



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of June 24, 2008**

**DATE:** June 17, 2008

- SUBJECTS:**
- A. GP-316-08-1 General Land Use Plan Amendment to modify Note 20 to designate additional development density to the Monument View Site Plan Application (SP #400) site area within the “North Tract Special Planning District” which is an area generally bordered by Shirley Highway Interstate 395 on the West, the George Washington Memorial Parkway on the North and East, and the southern edge of 10th Street South.
  
  - B. Z-2528-06-1 REZONING: MR Boundary Channel, LLC/Monument Realty, LLC, rezoning from “M-2” Service Industrial Districts to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts; 320 S. 6th St., 608 S. Ball St., 901 S. Clark St., portions of S. Clark St., and Jefferson Davis Hwy. (RPC # part 34-024-345, 34-025-001, -003, -004, -005)
  
  - C. SP #400 SITE PLAN: MR Boundary Channel, LLC/Monument Realty, LLC, an application to approve approx. 352 dwelling units, approx. 3,512 sq ft retail, approx. 323,229 sq ft office, with modification of use regulations for exclusion of density for mechanical closets, storage, parking, loading; 320 S. 6th St., 608 S. Ball St., 901 S. Clark St., portions of S. Clark St., (RPC # part of 34-024-345, 34-025-001, -003, -004, -005)

**Applicant:**

MR Boundary Channel, LLC/Monument Realty, LLC

**By:**

Walsh Colucci Lubeley Emrich & Walsh, PC  
2200 Clarendon Boulevard, 13th Floor  
Arlington, VA 22201

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

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

Staff: Rich Dooley, DCPHD, Planning Division  
Robert Gibson, DES, Division of Transportation

PLA-4992

## **C.M. RECOMMENDATIONS:**

Adopt the attached resolution to amend the General Land Use Plan to modify Note 20 to designate additional development density to the Monument View Site Plan Application (SP #400) site area within the “North Tract Special Planning District” which is an area generally bordered by Shirley Highway Interstate 395 on the West, the George Washington Memorial Parkway on the North and East, and the southern edge of 10th Street South.

Adopt the attached resolution to approve the rezoning request from “M-2” Service Industrial Districts to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts; 320 S. 6th St., 608 S. Ball St., 901 S. Clark St., portions of S. Clark St., and Jefferson Davis Hwy. (RPC # part 34-024-345, 34-025-001, -003, -004, -005).

Approve the site plan application for approx. 352 dwelling units, approx. 3,512 sq ft retail, approx. 323,229 sq ft office, with modification of use regulations for exclusion of density for mechanical closets, storage, parking, loading; 320 S. 6th St., 608 S. Ball St., 901 S. Clark St., portions of S. Clark St., (RPC # part of 34-024-345, 34-025-001, -003, -004, -005), subject to the conditions of the staff report.

## **ISSUES:**

- Design of 8<sup>th</sup> Street South.
- Building elevations along Old Jefferson Davis Highway.
- LEED commitment.
- Garage access.

**SUMMARY:** The applicant is proposing a two-building mixed-use development with 323,229 s.f. of office space, 352 residential units (354,640 s.f.), and 3,512 s.f. of convenience retail space. This proposed development is part of an Exchange Agreement between the applicant and Arlington County; details of which are included in Attachment A.

The requested rezoning from “M-2” to “C-O-1.5” would be consistent with the existing General Land Use Plan designation.

While staff and the County’s commissions would like to see enhancements to the site plan, the shortcomings are offset by the County’s acquisition of the former Twin Bridges site. The transfer of the site to the County, which is conditioned upon approval of this site plan, would enable the County to fulfill its vision for Long Bridge Park and provide benefits for generations of Arlingtonians and guests to our community. Additionally, the developer will provide \$4.20 per square foot of GFA contribution for community benefits identified by the County Board. This is a total contribution of \$2,861,800, of which \$2,485,039 is recommended for affordable housing.

The major issues identified are the following:

- 8<sup>th</sup> Street South does not show appropriate pedestrian accommodations and landscaping.
- Since the applicant has proposed to provide primary access to both buildings from the interior 8<sup>th</sup> Street South as opposed to providing it via the a public street, the proposal should demonstrate how it will activate the public streets, e.g., Old Jefferson Davis Highway.
- While the applicant is meeting the Exchange Agreement details regarding green building (LEED) requirements, it has not yet committed to meeting the County's current energy efficiency guidelines for new buildings.
- The garage exhaust vent located at the Old Jefferson Davis Highway and the 8<sup>th</sup> Street South intersection should be redesigned to add an elevator to a structure previously shown by the applicant so that people can move easily between Old Jefferson Davis Highway and the public parking provided in the office garage.

The applicant has made a few noticeable changes to the project since the item was deferred in May 2008. First, canopy trees were added to the proposed new private street to help it become more inviting to passersby. Second, the 10<sup>th</sup> Street entrance was enhanced through the addition of a canopy and the provision of double-entry doors. Staff and the applicant continue to review proposed building design changes along Old Jefferson Davis Highway.

Given the long term benefit that is provided by this plan staff supports it. Therefore, it is recommended that the proposed General Land Use Plan Amendment, rezoning, and site plan be approved, subject to the conditions of the staff report.

**BACKGROUND:** On February 21, 2004, the County Board accepted the North Tract Task Force's Final Report, "A Master Plan for the North Tract Park and Recreational Facilities and Surrounding Area", and adopted the "North Tract Master Plan for Park and Recreational Facilities." On April 27, 2004, the County Board adopted a General Land Use Plan amendment, adding Note 20, which designates the "North Tract Special Planning District" and references a paragraph under Special Planning Areas on the General Land Use Plan describing the vision and goals for the district. In 2007, the County Board entered into an agreement with MR Boundary Channel LLC to exchange the Monument View site for the Twin Bridges site; and to designate additional density to the Monument View site in lieu of payment for the Twin Bridges site which has been planned for inclusion in the future Long Branch Park.

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

Site: The proposed two-building development on approximately 4.71 acres is located just south of Long Bridge Park and north of Crystal City. The project involves four parcels bounded by S. Clark Street, 6th Street S., N. Ball Street, and 10th Street S., part of the parcel located between S. Clark Street and Old Jefferson Davis Highway and a portion of S. Clark Street (RPCs # 34-025-001, 34-025-003, 34-025-004, 34-025-005, 34-024-345). Hotel and warehousing are current uses on the site.

- To the north: Vacant - North Tract property (future Long Bridge Park)
- To the east: 2 and 3-story retail buildings for A-1 Towing, Self Storage Plus
- To the south: North Gateway Office Building (8 stories); east of that building is landscaped open space with benches
- To the west: Old Jefferson Davis Highway and I-395; tour busses currently park on Clark Street and 6<sup>th</sup> Street S.

**Zoning:** The subject site is zoned “M-2” Service Industrial Districts. The proposal is to have the site rezoned to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts.

**Land Use:** The General Land Use Plan designation of the site is “Low Office-Apartment-Hotel.”

**Neighborhood:** The site is located within the North Tract Area Plan Study area.

**Proposed Rezoning:** The subject site is zoned “M-2” Service Industrial Districts, which permits commercial and industrial uses as a matter of right at a density of 1.5 FAR with a height of 75 feet. Residential and hotel development are not permitted.

The proposed rezoning to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts would permit, by site plan, mixed-use office (up to 1.5 FAR), residential (up to 72 units per acre), and hotel (up to 110 units per acre) development. The proposed “C-O-1.5” Zoning District is consistent with the existing “Low” Office-Apartment-Hotel GLUP designation.

The following table summarizes the maximum development permitted under the existing and proposed zoning classifications:

<b>Existing Zoning</b>	<b>Density Allowed</b>	<b>Maximum Development</b>
“M-2” (204,966 sq.ft. or 4.705 acres)	1.5 FAR for commercial and industrial development. Residential and hotel development not permitted	307,449 sq.ft. commercial/industrial
<b>Proposed Zoning</b>	<b>Density Allowed</b>	<b>Maximum Development</b>
“C-O-1.5” (204,966 sq.ft. or 4.705 acres)	<b>By-right:</b> One-family dwellings at 7.26 units/acre (6,000 sq.ft. per residential lot); or Office, business and professional uses at .60 FAR.	<b>By-right:</b> 34 one-family dwellings; or  122,980 sq.ft. office, business and professional uses.
	<b>Site Plan:</b> 1.5 FAR office/commercial; or 72 units/acre residential; or 110 units/acre hotel.	<b>Site Plan:</b> 307,449 sq.ft. office/commercial; or 338 residential units; or 517 hotel units.

**Proposed Development:** The following table sets forth the preliminary statistical summary for the proposed development:

<b>SITE AREA</b>	204,966 s.f. (4.705 acres)
<b>Density</b>	
Retail G.F.A.	3,512 SF
Office G.F.A.	323,299 SF
Residential	352 units <sup>1</sup>
<b>"M-2" By-right Max. Permitted Ofc. Bldg. GFA</b>	<b>307,449 SF</b>
<b>"C-O-1.5" Max. Permitted Office Bldg. FAR (by Site Plan)</b>	<b>1.5 FAR</b>
<b>"C-O-1.5" Max. Permitted Res. Bldg. density (by Site Plan)</b>	<b>72 du/acre</b>
<b>Height – Office Building</b>	
Main roof	92.83 feet (8 stories)
Penthouse roof	111.5 feet
<b>Height – Residential Building</b>	
Main roof - @ peak	67.16 feet (7 stories)
Penthouse roof - @ peak	73.5 feet
<b>"C-O-1.5" Max. Permitted Office Bldg. Height (by Site Plan)</b>	<b>8 stories</b>
<b>"C-O-1.5" Max. Permitted Res. Bldg. Height (by Site Plan)</b>	<b>10 stories</b>
<b>Elevation – Office Building</b>	
Main roof	130 feet
<b>Elevation – Residential Building</b>	
Main roof	85.66 feet
<b>Parking – Office &amp; Retail</b>	
Standard spaces	482
Compact spaces	78
Tandem spaces	20
Handicap spaces	11
Total spaces	591
Parking Ratio	1 per 558 SF
<b>Office Required Parking Ratio</b>	1 per 580 SF
<b>Office Required Parking Spaces</b>	563
<b>Parking - Residential</b>	
Standard spaces	367
Compact spaces	9
Tandem spaces	0
Handicap spaces	8
Total spaces	384
Parking Ratio	1.09 sp per unit
<b>Residential Required Parking Ratio</b>	1.125 sp/first 200 units, then 1 sp/unit thereafter
<b>Residential Required Parking Spaces</b>	368 spaces
<b>LEED Score</b>	
Office (LEED-CS)	23 points
Residential (LEED-NC)	26 points

**Density and Uses:** Currently on the 4.7 acre site is a two-story brick motel (Crystal City Motel), a two-story brick industrial building containing a Rent-A-Wreck office and the Arlington County Fire Department's Logistics Office, two other two-story brick industrial buildings, two

<sup>1</sup> As part of the Exchange Agreement between Monument Realty and the County, an adequate amount of additional density would be attributed to the Monument View site to support the development being planned for this site plan. The County land site area (204,966 s.f.) times the available density (1.5 FAR) yields 307,449 s.f. GFA. The applicant will use additional density from the Twin Bridges site of up to 19,362 square feet of commercial density (15,850 square feet of office and 3,512 square feet of retail) and 352 residential units over and above its base density, consistent with the revised GLUP Note 20 to support the development being planned for this site plan.

corrugated metal industrial buildings (1.5 and 2-stories, respectively), and a one-story brick industrial building that houses the Washington Shakespeare Company's Clark Street Playhouse. The proposed mixed-use redevelopment would demolish the buildings and replace them with an 8-story building containing 323,229 s.f. for office use and 3,512 s.f. of ground floor convenience retail use, and a building ranging from 4 to 7 stories providing 352 residential units (354,640 s.f.). The residential building would face South Ball Street, 6<sup>th</sup> Street S., and South Clark Street, and office building would face South Ball Street, 10<sup>th</sup> Street S., and South Clark Street. A private drive running parallel to 10<sup>th</sup> Street S. would be located between the two buildings.

Site and Design: Because of the proximity to Ronald Reagan Washington National Airport, this location has an aviation easement which caps the building heights. Proposed buildings taper down from the southwest to the northeast. The ground level of the office building is clear glazing and columns. The rest of the building is dominated by pre-cast concrete panels and fixed windows, and metal panels and storefront with clear glazing interspersed. The residential building has primarily two types of brick veneer with concrete slab edges. Due to a variety of constraints, the applicant has chosen to put the residential building units' HVAC system vents on the building walls instead of through the building roof, thus requiring innovative brick architectural details to screen the vents, primarily on the courtyard facades. In general, the architecture is relatively unique and contemporary and helps to distinguish this building amidst the standard flat-top roofed buildings of Crystal City.

Parking and loading for the office building is provided through metal roll-up doors located off of the private drive, while parking and loading for the residential building is proposed on the southeast side of the building located off of South Ball Street. Three levels of underground parking are proposed for the office building, and a separate two-level underground garage is proposed for the residential building. Access for people using the garage is from the main office building doors that face the interior drive. Additional egress points are provided through the office building. General public access will not be provided through the office or residential buildings, so pedestrians coming from the South (Crystal City) to Long Bridge Park or vice-versa will likely use one of three routes, depending on the nature of their trip: Old Jefferson David Highway, Ball Street, or The Esplanade.

The applicant proposed to locate the office and residential building's main entrances, as well as the small retail space in the office building, off of the interior drive instead of placing the entrances along the public streets to help activate the area. The proposed project does not include retail along public streets; however, portions of the residential building and the majority of the office building are located close to the sidewalk to help provide a building edge and urban feel.

The aviation easement affecting this site is but one of the issues impacting the overall project's design. However, the sloping office roof plane that follows the line of that easement is in particular a unique project feature that turns a difficult situation into an aesthetic benefit. Another aesthetic barrier for this location is the presence of a large retaining wall for I-395 on the west side of Old Jefferson Davis Highway that makes it difficult to activate that street, hence the County's interest in trying to have the Monument View project activate the east side of Old Jefferson Davis Highway by providing retail space or offering enhanced architectural elements along the Old Jefferson Davis Highway front of the office building.

The proposed development will be a gateway into the future Long Bridge Park to the north. The proposed project benefits greatly from having such a large and significant amenity as a neighbor, making it more marketable to both potential office tenants and residents. In addition, the County wants to ensure that the Monument View project's details reflect positively on such a large County investment to the north, as well as meshes well with the current planning efforts to the south in Crystal City. The provision of a bus stop at the corner of Old Jefferson Davis Highway and the new 8<sup>th</sup> Street South is in concert with the expected travel paths for people traveling from the south up to Long Bridge Park.

During the design review for Monument View, staff took into account discussions regarding the current planning and redevelopment of Crystal City. The evolving Crystal City Planning Process is centered around its Vision Statement, Goals, and Objectives (Attachment B). Given this proposed project's proximity to Crystal City and as a gateway to Long Bridge Park, it was noted that it would be worthwhile for the Monument View site plan to incorporate applicable aspects of the Crystal City Guiding Document. For instance, staff has worked with the applicant to ensure useful North-South connectivity along Old Jefferson David Highway and Ball Street between Crystal City and Long Bridge Park. In addition, the Monument View office building does adequately create a distinctive building base that relates to the street, and the sloped roof offers an attractive connection to the sky. While it would help activate the street if retail were to be relocated along the Old Jefferson Davis Highway side of the office building, not having it located there will not significantly detract from the overall benefits of the project. In lieu of the retail relocation, staff is working with the applicant to create a better street edge and to activate Old Jefferson Davis Highway between the proposed new private street and 10<sup>th</sup> Street.

The Monument View project incorporates a minimum number of LEED credits for each of the two buildings per the July 2007 Exchange Agreement between the applicant and the County. The applicant is committed to using the LEED for Core and Shell rating system for the office building and LEED for New Construction for the residential building. The proposed LEED scores are 23 points for the office building and 26 points for the residential building. Per the Exchange Agreement, the applicant is encouraged to use "best efforts" to increase the office building's LEED score to 26 so long as the cost to do so does not exceed \$500,000. While staff encourages the use of energy efficiency components in all site plan projects, the applicant has met the requirements of the Exchange Agreement, but falls short of current expectations and other projects recently approved.

