



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of September 13, 2008**

DATE: August 28, 2008

SUBJECT: U-3185-07-1 USE PERMIT for a Unified Mixed Use Development to construct 36 dwelling units and office space at 2219, 2229, 2237 Shirlington Rd. (RPC #31-025-047, -048, -049)

Applicant:

Macedonia Baptist Church

By:

Curtis S. Adams, agent
AHC, Inc.
2230 N. Fairfax Drive, Suite 100
Arlington, VA 22201

C.M. RECOMMENDATION:

Approve the proposed Unified Commercial/Mixed Use Development (UC/MUD) subject to the conditions of the staff report.

ISSUES: This is a use permit request for a Unified Commercial/Mixed Use development, and no issues have been raised by the community.

SUMMARY: The applicant requests approval of a Unified Commercial/Mixed Use Development (UC/MUD) in the Nauck neighborhood. The building would be comprised of 36 affordable multi-family dwelling units above a first-floor space for a non-profit Community Development Corporation office which currently occupies the site. The use permit request was deferred to allow the applicant time to provide an improved architectural design for the north façade. In January 2008, the County Board approved Affordable Housing Investment Fund (AHIF) financing and supportive housing funds to assist with construction costs. The applicant has also applied for tax credit equity funding through the Virginia Housing Development Authority (VHDA). While the funding did not get approved, the applicant will apply again for the next round.

County Manager: _____

County Attorney: _____

Staff: Rasheda DuPree McKinney, DCPHD, Planning Division
Maureen Markham, DCPHD, Housing Division
Robert Gibson, DES, Transportation Division

PLA-5047

The applicant requests three (3) modifications: 1.) for additional height, 2.) decrease in minimum aisle width, and 3.) a reduction in required site parking. Staff supports the requested building height modification due to a significant change in site grade. Staff has concerns about the proposed garage aisle width modification because such reduction could result in conflicts in vehicular circulation within the garage. However, staff proposes condition #33 which requires the applicant to install safety measures to improve circulation and reduce vehicle conflicts. Staff also supports the reduction in site parking by three (3) spaces due to the provision of supportive housing units which typically demand less site parking.

This case was reviewed by the Planning Commission at their April and May meetings. At the first meeting, the commission supported the request and also raised several concerns regarding the design of the first floor and activation of the streetscape, north façade design, and air intake vents along the Shirlington Road façade. The applicant has requested deferrals from prior County Board meetings to address the Commission's concerns. Since that time, the applicant has revised the first floor plan to move more office space to the front of the building to provide a more active streetfront and to eliminate the garage air vents on the façade. In response to the commission and staff concerns, the applicant has also revised the north façade wall to incorporate a brick composition which is consistent in scale, color and design with the other building façade designs. Staff supports the proposed façade which incorporates a range of texture and materials that create visual interest and represents a more cohesive building design.

The development of affordable housing opportunities and the revitalization of the Nauck community are key County goals. The proposed development is in compliance with the Nauck Village Center Action Plan. Exclusive of the modifications requested, the proposed development is in compliance with UC/MUD Zoning Ordinance requirements. Therefore, staff recommends approval of the proposed UC/MUD subject to the conditions of the staff report.

BACKGROUND: On November 11, 2003, the County Board adopted a Zoning Ordinance amendment permitting Unified Commercial/Mixed Use Development as a Special Exception within "C-2" Service Commercial – Community Business Districts. Additionally, on July 10, 2004, the County Board approved the Nauck Village Center Action Plan. Section 31.A.17.c of the Zoning Ordinance provides regulations for UC/MUDs specifically in the Nauck Village Center Special Revitalization District. The UC/MUD permits flexible, site specific solutions within existing commercial areas that contribute to the area's revitalization while maintaining commercial service levels.

Site: The site is comprised of three parcels (2219, 2229, and 2237 Shirlington Road) which total 20,543 square feet. The parcels are through-lots with street frontage on both Shirlington Road and South Garfield Street. The property's topography increases in elevation approximately 15 feet from Shirlington Road east toward South Garfield Street. An existing frame building comprised of 798 square feet, is the site of a non-profit office use. Single-family residences are located to the east of the site, Macedonia Church is located to the west. The recently constructed Townes of Shirlington development is located to the south, and warehouse and retail uses are located just north of the site.

