlington Mill Steering Committee Chair, Park Glen Condominium Unit Owners Association President, Barcroft Civic Association President, Columbia Forest Civic Association President, 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 schedule a meeting with those whose property abuts the project and the Arlington Mill Steering Committee Chair 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 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 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 Department by the County). 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 approved as part of the Tree Protection Plan (see Condition #4.d), 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 Arlington County Police representative shall receive a copy of the aforementioned map.
  - c. Throughout construction of the project, the developer agrees to advise the Arlington Mill Steering Committee Chair, the Park Glen Unit Owner's Association, and other 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. The developer agrees to provide a timeline of projected phases of construction in writing, including the expected duration for each phase, at the meeting with abutting property owners as described in Condition 3.b. above.
  - d. At the end of each workday 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 generated as a result of the work at the project site and

that all streets and sidewalks adjacent to the construction site are free of trash and debris generated as a result of the work at the project site.

- 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 a.m. and end by 6:30 p.m. on weekdays and will commence no earlier than 10 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, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas. Indoor construction activity is defined as activity occurring entirely within a structure enclosed on all sides facing residential properties (ie to the north and west of the property). Enclosed sides means that the exterior walls, windows, and/or doors on the floors that may contain indoor construction activities have been completed so as to create a barrier between the interior and exterior of the building. Indoor construction activities 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 locations. Construction vehicles shall not park, idle, or stand on any street designated as a "neighborhood minor" or "neighborhood principal" street on the Arlington County Department of Environmental Services, Division of Transportation – Planning website, except that such activity may occur where not otherwise prohibited along any street within the area bounded by and including Columbia Pike, South Arlington Mill Drive, and South Dinwiddie Street. Construction vehicles shall not park, idle, or stand on the proposed 9<sup>th</sup> Street South unless there is specific construction work that can not be staged elsewhere on the site. The developer agrees to comply with any additional idling ordinance or policy that is enacted upon by the County Board prior to the commencement of construction of this site.

4. **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 within a proposed limit of disturbance.
- b. The developer agrees to file and implement a tree protection plan which will designate any trees proposed to be saved by the developer during the construction of the project. Trees designated to be saved on the tree protection plan, or those specified to be saved by the approved Use Permit and shown on any filing in connection with this case, will be protected. This plan shall include any tree on adjacent sites whose dripline extends onto the subject site within a proposed limits of disturbance. 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 Use Permit, before the issuance of the Clearing, Grading and Demolition Permit.
- c. Upon approval of the tree protection plan the developer agrees to submit to the Department of Parks, Recreation, and Cultural Resources (DPRCR) a performance bond estimate for the trees to be saved. Upon approval of the performance bond estimate by 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 performance 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 new compaction occurs as a result of developer's activities 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 as a result of construction-related activities (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 three (3) years of, the issuance of the Master Certificate of Occupancy shall be removed and replaced by the developer at the developer's 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 #12 below, provided, however, that replacement as specified in this subparagraph (3.b.5) does not relieve the developer of any violation resulting from the failure to properly protect identified trees.
  - (6) The location of all construction trailers shall be approved either by Administrative Change approval or to be approved on the Tree Protection Plan, with the construction staging's location and travel routes shown on a map approved as part of that plan. All trailers proposed to be located in the public right-of-way shall require approval by DES and Zoning staff, and the Arlington County Police representative shall receive a copy of the aforementioned map.
- e. In addition to saving identified trees, the developer also agrees to replace all trees shown on the Tree Survey that are removed as a result of the new construction in accordance with the Arlington County Tree Replacement Guidelines in effect at the time of the granting of this Use Permit. The developer agrees to submit tree replacement calculations and a tree replacement plan in accordance with the Arlington County Tree Replacement Guidelines in effect at the time of the granting of this Use Permit. 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 #12a. below and shall be installed on the project site or on County-owned land, as determined by the County Manager. The developer agrees to submit and obtain approval of this plan by the County Manager as part of the final site development and landscape plan.

## 5. **Photographic Record of Development**

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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 in color, digital recording . Submission of a photo contact sheet, 8" x 10" prints on photographic paper, and a compact disc including the subject photo shall be the minimum acceptable standard. Color photographs on compact disc and the contact sheets must be submitted to the Zoning Administrator 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 promptly after being taken:

- a. Before Clearing, Grading and Demolition of the site, (shall be submitted before issuance of the Clearing, Grading and Demolition Permit, unless otherwise approved by the County Manager)– 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.
- b. Site Clearance (shall be submitted before issuance of the Footing to Grade Permit, unless otherwise approved by the County Manager)–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, unless otherwise approved by the County Manager)–At 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 completed compact disc (s) with the entire photographic history shall be submitted to the Zoning Administrator prior to the issuance of the 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.

**Plan for Temporary Circulation during Construction**

6. The developer agrees to develop and implement 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. The developer agrees to maintain a minimum six-foot wide (or as wide

as exists prior to the start of the work, but no less than four-foot-wide) sidewalk along the Columbia Pike frontage and South Dinwiddie Street at all times, except that the County Manager may 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 agrees to submit this plan to, and obtain approval of the plan from the County Manager as meeting these standards, prior to the issuance of the Clearing, Grading and Demolition Permit, and as part of the County Manager's review, the developer agrees to work with staff to review the plans with the Arlington Mill Steering Committee. The developer agrees to provide a copy of the approved plan to the Columbia Pike Revitalization Organization Executive Director, Columbia Heights West Civic Association President, Douglas Park Civic Association President, Arlington Mill Steering Committee Chair, and Park Glen Condominium Unit Owners Association President, Barcroft Civic Association President, and the Columbia Forest Civic Association President. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

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

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

The developer agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period. Whenever a significant portion of an adjacent road surface is disturbed for reasons relating to the construction of the Project, 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 adjacent to the site 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 provided however developer shall not be responsible for damaged road surfaces existing prior to the commencement of construction nor shall developer be responsible for the repair of road surfaces damaged as a result of others who perform work not related to the project in any manner (for example, if there should be a water main

break within the streets adjacent to the Project (and not caused by Developer), then developer shall not be responsible for the repair of such damage). The developer agrees to make reasonable efforts to schedule construction work so that digging in the street surfaces will not occur during the winter months. However, if the road surface is disturbed during the winter months, the developer may temporarily restore the road surface using cold patching and then hot patch the disturbed surface at the earliest opportunity when weather conditions permit. If cold patching is used, it shall be properly maintained and resurfaced as necessary to maintain a clean, smooth road condition. The term "significant portion of a road" is understood to include, but not be limited to, a cut in the road surface that exceeds 10 feet in length or 100 square feet in size. This condition is in addition to any other conditions in this Use Permit and County requirements relating to reconstruction and repaving of streets at the completion of construction, if any.

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

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

**Post-County Board 4.1.2 Filing**

8. The developer agrees to file three copies of a Use Permit plan and the tabular information form, and digital copies on compact disc in JPEG, PDF, and DXF formats, which complies with the submitted drawings dated May 9, 2008 and May 12, 2008 as presented to the County Board, and made part of the public record a the June 24, 2008 County Board meeting, and any modifications proposed by the developer and approved by the County Board or vice versa at that time, and with Form Based Code Administrative Regulation 4.1.2, 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 convene and participate in a meeting with pertinent County staff to address requirements of the Use Permit approval as specified in Condition #2. The developer also agrees that no material changes to the approved post-4.1.2 plans can take place in the field. All material post-4.1.2 plan changes must be approved by the County Manager, in conjunction with the lead DCPHD contact for the Use Permit, consistent with Condition #1.

**C&D Waste**

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

**Vacations and Encroachments**

10. Prior to the issuance of any Excavation/Sheeting and Shoring permits for the Use Permit, the developer agrees to obtain approval of, and fulfill all required conditions of, all ordinances of vacation and/or ordinances of encroachment associated with and/or required to build the project, or any portion thereof, as depicted on the Use Permit referenced in Condition # 1 of this Ordinance and in accordance with final site engineering plans for the project approved by the County. If no ordinances of vacation or ordinances of encroachment are necessary, then developer agrees to submit to CPHD, prior to the issuance of any Excavation/Sheeting and Shoring Permit, a fully executed waiver form to such effect. Irrespective of any other conditions set forth herein, the developer agrees that no building, structure or utility of any type shall encroach upon, or interfere with, the use of any County property or the exercise by the County of any property right or interest, unless and until the developer, before any Excavation/Sheeting and Shoring Permit is issued, first has: a) obtained an ordinance of vacation or an ordinance of encroachment, enacted by the County Board, permitting such use, encroachment or interference; and, b) met all of the conditions of such ordinance(s).