**Transportation:** Adjacent to the site the Master Transportation Plan (MTP) classifies 6<sup>th</sup> Street South, 10<sup>th</sup> Street South and South Ball Street as Neighborhood Minor streets and Old Jefferson Davis Highway as a Minor Arterial street. Streets within close proximity to the site include US Route 1 (Jefferson Davis Highway), which is classified as a Controlled Access roadway and 12<sup>th</sup> Street South, which is classified as a Minor Arterial street. US Route 1 runs north/south to the west of the site and is accessible at 12<sup>th</sup> Street South. Through actions taken by the County Board in 2004 and 2006 South Clark Street between 10<sup>th</sup> Street South and 6<sup>th</sup> Street South was removed from the MTP and is proposed to be vacated as part of the Exchange Agreement.

Trip Generation: A Traffic Impact Analysis (TIA) submitted by the applicant, prepared by Gorove/Slade Associates, Inc., dated July 30, 2007, assessed the impacts of the development on the surrounding roadway network. The analysis estimated that the full build-out of the site including 350,000 square feet of office and 342 residential units would generate 580 a.m. and 568 p.m. peak hour trips<sup>2</sup>. Due to the proximity of the site within one mile of three Metrorail stations, the Pentagon Station Metrobus hub and the Crystal City VRE station, the TIA assumed a trip reduction of 30% for residential trips and 10% for office trips. Considering the site's location and planned future improvements to extend the Potomac Yard/Crystal City Transitway down 12<sup>th</sup> Street South to Pentagon City, the assumed trip reduction for future transit use represents a conservative estimate for the site.

The TIA showed that the traffic generated by the proposed development would not have a significant negative impact on the surrounding roadway network. At the full build-out of the project the TIA projects that none of the following intersections within study area for the TIA will operate at an LOS D or worse during the a.m. or p.m. peak hours:

- Old Jefferson Davis Highway and 10<sup>th</sup> Street South
- Old Jefferson Davis Highway and 6<sup>th</sup> Street South
- Old Jefferson Davis Highway and 12<sup>th</sup> Street South
- Army Navy Drive and 12<sup>th</sup> Street South

Streets and Sidewalks: The site is bound by 6<sup>th</sup> Street South to the north, South Ball Street to the east, 10<sup>th</sup> Street to the south and by Old Jefferson Davis Highway (OJDH) to the west. Consistent with previously approved Master Transportation Plan amendments and the Exchange Agreement South Clark Street would be vacated, and both the existing island between South Clark Street and OJDH, and South Clark Street between 6<sup>th</sup> Street South and 10<sup>th</sup> Street South would be incorporated into the proposed site area. The applicant proposes to construct a new private street (8<sup>th</sup> Street South) with public access to serve the proposed front door of both the office and the residential building. The table below summarizes the existing and proposed street cross-sections and streetscape for the streets adjacent to the site.

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<sup>2</sup> Note: final development proposal slightly differs from the development mix analyzed in the TIA  
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<b>Old Jefferson Davis Highway</b>		
<b>Existing Street</b>	<b>Existing Clear Sidewalk</b>	<b>Existing Total Sidewalk</b>
Width and lane configuration varies - minimum two 15-foot travel lanes.	<u>West side</u> - 4.5-foot wide sidewalk adjacent to the Route 1 retaining wall. <u>East side</u> - none.	<u>West side</u> - 4.5-foot wide sidewalk adjacent to the Route 1 retaining wall. <u>East side</u> - none
<b>Proposed Street</b>	<b>Proposed Clear Sidewalk</b>	<b>Proposed Total Sidewalk</b>
<u>58-feet</u> - two 11-foot travel lanes, one 10-foot left-turn lane/planted median, 5-foot bike lanes in each direction, 8-foot parking lane on the west side.	<u>West side</u> - 6-foot wide sidewalk. <u>East side</u> - 8-foot wide sidewalk.	<u>West side</u> - 6-foot wide sidewalk. <u>East side</u> - 13.7-foot wide sidewalk with 5'x12' tree pits with street trees.
<b>6th Street South</b>		
<b>Existing Street</b>	<b>Existing Clear Sidewalk</b>	<b>Existing Total Sidewalk</b>
<u>36.6-feet</u> - two 10-foot travel lanes, two 8.3-foot parking lanes.	<u>North side</u> - none. <u>South side</u> 8.5-foot paved curb.	<u>North side</u> - none. <u>South side</u> 8.5-foot paved curb.
<b>Proposed Street</b>	<b>Proposed Clear Sidewalk</b>	<b>Proposed Total Sidewalk</b>
<u>36-feet</u> - two 10-foot travel lanes, two 8-foot parking lanes.	<u>North side</u> - - See Long Bridge Park Plan. <u>South side</u> - 6-foot wide sidewalk.	<u>North side</u> - See Long Bridge Park Plan. <u>South side</u> - 11.7-foot sidewalk with 5'x12' tree pits with street trees.
<b>South Ball Street</b>		
<b>Existing Street</b>	<b>Existing Clear Sidewalk</b>	<b>Existing Total Sidewalk</b>
<u>36.2-feet</u> - two 10-foot travel lanes, two 8.1-foot parking lanes.	<u>West side</u> - none. <u>East side</u> - none.	<u>West side</u> - none. <u>East side</u> - none.
<b>Proposed Street</b>	<b>Proposed Clear Sidewalk</b>	<b>Proposed Total Sidewalk</b>
<u>36-feet</u> - two 10-foot travel lanes, two 8-foot parking lanes	<u>West side</u> - 6-foot wide sidewalk. <u>East side</u> - none.	<u>West side</u> - 11.7-foot sidewalk with 5'x12' tree pits with street trees. <u>East side</u> - none.
<b>10th Street South</b>		
<b>Existing Street</b>	<b>Existing Clear Sidewalk</b>	<b>Existing Total Sidewalk</b>
<u>37-feet</u> - two 10-foot travel lanes, two 8.5-foot parking lanes.	<u>North side</u> - none. <u>South side</u> 10.8-foot wide sidewalk.	<u>North side</u> - none. <u>South side</u> 10.8-foot wide sidewalk.
<b>Proposed Street</b>	<b>Proposed Clear Sidewalk</b>	<b>Proposed Total Sidewalk</b>
<u>36-feet</u> - two 10-foot travel lanes, two 8-foot parking lanes.	<u>North side</u> - 6-foot wide sidewalk. <u>South side</u> 10.8-foot wide sidewalk.	<u>North side</u> - 11.7-foot sidewalk with 5'x12' tree pits with street trees. <u>South side</u> 10.8-foot wide sidewalk.
<b>8th Street South (Proposed New Street)</b>		
<b>Proposed Street</b>	<b>Proposed Clear Sidewalk</b>	<b>Proposed Total Sidewalk</b>
<u>28.5-feet</u> - two 10-foot travel lanes, one 7-foot parking lanes, and 1.5-foot curb and gutter.	<u>North side</u> - varies; 6-foot minimum. <u>South side</u> - varies; 6-foot minimum.	<u>North side</u> - varies; 8.5-foot minimum. <u>South side</u> - varies; 8.5-foot minimum.

**Old Jefferson Davis Highway** is currently owned and maintained by the Virginia Department of Transportation (VDOT). The street varies in width and is currently in need of significant maintenance. To meet the goals of the Long Bridge Park (North Tract) Master Plan and the

recommendations of the Long Bridge Park (North Tract) “Multi-Modal Transportation Study,” Arlington County has requested from VDOT permission to take over the ownership and maintenance of OJDH from 12<sup>th</sup> Street South to Boundary Channel Drive. Subsequently, Arlington would, in conjunction with the construction of Long Bridge Park, redesign and reconstruct OJDH. This would transform it into a complete street serving the needs of pedestrians, bicyclists and vehicles. Arlington County has completed the 90% design of the road and is planning to put the project out for bid summer 2008. Since the Concept Design Study for OJDH was completed and approved in December 2004, the Long Bridge Park design team and Staff have work to finalize the design for OJDH. Since 2004 the design was reviewed and significant changes to the design and alignment were made to meet County goals and the goals of the Long Bridge Park plan. As a result an effort was made to maximize on-street parking wherever possible along OJDH. Assuming the construction of the roadway as designed under the 90% plans approximately 100 new on-street spaces would be added along OJDH supplementing the parking proposed to be constructed with Long Bridge Park.

With the reconstruction of the street the typical street section of OJDH between 6<sup>th</sup> Street South and Boundary Channel Drive would be approximately 58-feet wide including two 11-foot travel lanes, a 10-foot left-turn lane/planted median, two 5-foot on-street bike lanes and an 8-foot parking lane on either side of the street. Adjacent to the proposed site, between 10<sup>th</sup> Street South and 6<sup>th</sup> Street South, the OJDH street section is proposed to be reduced to 50-feet and the parking lane on the east side of the road adjacent to the proposed buildings would be removed. Adjacent to the project OJDH would have a 6-foot wide sidewalk on the west side of the street constructed with the reconstruction of the road. The County recommends and the applicant has agreed to construct a 11.75-foot to 13.0-foot wide streetscape on the east side of the street including an 8-foot wide clear sidewalk and 5-foot wide planting strip with street trees. A pinch point between the planting strip will be as narrow as 3.75-feet to maintain the 8-foot clear sidewalk. The street trees located in the planting strip have been places such that they are located in areas of the planting strip which are no narrower than 4-feet. To provide two on-street parking spaces on the east side of the street the planting strip will be removed mid block between 8<sup>th</sup> Street South and 6<sup>th</sup> Street South. Just north of the intersection of OJDH and 8<sup>th</sup> Street South a bus stop is proposed. At the stop the planting strip area will be hardscape to allow the bus to load from both the front and back door.

**Sixth Street South** is currently 36.6-feet wide from face of curb to face of curb, including two travel lanes and a parking lane on both sides of the street. On the north side of the street no sidewalks are currently provided and on the south side of the street the current 8.5-foot wide paved curb, which is broken up with numerous curb cuts, is not a suitable ADA sidewalk. The applicant proposes to slightly narrow the road to 36-feet wide, providing two 10-foot travel lanes with an 8-foot parking lane on both sides of the street. On the north side of the street a sidewalk will be constructed as part of the Long Bridge Park project. On the south side of the street the applicant proposes to construct an 11.7-foot wide streetscape including a 6-foot wide clear sidewalk and 5-foot wide by 12-foot long street tree pits with street trees. The applicant shall also be responsible for construction of a crosswalk and the associated ADA handicap ramps at the east side of the intersection of OJDH and 6<sup>th</sup> Street South and on the west side at the intersection of South Ball Street and 6<sup>th</sup> Street South.

**South Ball Street** is currently 36.2-feet wide from face of curb to face of curb, including two travel lanes and a parking lane on both sides of the street. Currently no sidewalks are provided along South Ball Street. With the construction of the approved North Tract Loft project, new sidewalks will be constructed for a portion of the east side of the street, providing street trees and a 6-foot clear sidewalk. The applicant proposes to slightly narrow the road to 36-feet wide, providing two 10-foot travel lanes with an 8-foot parking lane on both sides of the street. On the west side of the street the applicant proposes to construct an 11.7-foot wide streetscape including a 6-foot wide clear sidewalk and 5-foot wide by 12-foot long street tree pits with street trees. The applicant shall also be responsible for construction of crosswalks and the associated ADA handicap ramps at the south side of the intersection of 6<sup>th</sup> Street South and South Ball Street and at the north side of the intersection of 10<sup>th</sup> Street South and South Ball Street.

**Tenth Street South** is currently 37-feet wide from face of curb to face of curb, including two travel lanes and a parking lane on both sides of the street. On the north side of the street no sidewalks are currently provided and on the south side of the street the current 10.8-foot streetscape including street trees is provide. The applicant propose to slightly narrow the road to 36-feet wide providing two 10-foot travel lanes with an 8-foot parking lane on both sides of the street. On the north side of the street the applicant proposes to construct an 11.7-foot wide streetscape including a 6-foot wide clear sidewalk and 5-foot wide by 12-foot long street tree pits with street trees. The applicant shall also be responsible for construction of crosswalks and the associated ADA handicap ramps at the east side of the intersection of OJDH and 10<sup>th</sup> Street South and on the west side at the intersection of South Ball Street and 10<sup>th</sup> Street South.

**Eighth Street South** is proposed to typically be a 28.5-foot wide street between OJDH and South Ball Street. The street is proposed to be a new street constructed between the residential and the office building providing two 10-foot travel lanes, a 7-foot wide parking lane, and a 1.5-foot gutter. The street is proposed to have a sweeping curb in its center section which allow the street to be pushed closer to the residential building, through the curved section the street effectively wideness to 36-feet providing short term parking on both sides of the street. The street would be a private street constructed over the proposed office parking garage and would be maintained by the applicant. The applicant has agreed to provide a public access easement over the length of the road as identified in Condition #78. At the intersection of OJDH, 8<sup>th</sup> Street South would be limited to right-in/right-out only access. Staff recommends that on each side of the street a minimum of a 6-foot clear sidewalk be provided. To eliminate pinch points in the clear sidewalk caused by street lights, parking meters, and signs, staff recommends that a minimum of a 2.5-foot wide buffer be provided between the clear sidewalk and the face of curb.

Public Transit: The site is located with in one mile of three Metrorail stations (Crystal City, Pentagon City and Pentagon) and the Crystal City VRE station. The site is not currently served by either Metrobus or ART bus service however in conjunction with the planning for the Long Bridge Park the County is currently studying ways to extend service along OJDH between Crystal City and the Long Bridge Park. In addition, consistent with the current MTP, the Crystal City Master Planning process is developing alternatives for the alignment of Potomac Yard/Crystal City Transitway, which is planned to be extended to Pentagon City using 12<sup>th</sup> Street South. All of the alternatives show future stops located at the intersection of OJDH and 12<sup>th</sup> Street South.

To support future transit to the site the applicant proposed at the 3<sup>rd</sup> SPRC meeting to construct a bus shelter on the east side of OJDH just north of 8<sup>th</sup> Street South. The shelter would be integrated into the design of a multi-function architectural element which would include the bus shelter, a garage ventilation shaft, and access to the publicly shared office parking garage. The applicant at the Planning Commission and Transportation Commission meetings stated that, given the cost estimates, they were no longer willing to construct the shelter as previously proposed. Given the cost to build such an entrance (\$780,000), staff does not believe that the benefit of the combined bus shelter/ garage exhaust / garage access elevator structure justifies the expenditure. Garage access will be provided through the building lobby (Condition #65).

Bicycle Access: With the planned reconstruction of OJDH the site would have direct access to Arlington County's bicycle network using the new 5-foot wide on-street bike lanes, which would provide access to Long Bridge Park to the north and will connect to the existing on-street bike lanes along Crystal Drive to the south. Just north of the intersection of Crystal Drive and 18<sup>th</sup> Street South there is a trail connection which goes under the CSX railroad tracks and the George Washington Memorial Parkway connecting to the Mont Vernon Trail.

Consistent with Condition #42 the applicant has agreed to provide bicycle parking in each of the buildings and at the two main building entrances. In the office building garage the applicant has proposed to provide a total of 60 bicycle parking spaces for visitors and employees. The office building will also have locker rooms and showers for use by employees commuting to work on bicycles. In the residential building, 122 bicycle spaces have been proposed in locations throughout the first and second level of the garage. In addition to the proposed bicycle parking proposed in the garages for residents, employees and visitors, an additional 20 visitor bicycle parking spaces have been proposed in the entrance plazas for both buildings. In total, the applicant has proposed 202 bicycle parking spaces, which will exceed the requirements identified in Condition #42.

Loading Bay and Parking Garage Access: Access to the to office building's loading dock and parking garage is located off the proposed new street, 8<sup>th</sup> Street South, just to the west of the intersection of 8<sup>th</sup> Street South and South Ball Street. The loading dock provides two loading bays and one trash bay. The garage access has an entrance lane, an exit lane and variable direction entrance/exit lane. The office loading dock and the garage access are located side by side effectively creating an 80-foot wide curb cut. Breaking up the 80-foot length is a 5-foot wide pedestrian refuge. Staff recommends the applicant review the loading and garage access design for the office building to reduce its size and improve its configuration. Access to the residential building's loading dock and parking garage is located off South Ball Street, just to the north of the intersection of South Ball Street and 8<sup>th</sup> Street South. The loading dock provides a loading bay and a trash bay. The residential garage access has a single entrance and a single exit lane. The loading dock and the garage access are located side by side effectively creating a 70-foot curb cut. Located between the two is a 12-foot wide island is providing for pedestrian refuge along the sidewalk as pedestrians walk along South Ball Street.

