



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of July 19, 2008**

DATE: July 11, 2008

SUBJECT: SP #395 SITE PLAN AMENDMENT to modify conditions, including but not limited to, site plan expiration date, inflationary adjustment to monetary contributions, and applicable development standards; premises known as 3565 Lee Highway (RPC #05-056-002).

Applicant:

The Christopher Companies

By:

William B. Lawson, Agent/Attorney
6045 Wilson Boulevard, Suite 100
Arlington, Virginia 22205

C.M. RECOMMENDATION:

Approve extension of Site Plan #395 (Dominion Heights) to November 16, 2011, subject to all new or revised development conditions identified within the staff report (#1 through #80), and all previously approved conditions.

ISSUES: Staff has not identified any issues with the proposed site plan extension, but recommends updates to site plan conditions to reflect the present language and today's requirements.

SUMMARY: Due to the recent decline of the residential real estate market and subsequent desire to market their project as rental units, the applicant requests an amendment to extend the term of the site plan (SP #395) for an additional three (3) years, from November 16, 2008 to November 16, 2011. The applicant has proposed no change to the approved site plan; however, staff recommends revisions to site plan conditions that reflect the current language and today's requirements, including an amendment to Condition #1 that extends the term of the site plan to November 16, 2011.

BACKGROUND: On November 16, 2005, the County Board approved a site plan for 49

County Manager: _____

County Attorney: _____

Staff: Jack Thompson, Planning Division, DCPHD

PLA- 5008

dwelling units, and approximately 9,777 sq ft of commercial/retail with modifications of use regulations for density, as well as a rezoning from “C-2” Service Commercial – Community Business Districts and “RA8-18” Apartment Dwelling Districts to “C-2” Service Commercial – Community Business Districts and “C-O-1.0” Commercial Office Building, Hotel and Apartment Districts.

The following provides additional information about the site and location:

Site: The site is located on the north side of Lee Highway, east of its intersection with North Monroe Street; it has an area of 39,905 square feet (0.9161 acres). The front portion of the property is located in the Lee Highway/Cherrydale Special Revitalization District designated by Note #8 on the General Land Use Plan. The property contains an existing brick building that was most recently used as a television-broadcasting studio. A surface parking lot, accessed from North Monroe Street, is located behind the building. Properties adjacent to the site include the following uses:

To the north: Maywood Mews Condominiums
To the west: North Monroe Street and Cherrydale Safeway
To the east: Car World, a used-car dealership
To the south: Lee Highway. Mattress Warehouse, Ebru Salon, Rod & Reel Repair, Philippine Oriental Market, Baskin Robbins/Dunkin Donuts, Virginia Dominion Power Substation, and Standard Graphics Mid-Atlantic, Inc.

Zoning: The site is zoned “C-2” Service Commercial – Community Business Districts and “C-O-1.0” Commercial Office Building, Hotel and Apartment Districts.

Land Use: The site has a split designation on the General Land Use Plan. “Low-Medium” Residential (16-36 units per acre) is at the rear of the site and Service Commercial (Personal and business services. Generally one to four stories. Maximum 1.5 FAR) runs along Lee Highway.

Neighborhood: Maywood Community. The Cherrydale community is located across Lee Highway from the site.

DISCUSSION: The applicant has requested to extend the term of the site plan by three (3) years to November 16, 2011, with no proposed changes to the previously approved site plan (SP #395). The applicant has stated within their Statement of Explanation that, “*(d)ue to economic conditions, the developer postponed commencement of construction and will market the project as rental*”, and that, “*(t)he proposed amendment will not substantially alter the project and will not lessen any rights, obligations, or duties of the developer. It will simply provide the developer with adequate time to bring a project that was strongly supported by the surrounding community to life.*” There have been no changes in the area that would lead staff to recommend not extending the term of the site plan. Staff, however, recommends revisions to site plan conditions that: 1) would tie provisions regarding various deadlines to the proposed site plan expiration date; 2) include amended monetary contributions for items whose costs have increased due to inflation and/or reassessment; and 3) include provisions for which site plan standards have changed since the site plan was originally approved in November 2005.