Zoning: The site is zoned “C-2” Service Commercial – Community Business Districts. Section 31.a.17.c of the Zoning Ordinance permits UC/MUDs subject to use permit approval. The applicant requests two modifications as part of this UC/MUD request. The first modification is a modification for additional building height pursuant to Section 31.A.17.c.6 of the Zoning Ordinance which allows the County Board to modify maximum building height from 45 to up to 48 feet to accommodate topographical conditions. The second modification requested is to decrease the minimum required garage aisle width from 20 feet to 18 feet, as prescribed by Section 33.A.3, pursuant to Section 31.A.17.b which allows the County Board to modify zoning ordinance requirements. The third modification is to reduce the minimum required parking from 41 to 38 spaces pursuant to Section 33 which allows modifications to minimum parking requirements by use permit approval.

Land Use: The site is designated on the General Land Use Plan (GLUP) as “Low” Residential (1-10 units per acre).

Neighborhood: The project is located within the boundaries of the Nauck Civic Association.

Transportation: The subject site is located mid-block along Shirlington Road in the block bounded by Shirlington Road, South Garfield Street, and between 22nd Street South, and 24th Street South. The Master Transportation Plan classifies 24th Street South as a Minor Arterial and classifies Shirlington Road, South Garfield Street, and 22nd Street South as Neighborhood Minor streets.

Trip Generation: A traffic impact analysis (TIA) submitted by the applicant (prepared by Kimley-Horn and Associates, Inc. dated October 2007) assessed the impacts of the development on the adjacent street system. The proposed development (36 apartment units and 1,000 square feet of commercial space) is projected to generate twelve a.m. and eighteen p.m. peak hour vehicle trips. The TIA evaluated the current and future level of service (LOS) at the following intersections:

- South Glebe Road & Shirlington Road (signalized)
- South Glebe Road & 24th Road South (unsignalized)
- Shirlington Road & 22nd Street South (unsignalized)
- South Glebe Road & 23rd Street South (unsignalized)

The TIA showed that the additional traffic generated by the proposed development would have little impact on the surrounding roadway network with all intersections operating in the future with overall levels of service at “B” or better. When looking at each individual turning movement, the TIA showed that two of the intersections currently have approaches operating at levels of service “D” or worse. At the intersection of South Glebe Road and South Shirlington Road, the Shirlington Road approaches to Glebe Road both operate at LOS “E” during the a.m. and p.m. peak hours, and at the intersection of South Glebe Road and 24th Street South, the eastbound 24th Road South approach currently operates at a LOS “D” during the a.m. and p.m.

peak hour periods. The TIA showed that the future increase in traffic generated by the site would not worsen the LOS of these approaches.

The Department of Environmental Services historic count data for Shirlington Road south of Glebe Road is listed below showing that traffic has consistently been increasing on Shirlington Road in the past few years.

	<u>2000</u>	<u>2001</u>	<u>2004</u>
<i>Shirlington Road:</i> South of South Glebe Road*	4,007	4,166	4,854

*Data source: Arlington County Department of Public Works

Existing Streets and Sidewalks: The site has frontage along two public streets, Shirlington Road and South Garfield Street. Shirlington Road is generally constructed as a 30-foot wide section from face of curbs which provides two 10-foot travel lanes and an 8-foot wide parking lane on the east side of the street. The existing street section is consistent with the Nauck Village Center Action Plan and the applicant has not proposed to widen or narrow the street. South Garfield Street is generally constructed to a 26-foot wide section between face of curbs and is effectively a yield street with parking on both sides of the street. There is currently no sidewalk along South Garfield Street adjacent to the site.

Existing Transit Service: The site has convenient access to Metrobus and Arlington Transit (ART). Metrobus 10B and 23 A and C provide weekday, weekend and holiday service on South Kenmore Street one block from the site. The 82 ART bus is a local loop route providing service between Nauck- Shirlington and Pentagon Center during weekday peak periods with a stop located to the south of the site along 24th Road South between Shirlington Road and South Glebe Road. The applicant has agreed to provide a transportation demand management Transportation Management Plan (TMP) for the site as identified in Condition #27 to support the use of transit by the residents of the proposed project.