Parking: The project proposes a three level underground parking garage with 571 spaces for the office building and a two-level underground parking garage with 384 spaces for the residential

building. The office garage would be parked at a ratio of one (1) space per 558 square feet. The residential building would be parked at an effective ratio of one (1) space per 1.09 units. In addition to the structured parking associated with the project, the plans show that approximately 32 additional on-street spaces would be available around the perimeter of the site with an additional 7 on-street spaces proposed along 8<sup>th</sup> Street South.

As part of Condition #65 the applicant has agreed that all of the office's 571 parking spaces would be available to the public on week nights (after 6:00 p.m.) and weekends until the close of Long Bridge Park. The shared office parking provided by the project in addition to the nearly 100 on-street spaces proposed along OJDH would greatly increase the parking available to visitors and users of Long Bridge Park. To further enhance the synergies between shared parking available in the office garage and Long Bridge Park, staff recommended that a fully ADA accessible pedestrian entrance to the garage be constructed directly adjacent to OJDH as proposed in the 3<sup>rd</sup> SPRC meeting by the applicant. However, given the cost estimates provided to build such an entrance (\$780,000), staff does not believe that the benefit of the combined bus shelter/ garage exhaust / garage access elevator structure justifies the expenditure. Garage access will be provided through the building lobby (Condition #65).

Transportation Management Plan (TMP): Consistent with site plan development and the County's adopted TDM Policy, staff recommends that the developer implement a TDM Plan to encourage reduced single occupancy vehicle (SOV) trips to and from the site. Staff recommends, and the applicant has agreed, to implement the TDM strategies that are briefly summarized below and referenced in Condition #50 of the site plan conditions:

- Provide annual contributions of \$11,195.00 per year for ten (10) years for the office/retail portion of the project and annual contributions of \$32.70 per unit, per year for ten (10) years for the residential portion of the project..
- Provide a Transportation Kiosk in the lobby of each building.
- Distribute transit information to new employees and residents, to include site-specific transit-related information.
- Provide free SmarTrip cards with \$60.00 in fares for new employees at first lease up of the office building.
- Provide a free SmarTrip cards with \$65.00 in fares to new residents for 5 years with the lease of each residential unit.
- Designate a member of the building management team as Property Transportation Coordinator with responsibilities for completing and coordinating TDM Plan obligations for each building.
- At the time of the start up of the onsite car sharing program a one time subsidy cover the cost of membership to the program should be provided to each resident that request it within the first 2-months of the start of the program.

**Utilities:** Adequate water and sanitary sewer capacity is available to serve the proposed development. As part of the Exchange Agreement and the site plan conditions the applicant has agreed at its sole cost and expense to relocate all of the existing utilities currently located within the median currently located between OJDH and South Clark Street, and the utilities within South Clark Street between 10<sup>th</sup> Street South and 6<sup>th</sup> Street South. To accomplish this, the GP-316-08-1 General Land Use Plan, Z-2528-06-1 Rezoning SP #400 Site Plan (Monument View) - 13 - PLA-4992

applicant has agreed to:

- Relocate all of the existing sanitary mains without disrupting service.
- Relocate the existing 24-inch sanitary force main in South Clark Street. The developer agrees to construct approximately 550-feet of new 24-inch sanitary force main in Old Jefferson Davis Highway, with connections into the existing 24-inch sanitary force main in Old Jefferson Davis Highway and 10<sup>th</sup> Street South. The exact location will be determined during the review of the final engineering plans.
- Relocate and consolidate both the existing 27-inch gravity sanitary main in South Clark Street and the existing 10-inch gravity sanitary main in South Clark Street. The developer agrees to construct approximately 600-feet of new 27-inch gravity sanitary main in Old Jefferson Davis Highway, tying both the existing 27-inch gravity sanitary main and the 10-inch gravity sanitary main in South 10<sup>th</sup> Street South, into the new 27-inch gravity sanitary main and extending to the proposed tie-in in of the existing 27-inch gravity sanitary sewer main in Old Jefferson Davis Highway. The exact location will be determined during the review of the final engineering plans.
- Relocate the existing 12-inch water main in the median between Old Jefferson Davis Highway and South Clark Street. The developer agrees to construct approximately 500-feet of new 12-inch water main in Old Jefferson Davis Highway extending between 10<sup>th</sup> Street South and 6<sup>th</sup> Street South, connecting to the existing 12-inch water main in 10<sup>th</sup> Street South and the 16-inch water main in 6<sup>th</sup> Street South.
- Relocate the existing 16-inch water main in 6<sup>th</sup> Street South as necessary into the street such that it is not under the proposed tree pits and is a minimum of 15-feet away from the proposed structure.
- Construct approximately 410-feet of new 15-inch storm sewer in South Ball Street, connecting to existing 90-inch storm sewer in 6<sup>th</sup> Street South.
- Abandon all existing 6-inch water mains around the site.
- Relocate the existing gas line in Old Jefferson Davis Highway such that it does not interfere with the relocation of the water main, sanitary force main and the sanitary gravity main in Old Jefferson Davis Highway.
- All other private utility relocations within South Clark Street or the island between South Clark Street and Old Jefferson Davis Highway, to the realigned Old Jefferson Highway, shall be coordinated with Arlington County Department of Environmental Services.

Consistent with site plan development and the Utility Undergrounding Plan, in Condition #5 the applicant agrees to contribute to the Utility Underground Fund in the amount of \$235,250 (\$50,000 x 4.705 acres). The applicant will also be required to remove or relocate all existing aerial utility lines along the periphery of the site.

The applicant will be required to comply with the Chesapeake Bay Preservation Ordinance, requiring a Landscape Conservation Plan, a Storm Water Management Plan, and an Erosion and Sediment Control Plan. In addition to meeting the Chesapeake Bay Preservation Ordinance requirements for stormwater quality control, the developer has agreed to meet the LEED requirement for stormwater quality control. By meeting the LEED requirement for water quality control the applicant will improve the quality of stormwater which the site will discharge into the storm water system and Roaches Run. The applicant has agreed to treat approximately 79,000

square feet of impervious site are at a treatment efficiency of 50% using stormwater filters and an additional approximate 110,200 square feet of impervious site are at a treatment efficiency of 15% using hydrodynamic treatment systems. This will represent a significant improvement in the quality of stormwater runoff from the site, considering currently that none of the runoff from the site's approximately 167,795 square feet of existing impervious area is treated at all.

The site is currently enrolled in the Virginia Voluntary Remediation Program as part of the County's North Tract project. In addition, during construction on the site the applicant will be required to comply with the applicable Virginia Stormwater Management Program (VSMP) and Virginia Pollutant Discharge Elimination System (VPDES) permit regulations that govern the quality of the water that can be discharged from the site (e.g., stormwater collected in construction excavations that mixes with groundwater that may contain contaminants). Discharges from the site following construction that are not composed entirely of stormwater, such as discharges from foundation drains and sumps, will also be required to meet applicable VSMP and VPDES permitting standards. Stormwater discharges from the site following construction will be controlled as described in the previous paragraph.

## DISCUSSION

**Adopted Plans and Policies:** The North Tract Area Plan Study and the North Tract Task Force Final Report, "A Master Plan for the North Tract Park and Recreational Facilities and Surrounding Area" were accepted by the County Board on February 21, 2004. On April 27, 2004 the County Board established the "North Tract Special Planning District." Attachment C provides information on the District's vision and goals, which are consistent with the aforementioned study and report accepted by the County Board on February 21, 2004.

The location of the proposed Monument View site plan is within the scope of the District. At the time the Master Plan was created, there were many different options available for the County-owned land located to the south of 6<sup>th</sup> Street South. As noted in the Final Report, "*Other density/intensity transfer options might also be possible to help fund recreation facilities or provide parking for park users.*" The proposed Monument View project fits into one of those options as it does provide public parking, primarily intended for Long Bridge Park users, as part of its overall plan.

The proposed project, in conjunction with the associated Exchange Agreement with the County, generally meets the goals, particularly #5 which states, "*To forge creative partnerships with private entities, non-profit organizations, and other public agencies to complement direct county investments in the park and help to achieve, in cost-effective ways, the planned community facilities and the compatible, high-quality redevelopment of adjacent privately-owned sites.*" The proposed Monument View project meets the goals noted above by providing a redevelopment project for a site that, in its current state, does not mesh with County expectations. Also, the land exchange that is part of this overall project enables the County to implement its vision for Long Bridge Park. One condition of the Exchange Agreement's completion is that the site plan must be approved by the County Board.

In order to facilitate the coordinated redevelopment of County and privately-owned properties in  
GP-316-08-1 General Land Use Plan, Z-2528-06-1 Rezoning  
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the North Tract area and in keeping with the North Tract Master Plan for Park and Recreational Facilities, a GLUP Amendment is proposed to revise Note 20 to designate additional development density to the Monument View site within the North Tract Special Planning District. Staff proposes that additional language be added to Note 20 as follows:

“20. This area was designated as the “North Tract Special Planning District” on April 24, 2004. In accordance with an agreement, dated July 16, 2007, between the County and MR Boundary Channel LLC, providing for the exchange of certain property owned by the County and property owned by MR Boundary Channel LLC known as the Twin Bridges site, the County Board, pursuant to Section 36.H.5 of the Zoning Ordinance, and in order to facilitate the implementation of the North Tract Master Plan for Park and Recreational Facilities, has designated the property owned by the County and to be transferred to MR Boundary Channel LLC as eligible for additional development density up to 19,362 square feet of commercial density (15,850 square feet of office and 3,512 square feet of retail) and 352 residential units over and above its base density.”

The Monument View proposal includes density that exceeds the maximum density that would otherwise be permitted for the site based on the existing GLUP designation and recommended zoning. This new GLUP language, should it be adopted by the County Board, would indicate that the bonus density attributed to the Monument View site in accordance with Section 36.H.5 of the Zoning Ordinance is being designated from the Twin Bridges site and that there is, in effect, a net neutral impact on the overall density within the North Tract Special Planning District. The exchange of properties will facilitate the development of the Long Bridge Park.

Building Height and Massing: The building heights are constrained by the site’s avigation easement. Given the existing and proposed building heights nearby and the project’s location and proximity to the airport, the proposed buildings’ height and massing are deemed appropriate. For example, the form is comparable with the recently approved North Tract Lofts project.

**Historic Preservation:** The Monument Views project sits directly over the southeastern bastion of the Civil War era Fort Runyon. Fort Runyon was the largest of the Virginia located Union forts built for the defense of Washington DC from a Confederate troop invasion. It was built in 1861 and named in honor to Brigadier General Theodore Runyon, whose New Jersey Brigade helped build the fort.

After the defeat of the Union Army in the first battle of Manassas, President Lincoln ordered the Union Army of the Potomac to build fortifications to defend Washington DC. By the end of the Civil War there were 68 enclosed “circle forts” forts and batteries surrounding the capital city. Of the 68 fortifications, 33 of the forts were located in Virginia, stretching from Alexandria to the Chain Bridge. The Virginia based forts were to protect the major access points to Washington from Virginia: the Chain Bridge, the Aqueduct Bridge and the Long Bridge.

The County’s Historic Preservation Program has recommended that this proposed project area be subject to an archaeological study and subsurface investigation to determine if there are artifacts and remnants of Fort Runyon below the existing grade (Condition #53). The purpose of any proposed archaeological study and dig would be to add to the information base on this important

era of American history and to more exactly place Fort Runyon on the existing landscape. The developer should initiate the archaeological phase work at the very beginning of the project and not at a point when an artifact is “found.” This will not delay the construction process since it can be started while the proposed construction documents are being reviewed and permits not yet approved. The other important aspect of this site would be in the interpretation of this historic site. The County hopes that any information discovered by the applicant via Condition #53 would help the County in its eventual interpretation efforts. In addition, it was the Planning Commission’s suggestion that, out of the community benefit dollars being provided via this project (Condition #79), the County should use \$2,500 of it to create a more comprehensive interpretive program for the Fort Runyon/Jackson City/Fort Jackson area. The County will take that suggestion into consideration as part of the community benefits allocation process.

### **Unresolved Issues:**

There have been numerous issues raised by SPRC members, staff, and community members. While some have been resolved through the public review process, some still remain, such as enhancement of the pedestrian experience on Old Jefferson Davis Highway (OJDH) along the office building and activation of that street. Although there may not be much activity now along these streets, the development of Long Bridge Park to the north and the addition of North Tract Lofts to the east will make OJDH a more vibrant and heavily traveled area, warranting a more long-term and inviting view and approach to the Monument View design. The applicant has responded by drafting a modified façade facing OJDH to be discussed further with staff. In addition, the primary issue with the private street is that the project has the two buildings’ primary entrances opening to the private street. Given the entrances do not lead to any of the surrounding public streets, the staff and Commission members have asked the applicant to design the private street so that it acts like and looks similar to the County’s public streets.

**COMMUNITY BENEFITS:** The Exchange Agreement fixed the community benefits monetary package at \$4.20 per square foot of GFA contribution for community benefits identified by the County Board, which may include affordable housing. That results in a community benefits cash contribution of \$2,861,800 (681,381 s.f. x \$4.20/s.f.) (Condition #79), of which \$2,485,039 is recommended for affordable housing (Condition #67). The remaining \$376,761 shall be paid to the County prior to the issuance of the Footing to Grade Permit. The County plans to use the \$376,761 toward Long Bridge Park improvements. In addition to that \$4.20/ s.f. of GFA monetary contribution, the most significant community benefit tied to this project is the land to be swapped between the applicant and the County. The land on which the proposed project to be built is currently County property. Land desired by the County for Long Bridge Park is currently owned by the applicant. One element to completing the land exchange is to have a site plan approved.

Affordable Housing: The Exchange Agreement calls for “a \$4.20 per square foot of GFA contribution for community benefits identified by the County Board, which may include affordable housing”, which amounts to a total of \$2,861,800. It is proposed that from this total a full contribution of \$2,485,039, based on the Affordable Housing Ordinance, be applied.

Cash Contribution on the Base				
FAR	Commercial	Residential	Rate	Contribution
1.0	98,311	106,679	\$1.58	\$323,885
1.0 - 3.0	196,623	213,358	\$4.23	\$1,734,220
3.0 +	31,807	0	\$4.23	\$134,543
3.0+	0	34,603	\$8.45	\$292,392
<b>Total</b>	<b>326,741</b>	<b>354,640</b>		<b>\$2,485,039</b>

**Modification of Use Regulations:**

Modification of Use Regulations are requested for:

- Exclusion of 555 s.f. from the residential GFA for recycling storage.
- Exclusion of 8,835 s.f. from the office GFA for recycling storage and base building mechanical functions.
- Provision of tandem parking spaces for the office building – they are proposing 20 tandem spaces.
- Reduction in the number of loading docks required. They are proposing to provide one loading dock in the residential building where the zoning ordinance requires two, and providing two in the office building where four are required.

Staff supports the Modification of Use Regulations for recycling storage because they do not add to the buildings’ bulk. Staff supports the office building’s exclusions for the base building mechanical functions since the mechanical equipment is effectively incorporated within the 8<sup>th</sup> floor and mechanical penthouse levels of the building under the highest part of the sloping roof that follows the avigation easement.

Staff supports loading dock reductions in this project in that it reduces the number of required curb cuts, which in turn enhances the pedestrian experience. Twenty tandem spaces in a 521 space garage will have a minimal impact on the parking supply and operations of the office building.

**Vacation / Easement requested:** Addressed in a companion report is a Vacation of easement request for the ROW of S. Clark Street, a water main easement, and a Sanitary Sewer and Force Main Easement.

**Community Process:** The applicant presented this project to the Site Plan Review Committee (SPRC) at four SPRC meetings: January 10, 2008, February 4, 2008, March 10, 2008, and April 14, 2008.