CONCLUSION: Since the site plan's original approval on November 16, 2005, a number of the County's standard development conditions have been amended. In order to ensure conformance with today's standard conditions, staff has reviewed and updated the previously approved development conditions to reflect the present language and requirements. Staff recommends that the County Board approve the proposed site plan amendment, including Condition #1 to extend the term of the site plan approval from November 16, 2008 to November 16, 2011, subject to the all previous and revised conditions, as follows:

1. **Site Plan Term**

The developer (as used in these conditions, the term developer shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1 and the revised plans dated November 1, 2005, and reviewed and approved by the County Board and made a part of the public record on November 16, 2005, 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 on November 16, 2011 ~~three (3) years after the date of County Board approval~~ if a building permit has not been issued for the first building to be constructed pursuant to the approved plan. Extension of this approval shall be at the sole discretion of the County Board. The owner agrees that this discretion shall include a review of this site plan and its conditions for their compliance with then current County policies for land use, zoning and special exception uses. Extension of the site plan is subject to, among other things, inclusion of amended or additional site plan conditions necessary to bring the plan into compliance with then current County policies and standards together with any modifications proposed by the owner and accepted by the County Board or vice versa.

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.

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. The developer agrees that 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. 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 #14 below, provided, however, that replacement as specified in this subparagraph does not relieve the developer of any violation resulting from the failure to save identified trees.
 - (6) The location of all construction trailers shall be approved either by Administrative Change approval or be shown on the Tree Protection Plan, with the construction trailer's location and travel routes shown on a map approved as part of that plan. All trailers proposed to be located in the public right-of-way shall require approval by DES and Zoning staff, and the site plan's Arlington County Police representative shall receive a copy of the aforementioned map.
- c. 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 #14a below and any replacement trees that cannot be

accommodated on site will be provided in a monetary amount to the Tree Canopy Fund coordinated with Arlington County's Department of Parks and Recreation. 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.~~

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

5. **Utility Fund Contribution**

(added heading only...remainder of Condition # 5 not printed here)

6. **Plan for Temporary Circulation During Construction**

The developer agrees to develop and implement a plan (after approval) 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 or his designee 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 Cherrydale and Maywood Civic Associations. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

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

include closures for setting up or dismantling of a crane, exterior building construction, materials deliveries, or utilities work, or similar situations.

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

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

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

(added heading only...remainder of Condition # 9 not printed here)

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, including representatives of the Cherrydale Citizens Association, the Maywood Mews Condominium Association and the Maywood Community Association, 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 meeting with those whose property abuts the project, including representatives of the Cherrydale Citizens Association, the Maywood Mews Condominium Association and the Maywood Community Association to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Zoning Administrator and the Arlington County Police representative must be notified once the community meeting dates/times are established. The developer agrees to provide documentation to the Zoning Administrator of the date, location and attendance of the meeting before a Clearing, Grading and Demolition Permit is issued. The developer agrees to submit to the Zoning Administrator two (2) sets of plans or maps showing the

construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation (one set of which will be forwarded to the Police). Copies of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation shall be posted in the construction trailer and given to each subcontractor and construction vehicle operator before they commence work on the project.

(remainder of Condition # 11 not printed here)

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 the 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. **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 site development plan and a landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final site development plan and landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final site engineering plan as required in Condition #16 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 site development plan, the landscape plan, and the site engineering plan 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 or his designee 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 #14 below; the *Lee Highway Cherrydale Revitalization Plan*; the *Rosslyn-Ballston Corridor 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 site engineering plan, the landscape plan shall be at a

scale of 1 inch = 25 feet; the County may require more detailed plans appropriate to landscape installation at a larger scale to also be submitted. The 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 site 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 site development and landscape plan shall include the following details:

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

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

- 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 prior to submission 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 or his designee on the location and screening of all ventilation grates as part of the review of the final site engineering plan and the final site development and 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. Brick, concrete unit paver or scored concrete shall be used on the access drives, automobile drop-off areas, plaza areas, and interior walkways and roadways. Interior walkways shall have a minimum width of four (4) feet. All plaza areas shall contain special paver 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 or his designee 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 site development and 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 #50 below.
- e. Topography at two (2) foot intervals, the finished first floor elevation of all structures, and top-of-slab elevation for any proposed underground structures.
- f. Landscaping for open space areas, plaza areas, including the corner plaza and the elevated terrace above the parking structure, courtyards, raised planters (including cross-sections of raised planters), surface parking areas, and service drives, including a listing of plant materials; details of planting, irrigation and drainage; and details of proposed furnishings for all areas, including but not limited to dimensions, size, style(s), materials(s), finish(s) and manufacturer(s) of seating, bollards, trash receptacles, bike racks, arbors, trellises, and water features, and other landscape elements or structures.
- g. The location and planting details for street trees in accordance with Department of Environmental Services ~~Division of Transportation~~ Standards and Specifications for planting in public rights-of-way and as shown on the ~~approved~~ final site 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.

14. **Landscape Standards**

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

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

- (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 4 to 4 1/2 inches, except as indicated in Condition #18 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.

(remainder of Condition # 14 not printed here)

15. **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: for each phase of the project. The developer agrees to also contact the Engineering Plan Review Supervisor, in the Development Services Bureau, Transportation Division of the Department of Environmental Services in Arlington County not less than two (2) months prior to its planned commencement of utility undergrounding for each phase of the project to offer the County, at no cost to the County, access to the locations where the developer plans to excavate trenches or similar areas to install underground utilities so the County may install its fiber optic cable and/or conduit in those places concurrently with the developer's utility installation. Such access, and the terms and conditions under which access to the site will be provided and the undergrounding activities of the County and the developer will be coordinated, shall be set forth in an agreement approved by the County Manager and the County Attorney.

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

The developer agrees to submit final site engineering plans to the Department of Environmental Services ~~Division of Transportation~~. The plans shall include a receipt

from the Zoning Office that the landscape plan has been accepted. Staff comments on the final engineering plans will not be provided to the developer without submission of the landscape plan to the Zoning Office. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. Neither the excavation/Sheeting and Shoring permit nor the first Building Permit shall be issued until final site engineering plans which agree with the approved final site development and landscape plans, and the sequence of construction, has been approved by the Department of Environmental Services and the CPHD Site Planner ~~Division of Transportation~~, 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 ~~Division of Transportation~~ for recording.

17. **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. Provide new curb ramps, built per the *Department of Public Works Construction Standards and Specifications* manual Arlington County Standards then in effect, at the following locations:

(remainder of Condition # 17 not printed here)

18. **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 or his designee on the final site development and landscape plan and final engineering plan, in accordance with the Lee Highway Cherrydale Revitalization Plan or other applicable urban design standards approved by the County Board and in effect at the time of the final landscape plan approval. The developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project. The sidewalks along the street frontages of this development shall be paved with brick or an interlocking concrete paver or scored concrete and shall be placed on a properly engineered base approved as such by the Division of Transportation. The sidewalk treatments shall 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. The sidewalks shall contain street trees placed in either tree pits, tree grates or planting strips, consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Placement, planting and root enhancement options shall be consistent~~

~~with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standard. The developer 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:~~

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

The sidewalk clear zones along the street frontages of this development shall be consistent with the Arlington County Streetscape Standards and shall be placed on a properly-engineered base approved as such by the Department of Environmental Services or as shown on the approved 4.1 plans. The developer agrees that the clear pedestrian zone sidewalk shall:

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

(remainder of Condition # 18 not printed here)

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

(added heading only...remainder of Condition # 19 not printed here)

20. **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, and shall be constructed in accordance with the following standards: water meter installations shall be located behind and adjacent to the curb line in an area clear of driveways, a minimum of five (5) feet clear of other utilities and a minimum of 10 feet clear of structures; a clear space 15 feet wide by 20 feet long by 10 feet deep shall be provided for three (3) inch and four (4) inch meter installations, and 20 feet wide by 25 feet long by 10 feet deep for six (6) inch and larger meter installations; and the building walls shall be adjusted as necessary to provide these clearances.