- **The following Conditions of Form Based Code Use Permit Plan Approval (#11 through #28) are valid for the life of the Use Permit and must be met by the developer before issuance of the Excavation/ Sheeting and Shoring Permit.**

**Coordination of Plans: Use Permit Final Site Development, Landscape and Site Engineering**

11. 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 Use Permit site development plan and a landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final Use Permit site development plan and landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final site engineering plan as required in Condition #14 below, as well as a vicinity map with major streets labeled. The landscape plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in the Commonwealth of Virginia. The developer further agrees that the final Use Permit site development plan, the landscape plan, and the site 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 the final site development and landscape plans as meeting all requirements of the County Board's Use Permit 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 Use Permit plan, and, at a minimum, shall conform to: the landscaping requirements in Condition #12 below; the *Columbia Pike Initiative – A Revitalization Plan (Update 2005)* and any supplemental documents to this Use Permit, the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board as part of this Use Permit approval. In order to facilitate comparison with the final site engineering plan, the landscape plan shall be at a scale of 1 inch = 25 feet; the County may require more detailed plans appropriate to landscape installation at a larger scale to also be submitted. The Zoning Administrator may approve 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 and with the intent of the approved Use Permit. The landscape plan shall include a Street Tree Plan which shall be reviewed by DPRCR and DCPHD, and shall be accompanied by the site engineering plan. The installation of all plant materials shown on the final landscape plan shall take place before the issuance of the Final Certificate of Occupancy for the respective phase of construction, unless otherwise approved by the County Manager. The final site development and landscape plan shall include the following details:
- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, 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 site engineering plan and placed so as not to obstruct pedestrian travel or be visually obtrusive. New traffic control cabinets shall not be located in the public sidewalk clear space width. New transformers shall not be placed above-grade in the area between the street and the Required Building Line as indicated in the Columbia Pike Form Based Code (Section 20. – Appendix A of the Zoning Ordinance).
  - b. The location, dimensions, materials, and pavement pattern, where applicable, for driveways and access drives, automobile drop-off areas, driveway aprons, service drives, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Outside walkways that are within the subject site shall have a minimum width of five (5) feet. In addition, the public plaza area shall contain areas of special paving treatments that coordinate in design, color and materials with the treatment of the public sidewalk and shall be determined as part of the final plaza

design per Condition # 63. The materials and colors used are subject to approval by the County Manager according to the *Columbia Pike Initiative – A Revitalization Plan (Update 2005)* and any supplemental documents to this Plan, and other urban design standards approved by the County Board as a part of review and approval of the final Use Permit site development and landscape plans.

- c. 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 #23 and 44 below.
- d. Topography at two (2) foot intervals, the finished first floor elevation of all structures, top-of-slab elevation for any proposed underground structures, top of wall elevations/bottom of wall elevations of raised planters or retaining walls, and top of steps/bottom of steps.
- e. The location, dimensions, and required percentage of the open contiguous lot area located within the project.
- f. Landscaping for open space areas, plaza areas, courtyards, and raised planters (including cross-sections of raised planters), 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, including public art.
- g. The location and planting details for street trees in accordance with Division of Transportation Standards and Specifications for planting in public rights-of-way and as shown on the approved final site 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 by the County Board or by the Zoning Administrator as provided above..

#### **Landscape Standards**

- 12. The developer agrees that all landscaping shall conform to Division of Transportation Standards and Specifications and to at least the following requirements:
  - a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:
    - i. 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 #17 below.
    - ii. Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)—a minimum height of 7 to 8 feet.
    - iii. 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.
    - iv. Shrubs—a minimum spread of 18 to 24 inches.

- v. Groundcover—in 2 inch pots.
- b. The developer agrees to coordinate with the DPRCR Urban Forester to determine an appropriate and acceptable season in which to conduct planting. Planting is to occur during a season so as to best ensure the viability of the plantings. In addition, the developer agrees to plant trees prior to issuance of the Final Certificate of Occupancy Permit for the respective building, or, if needed, at a time that the Columbia Pike Administrative Review Team determines to be a more appropriate planting time.
- c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager, based on accepted landscaping standards and approved in writing, seeding may be substituted for sod. All sod and seed shall be state certified.
- d. Exposed earth not to be sodded or seeded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed.
- e. Soil depth shall be a minimum of four (4) feet plus 12 inches minimum of drainage material for trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall except in areas of sufficient size to accommodate mounding of the earth, the depth of soil shall be the depth of such mounded earth.
- 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 after the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction process.
- 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**

- 13. 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**

- 14. The developer agrees to submit a final site engineering plan to the Division of Transportation. The plans shall include a receipt from the Zoning Office that the landscape plan has been accepted. Infrastructure plans related to the construction or reconstruction of the streets and utilities may be submitted and approved without submission or acceptance of the landscape plan. Final approval on the final engineering plan will not be provided to the developer without submission of the landscape plan to the Zoning Office. The final site engineering plan shall include the proposed location of water mains and service lines, storm and sanitary sewers, proposed underground utility services to the buildings, the trees to be preserved and new proposed trees on site. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. Neither the Excavation/Sheeting and Shoring permit nor the first Building Permit shall be issued until final site engineering plans which agree with the approved final site development and

landscape plans, and the sequence of construction, has been approved by the Division of Transportation and the lead CPHD Planner, as consistent with the Use Permit approval requirements and all County laws. To ensure final sign-off, the plans shall include the lead CPHD Planner review and signature blocks. Upon completion of the construction of a project, the developer agrees to submit one (1) set of as-built mylar plans for sanitary, storm sewer and water main construction to the Division of Transportation for recording. The developer further agrees that all construction on the site shall be in accordance with the approved final site development engineering plan.

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

15. The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site described below in accordance with the Columbia Pike Form Based Code Streetscape Standards (Section 20. – Appendix A of the Zoning Ordinance), and/or the then-current Arlington County/Virginia Department of Transportation Standards for concrete curb and gutter and the then-current standards for pavement and according to the following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the First Partial Certificate of Occupancy for occupancy of the applicable phase of the project, unless otherwise approved by the County Manager.
- a. The developer agrees to construct new curb and gutter along Columbia Pike’s northern side along the subject property’s frontage, approximately 35.3 feet from the Arlington County survey centerline, in accordance to the Form Base Code, and as shown on the final engineering plan approved by the County Manager or his designee.
  - b. The developer agrees to construct new curb and gutter along the east side of South Dinwiddie Street south of 9<sup>th</sup> Street South along the subject property’s frontage, approximately 22.9 feet from the Arlington County survey centerline, and as shown on the final engineering plan approved by the County Manager or his designee.
  - c. The developer agrees to construct new curb and gutter along the east side of South Dinwiddie Street north of 9<sup>th</sup> Street South along the subject property’s frontage, approximately 22.9 feet from the Arlington County survey centerline as shown on the final engineering plan approved by the County Manager or his designee.
  - d. The developer agrees to construct new curb and gutter along the west side of South Dinwiddie Street south of 9<sup>th</sup> Street South pursuant to Condition #61 and as needed to tie into the construction work that will be done with the other aspects of the project, which varies approximately 20 feet to 25.4 feet from the Arlington County survey centerline, and as shown on the final engineering plan approved by the County Manager or his designee.
  - e. The developer agrees to construct new curb and gutter along the proposed 9<sup>th</sup> Street northern and southern edges approximately 11.5 feet from the proposed centerline of the new street section as shown on the final engineering plan approved by the County Manager.
  - f. The developer agrees to construct a flush curb along the western edge of South Arlington Mill Drive approximately 10.5 feet from the Arlington County survey centerline, and new curb and gutter, as needed to meet new construction work, along the eastern side of South Arlington Mill Drive approximately 11 feet from the Arlington County Survey centerline as shown on the final engineering plan approved by the County Manager or his designee.
  - g. The developer agrees to construct handicap ramps and a nub toward Columbia Pike at the northeast corner of the intersection of Columbia Pike and South Dinwiddie Street with crosswalks of striping materials as approved by the County, built per Arlington County Standards, across

Columbia Pike and South Dinwiddie Street with ADA ramps at the receiving ends (on-site ends), as shown on the final engineering plan approved by the County Manager.