Bicycle Access: The site is not directly adjacent to any bicycle facilities. The site is less the half a mile from the Four Mile Run bike trail which is accessible at the intersection of Shirlington Road and South Four Mile Run Drive. The applicant has agreed to provide bike racks to accommodate 16 bike spaces within the building, built to the County's Class 1 bicycle parking standards. The developer has also agreed to provide for four (4) bicycle parking spaces in front of the project along Shirlington Road consistent with the County's Class 3 bicycle parking standards. The bicycle parking requirements for the project are identified in Condition #26.

Utilities: Adequate water and sanitary sewer system capacity is available to serve the proposed development. Local improvements will be required to provide service to the development. The developer agrees to make those improvements, as they may be determined through review of the final site engineering plan. The developer will be required to comply with both the Stormwater Detention Ordinance and the Chesapeake Bay Preservation Ordinance before construction commences. Staff will review the final site engineering plan to ensure that the storm water runoff does not unduly impact the adjacent residential property to the rear of the site.

DISCUSSION: Unified Commercial/Mixed Use Developments are guided by the standards outlined in Section 31.A.17.c. of the Zoning Ordinance, as indicated in the table below:

Paragraph	Subject	Requirement	Proposal	Compliant?
(1)	Density and Use	Max 2.0 Floor Area Ratio (FAR) Retail Optional sites permit residential development up to 1.5 FAR	Total Building Area = 40,316 sq ft. Site Area = 19,559.46 sq ft. (after 983.84 sq ft. r-o-w dedication) Retail Optional site 1.97 FAR Residential use* +.09 FAR Commercial use 2.06 Total FAR (additional density credit due to r-o-w dedication)	Y* (See (12) Affordable Dwelling Unit Bonus)
(2)	Placement and Orientation	Minimum of 75% of façade at back of sidewalk along Shirlington Road Minimum of 20' setback from R zone	100% of façade at back of sidewalk along Shirlington Road 30' setback from R2-7 zone at South Garfield Street	Y
(3)	Streetscape	Must provide curb, gutter, sidewalk, street lights, street furniture, street trees from curb to building face	Provides curb, gutter, sidewalk, street lights, street furniture, street trees from curb to building face	Y
(4)	Parking and Loading	Parking and Loading to be placed underground; or to rear or side of building and screened. No retail parking required Parking ratio 1.125 spaces/unit= 41 parking spaces	Parking located underground with side access No retail parking provided 36 dwelling units/ 38 parking spaces proposed	N (Modification Required)
(5)	Trash Collection & Storage	Areas should be inside building or screened.	Trash collection is inside the building	Y
(6)	Building Height	Building - 45' excluding penthouse; up to 48 feet to accommodate topography Penthouse - 12' (w/equal setback)	48 feet proposed due to topography Penthouse shown at 9 feet ht. (17ft setback)	N (Modification Required)
(7)	No. of Stories	No guidelines applicable in this block	4 stories proposed	Y
(8)	Ground Floor Ht	No guidelines applicable in this block	10.67 feet	Y
(9)	Ground Floor Fenestration	No guidelines applicable in this block	The ground floor has fenestration in compliance with County policy	Y
(10)	Building Entrances	Should be located on Shirlington Road and no more than 100' apart.	One main entrance is proposed on Shirlington Road	Y
(11)	Landscaping	2,000 s.f. plus 20% above 20,000 s.f. = (2,000 s.f.)	3,709 sq ft	Y
(12)	Affordable Dwelling Unit Bonus	Projects with at least 1.0 FAR of residential use can seek up to .5 FAR bonus density up to 2.0 FAR total when ≥ 10% of total residential units meet County guidelines for affordable housing	100% of residential units meet County guidelines for affordable housing 1.97 FAR Residential use +.09 FAR commercial use 2.06 Total FAR (additional density credit due to r-o-w dedication)	Y

Density, Use, and Affordable Housing: The project will incorporate 36 affordable multi-family residential units within a mixed-use development. Approximately 1,000 square feet of commercial office space is proposed on the ground floor. The office space is currently proposed to relocate the existing non-profit office within the new building. The site is located within the “Retail Optional” section of Shirlington Road as identified on the Nauck Village Action Plan and is therefore not required to provide commercial use. The proposed uses are in compliance with Nauck Village Action Plan and Zoning Ordinance requirements.