21. **Sanitary Sewer and Water Main Requirements**

(added heading only...remainder of Condition # 21 not printed here)

22. **Existing Water Main or Fire Hydrant Service**

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

23. **Water Main Improvements**

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

~~A new 8 inch water main to be installed in North Monroe Street to tie into existing 12 inch water main in Lee Highway to facilitate the new development, as shown on the final engineering plan approved by the County Manager, or his designee.~~

The developer agrees to install approximately 325 feet of a new 8 inch water main in North Monroe Street to tie into existing 12 inch water main in Lee Highway to facilitate the new development, as shown on the final engineering plan approved by the County Manager, or his designee.

24. **Sanitary Sewer Main Improvements**

(added heading only...remainder of Condition # 24 not printed here)

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

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

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

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

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

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

The developer agrees to remove and replace any existing curb, gutter and sidewalk along the street frontages of this site which is in poor condition or damaged by the developer according to Arlington County standards and specifications, as shown on the final engineering plan approved by the County Manager, prior to the issuance of the first Certificate of Occupancy.

27. **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 Dominion 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, measured from the sidewalk to the base of the luminaire, shall be 12 feet on North Monroe Street and 16 feet on Lee Highway. A single globe should be used on North Monroe Street and on Lee Highway. If the developer is able to utilize existing street lights, the developer agrees to ensure that the globes meet the standard consistent with new globes being used by the County at the time of installation. The developer agrees to pay the cost of moving existing or installing additional standard thoroughfare lights should the County decide that they are necessary to provide adequate lighting for street safety purposes.

28. **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 or his designee. Any utility improvements necessary to provide adequate utility services to this development or utility work necessary to provide a terminus to the underground facilities shall be paid for by the developer and shall not result in the installation of any additional utility poles, or aerial devices. The developer agrees to also contact the Engineering Plan Review Supervisor, in the Development Services Bureau, Transportation Division of the Department of Environmental Services in Arlington County not less than two (2) months prior to its planned commencement of utility undergrounding for each phase of the project to offer the County, at no cost to the County, access to the locations where the developer plans to excavate trenches or similar areas to install underground utilities so the County may install its fiber optic cable and/or conduit in those places concurrently with the developer's utility installation. Such access, and the terms and conditions under which access to the site will be provided and the undergrounding activities of the County and the developer will be coordinated, shall be set forth in an agreement approved by the County Manager and the County Attorney. All utility relocation shall be completed prior to the issuance of the Shell and Core Certificate of Occupancy.

29. **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.

(remainder of Condition # 29 not printed here)

30. **Address Indicator Signs**

(added heading only...remainder of Condition # 30 not printed here)

31. **Facade Treatment of Buildings**

(added heading only...remainder of Condition # 31 not printed here)

32. **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~~ ~~Division of Transportation~~ prior to the issuance of the Excavation/Sheeting and Shoring Permit, and be approved and recorded among the land records of the Clerk of the Circuit Court of Arlington County, by the developer before the issuance of the Final Building Permit. The developer agrees that there shall be no building construction within the easement area without approval by the County Manager or the County Board. Dedications granted by the developer for street improvements shall be dedicated in fee simple to the County. Dedications granted by the developer for sidewalk improvements may be dedicated by easement to the County.