- h. The developer agrees to construct crosswalks on South Dinwiddie Street at the north side of existing 9th Street South of striping materials as approved by the County, built per Arlington County Standards, across South Dinwiddie Street with an ADA ramp at the receiving ends (on-site ends), as shown on the final engineering plan approved by the County Manager.
- i. The developer agrees to construct handicap ramps at the intersection of South Dinwiddie Street and proposed 9<sup>th</sup> Street South (on the east side of South Dinwiddie Street) with a crosswalk of striping materials as approved by the County, built per Arlington County Standards, with ADA ramps at the both ends of the crosswalk, as shown on the final engineering plan approved by the County Manager.
- j. The developer agrees to construct handicap ramps at the intersection of the proposed 9<sup>th</sup> Street and South Arlington Mill Drive with crosswalks of striping materials as approved by the County, built per Arlington County Standards with an ADA ramp at the receiving ends (on-site end), as shown on the final engineering plan approved by the County Manager.
- k. The developer agrees to construct handicap ramps at the southwest corner of the intersection of South Arlington Mill Drive and the proposed 9<sup>th</sup> Street and to provide a crosswalk to the pedestrian refuge per Condition #15.1. below, of striping materials as approved by the County, built per Arlington County Standards, as shown on the final engineering plan approved by the County Manager.
- l. The developer agrees to construct an off-site, within the street right-of-way, pedestrian refuge between the proposed 9<sup>th</sup> Street and egress from the Park Glen Condominiums parking lot at the intersection of South Arlington Mill Drive and 9<sup>th</sup> Street and to provide a crosswalk of striping materials to the existing curb ramp along Arlington Mill Drive adjacent to the Park Glen Condominiums, built per Arlington County Standards, adjacent to the southbound lane on South Arlington Mill Drive, as shown on the final engineering plan approved by the County Manager,.
- m. The developer agrees to construct a mid-block pedestrian crossing with ADA ramp access on South Arlington Mill Drive, south of the developments' garage entrance but north of the loading dock across South Arlington Mill Drive to the natural trail located east of the development, of striping materials as approved by the County, built per Arlington County Standards as shown on the final engineering plan and approved by the County Manager.
- n. The developer agrees to construct, at the north and south terminus points of the Community Center plaza, for emergency egress and ingress, a mountable curb at the intersection of Columbia Pike and S. Arlington Mill Drive as shown on the final engineering plan.
- o. 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 *Columbia Pike Initiative – A Revitalization Plan (Update 2005)* and its supplemental documents or other applicable urban design standards in effect at the time of final Site Engineering Plan approval.

### **Survey Monuments**

16. The developer shall submit a boundary survey of the site, with an error of closure within the limit of one (1) in twenty thousand (20,000), related to the Virginia Coordinate System of 1983 (VCS 83). Two (2) adjacent corners or two points on every plan sheet shall be referenced to the VCS 83 with coordinate values shown in feet. If a conversion from meters to feet is necessary, the foot definition used for conversion is the U.S. Survey Foot of 1 ft = 1200/3937 E+00 meters. If the development is located more than one-half mile from an Arlington County Survey Control Network (ACSCN) monument, the developer shall utilize a Virginia Licensed Land Surveyor to establish a permanent second order accuracy (or higher) survey control monument. The surveyor shall comply with standards and specifications contained in the current VDOT Survey Manual. The surveyor will be required to submit his or her computations to the Office of the County Surveyor for inclusion into the ACSCN. Plans referenced to the VCS 83 shall be annotated as follows: "The site shown hereon is referenced to the Virginia Coordinate System of 1983 as computed from a field survey which ties this boundary to the Arlington County Survey Control Network."

### **Sidewalk Design and Improvements**

17. The developer agrees that final sidewalk pattern/design, final selection of materials and colors, and plant species to be used shall be as approved by the County Manager on the final site development and landscape plan and final engineering plan, in accordance with the Columbia Pike Initiative-A Revitalization Plan (Update 2005) and its supplemental documents approved by the County Board and in effect at the time of the final landscape plan approval. The developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the First Partial Certificate of Occupancy for occupancy of the applicable phase of the project, unless otherwise approved by the County Manager. The sidewalks along the street frontages of this development shall be consistent with the Columbia Pike Initiative-A Revitalization Plan (Update 2005) and its supplemental documents and shall be shown on a properly-engineered base approved as such by the Division of Transportation. The sidewalk treatment shall continue across all driveway aprons for loading and garage entrances along all frontages of the plan, and there shall be no barriers to impede the flow of pedestrian traffic. The sidewalks shall contain street trees placed in either tree pits, tree grates or planting strips, consistent with the Columbia Pike Form Based Code (Section 20. – Appendix A of the Zoning Ordinance), and as specified below. Placement, planting and root enhancement options shall be consistent with the Arlington County Landscape Standards Manual, and as specified below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standards for construction. The developer agrees to maintain the street trees and sidewalks for the life of the Use Permit. The sidewalk sections and street tree species shall be as follows:
- a. **Columbia Pike:** Unless otherwise approved by the County Manager after a review by the Columbia Pike Administrative Review Team, the following shall apply: a minimum 20.7-foot-wide sidewalk measured from the back of curb shall be constructed including a minimum 2-foot shy zone, 6-foot clear sidewalk (except in the areas where accessible ramps at crosswalks are necessary), and a 7-foot zone for street furniture, tree pits and vehicle parking spaces. The tree pit areas will be planted with 4 to 4 ½ inch caliper London Planetree street trees, and such ground cover as liriopie muscarii, hypericum, calcinum (Aarons Beard), or juniperius conferta (Shore Juniper). Along Columbia Pike, the trees shall be placed, consistent with the Columbia Pike Street Space Plan in a pit to accommodate two trees approximately 25 feet on center and a minimum of eight (8) inches from back of curb, as shown on the final engineering plans approved by the County Manager. Minor adjustments to the Columbia Pike sidewalk widths as necessary to meet the Virginia Department of Transportation requirements will be acceptable subject to County Manager's approval as part of the final site engineering plan.

- b. **South Dinwiddie, North of 9<sup>th</sup> Street South:** Unless otherwise approved by the County Manager after a review by the Columbia Pike Administrative Review Team, the following shall apply: a minimum 14.5-foot-wide sidewalk measured from the face of curb shall be constructed including a minimum 6-foot clear sidewalk in addition to pedestrian lighting, and 5-foot by 12-foot tree pits. The tree pit areas will be planted with 4 to 4 ½ inch caliper London Planetree street trees, and such ground cover as liriopie muscarii, hypericum, calcinum (Aarons Beard), or juniperus conferta (Shore Juniper),. The tree pits shall be placed approximately 30 feet on center and a minimum of eight (8) inches from back of curb, or as shown on the final engineering plans approved by the County Manager.
- c. **South Dinwiddie, South of 9<sup>th</sup> Street South:** Unless otherwise approved by the County Manager after a review by the Columbia Pike Administrative Review Team, the following shall apply: a minimum 14.5-foot-wide sidewalk measured from the face of curb shall be constructed including a minimum 6-foot clear sidewalk in addition to pedestrian lighting, and 5-foot by 12-foot tree pits. The tree pit areas will be planted with 4 to 4 ½ inch caliper London Planetree street trees, and such ground cover as liriopie muscarii, hypericum, calcinum (Aarons Beard), or juniperus conferta (Shore Juniper),. The tree pits shall be placed approximately 30 feet on center and a minimum of eight (8) inches from back of curb as shown on the final engineering plans approved by the County Manager.
- d. **Proposed 9<sup>th</sup> Street South:** Unless otherwise approved by the County Manager after a review by the Columbia Pike Administrative Review Team, the following shall apply: a 10-foot-wide streetscape area along the south side of proposed 9<sup>th</sup> Street South measured from the back of curb shall be constructed including a minimum 6 foot clear sidewalk in addition to pedestrian lighting and a 4-foot-wide planting strip starting at the back of the curb planted with 4 to 4 ½ inch caliper Lacebark Elm street trees and such ground cover as liriopie muscarii, hypericum, calcyinum (Aarons Beard), or juniperus conferta (Shore Juniper),. The tree pits shall be placed approximately 30 feet on center and a minimum of eight (8) inches from back of curb as shown on the final engineering plans approved by the County Manager.
- e. **South Arlington Mill Drive:** Unless otherwise approved by the County Manager after a review by the Columbia Pike Administrative Review Team, the following shall apply: a minimum 8 to 10-foot-wide sidewalk varying in width measured from the back of flush curb including a minimum 8-foot clear sidewalk north of the garage entrance and a minimum 6-foot clear sidewalk south of the garage entrance in addition to a landscape strip and pedestrian lighting in a 4-foot wide planting strip planted with 4 to 4 ½ inch caliper London Planetree street trees and such ground cover as liriopie muscarii, hypericum, calcyinum (Aarons Beard), or juniperus conferta (Shore Juniper),. The tree pits shall be placed approximately 30 feet on center as shown on the final engineering plans approved by the County Manager.

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

- 18. 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 *Arlington County Landscape Standards Manual*. This zone shall be a minimum of five (5) feet deep and shall extend from the back of the street curb for a distance of 8 feet towards the building. No subterranean structures (such as parking garages) shall intrude into this five foot deep zone. Underground utilities and utility vaults may be located within this zone however they 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. Underground

foundations for streetscape elements (bike racks, light posts, bus shelters, planter walls, etc.) are permitted within the subsurface structure free zone provided they do not interfere with street trees.

**Water Service Requirements**

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

**Existing Water Main or Fire Hydrant Service**

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

**Water Main and Sanitary Sewer Requirements**

21. All sanitary sewers and water mains, including water services, shall have a minimum of ten (10) feet horizontal clearance from each other and five (5) feet from all other utilities, and shall have a minimum of 10 feet horizontal clearance from buildings and other structures, or as approved by the County Manager or his designee. Water mains 16 inch and larger, and mains placed more than 10 feet below the surface shall have a minimum of 15 feet horizontal clearance from buildings and other structures; and sanitary sewers 15 inch and larger, or sewers placed more than 10 feet below the surface shall have 15 feet minimum clearance from buildings and other structures. All water mains and sanitary sewers shall meet County Standard design criteria.