- Transportation Commission: The Transportation Commission heard this site plan request at its May 1<sup>st</sup> meeting and at its June 5<sup>th</sup> meeting. The Commission voted at its June 5<sup>th</sup> meeting 8-0 to recommend to the County Board to deny the project for the following reasons:

- The reasons identified at the Planning Commission’s June 2<sup>nd</sup> meeting.
- Remove from the office building one of either of the loading docks or the garage entrance lanes.  
*Staff Response:* Staff thinks that the proposed location and design of the garage and loading access off of 8<sup>th</sup> Street South is acceptable for the project and will have limited impacts on the public streets surrounding the site.
- Improve the design of the 10<sup>th</sup> Street office entrance to make in similar in size and scale to the 8<sup>th</sup> Street entrance for the building.  
*Staff Response:* Staff thinks that the proposed design with the added canopy and double-entry doors sufficiently highlight to pedestrians the 10<sup>th</sup> Street entrance.
- Planning Commission: The Planning Commission heard this site plan request at its May 7<sup>th</sup> meeting. The Commission voted 11-1 to defer this plan to the June Planning Commission and County Board meetings in order for the applicant to adequately address numerous issues. The Planning Commission heard this site plan request at its June 2<sup>nd</sup> meeting. The Commission voted 8-3 to deny this plan. Many significant issues have been addressed, however, the following issues are still unresolved:
  - The applicant needs to revise 8<sup>th</sup> Street South’s design to make the entire internal street consistent with County policies.  
*Staff response:* The applicant will update its plans to relocate the crosswalk as Staff has requested to relocate it midblock providing access between both buildings’ main entrances. Revised plans will be updated in time for the County Board meeting.
  - The applicant should provide a structure for a jump elevator and bus stop similar to the former design presented, allowing additional access to the office building garage, at the Old Jefferson Davis Highway and new street intersection.  
*Staff response:* Based on the applicant’s construction estimate, the cost of the structure would be approximately \$780,000 and would exceed the cost of the proposed exhaust vent with surrounding landscaping by more than \$600,000. Staff does not believe that the benefit of the combined bus shelter/ garage exhaust / garage access elevator structure justifies the expenditure.
  - The applicant should determine ways to improve the activation of Old Jefferson Davis Highway, particularly along the office building.  
*Staff response:* The applicant has designed an updated façade and they plan to provide the update at the County Board meeting. Condition #82 provides the requirements for providing the enhanced architecture for that façade.
- Housing Commission: The Housing Commission reviewed this as an information item at its May 8<sup>th</sup> meeting. The Commission intends to send the County Board a letter stating that the Commission thinks all of the community benefits funds should be used for affordable housing.

**CONCLUSION:** The remaining issues surrounding this proposed project are of concern, but are not overriding reasons to deny this site plan and lose out on the land exchange between the applicant and the County. The exchange of properties associated with and tied to the approval of this proposal provide a compelling benefit that offsets shortcomings of this project. Therefore, it is recommended that the proposed General Land Use Plan Amendment, rezoning, and site plan be approved, subject to the conditions of the staff report.

## GENERAL LAND USE PLAN RESOLUTION

WHEREAS, the County Board of Arlington County (“County Board”) finds that (the applicant) has requested that the General Land Use Plan be amended to modify Note 20 to designate additional development density to the Monument View Site Plan Application (SP #400) site area as follows:

“20. This area was designated as the “North Tract Special Planning District” on April 24, 2004. In accordance with an agreement, dated July 16, 2007, between the County and MR Boundary Channel LLC, providing for the exchange of certain property owned by the County and property owned by MR Boundary Channel LLC known as the Twin Bridges site, the County Board, pursuant to Section 36.H.5 of the Zoning Ordinance, and in order to facilitate the implementation of the North Tract Master Plan for Park and Recreational Facilities, has designated the property owned by the County and to be transferred to MR Boundary Channel LLC as eligible for additional development density up to 19,362 square feet of commercial density (15,850 square feet of office and 3,512 square feet of retail) and 352 residential units over and above its base density.”; and

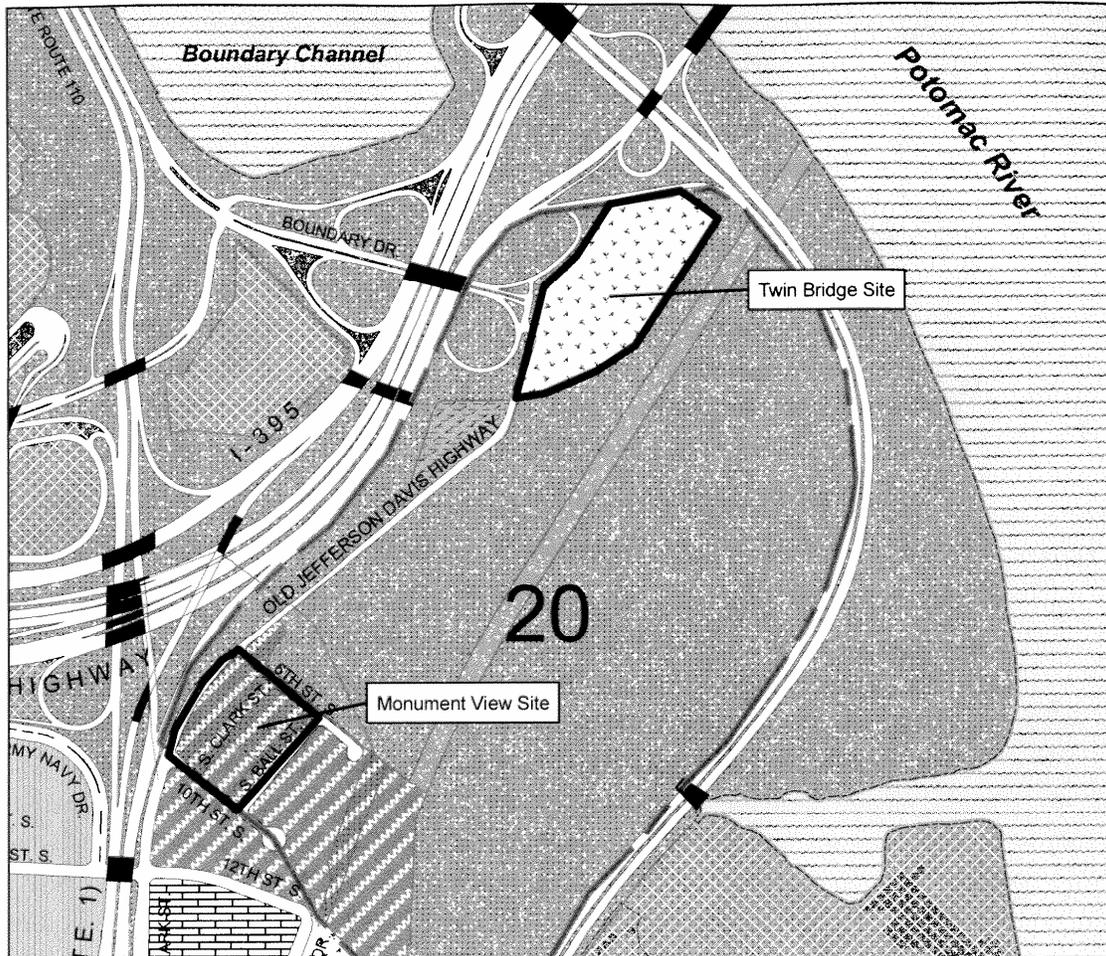
WHEREAS, the County Manager has recommended that the proposed changes to the General Land Use Plan be approved; and

WHEREAS, the County Board held a duly advertised public hearing on the proposed General Land Use Plan amendment on June 24, 2008; and

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

WHEREAS, the County Board finds that the proposed changes to the General Land Use Plan are consistent with the general planning goals of the North Tract Master Plan for Park and Recreational Facilities.

NOW, THEREFORE, be it resolved that, based on the aforementioned considerations, deliberations and all public comments, the County Board of Arlington County finds that the proposed General Land Use Plan amendment to modify Note 20 to designate additional development density to the Monument View Site Plan Application (SP #400) site area, should be, and hereby is, approved.



**General Land Use Plan Amendment to Note 20**

Legend			
<b>Land Use Category</b>	<b>Public and Semi-Public</b>	<b>Office-Apartment-Hotel</b>	<b>GOVERNMENT OWNED</b>
<b>Residential</b>	Public	Low	Background Shading will Vary
High 4.8 F.A.R. Res	Government and Community Facilities	Med Res (.33)	
3.8 F.A.R. Hotel		Med O-A-H (.67)	
<b>Commercial and Industrial</b>		High Res (.57)	
Service Industry		High O-A-H (.43)	

**20.** This area was designated as the "North Tract Special Planning District" on April 27, 2004.



0 600 Feet



**ARLINGTON**  
VIRGINIA

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## REZONING RESOLUTION

WHEREAS, the County Board of Arlington County (“County Board”) finds that the MR Boundary Channel, LLC/Monument Realty, LLC has requested a rezoning of properties located at 320 S. 6th St., 608 S. Ball St., 901 S. Clark St., portions of S. Clark St., and Jefferson Davis Hwy. which are identified in the County Record as RPC # part 34-024-345, 34-025-001, -003, -004, -005 from “M-2” Service Industrial Districts to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts; and

WHEREAS, the County Manager has recommended that a rezoning from “M-2” Service Industrial Districts to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts be approved as it is consistent with the General Land Use Plan; and

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

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

WHEREAS, the County Board held a duly advertised public hearing on the proposed rezoning on June 24, 2008.

NOW THEREFORE, be it resolved that, based on the aforementioned considerations, deliberations and all public comments, the County Board of Arlington does find that the proposed rezoning **FROM** “M-2” Service Industrial Districts **TO** “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts, for the properties located at 320 S. 6th St., 608 S. Ball St., 901 S. Clark St., portions of S. Clark St., and Jefferson Davis Hwy. which are identified in the County Record as RPC # part 34-024-345, 34-025-001, -003, -004, -005, should be, and is thereby, approved.

## Monument View Site Plan Conditions

Updated June 11, 2008

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

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

### 1. Site Plan Term

The developer (as used in these conditions, the term "developer" shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1 and the revised plans dated June 4, 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.

This site plan approval expires three (3) years after the date of County Board approval if a building permit has not been issued for the first building to be constructed pursuant to the approved plan. Extension of this approval shall be at the sole discretion of the County Board. The owner agrees that this discretion shall include a review of this site plan and its conditions for their compliance with then current County policies for land use, zoning and special exception uses. Extension of the site plan is subject to, among other things, inclusion of amended or additional site plan conditions necessary to bring the plan into compliance with then current County policies and standards, without violating the terms of the Exchange Agreement, together with any modifications proposed by the owner and accepted by the County Board or vice versa.

### 2. Pre-Construction Meeting

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

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

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

- a. The developer agrees to complete a tree survey, which shows existing conditions of the site and locates and identifies all trees which are four (4) inches in diameter or greater. The survey shall include any tree on adjacent sites whose dripline extends onto the subject site.
- b. The developer agrees to file and implement a tree protection plan which will designate any trees proposed to be saved by the developer. Trees designated to be saved on the tree protection plan, or those specified to be saved by the approved site plan and shown on any filing in connection with this case, will be protected. This plan shall include any tree on adjacent sites whose dripline extends onto the subject site. The tree protection plan shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in tree protection techniques on urban sites and shall be submitted and approved, and found by the County Manager to meet the requirements of this site plan, before the issuance of the Clearing, Grading and Demolition Permit.
- c. Upon approval of the tree protection plan the developer agrees to submit to the Department of Parks, Recreation, and Cultural Resources (DPRCR) a performance bond estimate for the trees to be saved. Upon approval of the performance bond estimate by the DPRCR, the developer agrees to submit to the DPRCR a performance bond, in the approved amount of the estimate, and the approved tree protection plan, which bond shall be executed by the developer in favor of the County before the issuance of the Final Building Permit. Prior to the release of the public improvement bond as listed in Condition #36, the developer agrees to submit to the DPRCR as-built drawings showing the location of all saved trees.
- d. The Developer agrees that any tree proposed to be saved on the tree protection plan or other filing shall be saved. At a minimum, this plan shall include:
  - (1) A site grading plan at two (2) foot intervals, including the location of all proposed improvements and utilities.
  - (2) Detailed specifications for any tree walls or wells proposed.
  - (3) A description of how and where building materials and equipment will be stored during construction to ensure that no compaction occurs within the critical root zone of the trees to be saved.
  - (4) Identification of tree protection measures and delineation of placement of tree protection.

- (5) Any tree required to be saved pursuant to this condition, which dies (any tree which is 30% or more dead as determined by the County's Urban Forester shall be considered to have died) prior to, or within ten (10) years of, the issuance of the Master Certificate of Occupancy shall be removed and replaced by the developer at his expense with the number of major deciduous and evergreen trees consistent with the Tree Replacement Guidelines and which meet the minimum size and other requirements of Condition #21 below, provided, however, that replacement as specified in this subparagraph (3.b.5) does not relieve the developer of any violation resulting from the failure to save identified trees.
  
- e. In addition to saving identified trees, the developer also agrees to replace all trees shown on the Tree Survey that are removed as a result of the new construction in accordance with the Arlington County Tree Replacement Guidelines. The developer agrees to submit tree replacement calculations and a tree replacement plan in accordance with the Arlington County Tree Replacement Guidelines. The tree replacement calculations shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in assessing the condition of trees. Any replacement trees shall conform to the standards and specifications set forth in Condition #21a below and shall be installed on the project site or on County-owned land, determined by the County Manager. The developer agrees to submit and obtain approval of this plan by the County Manager as part of the final site development and landscape plan.

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

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

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

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

- a. Before Clearing, Grading and Demolition of the site (shall be submitted before issuance of the Clearing, Grading and Demolition Permit)–Views of north, south, east and west facades, as location permits, of buildings to be demolished, as well as at least one photo of the site before any clearing or grading including the existing physical relationship with adjacent buildings and streets. The

photographic record shall also include all historic aspects of the facades of the building to be demolished, consistent with the requirements described in Condition #53 below.

- b. Site Clearance (shall be submitted before issuance of the Footing to Grade Permit)–Views of cleared site facing north, south, east and west, as location permits, with adjacent buildings and streets included.
- c. Construction Phase (shall be submitted before issuance of the Shell and Core Certificate of Occupancy Permit)–At a minimum, views of the site: during excavation, upon completion of the first floor above grade, at topping out, and during the exterior cladding phase.
- d. Site Completion (shall be submitted before issuance of the Master Certificate of Occupancy)–North, south, east and west facades of completed building or buildings, as well as at least one view of completed project in context of adjacent buildings and streets.

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

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

## 5. **Utility Fund Contribution**

In addition to funding and constructing the utility undergrounding work, the developer agrees to contribute in the amount specified in Site Plan conditions to the County utility fund before the issuance of the First Above-Grade Building Permit or prorated consistent with an approved phasing plan for the development. The total utility fund contribution for this site is \$ 235,250 (\$50,000 x 4.705 acres). These funds may, but need not, be used by the County for the purpose of providing the undergrounding of utilities along the properties which are not redeveloping in this undergrounding district. If the area of the site plan is subdivided, the contribution to be made by each owner shall be based proportionally on the amount of site area allocated to each subdivided parcel. The contribution, if not obligated by the County to pay for utility undergrounding projects within 10 years from the date of payment, will be refunded without any accrued interest to the development owners of record at the time of any refund.

## 6. Plan for Temporary Circulation During Construction

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

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

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

7. **Residential Relocation**

(Intentionally omitted)

8. **Retail Relocation**

(Intentionally omitted)

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

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

10. **Post-County Board 4.1 Filing**

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

The developer agrees to include on the post-4.1 plans details regarding existing traffic

signal system infrastructure, e.g., poles, meters, controller cabinets, and to indicate on the plans if any part of the system will be moved and to where it is proposed to be moved.

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

The developer also agrees that no changes to the approved post-4.1 plans can take place in the field. All post-4.1 plan changes must be approved by the lead DCPHD contact for the site plan.

#### **11. Community Liaison and Activities During Construction**

The developer agrees to comply with the following before issuance of the Clearing, Grading and Demolition Permit and to remain in compliance with this condition until the Master Certificate of Occupancy is issued.

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

- c. Throughout construction of the project, the developer agrees to advise abutting property owners in writing of the general timing of utility work in abutting streets or on-site that may affect their services or access to their property.
- d. At the end of each work day during construction of the project, the developer agrees to ensure that any streets used for hauling construction materials and entrance to the construction site are free of mud, dirt, trash, allaying dust, and debris and that all streets and sidewalks adjacent to the construction site are free of trash and debris.
- e. The developer agrees that construction activity, except for construction worker arrival to the construction site and indoor construction activity, will commence no earlier than 7:00 a.m. and end by 6:30 p.m. on weekdays and will commence no earlier than ~~8:00~~ ~~10:00~~ a.m. and end by ~~8:00~~ ~~6:30~~ p.m. on Saturdays, Sundays, and holidays. "Holidays" are defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas. Indoor construction activity defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors shall end at midnight each day, and any such activity that occurs after 6:30 p.m. shall not annoy or disturb reasonable persons of normal sensitivities. The developer agrees to place a minimum of one sign per street front around the construction site, indicating the permissible hours of construction, to place one additional sign within the construction trailer containing the same information, to provide a written copy of the permissible hours of construction to all subcontractors, and to require its subcontractors to observe such hours.
- f. Storage of construction materials, equipment and vehicles shall occur on the site or an approved off-site location, or as approved by the County Manager.