33. **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 ~~ground~~ lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #1 and #10 above. Spot elevations shall be taken at spots determined at the time of the pre-construction meeting and shall at a minimum consist of two corners and spot elevations from 50 % of the total area to be excavated. The elevations shall be provided prior to the issuance of the footing to grade permit. Provided however, that when the Zoning Administrator determines that the excavated area will be greater than 20,000 square feet, the Zoning Administrator may reduce the area for which elevations must be provided before issuance of a footing to grade permit. Additional elevations confirming the elevations of the remainder of the excavation shall be provided prior to issuance of any permit for above grade construction.

34. **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~~ ~~Division of Transportation~~ for review and approval. Upon approval of the performance bond estimate by the ~~Department of Environmental Services~~ ~~Division of Transportation~~, the developer agrees to submit 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, ~~to the Division of Transportation and this bond~~ 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-

builds drawings showing the location and facilities for all underground utilities (water, sanitary sewer, and storm sewer) that will be maintained by Arlington County.

35. **Underground Electrical Transformers**

(added heading only...remainder of Condition # 35 not printed here)

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

(added heading only...remainder of Condition # 36 not printed here)

37. **Interior Loading Spaces**

(added heading only...remainder of Condition # 37 not printed here)

38. **Parking Garage Van Access**

(added heading only...remainder of Condition # 38 not printed here)

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

(added heading only...remainder of Condition # 39 not printed here)

40. **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:

Residential Bicycle Storage Facilities:

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. 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 nor any required fire egress. The facilities for 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~~ Bicycle and Pedestrian Program Manager before the issuance of the Footing to Grade Structure Permit. Residential condominium covenants shall not prohibit the storage of bicycles in

individual condominium units.

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 ~~Division of Transportation~~. The developer agrees to obtain approval of the location, design and details of the retail visitor/customer bicycle spaces as part of the final site development and landscape plan. Facilities for retail visitors/customers must meet the County standards for bicycle racks, and be located close to retail visitor/customer entrances or the closest retail vehicle parking spaces, and be approved by the Bicycle and Pedestrian Program Manager before installation.

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

(added heading only...remainder of Condition # 41 not printed here)

42. **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. The wall check survey shall show the location of the walls at the top level of the below-grade structure, and will be provided prior to the issuance of a permit for above-grade construction.

43. **Screening of Mechanical Equipment**

(added heading only...remainder of Condition # 43 not printed here)

44. **Use of Penthouse**

(added heading only...remainder of Condition # 44 not printed here)

45. **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 ~~documentation that a~~ the approved post-4.1 drawings for review by the Crime Prevention Through Environmental Design (CPTED) practitioner referred by the Police Department has reviewed and accepted the site plan for meeting CPTED design requirements. in the Police Department for review of CPTED design elements.

46. **FAA Documentation**

(added heading only...remainder of Condition # 46 not printed here)

47. **Comprehensive Sign Plan**

(added heading only...remainder of Condition # 47 not printed here)

48. **Transportation Management Plan**

The developer agrees to develop and implement a Transportation Demand Management (TDM) Plan in order to achieve a maximally efficient and sustainable use of transportation facilities. The developer agrees to obtain the approval of the County Manager or his designee for such plan before the issuance of the first Certificate of Occupancy for the building.

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

Participation and Funding

- a. Maintain an active membership in Arlington Transportation Partners (ATP), or successor entity at no cost to the developer, on behalf of the property management company.
- b. Designate a member(s) of the building management team as Property Transportation Coordinator who will be the primary point of contact and will be responsible for coordinating and completing TDM obligations on behalf of the Applicant. The owner will provide the name of the Property Transportation Coordinator to the Commuter Assistance Program.
- c. In addition to supporting the ongoing activities of the Property Transportation Coordinator and other commitments of this TMP, contribute ~~\$1,000.00~~ \$2,500.00 per year for ~~ten (10)~~ thirty (30) years to the Arlington County Commuter Services (ACCS) or successor entity to sustain direct and indirect on-site and off-site services in support of TMP activities. Payment on this commitment will begin as a condition of issuance of the first Certificate of Occupancy for the first retail tenant. Subsequent payments will be made each year on the anniversary of the issuance of the first certificate of occupancy.
- d. Promote the formation of Employer Transportation Benefit Programs among tenants of the commercial buildings. Provide for a sustainable fare incentive program with building tenant employers to provide the following:
~~Upon first occupancy of the building, provide a transit benefit incentive of at least \$65.00 per month for each commercial tenant and on-site property management employee who chooses to participate for a six (6) month period to encourage formation of transit-oriented community habits, provided that the tenant has set up a pre-tax employee transit benefit program.~~

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 commuter benefit program for these employees.