Water Main Improvements. The developer agrees to show, on the final engineering plans, water main improvements in accordance with the following:

- a. The water main improvements shall be constructed prior to the issuance of the first Certificate of Occupancy for the respective phases of construction.
- b. A new 8-inch water main in South Dinwiddie Street shall be constructed from the existing 12-inch water main in Columbia Pike to the existing 8-inch water main at the intersection with 9<sup>th</sup> Street South. Also, the existing 6-inch water main in South Dinwiddie Street being replaced by the new 8-inch water main shall be abandoned and all appurtenances transferred to the new 8-inch water main. The County agrees to reimburse the developer for all reasonable labor and material costs associated with the 8-inch water main improvements at this location. The costs shall be determined in the development agreement between applicant and County.
- c. All proposed water meters and fire protection services for the development shall be connected to the new or existing 8-inch water main in South Dinwiddie Street.

Sanitary Sewer Main Improvements. The developer agrees to show, on the final engineering plans, and to construct sanitary sewer main improvements in accordance with the following:

- d. The sanitary sewer main improvements shall be constructed prior to the issuance of the Final Building Permit.
- e. The existing 8” sanitary sewer between manholes # 6194 and # 6195 and between manholes #6193 and #6194 shall be relocated with approximately 530 feet of new 8” or 12” sanitary sewer (size to be determined upon final engineering).

**Horizontal Standpipe or Fire Hydrant Requirements**

22. The developer agrees to show, on the final engineering plan, horizontal standpipes with fire department connections at agreed upon locations and fire hydrants (existing and proposed) at intervals of not more than 300 feet, unless otherwise approved by the fire department, in order to provide adequate fire protection for the project.. The County shall specify kind of service and locations at the time of the final site engineering plan approval based on applicable safety standards. The fire hydrants shall be installed prior to the issuance of the Final Building Permit, and horizontal standpipes shall be installed prior to the issuance of the first Certificate of Occupancy.

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

**Street Lighting Requirements**

23. The developer agrees to show on the final engineering plans street lighting along all frontages of the site prior to the issuance of the Excavation/Sheeting and Shoring Permit. The plans shall include the height and color of the street light poles. The developer agrees, at its cost, to purchase and install approved Arlington County street lighting along the frontages of the site prior to the issuance of the Shell and Core Certificate of Occupancy. In addition, the developer agrees to furnish and install all conduit and junction boxes necessary for the lighting system. All construction shall meet Arlington County standards.

The developer agrees to purchase and install Virginia Power "Carlyle" standard street lights along all frontages of the site in accordance with adopted County Street Lighting Policy. The height of the street lights shall be 16 feet, 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.

**Underground Existing Aerial Utilities**

24. The developer agrees to remove or place underground all existing aerial utilities within the entire subject 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 Final Certificate of Occupancy. The developer agrees to determine the costs of possible alternatives to relocate off site overhead utility lines that exist along the east side of Arlington Mill Drive to underground locations so that the County Manager may determine if said utility undergrounding may be completed as part of the approved project. The developer agrees to provide the information before the issuance of the Clearing, Grading, and Demolition Permit. If at the discretion of the County Manager, any undergrounding of utilities along the east side of Arlington Mill Drive is determined, any utility relocation shall be completed prior to the issuance of the Final Certificate of Occupancy.

**Off-Street Parking for Construction Workers**

25. The developer agrees to provide on-site parking or, if necessary, shuttle service for construction workers to arrive at the construction site without charge to the workers from the County parking facility at Barcroft Park, or other facility approved by the County Manager. In lieu of providing parking, the developer may provide a subsidy for the construction workers in order that they may use Metro, provide a van for van pooling, or use another established method of transportation to provide for construction workers to arrive at the site. Compliance with this condition shall be determined based on a plan which shall be submitted to the Zoning Administrator, and for which the developer has obtained the Zoning Administrator's approval, before the issuance of the Excavation/Sheeting, and Shoring Permit. This plan shall set forth the quantity

of parking that shall be needed for various stages of construction, and 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 for any construction workers that may arrive to the construction site or Barcroft facility via public transportation. If the plan is found to be either not implemented or violated during the course of construction, a correction notice will be forwarded to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, and construction halted until the violation has been corrected.

**Address Indicator Signs**

- 26. 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 engineering plan as specified in Condition #14.

**Façade Treatment of Buildings**

- 27. 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 Use Permit 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 of this Use Permit before the issuance of the Final Building Permit.

In addition, the developer agrees to:

- a. Reduce the impact of any vents installed on the exterior facades of the building by employing color schemes and materials that match the proposed adjacent exterior building materials, and also a reduction of the vent's overall size by combining of vents for multiple elements to the greatest extent possible.
- b. Provide cladding similar in texture and color to the other exterior elements of the building at the facades of the mechanical penthouses.

**Recordation of Public Easements and Dedications**

- 28. 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, in substance acceptable to the County Manager or designee, and in form acceptable to the County Attorney, by the developer before the issuance of the First Certificate of Occupancy unless otherwise noted below. Dedications 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 developer agrees to dedicate to the County certain public rights-of-way and other legal interests as follows:

Along the eastern side of South Arlington Mill Drive, prior to the vacation of any portion of the western side of South Arlington Mill Drive, the Developer shall dedicate to the County, in fee simple for public

street and utilities purposes, free and clear of all liens and encumbrances, any additional area required to maintain a minimum width of 30 feet for South Arlington Mill Drive, as shown on the engineering plans approved by DES.

Along the northern property line, the developer agrees to dedicate, by deed of subdivision and dedication, an area in fee simple for public street and utility purposes as shown on the final engineering plans approved by DES. The area shall be maintained as a minimum width of 30 feet for proposed 9<sup>th</sup> Street South, as shown on the final engineering plans approved by DES. This dedication shall be recorded prior to the opening and operational use of the new street.

In the area bounded by the easterly right-of-way line of S. Dinwiddie Street and the Columbia Pike Form Based Code Required Building Line (RBL), the developer agrees to dedicate to the County an easement for public sidewalk purposes. The above-mentioned easement shall provide a reservation unto the developer, within the specified portions or boundaries thereof, for the right to construct require building features, appendages or other protrusions beyond the RBL consistent with the final engineering plans approved by the Arlington County Department of Environmental Services (DES).

The developer agrees to dedicate an easement for public sidewalk purposes for all other sidewalks as shown on the final site development plan and final engineering plan.

The easements granted to the County, as delineated in this Condition #28, shall not obligate or require the County to construct the sidewalks or the streets granted as easements.

- **The following conditions of site plan approval (#29 through #36) are valid for the life of the Use Permit and must be met by the developer before issuance of the Footing to Grade Structure Permit.**

**Plat of Excavated Area**

29. 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 proposed 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**

30. Upon approval of the final site-engineering plan, the developer agrees to submit a performance bond estimate, for the construction or installation of all facilities 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, the developer agrees to submit a performance bond and agreement for the construction or installation of all these facilities within the public rights-of-way or easements to the Department of Environmental Services. This 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 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.

**Electrical Transformers**

31. The developer agrees that all new electrical transformers shall be placed in a pad-mounted position, partially embedded within a berm at the eastern edge of Arlington Mill Drive within the Glen Carlyn Park approximate to the area shown on plans dated May 9, 2008 and May 12, 2008, or, if through further negotiations with the County and Dominion Virginia Power, sufficient funding sources can be identified,

all new electrical transformers shall be placed underground in vaults which meet Dominion Virginia Power standards. These underground vaults may be placed in the street right-of-way or in driveways if approved by the County on the final site engineering plan, and an encroachment has been approved pursuant to Condition #10. 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 the vault and 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. If the above-grade transformer location is determined as the final location, the developer agrees to position the transformer equipment within a secured enclosure, landscape the surrounding area, with a preference for native plant materials, in order to screen the facility from the adjacent trail area, and to utilize a wall and/or gate design that is compatible with the façade materials used on the adjacent structures and surrounding natural area.

#### **Interior Loading Spaces**

32. The developer agrees that all loading spaces shall be in the interior of the building and shall also comply with the following requirements: minimum 12-foot clear width (including entrances) and 40-foot length. Any loading dock to be used for trash removal shall have a minimum interior height clearance of 14.0 feet. All loading docks shall contain operable doors. Use of the loading dock by any trucks 30 feet or longer shall be limited to the hours of 9:30 AM to 4:00 PM and 7:30 PM to 9:00 PM Monday through Friday (holidays excepted). If a tenant demonstrates the need for an exception to this rule, the hours may be administratively changed by the Zoning Administrator through an Administrative Change request. The loading dock door shall also be closed when the loading dock is in use, except when necessary for entry and exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures. The developer agrees that neither the community center nor the residential building shall be serviced by trucks longer than 40 feet for loading, deliveries, or trash removal.