## 12. **C & D Waste**

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

## 13. **Green Building Fund Contribution**

The developer agrees to make a contribution to the County's Green Building Fund of \$20,441 (\$0.03 X 681,381 square feet). The payment shall be made to the Department of Environmental Services prior to the issuance of the Clearing, Grading, and Demolition Permit, and compliance with this condition shall be provided to the Zoning Administrator in the form of a letter at the time of payment. If the project achieves formal certification as a LEED Green Building from the U.S. Green Building Council within one year of issuance of the Master Certificate of Occupancy, the Green Building fund contribution shall be refunded within 90 days upon receipt of written request, and documentation of LEED certification, by the applicant.

14. **Vacations and Encroachments**

Prior to the issuance of any Excavation, Sheeting, and Shoring Permit, the developer agrees to obtain enactment of all ordinance(s) of vacation and ordinances of encroachment associated with and/or required to develop the Project and construct the buildings authorized by the site plan referenced in Condition Number 1 of these conditions. Unless otherwise specifically provided in each ordinance(s) of vacation or ordinance of encroachment, the developer shall also fulfill all required conditions of such ordinance(s) prior to the issuance of any Excavation, Sheeting and Shoring Permit for the site plan. Irrespective of any other condition set forth herein, the developer agrees that no structure or utility of any type shall encroach upon, or interfere with, the use of any property right or interest (easement or fee) of the County, unless the reservation of a right to encroach into an easement to be dedicated to the County as a condition of this Ordinance is specifically authorized by this Ordinance, or an ordinance of vacation or an encroachment ordinance permitting the encroachment into or use of an existing County property interest is applied for by the developer, and enacted by the County Board. Upon enactment by the County Board of such ordinance(s), and prior to the issuance of any Excavation, Sheeting and Shoring Permit, the developer agrees to comply with all of the conditions set forth in such ordinance(s) of vacation or encroachment, including, but not limited to, recordation of any deeds, associated plats and/or ordinance(s) among the land records of Arlington County, payment of any required fees, approval of any plans, relocation of any public utilities, submittal of any required performance bonds and agreements, dedication or conveyance of any additional easement or other property interests, and payment of any required or agreed to compensation, unless otherwise specifically provided in each ordinance(s) of vacation or encroachment.

- **The following Conditions of site plan approval (#15 through #35) are valid for the life of the site plan and must be met by the developer before issuance of the Excavation/Sheeting and Shoring Permit, except as otherwise specified in the condition.**

15. **Coordination of these plans: final site development, landscape and site engineering**

The developer agrees to attach the County Board meeting minutes outlining the approved conditions and the conditions themselves to each set of Building Permit drawings that they submit to the County. The developer agrees to submit to the Zoning Administrator and obtain approval from the County Manager a detailed final landscape plan prior to issuance of the

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

- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, bus stops, the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final civil engineering plan and placed so they do not obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets (existing or proposed) shall not be located in the pedestrian clear zone of the public sidewalk, including but not limited to access areas to ADA ramps, crosswalks, building entrances, and interior walkways. Transformers shall not be placed above grade in the setback area between the building and the street.
- b. Intake and exhaust garage ventilation grates may not be located within public sidewalks or streets, or within areas between the street curb and any building which is used as a walkway. The developer agrees to provide drawings showing how the garage will be ventilated as part of the post-County Board Administrative Regulation 4.1 drawings required in Condition #10 above. Ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way. The developer shall obtain approval from the County Manager of the location and screening of all ventilation grates as part of the review of the final civil engineering plan and the final landscape plan before issuance of the Footing to Grade Permit.

- c. The location, dimensions, materials, and pavement pattern, where applicable, for driveways and access drives, automobile drop-off areas, ADA ramps, driveway aprons, service drives, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Interior walkways shall have a minimum width of four (4) feet. All plaza areas, access drives, automobile drop-off areas, interior walkways and roadways shall contain special treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager according to adopted Sector Plans or other urban design standards approved by the County Board as a part of review and approval of the final landscape plan.
- d. The location and types of light fixtures for streets, parking, walkway and plaza areas, and associated utilities, as contained in the lighting plan required in Condition #52 below.
- e. Topography at two (2) foot intervals, and the finished first floor elevation of all structures, and top-of-slab elevation for any proposed underground structures.
- f. Landscaping for open space areas, plaza areas, courtyards, raised planters (including cross-sections of raised planters), surface parking areas, and service drives, including a listing of plant materials; details of planting, irrigation and drainage; and details of proposed furnishings for all areas, including but not limited to dimensions, size, style(s), materials(s), finish(s) and manufacturer(s) of seating, bollards, trash receptacles, bike racks, arbors, trellises, and water features, and other landscape elements or structures. Include public art information, if known.
- g. The location and planting details for street trees in accordance with Department of Environmental Services Standards and Specifications for planting in public rights-of-way and as shown on the final civil engineering plan .
- h. The limits of demolition and construction.

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

## 16. **Landscape Standards**

The developer agrees that all landscaping shall conform to Department of Environmental Services Standards and Specifications and to at least the following requirements:

- a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:

- (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 4 to 4 1/2 inches, except as indicated in Condition #21 below.
  - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)—a minimum height of 7 to 8 feet.
  - (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)—a minimum caliper of 3 to 3 1/2 inches. Multi-stem trees shall not be less than 10 feet in height.
  - (4) Shrubs—a minimum spread of 18 to 24 inches.
  - (5) Groundcover—in 2 inch pots.
- b. The developer agrees to coordinate with the DPRCR urban Forester to determine an appropriate and acceptable season in which to conduct planting. Planting is to occur during a season so as to best ensure the viability of the plantings. In addition, the developer agrees to plant trees prior to issuance of the first Certificate of Occupancy Permit.
  - c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager, based on accepted landscaping standards and approved in writing, seeding may be substituted for sod. All sod and seed shall be state certified.
  - d. Exposed earth not to be sodded or seeded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed.
  - e. Soil depth shall be a minimum of four (4) feet plus 12 inches minimum of drainage material for trees, 4 feet plus 6 inches minimum for ornamental trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than ~~seat wall height (2-1/2 3 feet, maximum)~~ above the adjacent finished grade.
  - f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
  - g. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process. Further, the developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well-maintained condition for the life of the site

plan and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator, as required in Section 32A of the Zoning Ordinance.

- h. The developer agrees to notify the DPRCR Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.

**17. Utility Company Contacts**

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.

**18. Final site engineering plan approval by DES**

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

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

The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site in accordance with the then-current Arlington County Standard for concrete curb and gutter and the then-current standards for pavement and according to the following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project.

- a. The developer agrees to construct new curb and gutter along 10<sup>th</sup> Street South creating a uniform 36-foot street width, which shall be approximately 18 feet

from the Arlington County survey centerline, as shown on the final engineering plan approved by the County Manager. The developer also agrees to construct one crosswalk and accompanying handicap ramp at the existing intersection of Old Jefferson Davis Highway (east side) and one crosswalk and accompanying handicap ramp at the existing intersection of South Ball Street (west side).

- b. The developer agrees to construct new curb and gutter along 6<sup>th</sup> Street South creating a uniform 36-foot street width, which shall be approximately 18 feet from the Arlington County survey centerline, as shown on the final engineering plan approved by the County Manager. The developer also agrees to construct one crosswalk and accompanying handicap ramp at the existing intersection of Old Jefferson Davis Highway (east side) and one crosswalk and accompanying handicap ramp at the existing intersection of South Balls Street (west side)
- c. The developer agrees to construct new curb and gutter along South Ball Street creating a uniform 36-foot street width, which shall be approximately 18 feet from the Arlington County survey centerline, as shown on the final engineering plan approved by the County Manager .The developer also agrees to construct one crosswalk and accompanying handicap ramp at the existing intersection of 6<sup>th</sup> Street South (south side) and one crosswalk and accompanying handicap ramp at the existing intersection of 10<sup>th</sup> Street South (north side)
- d. The developer agrees to construct new curb and gutter along Old Jefferson Davis Highway creating a uniform 50-foot street width, which will vary from approximately 20.5 feet and up to 22.8 feet from the new proposed Arlington County survey centerline as shown on the final engineering plan approved by the County Manager.
- e. The developer agrees to construct new curb and gutter to create 8<sup>th</sup> Street South between Old Jefferson Davis Highway and South Ball Street creating a 28.5-foot to 36-foot street width as shown on Final Site Plan. The developer also agrees to construct one crosswalk and accompanying handicap ramps at the intersection of Old Jefferson Davis Highway (east side), one crosswalk and accompanying handicap ramps at the intersection of South Ball Street (west side) and on cross walk and accompanying handicap ramps located mid-block between the residential and office entrances.

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

improvements as shown on the site plan drawings dated June 4, 2008 unless the County provides additional funding to offset such increased cost.

**20. Survey Monuments**

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

**21. Sidewalk Design and Improvements**

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

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

- a. Continue across all driveway aprons for loading and garage entrances along all frontages of the site plan, and there shall be no barriers to impede the flow of pedestrian traffic.
- b. Not be less than six feet wide at any point
- c. Allow encroachments by sidewalk cafes only in accordance with Condition # 66 and under the provisions of the Arlington County Streetscape Standards
- d. Allow pinch-points only under the provisions of the Arlington County Streetscape Standards

- e. Use plain, un-tinted concrete or, subject to approval, an integral tint that harmonizes with its setting. Non-standard materials or surface treatments may be used subject to approval and under the provisions of the Arlington County Streetscape Standards.
- f. Not contain joints or use patterns that create gaps of ¼-in depth or greater at spacings of less than 30”

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

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

**Tenth Street South** – a minimum 11-foot, 8-inch wide sidewalk measured from the back of curb maintaining a 6-foot wide clear sidewalk, including 5 feet by 12 feet tree pits with tree grates, planted with 4 ½ inch caliper Zelkova street trees, placed 28 to 32 feet on center and a minimum of eight (8) inches back from the back of curb.

**Sixth Street South** – a minimum 11-foot, 8-inch wide sidewalk measured from the back of curb maintaining a 6-foot wide clear sidewalk, including 5 feet by 12 feet tree pits with tree grates, planted with 4 ½ inch caliper Zelkova street trees, placed 28 to 32 feet on center and a minimum of eight (8) inches back from the back of curb.

**South Ball Street** – a minimum 11-foot, 8-inch wide sidewalk measured from the back of curb maintaining a 6-foot wide clear sidewalk, including 5 feet by 12 feet tree pits with tree grates, planted with 4 ½ inch caliper Zelkova street trees, placed 28 to 32 feet on center and a minimum of eight (8) inches back from the back of curb.

**Old Jefferson Davis Highway** – a minimum 11-foot, 8-inch wide sidewalk measured from the back of curb maintaining a 8-foot wide clear sidewalk, including a minimum of a 4-foot wide continuous planting strip, planted with 4 ½ inch caliper Zelkova street trees, placed 28 to 32 feet on center and a minimum of eight (8) inches back from the back of curb. The typical width of the planting strip should be 5-foot wide with only the pinch point located north of 8<sup>th</sup> Street South located between the face of the residential building and the County’s proposed OJDH curb.

**Eighth Street South** – a minimum 8-foot, 6-inch wide sidewalk measured from the back of curb, maintaining a minimum 6-foot wide clear sidewalk.

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

The developer agrees (with the acceptance of 8th Street South between Old Jefferson Davis Highway and South Ball Street) that in order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the final design of the project shall provide a structure-free zone under the public sidewalk along all street frontages, as required in the *Standards for Planting and Preservation of Trees in Site Plan Projects*. This zone shall be a minimum of five (5) feet deep and shall extend from the back of the street curb to the far edge of the public sidewalk. No subterranean structures (such as parking garages) shall intrude into this five foot deep zone. Within the zone, underground utilities and utility vaults shall not be located in a manner that interferes with the appropriate spacing and replacement of street trees, consistent with the approved final site and development and landscape plan. Utility lines shall not be located beneath street trees. The location of all existing and proposed utility lines shall be shown on both the final landscape plan and the final site engineering plan.

23. **Water Service Requirements**

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

24. **Water Main Improvements**

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

The developer agrees to relocate the existing 12-inch water main in the median between Old Jefferson Davis Highway and South Clark Street. The developer agrees to construct approximately 500-feet of new 12-inch water main in Old Jefferson Davis Highway extending between 10th Street South and 6th Street South, connecting to the existing 12-inch water main in 10th Street South and the 16-inch water main in 6th Street South.

The developer agrees to relocate the existing 16-inch water main in 6th Street South as necessary into the street such that it is not under the proposed tree pits and is a minimum of 15-feet away from the proposed structure.

The developer agrees to abandon all existing 6-inch water mains around the site and reconnect to the appropriate new water mains any existing water services from the

abandoned line.

## 25. **Sanitary Sewer Main Requirements**

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

The developer agrees to relocate all of the existing sanitary mains without disrupting service.

The developer agrees to relocate the existing 24-inch sanitary force main in South Clark Street. The developer agrees to construct approximately 550-feet of new 24-inch sanitary force main in Old Jefferson Davis Highway, with connections into the existing 24-inch sanitary force main in Old Jefferson Davis Highway and 10th Street South. The exact location will be determined during the review of the final engineering plans.

The developer agrees to relocate both the existing 27-inch gravity sanitary main in South Clark Street and the existing 10-inch gravity sanitary main in South Clark Street. The developer agrees to construct approximately 600-feet of new 27-inch gravity sanitary main in Old Jefferson Davis Highway, tying both the existing 27-inch gravity sanitary main and the 10-inch gravity sanitary main in South 10th Street South, into the new 27-inch gravity sanitary main and extending to the proposed tie-in in of the existing 27-inch gravity sanitary sewer main in Old Jefferson Davis Highway. The exact location will be determined during the review of the final engineering plans.

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

## 26. **Storm Sewer Improvements**

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

The developer agrees to construct approximately 410-feet of new 15-inch storm sewer in South Ball Street, connecting to existing 90-inch storm sewer in 6<sup>th</sup> Street South.

27. **Fire Hydrant and Fire Department Connection Requirements**

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

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

28. **Replacement of Damaged Existing Curb, Gutter and Sidewalk**

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

29. **Street Lighting Requirements**

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. . The developer agrees to pay the cost of moving existing or installing additional standard thoroughfare lights if required above.

30. **Underground Existing Aerial Utilities**

The developer agrees to remove or place underground all existing aerial utilities within or

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

**31. Off-street Parking for Construction Workers**

The developer agrees to provide off-street parking for all construction workers without charge to the workers. In lieu of providing parking, the developer may provide a subsidy for the construction workers in order that they may use Metro, provide a van for van pooling, or use another established method of transportation to provide for construction workers to arrive at the site. Compliance with this condition shall be determined based on a plan which shall be submitted to the Zoning Administrator, and for which the developer has obtained the Zoning Administrator's approval, before the issuance of the Excavation/Sheeting, and Shoring Permit. This plan shall set forth the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of Metro, carpooling, vanpooling, and other similar efforts. The plan shall also provide for a location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes, and carpooling and vanpooling information. If the plan is found to be either not implemented or violated during the course of construction, a correction notice will be forwarded to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, and construction halted until the violation has been corrected.

**32. Address Indicator Signs**

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

**33. Façade Treatment of Buildings**

The developer agrees that the design of the facade treatment for the buildings and the materials to be used on the facades shall be as specified and shown on the submitted drawings identified in Condition #1 and as presented to the County Board and made a part of the public record on the County Board date identified in Condition #1, including all renderings, drawings, and presentation boards presented during public hearings. The developer agrees to submit colored drawings and renderings which label the materials and colors for each elevation of the building, including interior elevations (e.g. elevations adjacent to interior courtyards, plazas and access drives), and material samples, for review by the County Manager for consistency with this site plan approval prior to the

issuance of the Footing to Grade Permit. The developer further agrees to obtain the approval of the County Manager of the façade treatment as being consistent with the County Board approval before the issuance of the Final Building Permit.

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

**34. Recordation of Public Easements and Dedications**

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

**35. Plat of Excavated Area**

The developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the building's ground floor elevation(s) at the building's lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #1 and #10 above.