Provide SmarTrip cards plus \$60.00 Metro fare media per person, for free, to each office tenant employee and to each initial retail tenant employee at initial lease-up of the building, distributed no later than the employee's first day of work at the building.

Facilities and Improvements

- e. Comply with requirements of Site Plan conditions to provide bicycle parking/storage facilities, van access to the garage, and construction worker parking.
- f. During construction, maintain or coordinate relocation of any existing bus stops. Bus stops and shelters within 50 feet of the property shall be maintained free of snow, ice, trash, and debris. After issuance of the Certificate of Occupancy for each building, a 6 foot wide path, clear of snow and ice, shall be maintained from the main entrance of the building to bus stops.
- g. Provide a one-time contribution of \$1,250 to improve the bus stop on the south side of Lee Highway across from the site. Contribution amount will be adjusted for inflation by the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index (CPI) Inflation Calculator from 2005 to the date of Core and Shell Certificate of Occupancy. County standard provides for: stop pole and flag, weather cover (~~to be provided outside under proposed building canopies~~), seating for passengers (at bus stop), and under-pavement electrical conduits to permit future electricity and lighting. Payment on this commitment will begin as a condition of issuance of the first Certificate of Occupancy for the first finished unit in the completed building.

Parking Management Plan

- h. Comply with requirement of Site Plan conditions to develop a parking management plan that includes a description of employee, visitor and retail customer parking arrangements and any charges; management of parking; and location of on-site parking meters and collection booths.
- i. Provide reserved spaces for employee carpoolers and vanpoolers that are conveniently located with respect to the elevators serving the building.
- j. Depict, as part of the parking management plan, an area parking plan encompassing block faces contiguous to the site. This plan will include a schematic drawing that designates locations of bus stops, loading zones for

delivery vehicles, and on-street parking spaces. Additionally, this plan will note restrictions as to times that various activities (such as deliveries and parking) are permitted in the respective areas.

- k. Provide effective directional signage subject to approval of a Comprehensive Sign Plan (parking, deliveries, etc.) to direct residents and visitors to appropriate locations on the property.
- l. No on-street loading will be permitted between the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Monday through Friday on Lee Highway and North Monroe Street.

Promotions, Services, Policies

- m. Provide website hotlinks to CommuterPage.comTM under a “transportation information” heading from the developer and property manager’s websites regarding this development.
- n. Provide SmarTrip cards, plus \$20.00 Metro fare media, during first time sales or lease-up only, ~~at a maximum cost to the developer of \$5.00 per card~~, per property owner or lessor, for free to owners or tenants signing property sales agreements or leases. ~~Provide SmarTrip cards, at a maximum cost to the developer of \$5.00 per card, per person, for free to new on-site employees of the property management company.~~
- o. ~~Provide in the lobby of the building a Transportation Kiosk, the content/design/location of which shall be approved by the developer. The kiosk may include a static display with printed materials and/or a dynamic display with direct electronic link to CommuterPage.comTM to provide transportation and commuter-related information to residents, employees and visitors.~~ Provide Transportation Information Center Displays, the number, content, design, and location of which shall be approved by Arlington County Commuter Services (ACCS) or successor entity / Arlington Transportation Partners (ATP), in each building to provide transportation related information and maintain a stock of information materials at all times.
- p. Provide marketing support to encourage ridesharing:
 - Provide access to building or grounds at times acceptable to the developer to allow ATP and MWCOG’s Commuter Connections to promote group riding among owners or tenants of the building, by means acceptable to the developer.
 - Distribute rideshare marketing materials provided by Arlington County to all new employees of the owner and tenant commercial managers.