#### **Parking Garage Van Access**

33. The developer agrees that new parking garages shall be designed to allow access and use by vans. At least 1% of the total new parking supply shall be accessible to vans, shall be conveniently located on the level of the garage closest to street level, and shall have a minimum clearance of 98 inches. All other areas of the garage shall have a minimum clearance of 84 inches. Compliance with this condition shall be determined by review of the building plans by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit, which review shall not relieve the developer from constructing in accordance with this condition.

#### **Parking Space Compliance with Zoning Ordinance**

34. The developer agrees to ensure that all parking spaces comply with the requirements of Section 33 of the Zoning Ordinance. Unless otherwise approved by the County Board, the number of compact spaces may not exceed the Zoning Ordinance requirement. The developer shall submit drawings showing that these requirements are met, and shall obtain approval by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit.
35. The developer agrees to construct 322 underground parking spaces as part of the development, and agrees that up to 192 of these spaces may be reserved for residential occupants; and at least 130 spaces shall be for use by site visitors including residential visitors, community center participants, retail customers, employees, and the general public on a non-reserved basis. The developer further agrees that, if, at the discretion of the developer, either the residential unit count, or commercial square footage is reduced subsequent to County Board approval of the use permit, the parking ratios approved by the County Board

and consistent with the Columbia Pike Form Based Code (Section 20. - Appendix A of the Zoning Ordinance) shall be maintained.

**Bicycle Storage Facilities**

36. The developer agrees to provide, at no charge to the user, secure bicycle storage facilities in locations convenient to Community Center, residential and retail areas on the following basis at a minimum and the bike parking for the employees and residents will be segregated from each other at the facility for security reasons. 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 Bicycle and Pedestrian Program Manager before the issuance of the Final Building Permit. The Developer agrees to obtain approval of the location, design, and details regarding the proposed bicycle storage facilities set forth below as part of the final site development and landscape plans.

**Community Center Employees and Retail Employees Bicycle Storage Facilities:**

The community center and retail employee bicycle parking shall be as follows: Ten (10) Class I bicycle parking spaces for Community Center employees and two (2) Class I bicycle parking spaces for Retail employees. Also, unless otherwise approved by the County Manager, a minimum of one (1) clothes storage locker per gender shall be installed for every required employee bicycle parking space within the proposed locker rooms within the community center facility. 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 Community Center employees and retail employees. The lockers will be a minimum size of 12” wide, 18” deep, 36” high. These lockers shall be co-located in a locker room facility for the Community Center and designated for bicyclist use. Showers for these spaces shall be provided in the locker room facility for the Community Center as a shared amenity.

**Residential Bicycle Storage Facilities:**

The residential bicycle parking shall be compliant with the Columbia Pike Form Based Code as follows: One (1) resident bicycle rack/locker (2-bike capacity) per three (3) units, or portion thereof, of residential units, and one (1) visitor bicycle parking rack (2-bike capacity) per 50 units, or portion thereof, of residential units.

All Employee and Resident bicycle parking facilities provided as described above shall be highly visible to the intended users and protected from rain and snow within a structure shown on the final site development 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 employees 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, or a visitor/customer entrance. All resident visitor bicycle parking must be within the tree-furniture zone (as described in the Columbia Pike Form Based Code, Section 20.- Appendix A of the Zoning Ordinance), positioned at a 45-degree angle to the adjacent curb, and within the plaza area to be determined through final plaza design per Condition #63. The resident visitor bicycle spaces shall be installed at exterior locations within 50 feet of the primary entrance, or in close proximity to the residential entrances so as to avoid conflicts with the placement of other streetscape elements such as street trees, benches, trash receptacles and street lights, and such locations shall be reviewed by the Division of Transportation and the lead CPHD planner. Facilities for resident visitor bicycle spaces shall be Class III spaces. Residential lease agreements shall not prohibit the storage of bicycles within individual apartment units.

**Community Center Visitor Bicycle Storage Facilities:**

The community center visitor/customer bicycle parking shall provide fifteen (15) bicycle racks (2-bike capacity) placed within the tree-furniture zone (as described in the Columbia Pike Form Based Code, Section 20.- Appendix A of the Zoning Ordinance), positioned at a 45-degree angle to the adjacent curb, and within the plaza area to be determined through final plaza design per Condition #63. The community center visitor/customer bicycle spaces shall be installed at exterior locations within 50 feet of the primary entrance, or in close proximity to the community center entrances so as to avoid conflicts with the placement of other streetscape elements such as street trees, benches, trash receptacles, street lights, elements within the plaza, and such locations shall be reviewed by the Division of Transportation and the lead CPHD planner. Facilities for community center visitor bicycle spaces shall be Class III spaces.

**Retail Visitor/Customer Bicycle Storage Facilities:**

The retail visitor/customer bicycle parking shall be compliant with the Columbia Pike Form Based Code (Section 20.- Appendix A of the Zoning Ordinance)as follows: one (1) visitor/customer bicycle rack (2-bike capacity) per 12,500 square feet, or portion thereof. The retail visitor/customer bicycle spaces shall be placed within the tree-furniture zone (as described in the Columbia Pike Form Based Code (Section 20. – Appendix A of the Zoning Ordinance), position at a 45-degree angle to the adjacent curb, and installed at exterior locations within 50 feet of the primary entrance, or in close proximity to the retail entrances so as to avoid conflicts with the placement of other streetscape elements such as street trees, benches, trash receptacles, and street lights, and such locations shall be reviewed by the Division of Transportation and the lead CPHD planner. The bicycle racks shall be installed within the space along the streetscape in the tree/furniture zone consistent with the Columbia Pike Form Based Code, within the pedestrian walkway which separates the two buildings on site, or within the plaza. Facilities for retail visitors/customers shall be Class III spaces..

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

- 37. The developer agrees to construct the Community Center plaza areas used for vehicular access and all above ground surface parking areas to support the live load of any fire apparatus. No above-grade structure shall be allowed to obstruct required 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 Use Permit approval (#38 through #40) are valid for the life of the Use Permit and must be met by the developer before the issuance of the Final Building Permit.**

**Wall Check Survey**

- 38. 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 #8 above.

**Screening of Mechanical Equipment**

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

**Use of Penthouse**

- 40. The use of any penthouse shall be limited to mechanical equipment and equipment maintenance space or telecommunication transmitter and/or receiver equipment.

- **The following conditions of Use Permit plan approval (#41 through #45) are valid for the life of the Use Permit and must be met by the developer before the issuance of the First Certificate of Occupancy, unless otherwise specified below.**

**Comprehensive Sign Plan**

- 41. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs (including identification and directional signage) shall be consistent with the regulations contained within

the Columbia Pike Form Based Code (Section 20. – Appendix A of the Zoning Ordinance), and meet, where not covered in the FBC, the guidelines contained in "Sign Guidelines for Site Plan Buildings", and with Section 34 of the Zoning Ordinance. Modifications to the guidelines found within the Columbia Pike Form Based Code are permitted for the community center building signs. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign plan before the issuance of the first Certificate of Occupancy. All proposed rooftop signs for the community center use, defined as all signs that are 35 feet or more above the ground elevation at entrances, that are generally consistent with the overall size, dimensions, and placement as shown on plans dated May 9, 2008 and May 12, 2008, may be administratively reviewed and approved by the Zoning Administrator.

The developer further agrees, in its fulfillment of Condition #50 below (retail improvements), that the only types of retail signs that shall be permitted shall be consistent with types of signs permitted by the Columbia Pike Form Based Code and shall include some or all of the following: building wall signs; blade signs; window signs; carved, painted or sculptural signs; canopy or awning signs; and logo signs.

The colors and materials of retail tenant signs shall harmonize with and complement the exterior materials and design of the community center building and retail storefront so as to present a unified design approach for the individual retail unit. Individual tenants must apply for and obtain sign permits, including the design, colors, and materials of the signs, which shall be reviewed by the County Manager to ensure consistency with the comprehensive sign plan.

The developer agrees to include signs for the community center within the plan which should emphasize and demarcate the primary entrances to the community center, including the G1 level from within the garage.