The Zoning Ordinance states that on “Retail Optional” blocks residential density of up to 1.5 is permitted. The Ordinance further states that a project qualifies for a .5 FAR density bonus with the provision of at least 10% of the total residential units as affordable housing. The proposed development qualifies for this density bonus due to the provision of 100% of its residential units as affordable units. The project would serve households with income levels at between 40-60% area median income (AMI). The project will also include four (4) supportive housing units targeted to extremely low income households below these income thresholds. The applicant’s financial program includes equity from the Low Income Housing Tax Credit Program and below market rate financing from VHDA. Since the proposed units meet the County definition of affordable housing, the project may seek up to 2.0 FAR of residential use. The current proposal provides 1.97 FAR dedicated to residential use. The project also proposes .09 FAR of commercial use.

The proposed site floor area ratio totals 2.06 due to a right-of-way dedication which reduces the buildable site area. The reduction in site area results in an excess density of .06 beyond the maximum allowable 2.0 FAR. Staff supports the additional density credit of 1,967.68 sq ft to the project due to a 983.84 sq ft right-of-way dedication, in fee simple, of the portion of the site currently located within the Shirlington Road right-of-way subject to the applicant meeting the requirements of Condition #35. The following chart provides additional site information to demonstrate the reduction in site area:

Total Original Site Area	20,543 sq ft.
Portion of site currently located in the Shirlington Road r-o-w to be dedicated to the County in fee	- 983.84 sq ft
Proposed New Site Area (after r-o-w dedication to the County)	19,559.46 sq ft.

Placement, Orientation and Building Entrances: The standards for UC/MUDs require that 75% of a building’s façade be placed at the back of the sidewalk along Shirlington Road. All of the building façade along Shirlington Road is designed at the back of curb in compliance with this requirement. The Ordinance further requires buildings on development parcels adjacent to “R” zoning districts must maintain a minimum 20-foot setback. The proposed building location is approximately 30 feet from the adjacent “R2-7” parcels just east of the site. Building entrances are required along Shirlington Road at a maximum distance of 100 feet apart. The proposed design places its main entrance on Shirlington Road. This entrance opens into a shared vestibule which accesses the ground floor office space as well as the residential lobby. The project complies with placement, orientation and entrance requirements.

Streetscape: The site has an existing 6-foot wide sidewalk located at the back of curb along Shirlington Road. Consistent with UC/MUD policies for main street frontages, the applicant proposes to provide a 15-foot wide streetscape section along Shirlington Road including 5-foot by 12-foot tree pits with street trees located at the back of curb, and to widen the existing sidewalk from 6-feet to a total of 10-feet. The proposed streetscape for this section of Shirlington Road is in compliance with the Nauck Village Center Action Plan. There is no sidewalk along South Garfield Street adjacent to the site. Consistent with the UC/MUD policies for secondary street frontages, the applicant proposes to provide a 12-foot wide streetscape along South Garfield Street including 5-foot by 12-foot tree pits at the back of curb and a 6-foot wide sidewalk.

Parking: Parking for the project is proposed to be located in a two-story underground parking garage. Due to the change in elevation between South Shirlington Road and Garfield Street, the first level of parking will be above grade on the Shirlington Road side of the project for approximately half of the length of the building. The UC/MUD parking requirements for the Nauck Village Center Special Revitalization District require 1.125 spaces per residential dwelling unit, and one space per 500 feet of retail above the first 1,000 square feet. The residential portion of the project triggers a minimum parking requirement of 41 spaces. Since the commercial portion of the project does not exceed 1,000 square feet, the commercial portion will not require a separate parking requirement. Previously, the project proposed 41 spaces in compliance with the minimum parking requirements. The Planning Commission recommended that the applicant revise the first floor layout to move office space from the interior of the building to the front of the building to activate the street front with windows into the office space. This also eliminated the air intake vents previously located on the façade along the street front. The revision of the first floor moved the office space within the area of four (4) parking spaces. While one (1) of the four (4) parking spaces was replaced elsewhere on the site, the relocation of the office space did result in a loss of three (3) parking spaces. Staff supports the proposed reduction in parking since four (4) of the 36 dwelling units will be permanently designated supportive housing units which typically create lower demands for parking than market rate and more traditional affordable units.