- Following initial sales or lease up, encourage owners or tenants to display posters, brochures, etc. in common work areas.
- q. Following lease up, encourage new tenants and employers to inform all new employees of the existence of nearby Metro Stations, and encourage the use of Metrorail, Metrobus or Arlington Transit services through the following means:
 - Distribute in new-resident packages, materials provided by Arlington County including site-specific transit-related information to all persons or entities signing leases. Packages will be distributed to tenants and / or owners no later than the day of move-in.
 - Place a reference to the Rosslyn and East Falls Church Metro Stations via the ~~Metrobus Route 3~~ bus routes in promotional materials and advertisements.
 - Distribute information provided by Arlington County, ACCS, or Commuter Connections to commercial tenant and retail managers for their use as part of recruiting and employment materials regarding commute options and assistance services available.
 - Distribute information and promotional materials provided by Arlington County, ACCS, or Commuter Connections, at times and by means acceptable to the developer, for transit services to retail managers and to residents.
 - Participate in Ozone Action Days and other regionally sponsored clean air and traffic mitigation promotions by posting notice of such promotions in locations within the building acceptable to the developer.
- r. Appropriately train management personnel to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.

Performance and Monitoring

- s. ~~Submit an annual letter to the County Manager describing the TMP related activities of the preceding year.~~ During the first year of start up of the TMP and on an annual basis thereafter, the developer will submit an annual letter to the County Manager describing completely and correctly the TDM related activities of the site.
- t. Conduct one transportation performance monitoring study for the site two years after issuance of the first Certificate of Occupancy. Provide a report summarizing findings to the County. All data collection for this study must occur on the same

day and include average vehicle occupancy, daily vehicle-trips to and from the site, and vehicle parking demand and availability by time of day for the site.

49. **Residential Parking and Parking Management Plan**

(added heading only...remainder of Condition # 49 not printed here)

50. **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 or his designee, including street lighting as described in Condition #27 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. ~~All lighting shall be installed and approved by the County Manager or his designee~~ The developer agrees to obtain the approval of the lighting plan 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.

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

(added heading only...remainder of Condition # 51 not printed here)

52. **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 with the condominium, cooperative, or homeowners association's bylaws or agreements. Documentation that this condition has been satisfied shall be provided to the County Manager or his designee 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, cooperative, or homeowners association's bylaws or agreements prior to the issuance of the first Certificate of Occupancy following the conversion.

53. **Intentionally Omitted.**

~~The developer agrees to make a contribution to the County's Green Building Fund of \$2,371.11 (\$0.03 X 79,037 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 evidence of compliance with this condition shall be provided to the Zoning Administrator in the form of a letter at the time of payment. If the 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 upon receipt of a written request for such refund by the County Manager together with documentation of LEED certification.~~

54. **Building Height Certification**

(added heading only...remainder of Condition # 54 not printed here)

55. **Obtain Master Certificate of Occupancy**

(added heading only...remainder of Condition # 55 not printed here)

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

In order to maintain the effectiveness of the County's public safety systems, the ~~County reserves~~ 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 at no charge to the County 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.

(remainder of Condition # 56 not printed here)

57. **Structural Additions**

The developer agrees that any structural addition or changes to the facades or materials shall be subject to the approval of the ~~Zoning Administrator consistent with Section 36.H.2.c of the Zoning Ordinance.~~ 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.