#### **Transportation Management Plan**

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

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

#### **A. Residential and Retail Component:**

##### **A.1 Participation and Funding**

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

## **A.2 Facilities and Improvements**

- c. Provide in or adjacent to the residential lobby an information display, the number/content/design/location of which shall be reasonably approved by ACCS / ATP, to provide transportation-related information to residents and visitors.
- d. Provide in each lobby a means to call a taxi.
- e. During construction, maintain or coordinate relocation of any existing bus stops with the County to comply with requirements of Use Permit conditions to provide bus stop improvements. Bus stops and shelters along the frontage of the property shall be maintained free of snow, ice, trash, and debris. A 6 foot wide path, clear of snow and ice, to the main entrance of the building(s) shall be maintained to bus stops.
- f. Maintain one on-site business center (including, at a minimum, access to copier, fax, pc, and internet services in a minimum 56 sq. ft. of space), which shall be made available to support residents of the residential buildings who choose to work from home.
- g. Comply with bicycle requirements to provide bicycle parking/storage facilities per Condition #36.
- h. Upon request of the County Manager or his designee, up to two (2) Car sharing spaces shall be set aside in the visitor spaces of the garage for car sharing services. Upon a determination by the County Manager that such spaces are needed, the spaces shall be provided by the Residential/Retail component and the Community Center component by a mutually agreed upon cooperative, cost sharing, agreement with the car sharing service and as approved by the County Manager or designee. These spaces shall be located convenient to the garage entrance, available to the members of the car sharing service during normal garage 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 a 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, the cost of which, for installation and maintenance, shall be the responsibility of the car sharing service. Until requested, the spaces may be used for any parking 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.

## **A.3 Parking Management Plan**

- i. Subject to the approval by the County Manager or his designee, the developer shall prepare a parking management plan regarding: taxi passenger loading and unloading; accessible paratransit pick-up, drop-off, handicapped access, and passenger waiting area; loading zones for short-term deliveries; bus stops; car sharing locations; and on-and off-street parking, and bicycle 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.
- j. Provide reserved spaces for carpools and vanpools for community center employees within the Community Center parking space allotment that are conveniently located with respect to the elevators serving the buildings. Oversee a program to provide carpools and vanpools with a parking subsidy if there are charges for parking. Subsidies shall be:

1. Two-person car pool equal to two thirds the single-occupant vehicle monthly parking rate.
  2. Three-person (or more carpool) equal to one third the single-occupant vehicle monthly parking rate
  3. Provide registered vanpools with free parking.
- k. No on-street loading will be permitted between the hours of 7 and 9 AM and 4 to 6 PM.
- l. 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.

**A.4 Promotions, Services, Policies**

- m. Provide a choice of either one (1) SmarTrip card plus Metro fare media with the value equivalent of four (4) Metrobus Weekly Passes (Valid for a full week of unlimited travel region wide on regular Metrobus routes) or successor fare media, or four (4) Metrobus Weekly Passes for free, one time, excluding lease renewals, to each residential lessee of each unit, distributed no later than the day of move in at the building. Senior or Disabled weekly bus pass may be substituted if criteria are met. Passes shall be purchased through CommuterDirect, or successor entity, for ease of verification by ACCS. Signs announcing the program shall be approved by ACCS and posted in each mail room of each residential building and in the lobby of the Community Center. The program shall also be announced in any newsletter or website for the site.
- n. Provide a choice of either one (1) SmarTrip card plus Metro fare media with the value equivalent of four (4) Metrobus Weekly Passes (Valid for a full week of unlimited travel region wide on regular Metrobus routes) or successor fare media, or four (4) Metrobus Weekly Passes for free, one time, to each to on-site employees of the property management company at the time that employee is hired for the Project. Endeavor to provide or administer a sustainable commute benefit program for these employees (the program shall include, at a minimum, pre-tax employee contributions and/or tax-free transit or vanpool monthly contributions.)
- o. Provide website hotlinks to CommuterPage.com<sup>TM</sup> under a “transportation information” heading from the developer and property manager’s websites regarding this development.
- p. Distribute a new-resident package, containing material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each lessee and / or condominium purchasers. Packages will be distributed to tenants no later than the day of move-in at the building. Distribute equivalent package to new employees no later than their first day of work.
- q. Reference the transportation options in promotional materials and advertisements.
- r. Cooperate with Arlington County to assist the County in implementing a transit-advertising program that will distribute information four times per year to all residents, tenants, employees, and visitors.
- s. Participate in Ozone Action Days and other regionally sponsored clean air, transit, and traffic mitigation promotions by posting notice of such promotions in locations within the building(s).

#### **A.5 Performance and Monitoring**

- t. Upon approval of the TMP by the County, the developer agrees to implement all elements of the plan with assistance when appropriate by agencies of the County.
- u. Conduct a transportation performance monitoring study at two, five, and ten years after issuance of first Certificate of Occupancy and provide a report summarizing findings report findings to the County, the Arlington Mill Steering Committee Chair, Park Glen Unit Owners' Association President, Columbia Heights West Civic Association President, Columbia Forest Civic Association President, Barcroft Civic Association President, and the Columbia Pike Revitalization Organization Executive Director. The County will reasonably specify the scope of the study. The study may include average vehicle occupancy, daily vehicle-trips to and from the site, and parking availability by time of day for the site and pedestrian traffic. Such report shall include an all-day count of site-generated vehicle traffic and a voluntary mode-split survey. The building owner and/or operator will assist and encourage tenant's employee participation in mode split surveys which may be of an on-line, email variety.
- v. During the first year of start up of the TMP and on an annual basis thereafter, the Applicant will submit an annual letter to the County Manager, describing completely and correctly, the TDM related activities of the site.

#### **B. Community Center Component:**

##### **B.1 Participation and Funding**

- a. The Community Center management shall maintain an active, on going relationship with Arlington Transportation Partners (ATP), or successor entity.
- b. Designate a member(s) of Community Center management as Property Transportation Coordinator to be a primary point of contact with ACCS and undertake the responsibility for coordinating and completing all TMP obligations related to the Community Center. The Community Center management will provide, and keep current, the name and contact information of the PTC to ACCS. The Property Transportation Coordinator shall be appropriately trained, to the satisfaction of ACCS, to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.

##### **B.2 Promotions, Services, Policies**

- c. Provide or administer a sustainable commute benefit program for the Community Center employees (the County's standard commuting benefits package).
- d. The Community Center shall encourage clients to use alternative transportation to travel to and from the center with a goal of 20% reduction in single occupancy vehicle trips.
- e. Provide website hotlinks to CommuterPage.com<sup>TM</sup> under a "transportation information" heading from the Community Center website regarding this facility.
- f. Distribute a new-employee package, material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each employee. Packages will be distributed to employee no later than the first day of employment at the building.

- g. Reference transportation options in Community Center promotional materials and advertisements.
- h. Cooperate with and assist ACCS in implementing a transit-advertising program that will distribute information four times per year to all residents, tenants, employees, and visitors.
- i. Participate in Ozone Action Days and other regionally sponsored clean air, transit, and traffic mitigation promotions by posting notice of such promotions in locations within the building(s).

**B.3 Performance and Monitoring**

- j. Upon approval of the TMP by the County, the Community Center agrees to implement all elements of Community Center portion of the plan with assistance when appropriate by agencies of the County.
- k. Cooperate with the residential and retail component to conduct transportation performance monitoring studies.
- l. During the first year of start up of the TMP and on an annual basis thereafter, the Community Center will submit an annual letter to the County Manager, describing completely and correctly, the TDM related activities of the Community Center.

**Parking Management Plan**

43. The developer agrees to coordinate with Arlington County to create a parking management plan as referenced in the TDM Plan Condition # 42, Parking Management Plan sections A.3.i through A.3.l. The Plan will describe how the parking for residents, visitors to the site, employees and general public will be provided, how the parking will be managed and how motorists, will be directed to the parking spaces. The developer further agrees that it shall not sell or lease any of the parking spaces designated to make the project comply with the Americans with Disabilities Act (ADA). The parking management plan shall be submitted to the Zoning Administrator. The developer agrees to obtain the County Manager’s approval of the plan as being consistent with the Zoning Ordinance requirements, the Columbia Pike Form Based Code (Section 20. –Appendix A of the Zoning Ordinance), and this condition, prior to the issuance of the First Certificate of Occupancy for the first residential building.
- a. The developer agrees to coordinate with Arlington County to build a minimum of 192 residential tenant parking spaces and at least 130 public parking spaces to be used by the site’s visitors (including residential visitors, community center participants, retail customers, employees and the general public) per Condition #35.
  - b. The developer agrees to include a plan of the garage facility, a description of the type of revenue and access control equipment, an explanation of how the garage will be managed and a rate setting policy coordinated with Arlington County for the site’s visitor parking spaces only. The plan will identify the different constituency groups and how they will be accommodated in the garage spatially and through management processes such as permits, validation, and pricing. The plan will include parking strategies for special events.
  - c. The developer agrees that, at its option, spaces which are not needed for residential parking will be made available as monthly parking spaces to the site’s employees and others.
  - d. The developer agrees to coordinate with Arlington County so that overnight parking in the site’s visitor parking spaces is available to the public generally from 10:00 p.m. to 8:00 a.m. nightly.
  - e. The developer agrees to have, as a part of its parking management plan, provisions relating to the towing of impermissibly parked vehicles in compliance with Arlington County Code 14.3. Such provisions shall include, but need not be limited to:
    - (1) Requirements for signage in the garage 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;
    - (2) Disclosure by the developer and its towing contractor(s), at the developer’s parking lot(s), of all fees and charges for towing; and
    - (3) 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.