- **The following conditions of site plan approval (#36 through #44) are valid for the life of the site plan and must be met by the developer before issuance of the Footing to Grade Structure Permit.**

**36. Public Improvements Bond**

Upon approval of the final site engineering plan the developer agrees to submit a performance bond estimate for the construction or installation of all facilities (to include

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

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

**37. Underground Electrical Transformers**

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

**38. Interior Trash Collection and Recycling Areas**

The developer agrees that interior space shall be provided and used for the collection, storage, and compaction and removal of trash, as well as appropriate facilities for the recycling of reusable materials as defined by the County. The collection, storage, and compaction ~~and removal~~ of trash shall not occur outside the interior loading space, and that trash removal shall be consistent with the trash removal and truck maneuvering plan approved as part of this final site plan approval. This space may not conflict with the use of a loading berth. The developer agrees to obtain approval from the Zoning Administrator of drawings showing compliance with this condition before the issuance of the Footing to Grade Structure Permit.

**39. Interior Loading Spaces**

The developer agrees that all loading spaces shall be in the interior of the building and shall also comply with the following requirements: minimum 12-foot clear width (including entrances), 30-foot length and 14-foot height clearance. Any loading dock to be used for trash removal shall have a minimum interior height clearance of 14 feet. All loading docks shall contain roll-down doors. Use of the loading dock for deliveries or

trash pick-ups, excluding moving vans, shall be limited to the hours from 8:00 a.m. to 6:00 p.m., seven (7) days a week. The loading dock door shall also be closed when the loading dock is in use, except when necessary for entry or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures.

40. **Parking Garage Van Access**

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.

41. **Parking Space Compliance with Zoning Ordinance**

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.

42. **Bicycle Storage Facilities**

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

**Office and Residential Bicycle Storage Facilities:**

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

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

Employee and resident bicycle parking facilities shall be highly visible to the intended users and protected from rain and snow within a structure shown on the site plan. The facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians or any required fire egress. The facilities for office users and resident bicycle parking must meet the acceptable standards for Class I storage space as contained in the Arlington Bicycle Transportation Plan, dated April 1994 with Amendments through March 2003, and be highly visible from an elevator entrance, a full-time parking

attendant, a full-time security guard or a visitor/customer entrance. Visitor parking must be located within 50 feet of the primary building entrance. Any bicycle parking racks used on the site must conform to the Arlington County Standard or be approved by the Bicycle and Pedestrian Program Manager. Drawings showing that these requirements have been met shall be approved by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit. Residential condominium covenants shall not prohibit the storage of bicycles in individual condominium units.

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

**Retail Bicycle Storage Facilities:**

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

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

The developer agrees to construct all plaza areas used for vehicular access and all surface parking areas to support the live load of any fire apparatus. Architecturally designed bollards or curbs shall be used on pedestrian plazas to separate the areas intended for emergency vehicle use from areas intended for pedestrian use. No above-grade structure shall be allowed to obstruct fire lanes. The requirements of this condition shall be

incorporated in the drawings submitted for the Footing to Grade Structure Permit.

- **The following conditions of site plan approval (#44 through #48) are valid for the life of the site plan and must be met by the developer before the issuance of the Final Building Permit. If the developer uses the "Fast Track" Permit Process, then the following conditions of site plan approval (#44 through #48) are valid for the life of the site plan and must be met by the developer before the issuance of the Structure Permit.**

44. **Wall Check Survey**

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

45. **Screening of Mechanical Equipment**

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

46. **Use of Penthouse**

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

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

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

48. **FAA Documentation**

The developer agrees to obtain from the Federal Aviation Administration (FAA), before the issuance of the final building permit, a written statement that the project is not a hazard to air navigation or that the project does not require notice to or approval by the FAA.

- **The following conditions of site plan approval (#49 through #54) are valid for the life of the site plan and must be met by the developer before the issuance of the First Certificate of Occupancy.**

49. **Comprehensive Sign Plan**

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 guidelines contained in "Sign Guidelines for Site Plan Buildings" and with Section 34 of the Zoning Ordinance. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign plan before any sign permits are issued and before the issuance of the first Certificate of Occupancy. All proposed rooftop signs, defined as all signs that are 35 feet or more above the ground, shall require a site plan approval or amendment, and their orientation shall be limited solely to the direction of 10<sup>th</sup> Street S. and Old Jefferson Davis Highway. The developer also agrees that the comprehensive sign plan will adequately address the provision of public parking by effectively directing Long Bridge Park visitors from Long Bridge Park to the public parking spaces.

#### 50. **Transportation Management Plan**

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

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

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

#### **Participation and Funding**

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

direct and indirect on-site and off-site services in support of TMP activities annual contributions of \$11,195.00 per year for ten (10) years for the office/retail portion of the project and annual contributions of \$32.70 per unit, per year for ten (10) years for the residential portion of the project. These contributions are out of the norm for this time frame (April 2008) due to the land swap contract between the developer and the County. Payment on this commitment will begin as a condition of issuance of the first Certificate of Occupancy for the first finished unit in the first completed building. Subsequent payments will be made annually.

### **Facilities and Improvements**

- a. Provide in each building, information displays, the number/content/design/location of which shall be approved by ACCS / ATP, to provide transportation-related information to residents and visitors.
- b. Provide in each building lobby a means to call a taxi.
- c. During construction, maintain or coordinate relocation of any existing bus stops at the developer's expense.
- d. Comply with requirements of Site Plan conditions to provide bus stop improvements.
- e. Bus stops and shelters within 50 feet of the property shall be maintained free of snow, ice, trash, and debris. A 6 foot wide path, clear of snow and ice, to the main entrance of the building(s) shall be maintained to bus stops.
- f. Maintain one on-site business center in the residential building (including, at a minimum, access to copier, fax, pc, and internet services in a minimum 56 sq. ft. of space), which shall be made available to support residents of the buildings who choose to work from home.
- g. Comply with requirements of Site Plan conditions to provide bicycle parking/storage facilities, and construction worker parking. Bicycle clothing lockers will be a minimum size of 12" wide, 18" deep, and 36" high, and shall be available for use on a 24 hour basis in office buildings.

### **Parking Management Plan**

- a. Subject to the approval by the County Manager, the developer shall prepare a parking management plan regarding: taxi passenger loading and unloading; accessible paratransit pick-up, drop-off, handicapped access, and passenger waiting area; loading zones for short-term deliveries; bus stops; car sharing locations; and on-and off-street parking for residents, employees, and visitors. Such plan shall include a schematic drawing depicting an area parking plan for all block faces abutting the site. Additionally, this plan will note

restrictions as to times that various activities (such as deliveries and parking) are permitted in the respective spaces.

- b. Upon request of the County Manager, up to (6) spaces shall be set aside on 8<sup>th</sup> Street South between Old Jefferson Davis Highway and Ball Street for car sharing services, if the demand exists as determined by the County Manager. Until requested, the spaces for car sharing shall be used as street parking.
- c. Provide reserved spaces for carpools and vanpools for retail and/or office tenant employees that are conveniently located with respect to the elevators serving the buildings. Oversee a program to provide carpools and vanpools with a parking subsidy. Subsidies shall be:
  - (a) Two-person car pool equal to two thirds the single-occupant vehicle monthly parking rate.
  - (b) Three-person (or more carpool) equal to one third the single-occupant vehicle monthly parking rate
  - (c) Provide registered vanpools with free parking.
- d. No on-street loading will be permitted between the hours of 7 and 9 AM and 4 to 6 PM.
- e. Provide effective directional signage subject to approval of a Comprehensive Sign Plan to direct residents and visitors to appropriate locations on the property, such plan to include provision for the items specified in the Parking Management Plan.

### **Promotions, Services, Policies**

- a. Provide a one time membership fee subsidy in a car sharing plan for each residential unit. This subsidy shall be paid on proof of membership in a car share service by lessees and/ or purchasers.
- b. Encourage corporate membership in a car sharing plan for each office tenant and their employees.
- c. Promote the formation of Employer Transportation Benefit Programs with each office/retail tenant.
- d. Provide SmarTrip cards plus \$65.00 Metro fare media once per unit, for free, to each of the initial lessees or purchasers of each residential unit, distributed no later than the day of move in at the building. Subsequent lessees or purchasers shall receive the same benefit for a period of ~~ten (10)~~ five (5) years unless the building is sold to a condominium association comprised of unit owners.
- e. Provide SmarTrip cards plus \$ 60.00 Metro fare media per person, for free, to each on-site employee of the property management company and/or building

operator distributed no later than the employee's first day of work at the building. Provide or administer a sustainable commute benefit program for these employees (the program shall include, at a minimum, pre-tax employee contributions.)

- f. Provide SmarTrip cards plus \$60.00 Metro fare media per person, for free, to each of the office and retail employees distributed no later than the employee's first day of work at the building.
- g. 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.
- h. Distribute a new-resident package, material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each lessee and / or purchasers. Packages will be distributed to tenants no later than the day of move-in at the building. Distribute equivalent package to new employees of the buildings and office/retail tenants no later than their first day of work.
- i. Reference the Pentagon City and Crystal City Metro Stations in promotional materials and advertisements.
- j. 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.
- k. Participate in Ozone Action Days and other regionally sponsored clean air, transit, and traffic mitigation promotions by posting notice of such promotions in locations within the building(s).

### **Performance and Monitoring**

- a. Upon approval of the TMP by the County, the developer agrees to implement all elements of the plan with assistance when appropriate by agencies of the County.
- b. Conduct a transportation performance monitoring study at two years and five years, ~~and each subsequent five-year period~~ after issuance of first Certificate of Occupancy and provide a report summarizing findings report findings to the County. The County will specify the scope of the study. The study may include average vehicle occupancy, daily vehicle-trips to and from the site, and parking availability by time of day for the site and pedestrian traffic. Such report shall include an all-day count of site-generated vehicle traffic and a voluntary mode-split survey. The building owner and/or operator will assist and encourage tenant's employee participation in mode split surveys which may be of an on-line, email variety.

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

**51. Residential Parking and Parking Management Plan**

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

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

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

The developer agrees to submit to the Zoning Administrator a parking management plan which outlines how guest and visitor parking for the residential building, and parking for retail tenants' employees and customers for retail located in the residential buildings, will be provided, where the parking will be located and how guests and visitors, and retail employees and customers, will be directed to the parking spaces. The developer further agrees to make a minimum of 15 residential visitor parking spaces, ~~and zero retail tenant parking spaces, available within the residential garage.~~ The parking management plan shall be submitted to the Zoning Administrator, and reviewed and approved by the County Manager, prior to the issuance of the first Certificate of Occupancy for the first residential building.

**52. Lighting Plan for Public Areas**

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 #29 above. The developer shall include in the site development and landscape plan certification that the lighting plan meets the minimum standards of the Zoning Ordinance, Section 2, Subsection H, and the Illumination Engineering Society of North America Standards. The developer agrees to obtain the approval of all lighting from the County Manager, and to install approved lighting, before the issuance of the First Certificate of Occupancy for occupancy of the applicable phase of the project.

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

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

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

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

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

If the project includes a residential condominium or cooperative component, then the developer agrees that a copy of the conditions of this site plan approval shall be made available to all prospective purchasers with the condominium's, cooperative's or homeowners association's bylaws or agreements. Documentation that this condition has been satisfied shall be provided to the County Manager before the issuance of the First Certificate of Occupancy. If the project includes a residential rental component that is converted to a condominium or a cooperative, then the developer agrees that a copy of the conditions of this site plan approval shall be made available to all prospective purchasers with the condominium's, cooperative's, or homeowners' association's bylaws or agreements prior to the issuance of the first Certificate of Occupancy following the conversion.

- **The following condition of site plan approval (#55) is valid for the life of the site plan and must be met by the developer before the issuance of the Master Certificate of Occupancy.**

**55. Building Height Certification**

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

- **The following condition of site plan approval (#56) is valid for the life of the site plan and must be met by the developer within 90 days of receipt of the partial Certificate of Occupancy for full occupancy of the building.**

**56. Obtain Master Certificate of Occupancy**

The developer agrees to obtain a Master Certificate of Occupancy within six (6) months ~~90 days~~ of receipt of any partial Certificate of Occupancy for full occupancy of the building. The developer may request in writing to extend the timeframe for obtaining the Master Certificate of Occupancy. The request shall outline the reasons for the extension and shall be submitted to the County Manager for review of the outstanding issues one (1) month prior to the end of the six-month time frame. The County Manager may approve such extension if he finds that the developer is diligently continuing completion of the project.

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

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

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

**58. Structural Additions**

The developer agrees that any structural addition or changes to the facades or materials shall be subject to the approval of the County Manager. If the County Manager, in

consultation with the Zoning Administrator determines that any proposed improvements or changes to the facades or materials have a significant impact on the site plan, or otherwise meet Zoning Ordinance requirements for site plan amendments that go to the County Board, a site plan amendment shall be required.

59. **Snow Removal**

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

60. **Maintenance of Residential Common Areas**

If the project includes a residential component, then the developer agrees that the maintenance of the common area, walkways, private drives and parking areas which are tied to condominium units shall be provided for by the condominium's, cooperative's or homeowners association's bylaws or agreements consistent with Section 2.D.6 of the Zoning Ordinance.

61. **Retention of Approved Parking Ratio over Subdivided Site**

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

62. **Retention of Approved Density over Subdivided Site**

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

- **The following unique site specific conditions (#63 through #82) are valid for the life of the site plan and must be met before the issuance of the permit specified in each Condition.**

63. **Retail Elements**

- a. The developer agrees to develop and implement a retail attraction and marketing plan for the approximate 3,512 square feet of retail space located on the first floor of the office ~~and residential~~ building as shown on the post-4.1 plans per Condition #10. The plan shall identify the types of retail desired, the marketing strategy to attract the retail, and strategies to retain the retail. ~~The retail attraction and marketing plan shall be in accordance with the approved Retail Action Plan for the Rosslyn Ballston Corridor, dated January 2001.~~ The retail attraction and

marketing plan shall be reviewed and approved by the Department of Economic Development before being submitted to the Zoning Administrator. The above-grade building permit shall not be issued until documentation has been provided to the Zoning Administrator assuring that the plan has been approved by the Department of Economic Development. Any change in the use of the retail space from retail to office or other non-retail use shall require a site plan amendment.

- b. The retail spaces shall be designed and constructed to include interior and exterior improvements necessary to ensure that they are functional and attractive to prospective retailers and that they animate the street frontage. These elements shall include, but are not limited to: approximately 11.92 foot floor-to-floor heights, as shown on the plans dated June 4, 2008; access to the service corridor/areas as shown on the architectural plans dated June 4, 2008; direct street frontage and access; rough-in of utilities, i.e., sprinkler heads, plumbing, electrical wiring, and stubs for extensions; provision for any venting systems required for any food preparation or restaurant use; and sufficient transparency of the building facade to achieve adequate street exposure.

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

The developer agrees to make a contribution to the Public Art Fund in the amount of \$75,000 to support County public art initiatives described in the Public Art Master Plan (adopted December 2004) and the goals of the Public Art Policy (adopted September 2000). Such funds shall be used to commission public art at Long Bridge Park. Such contribution shall be made to the Public Art Fund prior to issuance of the first above grade building permit. ~~If the contribution is made more than 12 months after site plan approval, the contribution amount will be adjusted based on the percentage change in the Consumer Price Index Urban (CPI-U) between the date of site plan approval and the first day of the month in which the contribution is made.~~

**65. After-hours Parking in Office Garages**

The developer agrees to make all parking in the garage available to the public for parking after standard office hours (weekday evenings after 6:00 p.m., weekends, and all legal holidays) until 12:00 midnight or until the close of business of retail operations or the close of Long Bridge Park and Aquatics Facility, whichever is later. The developer further agrees to make some parking spaces on the G1 level of the garage available for use exclusively by the retail tenants' employees and customers; at a minimum, the number of spaces to be so reserved shall be consistent with the requirements of the Zoning Ordinance for the retail uses that occupy the space, but need to leave sufficient spaces for other uses. The developer agrees to implement a validation program to allow free use of such spaces for retail customers and employees between 6:00 p.m. and 12:00 midnight or until the close of business of retail operations, whichever is later. The comprehensive sign plan (Condition #49) must adequately address the provision of public parking.