The applicant proposes to locate both the loading entrance and the garage entrance off of South Garfield Street. This would minimize the impacts of curb cuts on the pedestrian environment along Shirlington Road. To access the project's garage the applicant has proposed to share an existing curb cut further reducing the number of curb cuts associated with the project. Staff supports the use of existing curb cuts to reduce the impact on pedestrian circulation. The existing curb cut currently provides access to the adjoining property to the south of the subject site and a portion of the driveway accessing the parking garage is located on the adjacent property. The applicant has provided easement documentation demonstrating that the adjoining property owner has provided the applicant use of their property to access the proposed site.

The applicant has requested a modification of use to reduce the garage aisle width on the ramps in the garage from 20-feet, as required by Section 33.A.3 of the Zoning Ordinance, to 18-feet. The AutoTURN diagrams provided by the applicant on Sheets A1.P1 through A1.01 of the plans show that it is not possible for vehicles to navigate the ramps without turning into the path of oncoming vehicles. To limit impact of the narrower ramps, the applicant has agreed to Condition 33 which requires mirrors to be placed in the garage so that drivers can see if vehicles are approaching in the garage, reducing the likelihood of a conflict on the ramps.

Trash Collection and Storage: The project does not propose a “loading dock” as part of the building design, but does propose an enclosed covered loading space. The project as proposed provides trash collection and storage within the enclosed loading area, in accordance with the standards for UC/MUDs.

Building Height: Section 31.A.17.c.6 of the Zoning Ordinance allows the County Board to modify maximum building height from 45 to up to 48 feet to accommodate topographical conditions. The applicant requests a modification to accommodate the building height at 48 feet from average finished grade due to a 15-foot change in elevation from Shirlington Road up to South Garfield Street. Staff finds that this request is reasonable given the change in topography, and finds that this request meets the intent of the Nauck Village Plan. The additional height should not have a significant impact on nearby single-family residences given the project’s adherence to the required “R” zone setback, and the propose height is consistent with that of the adjacent Townes of Shirlington development. The building penthouse height is shown at 9 feet in compliance with maximum 12-foot height regulations.

Number of Stories, Ground Floor Height and Fenestration: Standards have not been articulated for these elements for developments within this block of Shirlington. Standards for building stories are established at a maximum of three (3) stories for developments north of 22nd Street and a maximum of five (5) stories south of 24th Street. The site is between these areas and the building design proposes a total of four (4) stories, which would create a transition between these blocks providing a complement to the established skyline.

Standards for ground floor height and fenestration apply only to development sites within “Retail Required” areas. The proposed ground floor height is 10.67 feet which is slightly lower than the 12 minimum height required for ground floor retail use. This height is appropriate given the lack of retail use and is more consistent with the proposed office use. The Ordinance requires a 70% minimum transparency only for developments in the “Retail Required” zones which does not apply to this site. The proposed façade design features approximately 22% fenestration along the ground floor elevation comprised of mainly punched windows throughout the masonry façade. The design provides a significant amount of fenestration and allows some pedestrian views which help create a vibrant streetscape in keeping with the intent of the ordinance. Condition #15 addresses the transparency of the buildings street-front elevation.

Landscaping: UC/MUD projects proposed on sites exceeding 20,000 square feet must provide a minimum of 2,000 square feet of landscape area plus additional landscape area equivalent to 20% of the total site area over 20,000 square feet. The proposed landscape design incorporates a landscape buffer between the rear of the proposed building and the single-family residences on South Garfield Street as well as street trees along South Garfield Street and Shirlington Road. Although the existing site area totals 20,543 square feet, the proposed site area will be reduced to 19,559.46 square feet due to a right-of-way dedication. Therefore, the required landscaping for the proposed project is 2,000 square feet. The project provides 3,709 square feet of landscape area in compliance with the minimum required landscaping.

Sustainable Design: Section 36J of the Zoning Ordinance requires that use permit requests proposing new construction address adherence to sustainable design measures. The applicant has informed staff that they propose to achieve sustainable design through the Earth Craft House program. Earth Craft House is a residential green building program created in 1999 which serves as a model for energy- and resource-efficient residences. The EarthCraft House Multifamily Program provides certification for affordable and market rate, low-rise multi-family projects. Staff supports the use of this program to demonstrate sustainable design for the proposed development. Staff therefore recommends condition #30 which requires that the applicant demonstrate a minimum score of 200 as required by VHDA filing regulations.