**Lighting Plan for Public Areas**

44. 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 #23 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 (however, developer shall not be responsible for the performance of County

required and specified light fixtures). The developer agrees to obtain the approval of all public space lighting from the County Manager, and to install approved lighting, before the issuance of the First Partial Certificate of Occupancy for occupancy, unless otherwise approved by the County Manager, of the applicable phase of the project.

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

45. The developer agrees to be responsible for documenting any historical artifact or historical natural feature uncovered during construction on the site. This documentation shall include written notation describing the artifact or natural feature, color photographs, and mapping of the location and/or depth of the site excavation at which the item was found. The developer agrees to submit a copy of this documentation to Arlington County before issuance of the Final 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 endeavor 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.

- **The following condition of Use Permit plan approval (#46) is valid for the life of the Use Permit and must be met by the developer within 90 days of receipt of the partial Certificate of Occupancy for full occupancy of the building.**

**Obtain Master Certificate of Occupancy**

46. The developer agrees to obtain a Master Certificate of Occupancy within 90 days of receipt of any partial Certificate of Occupancy for full occupancy of the building.

- **Post Certificate of Occupancy: the following Conditions of Use Permit approval (#47through #49) are valid for the life of the Use Permit**

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

47. In order to maintain the effectiveness of the County's public safety systems, the developer agrees to grant to the County in perpetuity the right to install telecommunications transmitter and/or receiver equipment and conducting wire in or on the penthouse or top floor, and antennae and traffic monitoring systems on the roof of the proposed buildings in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both upon request by the County. The developer agrees to provide, upon request by the County, access to electrical service separately metered, including auxiliary electrical power, and telephone radio control lines to the penthouse in the defined area. Any radio transmitter or receiver equipment and antenna to be installed or used by others must not interfere with the emergency communication system of the County. The County shall remain responsible for the maintenance and costs of the County's communication system and shall indemnify and hold harmless the developer from any costs or claims resulting from the presence of the County's equipment within developer's project.

**Snow Removal**

48. The developer or owner agrees to remove snow from all 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**

49. The developer agrees that the maintenance of the common area, walkways, private drives and parking areas which are tied to residential units shall be provided for by the developer.

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- **The following unique site specific conditions (#50 through #66) are valid for the life of the Use Permit and must be met before the issuance of the permit specified in each Condition.**

**50. Retail Elements**

- a. The developer agrees to develop a retail attraction and marketing plan for approximately 3,000 square feet of retail space located on the first floors of the community center-building. The plan shall identify the marketing strategy to attract the retail tenant types that would be compatible with the community center and residential uses including a preference for food tenants such as restaurant or retail space such as specialty local bakeries/bagel shops/doughnut shops; full service restaurants; local, regional or national coffee shops; ice cream stores; delicatessen type restaurants; however, other retail spaces such as specialty product stores; sports/recreation/cultural/art-related non-food retail; and local convenience services are also acceptable. Any change in the use of the retail space from retail to community center or other non-retail use shall require a Use Permit amendment.
- b. The retail spaces shall be designed and constructed to include interior and exterior improvements necessary to ensure that they are functional and attractive to prospective retailers and that they animate the street frontage. These elements shall include, but are not limited to: a minimum of 15 foot floor to floor heights, as shown on the plans dated May 9, 2008 and May 12, 2008; access to the service corridor/areas as shown on the architectural plans dated May 9, 2008 and May 12, 2008; direct street frontage and access; rough-in of utilities, i.e., sprinkler heads, plumbing, electrical wiring, and stubs for extensions; and provision for any venting systems required for any food preparation or restaurant use, if any, through the roof.

The developer agrees to submit an application for administrative change for any proposal for retail uses not clearly consistent with the above.

**Outdoor Cafes**

51. Outdoor cafes shall be permitted in the public right-of-way or within public easements along Columbia Pike and South Dinwiddie 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 Columbia Pike and South Dinwiddie 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.

**LEED Credits, EarthCraft Credits, and Sustainable Design Elements**

52. The developer agrees to continue working with a LEED and EarthCraft Virginia certified consultant(s) as members of the design and construction team. The consultant shall work with the team to incorporate sustainable design elements and innovative technologies into the project so that numerous building components may earn the developer points under the U.S. Green Building Council's system for LEED certification and/or EarthCraft Virginia certification. Specifically, for the mixed-use community center building, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for the Prerequisites and include at least the number of LEED credits necessary for LEED Silver certification as approved by the US Green Building Council. For the residential-only building, the project will follow the specific requirements for the EarthCraft Virginia program, achieving at least 200 points as well as the specific energy efficiency requirements (as approved by EarthCraft Virginia), or a comparable LEED rating (as approved by the US Green Building Council).

For all residential portions of the development, the developer agrees that all of the following types of appliances, fixtures, and/or building components used in the project shall have earned the U.S. EPA's Energy Star label: clothes washers, dishwashers, refrigerators, ceiling fans, ventilation fans (including kitchen and bathroom fans), residential light fixtures (comply with Energy Star's Advanced Lighting Package), programmable thermostats, and exit signs. The developer shall submit to the County Manager a statement listing all Energy Star-qualified components prior to issuance of the Core and Shell Certificate of Occupancy. For the commercial lighting in common areas of multifamily residential projects, (by way of illustration and not limitation, these areas include lobbies, corridors, stairwells, common rooms, fitness rooms, etc.), the developer shall reduce the need for lighting (through daylighting where possible) and shall specify the use of energy efficient fixtures, bulbs, light sensors, motion sensors, timers, and interior design, e.g., paint color, that maximize energy efficiency in lighting. The guidelines outlined by the US Green Building Council's LEED for Commercial Interiors (LEED-CI) credit entitled, *Optimizing Energy Performance: Lighting Power* shall be used toward the goal of maximizing energy efficiency in the lighting of common areas.

The developer further agrees to submit, to the Department of Environmental Services (DES) and to the Zoning Office, a report prepared by the LEED/EarthCraft consultant(s) and documentation upon request to substantiate the report. Such reports will be submitted prior to issuance of the following permits or certificates of occupancy for construction of the project and will summarize the efforts to date of the inclusion of the sustainable elements within the project:

- Demolition Permit
- Excavation, Sheeting and Shoring Permit
- Footing to Grade Permit
- First Above Grade Building Permit
- Final Building Permit
- Shell and Core Certificate of Occupancy
- Certificate of Occupancy for occupancy of the last floor of space
- Master Certificate of Occupancy

In addition, prior to issuance of the first Certificate of Occupancy after the Shell and Core Permit, the developer will have its LEED/EarthCraft consultant(s) submit a certification to the County Manager that the elements to earn the above specified sustainability rating have been included in the buildings..

**Parking Enforcement**

53. The developer agrees to develop written procedures, subject to approval of the County Manager for reasonableness, whereby uniformed Arlington County Police will be authorized to enter the public parking areas for purposes of enforcing compliance with County ordinances and state laws applicable to resident's motor vehicles. The developer agrees to obtain the County Manager's approval of such procedures prior to issuance of the Master Certificate of Occupancy for the Community Center.

**Bus Stop and Bus Shelter**

54. The developer agrees to provide and install for Arlington County a bus stop and bus shelter located on the east side of South Dinwiddie Street, south of the 9<sup>th</sup> Street South intersection. The design and location of which shall be approved by the County Manager or his designee as consistent with current standards prior to construction, to include an accessible connection to streets, sidewalks or pedestrian paths, bus shelter, bench, a secure device and 13' 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 pads, construct a 5.5' x 13' wide bus shelter, unless otherwise approved by the County Manager that shall be located with a minimum 6-foot-wide clear sidewalk area around the shelter except that a minimum 5' wide clear hard surface area shall be provided adjacent to the front of the bus shelter measured from face of curb, provisions for lighting the shelter

(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 requirements.

**Traffic Signal Light Improvements**

- 55. The developer agrees, in lieu of designing and constructing traffic signal improvements at the intersection of Columbia Pike and South Dinwiddie Street, to make a payment of \$75,000 to the Department of Environmental Services for the reconstruction of the traffic signals at South Dinwiddie Street and Columbia Pike. The payment shall be paid prior to the issuance of the final building permit. The County shall reconstruct the traffic signals in coordination with the developer's work on the site.
- 56. The developer agrees to indicate on its plans the relocation any traffic signals, traffic signal cabinets, and any other existing related items as part of this development and curb alignment or relocation as part of this project to meet all Arlington County guidelines and standards subject to approval of the County Manager or his designee prior to the issuance of the first certificate of occupancy.

**Temporary Traffic Signal**

- 57. The developer agrees to submit a maintenance of traffic plan to Arlington County and VDOT. Upon the approval of VDOT, the developer agrees to design, install and maintain a temporary traffic signal located on Columbia Pike at its intersection of South Arlington Mill Drive until the completion of the new 9<sup>th</sup> Street South connection to South Dinwiddie Street is provided.