**66. Outdoor Cafes**

Outdoor cafes shall be permitted in the public right-of-way or within public easements along the new private street (8<sup>th</sup> Street South), 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 six (6) feet of clear sidewalk width must be maintained along the new private street (8<sup>th</sup> Street South). 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. Outdoor café tables and seating may also be permitted on 8<sup>th</sup> Street South and in the 8<sup>th</sup> Street South plaza such that the tables and seating do not encroach into the sidewalk clear width as described in Condition #21. Plans for the outdoor cafes shall include delineation of the seating area and the maximum numbers of seats, shall comply with applicable standards outlined in Section 31 of the Zoning Ordinance, and shall be subject to prior administrative approval by the Zoning Administrator for consistency with County ordinances, regulations and policies.

**67. Affordable Housing Contribution**

The developer agrees to make a housing contribution of \$2,485,039 that is based on Subsection 36.H.6 of the Zoning Ordinance, “Affordable Dwelling Units for Increased Density Within General Land Use Plan.” One-half of the amount, \$1,242,519.50, shall be paid prior to the issuance of the first Certificate of Occupancy for the office building, and one-half, \$1,242,519.50, shall be paid prior to the issuance of the first Certificate of Occupancy for the residential building.

**68. Building Security Requirements**

- a. The developer agrees to coordinate with County staff on the design of exterior building security measures in order to limit or mitigate any adverse impacts that these measures may have on the project's urban design (including street and retail base) and streetscape. All exterior building security measures shall be shown on, and approved as part of, the final site development and landscape plan and the approved façade treatment plan. The base of the buildings, as shown in the drawings dated June 4, 2008, and consistent with Condition #63 above, have been designed to accommodate retail uses and provide interest and activate the streetscape. Any change in the use and design of the base resulting from any proposal for exterior building measures shall require a site plan amendment.
- b. The developer agrees that it is the policy of the County to maintain the maximum number of on-street parking spaces around the perimeter of a site, and that it will not remove or reduce the number of on-street parking spaces around the perimeter of a site whether at the request of the developer or a tenant or otherwise.

Accordingly, the developer agrees that it shall notify tenants of the aforesaid policy prior to execution of any lease with a tenant.

**69. Phasing Plan**

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

**70. Enclosure of Balconies**

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

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

The developer agrees to hire a LEED certified consultant as a member of the design and construction team. The consultant shall work with the team to incorporate sustainable design elements and innovative technologies into the project so that numerous building components may earn the developer points under the U.S. Green Building Council's system for LEED certification. The Developer agrees to include sustainable design elements in design and construction that are (i) sufficient to meet the requirements for the seven (7) LEED Prerequisites and (ii) at least 23 points for the office building using LEED for Core and Shell (LEED-CS) and 26 points for the residential building using LEED for New Construction (LEED-NC) and (iii) to use best efforts to increase the office and residential building LEED scores to 26 points. The Developer's LEED obligations in this site plan condition are subject to the provisions of the Exchange Agreement.

~~Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for seven (7) LEED Prerequisites and include at least "\_\_\_" LEED credits.~~ The developer agrees to use commercially reasonable efforts to achieve additional LEED credits which would qualify the building for certified levels.

For residential development, the developer agrees that all of the following types of appliances, fixtures, and/or building components used in the project shall have earned the U.S. EPA's Energy Star label: clothes washers, dishwashers, refrigerators, ceiling fans, ventilation fans (including kitchen and bathroom fans), light fixtures (halls and common

areas), and exit signs. To further enhance energy efficiency, the developer shall choose two of the types of components listed and all of those two types of components installed or used in the project shall be Energy Star qualified: programmable thermostats (in residential units); residential light fixtures; windows and doors; and HVAC systems. 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.

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

- 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 consultant submit a certification to the County Manager that the elements to earn the above specified numbers of points have been included in the buildings.

## **72. Public Use and Access Easements**

The developer shall grant a permanent public use and access easement (“Easement”), in favor of the County and the public at large, for the purpose of providing nonexclusive public use, including, but not limited to, pedestrian passage through and public use of, the plaza, comprised of approximately 10,557 square feet, near the intersection of 6<sup>th</sup> Street South and South Ball Street, in an area identified as the “Public Plaza” (“Plaza”) in the post-4.1 plans as reviewed and approved per Condition #10.

The developer further agrees:

- 1) Before it is recorded, the final location of the Easement may change upon the review and approval by the County Manager, of the final building plans, the final site development plans or the final landscape plans.
- 2) To construct and landscape the Plaza according to final building plans, the final site development plans and the final landscape plans, as approved by the County Manager.
- 3) Construction and landscaping of the Plaza and any facility contained therein as set

forth on the approved plan shall be completed and approved by the County Manager, prior to the recordation of the Easement.

4) The Easement must be recorded among the land records of the Clerk of the Circuit Court of Arlington County, Virginia prior to the issuance of the first certificate of occupancy, permitting tenant occupancy, of the project that is the subject of these conditions.

5) The Easement must be, in substance, acceptable to the County Manager, and, in form, acceptable to the County Attorney.

6) The Easement must state that the developer, its successors and assigns, remains the owner of all structures, facilities and features located within or on the Plaza.

7) The Easement must state that the developer, its successors and assigns, is responsible, at its sole cost and expense, for the continued care, maintenance, repair and replacement of the Plaza and any facilities located thereon or therein, including, but not limited to, provision of snow and ice removal, care of any trees and landscaping contained therein, any water features, any benches or fixed seating, any concrete, bricks, masonry or stone work, any lighting, any banners or signage, any trash receptacles, any bicycle racks, any public art, any staircases or steps or any other structural or decorative feature.

8) The Easement shall provide that the developer or other grantor, its successors and assigns, shall indemnify and hold harmless the County Board, its elected and appointed officials, employees and agents from any liability, claim, damage, cost and expense of whatever nature concerning or arising out of the design, construction, maintenance, and regulation of the Plaza or any feature, structure or facility therein by the developer and use thereof by the general public and the developer or grantor.

9) The Easement shall provide that no bicycles, skateboards, scooters or similar non-motorized vehicles shall be allowed to be used on the Plaza and that no dogs can be on the Plaza unless they are on a leash and accompanied by their owner or other responsible individual.

10) The Easement shall provide that the Plaza shall be open for public access twenty-four hours a day, seven days a week.

11) The Easement shall provide that vendors and vending cart use will be allowed only according to the terms of any permit that is issued for the vendor by Arlington County. The developer shall incorporate into its project plans the provision of Plaza electrical connections close to the areas proposed for vending cart use and for use by vendors.

12) The Easement shall provide that, in addition to any other use set forth herein, the Plaza shall be available for vending carts, public recreation, concerts, performances, speeches, rallies, public gatherings, public dining and picnicking, and any other public use ("Public Uses"), as long as such Public Uses are approved and permitted (if applicable) by the appropriate authority or agency.

13) The Easement shall state that the developer, its successors or assigns, may reserve the right to make such use of the Plaza in any manner which is not inconsistent with the rights therein granted, or does not interfere with the use of the Easement for the purposes named.

**73. Refuse Delivery to County Disposal Facility**

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

**74. Towing of Impermissibly Parked Vehicles**

The developer agrees to have, as a part of its parking management plan, provisions relating to the towing of impermissibly parked vehicles. Such provisions shall include, but not be limited to:

- a. Requirements for signage at the developer's parking lot(s) providing notice of all applicable parking restrictions enforced by towing, the location of the towing contractor(s)' impoundment yard, and the name and telephone number of the developer's on-site representative responsible for towing-related complaints, as well as the telephone number of the Arlington County Office of Citizen and Consumer Affairs;
- b. Disclosure by the developer and its towing contractor(s), at the developer's parking lot(s), of all fees and charges for towing; and
- c. Evidence that the developer has a contract with the towing contractor that requires the towing contractor to clearly display all fees and charges for towing.

**75. Speed Bumps at Garage Exit Ramps**

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

**76. Authorization for Police to Enter Residential Parking Areas**

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

77. **Public Safety Radio Communications**

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.

78. **8<sup>th</sup> Street South**

The developer agrees, at its sole cost and expense, to construct and at all times to maintain, including, but not limited to, providing snow and ice removal, a private street called 8th Street South, as set forth on pages C-5A, 5B, 5C and C-7 of the plans dated June 4, 2008 and included in the 4.1 submission for the project. For the purposes of this condition and for the public use and access easement over 8th Street South shall include, in addition to the travelway, the areas shown in the final approved engineering plans ("8th Street South"). Developer further agrees to grant, and comply with all requirements thereof, a permanent public use and access easement to the County across, over, and through 8th Street South, for the benefit of the County and the public at large, for access to and use of 8th Street South, at all times, except as necessary for the developer to perform street maintenance and repairs ("Road Easement").

The final design and installation of 8th Street South shall be approved by the County Manager as part of the final landscape plan and final engineering plan for Monument View as required in Condition #15. The developer agrees, at its sole cost and expense, to construct 8th Street South, and all improvements located therein, according to the final approved engineering plans and the final approved landscape plans. Construction of 8th Street South shall be completed prior to the recordation of the Road Easement.

The developer agrees that the permanent name for 8th Street South will be designated in accordance with County policy.

The developer agrees that the final location of the Road Easement shall be subject to review and written approval by the County Manager, consistent with the approved final landscape and final engineering plans.

The Road Easement shall be granted by deed, in substance, acceptable to the County Manager, or his designee, and, in form, acceptable to the County Attorney. The location of the Road Easement may change from the location in the site plan upon the review and approval by the County Manager, and shall be consistent with the final site engineering

plan, the final site development plan and the final landscape plan for the project.

The Road Easement shall be binding upon the developer's successors in title and interest, and the developer's assigns and shall be recorded by the developer among the land records of the Clerk of the Circuit Court of Arlington County, Virginia prior to the issuance of the first Certificate of Occupancy for tenant occupancy (retail or otherwise) of the office building.

The developer agrees that the Road Easement shall include, among other things, the following provisions:

- a. The Road Easement shall grant the County the right to use and control 8th Street South in the same manner as any other street and/or sidewalk in the County street system.
- b. The Road Easement shall permit public use of 8th Street South for street, sidewalks, pedestrians, vehicular traffic and any other related purpose.
- c. The Road Easement shall permit the County to regulate motor vehicle traffic, parking and signage, as well as pedestrian traffic, within the area of 8<sup>th</sup> Street South. The Road Easement may address additional subjects relating to the operation, maintenance and use of 8th Street South as deemed necessary by the County Manager for the protection of the public health, safety and welfare.
- d. The Road Easement is a surface easement only. The developer shall retain the right to install, operate and maintain the underground garage, ramping, parking and related appurtenances, and any encroachments into the airspace above such surface easement as shown on the approved post-4.1 plans per Condition #10, as shown on the approved site plan, landscape plan and engineering plan under 8th Street South.
- e. The developer shall not prevent access of emergency, police or fire vehicles in 8th Street South.
- f. The County, its contractors and agents, and the public at large, shall have full and free use of the Road Easement for the purposes named and shall have all rights and privileges reasonably necessary to the exercise or the use of the Road Easement, including, but not limited to, the right of access to and from the Road Easement, and the right to use the adjoining land of the developer where necessary; provided, however, that the right to use the adjoining land (not including building interiors) shall be exercised only during periods of actual construction, maintenance, removal, repair, reconstruction, replacement and relocation, and further this right shall not be construed to allow the County to erect any building, structure or facility of a permanent nature on such adjoining land unless otherwise provided in such Road Easement.
- g. The master developer or the Property Owners Association shall be responsible, at its sole cost and expense, for the construction, continued care and cleaning, maintenance, repair, replacement, installation and removal of 8th Street South and all facilities or structures

located thereon or therein, including, but not limited to, any streets, sidewalk, paths, curb and gutter, drainage, trees, landscaping, benches, fire hydrants, bus stops, bus shelter, street lights or other lights, signage, trash receptacles and provision of snow and ice removal and trash removal. Any removal, replacement or changes to the final site engineering plan or final site development and landscaping plan must be approved by the County Manager or County Board as required by these site plan conditions or any other County ordinance.

- h. The developer shall, at all times during the term of the Road Easement, maintain comprehensive liability insurance for 8th Street South, naming the County Board, its elected and appointed officials, officers, employees, agents and contractors as additional insureds, in the initial coverage amount of not less than 1 million dollars per occurrence and not less than 2 million dollars, annual aggregate. The County Manager, in his sole discretion, can require an increase in the amount of comprehensive liability insurance, by prior written notice to the developer.
- i. The developer shall indemnify and hold harmless the County Board, its elected and appointed officials, officers, employees, agents and contractors from all liability, personal injury, death, claims, damages, losses, costs and expenses, of whatever nature, concerning or arising out of the design, construction, installation, repair, maintenance, replacement, removal, care and cleaning and regulation of 8th Street South or any facility or structure therein or thereon, by the developer and use thereof by the public at large, the developer, and others.
- j. 8th Street South shall be open for public access twenty-four hours a day, seven days a week, except as may be reasonably limited, in time or in space, upon approval by the County Manager for events provided for in subsection B herein.
- k. Include the consent of any lender of the underlying property to the Road Easement and subordination of all liens of the mortgage or deeds of trust to the Road Easement.
- l. The developer reserves the right to allow building overhangs within the Road Easement as shown on the post-4.1 plans per Condition #10.

**79. Community benefits**

The developer agrees, per the Exchange Agreement dated July 16, 2007 between the County and the developer, to provide \$4.20/s.f. of GFA contribution for community benefits. The total amount of community benefits is equal to \$2,861,800 (681,381 s.f. x \$4.20/s.f.). Per Condition #67, \$2,485,039 shall be paid to the County for the Affordable Housing Contribution. The remaining \$376,761 shall be paid to the County prior to the issuance of the Footing to Grade Permit.

**80. Monitoring requirements**

The developer agrees to submit the property into the Voluntary Remediation Plan (“VRP”) program, administered by the Virginia Department of Environmental Quality (VDEQ) prior to the issuance of the Clearing, Grading, and Demolition Permit to address on-site contamination conditions. As part of the VRP the developer agrees to meet the VDEQ requirements for treatment of ground water contamination during construction and thereafter. The developer agrees to submit a Corrective Action Plan, as required by the VRP, to the County Manager for review prior to its submission to VDEQ.

**81. ADA and Universal Design**

The developer agrees to engage a universal design consultant and will incorporate as many recommendations as are deemed feasible by the Applicant in its sole discretion in the final site plan drawings and final site engineering and development plans. The developer also agrees that, in addition to the regulations and requirements established by ADA Federal law, all lobby entrances shall include proximity sensors (or other comparable technology) as shown on the post-4.1 plans.

**82. Old Jefferson Davis Highway facade**

The developer agrees to submit for the façade plan review (Condition #33) updated facades for the Old Jefferson Davis Highway facade of the office building that reflect innovative architecture to help activate Old Jefferson Davis Highway.

## **ATTACHMENT A**

### **Land Use Details of Exchange Agreement**

right, at the offices of the County's Title Company, to have New York Land Services (a division of Landamerica Commonwealth) ("**Monument's Title Agent**") conduct the Closing and disbursements with respect to the purchase by Monument of the County Property. Closing shall occur on a date mutually selected by the Parties, which date shall in no event be later than sixty (60) days following the date that the Land Use Applications described in Paragraph 8 of this Agreement shall have been finally approved by the County (acting in its governmental capacity) (the "**Date of Closing**" or "**Closing Date**"), unless such Closing Date is extended by the Parties, in which event the Real Estate Bureau Chief is authorized to extend the Closing Date on behalf of the County. The representatives of the Parties duly authorized to execute the settlement documents shall be personally present at Closing.