58. **Snow Removal**

(added heading only...remainder of Condition # 58 not printed here)

59. **Maintenance of Residential Common Areas**

(added heading only...remainder of Condition # 59 not printed here)

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

(added heading only...remainder of Condition # 60 not printed here)

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

(added heading only...remainder of Condition # 61 not printed here)

63. **Streetscape and Public Spaces Component**

(added heading only...remainder of Condition # 63 not printed here)

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

(added heading only...remainder of Condition # 64 not printed here)

65. **Outdoor Cafes**

(added heading only...remainder of Condition # 65 not printed here)

66. **Housing Reserve Fund Contribution**

(added heading only...remainder of Condition # 66 not printed here)

68. **Phasing Plan**

(added heading only...remainder of Condition # 68 not printed here)

69. **Enclosure of Balconies**

(added heading only...remainder of Condition # 69 not printed here)

70. **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 (USGBC) system for LEED certification. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for 26 LEED credits. The developer agrees to use commercially reasonable efforts to achieve additional LEED credits which would qualify the building for additional levels of certification. The developer agrees to register the project with the USGBC as assurance that the project will seek LEED certification. The developer agrees to provide documentation of this registration to the County Manager or his designee prior to the issuance of the excavation, sheeting & shoring permit.

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

(remainder of Condition # 70 not printed here)

71. **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. The developer further agrees to stipulate in any future retail lease or property sale agreements that all retail tenants or property owners shall also comply with this requirement for the life of the site plan. ~~Any facility designated by the County Manager will have competitive rates at or below other facilities in the region otherwise available to the developer.~~

72. **Towing of Impermissibly Parked Vehicles**

(added heading only...remainder of Condition # 72 not printed here)

73. **Rumble Strips at Garage Exit Ramps**

(added heading only...remainder of Condition # 73 not printed here)

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

(added heading only...remainder of Condition # 74 not printed here)

75. **Public Safety Radio Communications**

(added heading only...remainder of Condition # 75 not printed here)

76. **Access Easement**

(added heading only...remainder of Condition # 76 not printed here)

77. **Retail/Commercial Hours/Type of Uses along North Monroe Street**

(added heading only...remainder of Condition # 77 not printed here)

78. **Dedication of Land**

(added heading only...remainder of Condition # 78 not printed here)

79. **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. The storm sewer improvements shall be constructed prior to the issuance of the first Certificate of Occupancy for the respective phases of construction.

- **The following Condition of site plan approval is valid for the life of the site plan and must be met by the developer before issuance of the Excavation/Sheeting and Shoring Permit.**

80. **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."

PREVIOUS COUNTY BOARD ACTIONS:

- September 18, 1991 Accepted withdrawal of a request for antennae at a height not to exceed 100 feet with two microwave antennae.
- Approved a request for Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio subject to conditions and a review in one year following a Certificate of Occupancy.
- October 17, 1995 Deferred review of Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio.
- November 21, 1995 Continued consideration of the Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio to the December 9, 1995 meeting.
- December 13, 1995 Continued Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio subject to all previous conditions, six new conditions and a review in one year (January 1997).
- January 11, 1997 Deferred review of Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio to the February 22, 1997 County Board meeting.
- February 22, 1997 Deferred review of Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio to the March 22, 1997 County Board meeting.
- March 22, 1997 Continued Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio subject to all previous conditions, with the deletion of one condition, the amendment of one condition and a review in three years (March 2000).
- March 11, 2000 Deferred review of Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio to the April 8, 2000 County Board meeting.

April 8, 2000	Continued Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio subject to all previous conditions and a review in three years (April 2003).
April 26, 2003	Continued Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio subject to all previous conditions and an administrative review in three months (July 2003) and a County Board review in one year (April 2004).
April 24, 2004	Continued Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio subject to all previous conditions and a review in one year (April 2005).
September 18, 2004	Authorized final assessment for Local Improvements for High Density and High Pedestrian Concrete Maintenance Program.
February 12, 2005	Deferred consideration of rezoning (Z-2515-04-1) and site plan (SP #388) for construction of a 51-unit residential building with 8,545 square feet of retail to the March 12, 2005 County Board meeting.
November 16, 2005	Approved rezoning to “C-2” Service Commercial and “C-O-1.0” Commercial Office Building, Hotel and Apartment Districts, and site plan (SP #395) to permit 49 dwelling units, and approximately 9,777 sq ft of commercial/retail, with modifications for bonus density.