**Public Safety Radio Communications**

- 58. 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.

**Loading Delivery and Management Plan**

- 59. Prior to the issuance of the first Certificate of Occupancy (to include temporary Certificates of Occupancy) for any building on the site, the developer agrees to submit a Loading and Delivery Management Plan to the Zoning Administrator for review and approval, including review by the PRCR facility manager. This plan shall provide for service access using Arlington Mill Drive as shown in the plans dated May 9, 2008 and May 12, 2008 and shall be shown on the final site engineering plan. This plan shall further provide for monitoring of loading and unloading/deliveries by the management of the residential, commercial, and community center components of the project, the restriction of loading and deliveries using public streets for the parking of loading and delivery vehicles and shall include a contact name of a person with authority to control loading and unloading/deliveries to whom outsiders may report violations.

**Re-grading South Dinwiddie Street**

- 60. The developer agrees to reconstruct (e.g., re-grade street and reconstruct curb and gutter and sidewalk along the western edge of South Dinwiddie) South Dinwiddie Street from the intersection of south of 9<sup>th</sup> Street South to Columbia Pike as shown on the final engineering plans approved by the County Manager. The costs of the work shall be paid by the County.

**Temporary Bus Route**

- 61. The developer agrees to coordinate with Arlington County and WMATA for temporary bus route plans prior to the regrading of South Dinwiddie Street if such temporary bus routes are deemed necessary by the County and WMATA. The developer agrees to submit plans and obtain approval of the plans from WMATA and Arlington County prior to the issuance of the first building Permit. The developer agrees to

provide a copy of the approved plan to the Columbia Pike Revitalization Organization Executive Director, Columbia Heights West Civic Association President, Arlington Mill Steering Committee Chair, Park Glen Condominium Unit Owners Association President, Barcroft Civic Association President, Columbia Forest Civic Association President, Douglas Park Civic Association President, and to the Zoning Administrator. The cost of any necessary work shall be paid by the County.

**Plaza Improvements**

62. The developer agrees to construct plaza improvements on the southeast portion of the site consistent with the intent of the master plan drawings dated May 9, 2008, May 12, 2008, and May 30, 2008, reviewed and approved by the County Board, and made part of the public record on June 24, 2008 prior to the issuance of the first Partial Certificate of Occupancy for occupancy of the Community Center building constructed pursuant to this Use Permit Plan. The developer further agrees to incorporate the final details of the plaza design in the final approved Landscape Plan.

**Public Use and Access Easements**

63. The developer agrees to grant permanent public use and access easements, in favor of the County and the public at large, for the purpose of providing nonexclusive public use and access, including but not limited to, the pedestrian passageway that extends from South Dinwiddie Street to Arlington Mill Drive, as shown on the drawings dated May 9, 2008 and May 12, 2008. The final location of the easements may change upon the review and approval by the County Manager or designee of the final building plans, the final site development plans, or the final landscape plans.

The developer agrees to dedicate to the County, prior to the First Partial Certificate of Occupancy for occupancy, certain public rights-of-way and other legal interests as follows:

The pedestrian passageway between S. Dinwiddie Street and Arlington Mill Drive shall be granted to the County as a public access easement for pedestrian use, 24 hours a day, seven days a week, year round. The deed of easement shall warrant that the developer shall construct and maintain the walkway, and the elevator and stairs at the eastern end of the walkway, and the elevator and stairs shall be included as part of this easement area. The developer agrees to be responsible for providing/maintaining lighting, maintain all other improvements in said easement area, and to be responsible for snow and trash removal.

The easements shall be granted by deed, in substance acceptable to the County Manager or designee, and in form acceptable to the County Attorney, and shall be recorded by the developer among the land records of Arlington County. The easements shall be submitted by the developer to the Department of Environmental Services for review and approval prior to the issuance of the Final Building Permit for the residential-only building and shall be recorded by the developer among the Land Records prior to the issuance of the final Certificate of Occupancy of the community center building. Final landscape design shall be approved by the County Manager as part of the final site development and landscape plan.

**ADA Power Door Openers**

64. 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 a door leaf in the main residential and community center entrances. In addition, at the secure interior door, the developer agrees that a call box, if used, shall be mounted and measured at the lowest given height under the ADA with hands-free remote capability. The entrance to the lobby of the residential elevators (if there is one) from the parking garage will have an automatic door opener.

**Wall along proposed 9<sup>th</sup> Street South**

65. The developer agrees to investigate and verify the structural integrity of the existing wall along the northern property line using a qualified professional, and to provide the results thereof to the Zoning

Administrator, and, should it be determined that the development as proposed under this Use Permit undermine the integrity of the existing wall, the developer agrees to design and construct a new wall in that location at its expense.

PREVIOUS COUNTY BOARD ACTIONS:

May 1942	“C-1” zoning as shown in Zoning Map book
August 1961	Designated “Neighborhood Shopping” on the General Land Use Plan.
April 1975	Designated “Service Commercial” on the General Land Use Plan
April 13, 1996	Ratified the offer to acquire property located at 4975 Columbia Pike
June 4, 1996	Ratified the Agreement of Sale with Safeway, Inc. for the purchase of property located at 4975 Columbia Pike and reallocated funds for acquisition
November 16, 1996	Found that the location, character and extent of a proposed community center which will provide school, recreation, and other community services at 4975 Columbia Pike, (formerly a Safeway grocery store) is substantially in accord with the Comprehensive Plan for Arlington County.  Approved General Land Use Amendment GP-255-96-1 from “Service Commercial” (Personal and business services; and “Low-Medium” Residential (16 to 36 units per acre) to “Public” (Parks [local, regional and federal]); Schools [public]; Parkways, major unpaved rights-of-way; Libraries and cultural facilities) at 4975 Columbia Pike.  Adopted an ordinance for a rezoning approval for a reclassification from zoning district “C-1” Local Commercial District, to zoning district “S-3A” Special District.  Approved use permit (U-2897-96-1) for an adult education program (high school) and a by-right Department of Parks, Recreation and Community Resources facility, subject to conditions with a review in two (2) years, with the use permit expiring at the end of the 2001-2002 school year. (November 1998)

December 16, 1997	Approved use permit amendment (U-2897-96-1) to permit three 3 programs for children: a preschool program for 15 children, an after-school program for 45 children and a cooperative parent play group subject to conditions and with a review in one (1) year. (December 1998)
November 14, 1998	Continued use permit (U-2897-96-1) for an adult education program (high school) with a review in four (4) years. (November 2002)
December 12, 1998	Continued use permit amendment (U-2897-96-1) to permit three (3) programs for children: a preschool program for 15 children, an after-school program for 45 children and a cooperative parent play group subject to conditions and with a review in three (3) years. (December 2002)
December 8, 2001	Continued use permit amendment (U-2897-96-1) to permit three 3 programs for children: a preschool program for 15 children, an after-school program for 45 children and a cooperative parent play group subject to conditions and with a review in five (5) years. (December 2006)
July 20, 2002	Continued use permit (U-2897-96-1) for an adult education program (high school) with a review in three (3) years. (July 2005)
December 17, 2002	General Land Use Plan amended to include the “Columbia Pike Special Revitalization District”.
February 25, 2003	Columbia Pike Form Based Code (Section 20 of the Zoning Ordinance) adopted
February 10, 2004	Columbia Pike Street Space Plan adopted and Form Based Code amendment to include new Required Building Lines
December 9, 2006	Continued use permit amendment (U-2897-96-1) to permit three 3 programs for children: a preschool program for 15 children, an after-school program for 45 children and a cooperative parent play group

subject to conditions and with a review in one (1) year. (December 2007)

December 15, 2007

Continued use permit amendment (U-2897-96-1) to permit three (3) programs for children: a preschool program for 15 children, an after-school program for 45 children and a cooperative parent play group subject to conditions and with a review in three (3) years, or until redevelopment of the site occurs. (December 2010)

General Land Use Plan amended to redraw the "Columbia Pike Special Revitalization District" boundary to include the northern portion of the County-owned Arlington Mill Community Center property

Columbia Pike Form Based Code amendment to redraw the Columbia Pike Revitalization District boundary to include the northern portion of the County-owned Arlington Mill Community Center property; and 2) Designate a portion of the Dinwiddie Street frontage that is 250' from the centerline of Columbia Pike to the north along the east side of South Dinwiddie Street and within the Revitalization District as an Avenue Site

January 29, 2008 (Carryover)

Columbia Pike Form Based Code amendment to modify the distance between the Dinwiddie Street Required Building Lines from 91' to a dimension of 80' south of 9<sup>th</sup> Street and 65' north of 9<sup>th</sup> Street

Resolution to endorse Arlington Mill Community Center Concept Plan for development by Special Exception Use Permit under the Columbia Pike Form Based Code

Approval of affordable housing program and financial plan

Approval of an option to ground lease between the County Board and Public Private Alliances, LLC