8. Land Use Approvals.

(a) Monument shall, at its sole expense, within sixty (60) days from the Effective Date of this Agreement, file with Arlington County, Virginia (acting in its governmental capacity) a rezoning and a site plan/special exception applications or amended applications (to the extent that any applications have been previously filed in connection with the First Exchange Agreement) (the "**Land Use Application(s)**") seeking the requisite zoning approvals, land use approvals, and associated vacations from the County permitting the development of the County Property for a development containing not more than 685,000 GFA of residential, office, hotel, or retail uses, (in such proportions as are specified by Monument in its sole discretion), unless otherwise agreed by Monument and the County, with site plan conditions reasonably acceptable to Monument. Monument shall be obligated to diligently pursue the Land Use Application(s), but this shall neither affect nor abrogate the County's, and the County staff's authority, rights and duties to review the Land Use Application(s) and for the County to exercise its discretion whether or not to approve the Land Use Application(s). Upon receipt by the County of a complete Land Use Application(s), the Land Use Application(s) shall be subject to all normal, ordinary and customary County processing requirements. Monument agrees that such Land Use Application(s) shall be subject to the County's standard site plan conditions, to the extent that such standard site plan conditions: are applicable; are not inconsistent with subparagraphs (i) through (viii) of this subparagraph 8(a) to which Monument agrees; and are not revised through negotiations between Monument and County staff regarding site plan-specific conditions and circumstances. The County's standard conditions are attached hereto as Exhibit G and incorporated herein by reference. Notwithstanding the above, Monument agrees that the Land Use Application(s) shall also be subject to site plan conditions for (i) utility undergrounding contributions of \$50,000 per acre; (ii) an art contribution of \$75,000; (iii) green space contributions of \$0.03 per square foot of approved GFA; (iv) shared parking with the County on evenings and weekends with respect to non-residential parking; (v) a \$4.20 per square foot of GFA contribution for community benefits identified by the County Board, which may include affordable housing; (vi) standard conditions for Transportation Demand Management; (vii) standard conditions for undergrounding of utilities with respect to the site; (viii) minimum "LEED" score of 21 with provision to use "best efforts" to achieve a LEED score of 26 provided the additional incremental estimated cost of achieving such score of 26 does not exceed \$500,000.



(b) Before approval of the Site Plan application for the County Property, Monument shall notify the County Manager, in writing and no later than three (3) days before the beginning of the County Board meeting at which the Land Use Application(s) is advertised to be considered, if Monument objects to a specified condition(s) recommended in the Board Report, or any Supplemental Board Report, other than those described in subparagraph (a) above, which condition(s) calls for Monument to construct improvements, which improvements would cause Monument to incur additional documented costs of more than One Hundred Thousand Dollars (\$100,000.00) in the aggregate ("**Specified Condition(s)**") , as determined by an independent third party acceptable to both Monument and the County. If any Specified Condition is included in the ordinance approving the Site Plan application, but Monument has not been notified of such Specified Condition at least three (3) days before the beginning of the County Board meeting at which the Site Plan application is advertised to be considered, then Monument shall have until three (3) days after the County Board's approval of the Site Plan application to give written notice to the County Manager that Monument objects to the such Specified Condition. If the Site Plan application approval includes a Specified Condition to which Monument has made timely objection pursuant to this sub-paragraph, then Monument may, within three (3) days after the County Board's approval of the Site Plan application, notify the County Manager in writing, that this Agreement is terminated. In such event, neither Monument nor the County shall have any other or further rights or obligations or liability whatsoever to one another under this Agreement. If notice is not timely given pursuant to this sub-paragraph, then Monument shall be deemed, for the purposes of the Agreement, to have waived any objection to the conditions, as approved by the Board, and shall be obligated to proceed to Closing pursuant to this Agreement.

(c) County (in its proprietary capacity), as owner of the County Property, consents to the filing of such Land Use Application(s) affecting the County Property.

(d) Monument shall, within thirty (30) days following acceptance by the County Manager of the filing of the Land Use Application(s), at Monument's sole cost and expense, file with the Federal Administration (the "FAA") an application to obtain approval from the FAA that the buildings, as shown on the Land Use Application(s), are not prohibited from being built on the County Property as a result of any governmental rule, regulation or by virtue of any aviation easements affecting the County Property (the "FAA Approval"). Monument shall diligently pursue, in good faith, the FAA Approval. The parties agree that the obligation to apply for, and diligently pursue in good faith, FAA Approval is the sole obligation of Monument, and not the obligation of the County. Monument shall keep the County periodically reasonably informed, in writing, of Monument's progress in obtaining the FAA Approval.

(e) Notwithstanding any provision to the contrary, if Monument has not obtained, and delivered to the County, evidence of the FAA Approval within forty-five (45) days prior to Closing, then each party to this Agreement shall have the absolute right, at any time within the ten (10) business day period after that deadline, to terminate this Agreement, by written notice to the non-terminating party, in which event neither party shall have any further liability hereunder.

(f) If, despite Monument's diligent good faith efforts to obtain approval, the Land Use Application(s) is denied, or for any reason is not finally approved, by the County (acting in its governmental capacity) by the earlier of (i) nine (9) months from the date of filing by Monument and acceptance by the County of a complete Land Use Application(s); or (ii) twelve (12) months from the Effective Date of this Agreement, either the County or Monument shall, upon written notice to the other, have the unqualified right to terminate this Agreement, in which event, neither Monument nor the County shall have any other or further rights or obligations one to the other under this Agreement.

9. Vacation of Part of Clark Street. The parties acknowledge that a portion of the County Property as described in **Exhibit A** lies within South Clark Street (Parcel "A" as defined below). If the County Board, in its sole discretion, enacts an ordinance to vacate the said portion of South Clark Street, (the "Ordinance"), then the portion of South Clark Street that reverts to the County Board, as owner of RPC Nos.34-025-003, 34-025-004, and 34-024-345, shall be known as Parcel A. If such Ordinance is enacted, and the conditions thereof are met, then the County agrees to convey Parcel A to Monument according to the terms and conditions of the Ordinance and this Agreement. All conditions of the Ordinance of Vacation shall be satisfied prior to and as a condition precedent to Closing.

10. [INTENTIONALLY OMITTED]

11. Conditions Precedent to Obligations of Monument. The obligation of Monument to proceed to Closing on the County Property in accordance with this Agreement shall be subject to the following conditions (all or any of which may be waived, in whole or in part, by Monument):

(a) A notice shall be delivered to Monument that the County has executed this Agreement and such notice shall be delivered to the County accompanied by fully executed duplicate originals of this Agreement for presentation to the County Board of Arlington County, Virginia ("County Board").

(b) Title to the County Property shall be as required by Paragraph 3 of this Agreement.

(c) The County is the fee simple owner of the County Property.

(d) The Land Use Applications shall have been finally approved by the County Board, and an Ordinance vacating the portion of S. Clark Street to be conveyed, with conditions, shall have been enacted by the County Board, each in the sole discretion of the County Board, and all conditions of the Ordinance of Vacation shall have been satisfied, and all applicable appeal periods shall have elapsed without an appeal having been filed.

(e) Such Ordinances of vacation, with conditions, as are necessary to permit the construction of all buildings in accordance with the approved Land Use Application(s) shall have been approved by the County Board, and all applicable appeal periods shall have elapsed without an appeal having been filed.

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## **ATTACHMENT B**

### **CRYSTAL CITY PLANNING PROCESS VISION STATEMENT, GOALS, and OBJECTIVES**

#### **Vision Statement**

With its close proximity to the Potomac River overlooking the nation's monuments, Crystal City today offers an established office, hotel, residential, and retail mixed-use environment accessible via its extraordinary transportation network comprised of: rail and bus transit; streets and sidewalks; interior public walkways connecting to transit and, in targeted areas, lined with restaurants, local retailers, and neighborhood services; bicycle trails; regional connectors; and National Airport. In the future, as Crystal City grows along with the region it will be enhanced with improved surface transit service and a more functional and pedestrian-friendly urban street network lined with active retail and civic spaces. Crystal City's future physical character will include enhanced upper-story uses that provide a Class A office environment and expand the array of residential offerings in the neighborhood. Crystal City's "sense of place" will be strengthened by providing additional attractive and safe civic, cultural, retail, recreational, and community amenities and defining distinct neighborhoods through high-quality architecture, open spaces, streetscape designs, and public art. Residents, visitors, and workers, alike will all benefit from Crystal City's smart growth policies, improved land use and transportation connections, and enhanced quality of life.

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#### **Goals and Objectives**

This vision for Crystal City is expressed through the following seven goals and supporting objectives which are reflected in the concept plan and policy framework:

##### **1. Create a High Quality Public Realm that Strengthens the Sense of Place**

- Coordinate the public realm so that the street system, transit system, sidewalks and interior walkway system, and a variety of public open spaces work together to establish the framework around which redevelopment shall occur.
- Improve the urban form and pedestrian experience while enhancing street-level activity and connectivity for all users by designing smaller, tree-lined neighborhood blocks.
- Target existing underutilized paved spaces for consolidation into development sites before impacting existing green spaces.
- Increase the amount of high-quality, accessible and "usable" public open space in Crystal City.
- Create a variety of accessible public spaces that are strategically phased and located throughout Crystal City. These public spaces should be appropriately sized, designed, and programmed to attract, serve and support the anticipated population of residents, workers, and visitors including their recreation, leisure, social and cultural needs.
- Acknowledge residual open spaces between buildings for their ability to provide visual relief and a calming influence.

- Establish at least one primary, centrally located public space that can serve as the “heart” of Crystal City and a venue for significant, programmed community events.
- Integrate cultural venues with public spaces, streets, and interior walkways in an effort to increase visibility and accessibility, create synergy between uses, and increase pedestrian activity levels overall.
- Provide attractions and/or amenities in the interior walkway system and along streets to stir interest and to encourage an active round-the-clock street life, such as public art, streetscape furniture, wayfinding, retail and cultural venues.

**2. Provide a Mix of Uses by balancing office, residential, retail, cultural, and civic uses among several defined neighborhood centers.**

- Define Crystal City by its neighborhoods, including the northern neighborhood, the central Metro station district, the entertainment district along Crystal Drive, and the hotel district to the south.
- Create a more even balance between residential and office uses and daytime and evening populations, and maintain an economically sustainable hotel base.
- Improve the availability of primary elements of daily living within Crystal City.
- Create a thriving “Class A” office environment.
- Provide a mix of housing options to accommodate households with differing income levels, family composition, and accessibility requirements.
- Provide varied cultural and civic facilities and uses (such as theaters, emergency service facilities, health care, day care, urgent medical care, meeting spaces, etc.) for all age groups, and strategically locate them near transit centers, public spaces, and restaurants to promote those venues and help define neighborhood centers.
- Encourage a diverse mix of retail spaces, including grocery stores, to maintain and attract local retail and neighborhood services in addition to major and national retailers.
- Create a safe environment for all by mixing uses, programming activities in public spaces and through design techniques that foster social activity, interaction, and visibility.

**3. Relate Architectural and Urban Design to the Human Scale**

- Create new buildings where the base of at least one or two stories relates to the street level and the top creates a meaningful connection to the sky.
- Use wide expanses of glass for the base of building retail spaces to promote street activity.
- Use building massing and elevations to create and frame the public realm and to preserve and enhance views from within the public realm.
- Create distinct and defined block edges.
- Provide a meaningful and careful transition from the core of Crystal City to the adjacent single family neighborhood.
- Establish identifiable landscape, public art, or architectural features at gateway locations between Crystal City and adjoining lower-density residential neighborhoods.

**4. Enhance Multimodal Access and Connectivity**

- Improve transportation and land-use connections within and beyond Crystal City through transit-oriented development.

- Enhance Crystal City’s transit orientation with new and better transit services and facilities designed to meet the future needs of Crystal City, and to further encourage residents, workers, and visitors to select transit over personal vehicles.
- Enhance Crystal City’s multimodal transportation infrastructure by designing transit facilities as integral architectural elements and improving overall transit, pedestrian, and bicycle access and connectivity.
- Provide high quality surface transit service that has travel times competitive with private automobiles, attracts riders, reduces automobile dependency, and limits roadway congestion.
- Enhance the urban quality of Crystal City by strengthening the urban street grid.
- Create a hierarchy of streets to facilitate automobile, transit, bike, and pedestrian use.
- Create vibrant, pedestrian oriented streets through the better use of sidewalks, streetscapes, and open space areas to improve space for pedestrians, bicyclists, parking, and transit.
- Transform Jefferson Davis Highway (Route 1) into an asset of the overall multimodal transportation network.
- Supply appropriate parking to support a vibrant mix of uses while discouraging unnecessary single occupancy vehicle use.
- Maximize the use of all parking resources through measures such as Transportation Demand Management (“TDM”).
- Maintain and improve connections to the interior walkway system both vertically and horizontally as development occurs while maintaining its connectivity to Metrorail and creating linkages to transitway stations.
- Enhance the utility and safety of the bicycle network as part of the Crystal City transportation network.
- Provide better connections to National Airport and the surrounding regional transportation network.
- Provide comprehensive wayfinding for all users.

**5. Incorporate Sustainable and Green Building Principles into all Urban and Architectural Design**

- Consider environmental sustainability and overall energy efficiency as integral parts of all aspects of building design and development.
- Design buildings and neighborhoods using the best available technologies and processes feasible to protect the local environment (stormwater quality, waste reduction, heat island reduction) and the regional environment (climate change, Chesapeake Bay protection, air quality).
- Design and build new buildings to meet county policies on sustainable development.

**6. Preserve the Integrity of the Single-Family Neighborhood to the West.**

- Taper buildings up in scale and height, west to east, from Fern Street to Eads Street between 18<sup>th</sup> and 23<sup>rd</sup> Streets, so that buildings along the east side of Fern Street are compatible in scale and form and have stepbacks that respond appropriately to the single-family homes on the west side of Fern Street.
- Taper buildings up in scale and height, west to east, across Eads Street between 23<sup>rd</sup> Street and Fort Scott Drive, so that buildings along the east side of Eads Street are compatible in scale and form and have stepbacks that respond appropriately to the single-family homes on the west side of Eads Street.

- Provide improved pedestrian, bike and other connections between Crystal City and adjacent single-family neighborhoods, to help reduce the barrier effect of Jefferson Davis Highway.
- Direct traffic to major arterials and multi-modal network elements, and avoid street designs that increase cut thru traffic into adjacent single-family neighborhoods.

**7. Ensure Crystal City's Long-Term Economic Sustainability.**

- To the extent possible, plan at the block level or in increments of multiple blocks in order to realize a balanced mix of uses accompanied by sufficient open spaces and service and cultural uses.
- Create a vision plan which ensures that new development can be economically viable.
- Provide flexibility to phase development to meet market conditions, support timely redevelopment of properties most impacted by BRAC, encourage redevelopment, and address future public improvements.
- Promote public/private partnerships for achieving community enhancements.
- Provide assistance to property owners, tenants, and small businesses during the BRAC transition and Crystal City redevelopment.
- Maintain and encourage a robust hotel environment at Crystal City.
- Recognize the importance of National Airport and the key elements of its economic viability in the long-term sustainability of the county.
- Strengthen Crystal City's competitive edge with other close-in jurisdictions and localities in the Washington, D.C. region in attracting and retaining private sector users of Class A office space.
- Acknowledge and respect Crystal City's existing populations during redevelopment activities and minimize any associated potential negative impacts to their quality of life.

## **ATTACHMENT C**

### **North Tract Special Planning District**

“On April 27, 2004, the County Board established the “North Tract Special Planning District.” The purpose of this district is to ensure that the vision, goals and policies in the North Tract Area Plan Study, accepted February 21, 2004 by the County Board, as outlined below, are achieved. The vision and goals for the North Tract area will be achieved incrementally through a series of coordinated public and private initiatives. Recommendations in the North Tract Area Plan Study shall be considered as a guide to be interpreted in more detail through the implementation process and to allow flexibility for development to balance market needs along with County development and open space goals. The vision and goals for this district are:

#### **Vision:**

The North Tract area will be transformed into a distinctive showplace of environmentally sound redevelopment, with a central expanse of attractive public green spaces and high-quality indoor and outdoor recreation facilities that are accessible to all Arlingtonians, conveniently linked with nearby urban corridors and the Potomac riverscape, and coupled with complementary private redevelopment.

#### **Goals:**

- 1) To redevelop this longtime industrial area into a green urban oasis that will be a model of effective environmental reclamation and community-oriented reuse.
- 2) To establish and maintain a great urban park with appealing spaces, facilities, and natural and manmade features in an integrated design that offers opportunities for sport, recreation and relaxation for people of diverse ages, interests and skills.
- 3) To provide convenient multi-modal access to and within the area, with emphasis on efficient mass transit and safe passageways for pedestrians and bicyclists.
- 4) To recognize the site’s location and exploit its potential as a gateway between Arlington and the nation’s capital, as a greenway near the historic Potomac shore, and as a gathering place for the community.
- 5) To forge creative partnerships with private entities, non-profit organizations, and other public agencies to complement direct county investments in the park and help to achieve, in cost-effective ways, the planned community

facilities and the compatible, high-quality redevelopment of adjacent privately-owned sites.”



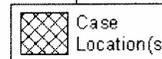
**SP #400 SITE PLAN**  
**320 S. 6th St., 608 S. Ball St., 901 S. Clark St., portions of S. Clark St.,**  
**(RPC # part 34-024-345, 34-025-001, -003, -004, -005)**

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

Department of Community Planning, and Housing Development



Not To Scale



Planning Division