Neighborhood Participation: Macedonia Church and AHC have worked with the Nauck Civic Association and Nauck Revitalization Organization throughout the design phases of the proposed development. Response to the project has been positive and the design responds to concerns previously raised by the community regarding the location of loading and parking entrances on Shirlington Road. Both loading and parking entrances in the proposed development will be located in the rear of the project in conformance with Nauck Village Center Action plan requirements to restrict curb cuts on Shirlington Road.

Housing Commission: On January 17, 2008, the Housing Commission recommended approval of the AHIF funding request to provide a portion of the funding for the UC/MUD project. The commission noted that the project meets County goals to provide supportive housing units as well units to support a range of income mixes.

Transportation Commission: On April 3, 2008, the Transportation Commission heard the Macedonia Apartments UC/MUD Use Permit request. The Commission voted 5-0 in support of a motion to recommend that the County Board approve the project. The Commission members discussed at length the proposed 18-foot drive aisles within the garage and the placement of the garage intake vents in the first floor wall (in lieu of several windows) fronting on Shirlington Road, as proposed by the applicant. In supporting the project, the Commission noted that the applicant was still working with staff on those issues and also noted, as part of its motion and discussion, that the small size of the building would reduce the impact of the less-than-ideal aisle width and that the mid-block location of the building and topography substantially reduced the options on placement of the garage vents. Commissioners also expressed a desire to include conditions regarding sidewalk lighting and road surface conditions during construction similar to

those now routinely included in the conditions for site plan projects. Condition #2 has been updated to reflect the commissions concerns. The Commission heard this request as an information item on May 1, 2008 and were updated on the revisions made since the prior meeting.

Planning Commission: The Planning Commission heard the UC/MUD request at their April 7, 2008 meeting. The Planning Commission unanimously recommended approval of the use permit and included the following conditions in their motion:

1. That the applicant explore separate building entrances for residential and commercial spaces.
Staff Response: The previous design showed the main access to the office space from within the building lobby. The applicant has now provided separate residential and commercial entrances from a common vestibule space.
2. That the applicant reduce the parking count to facilitate achievement of other goals.
Staff Response: The Planning Commission recommended that the applicant revise the first floor plan to locate a portion of the proposed office space on the front of the building to eliminate garage air intake vents and provide additional entrances along the building façade to activate the streetfront. The relocation of office space resulted in the loss three parking spaces in the proposed design; however, the commission expressed that the loss of parking was appropriate to achieve these goals. Staff finds that the revised first floor responds to the Planning Commission discussion aimed at activating the street front and eliminating air intake vents along the Shirlington Road façade. The parking count was reduced from 41 spaces (1.125 parking ratio) to 38 parking spaces (1.06 parking ratio) to achieve the goal of moving commercial space into existing parking spaces on the ground floor along Shirlington Road. The reduction is supported by staff.
3. That the applicant provide a more prominent building entrance.
Staff Response: The revised design provides a metal awning at the main entrance of the building to more clearly define the entrance.
4. That the applicant consider increasing the first floor height on Shirlington Road.
Staff Response: The Planning Commission discussed that the applicant explore methods for raising the height of the first floor so that it appeared visually less constricted within the facade. The applicant has eliminated a horizontal band which provided a visual reference to the first floor ceiling height. Staff supports raising the band to define a higher first floor height.
5. That the applicant consider options for enhancing the blank wall on the 22nd Street side of the project.

Staff Response: The current design for the north façade has been modified to reduce the amount of Hardipanel materials and incorporate a durable brick material in a design more consistent with the remaining facades.

6. That the language on the accessible guidelines for projects that use state housing tax credits be clarified, because the money originates from the IRS and has separate guidelines.

Staff Response: Condition #29 has been added to address the pertinent state accessibility guidelines.

7. That a condition be included related to the level and term of affordability.

Staff Response: The term of affordability was approved as part of the AHIF funding request approved by the County Board on January 29, 2008. The County Board would have to review and approve any changes to the commitment term as articulated in condition #5 in the approved AHIF funding request.

8. That staff and the applicant work diligently to eliminate the garage vents along Shirlington Road.

Staff Response: The applicant has revised the design of the Shirlington Road elevation.

9. That the goal resulting in a parking reduction would include moving some of the commercial space into the parking area on the ground floor along Shirlington Road.

Staff Response: The applicant agrees and office space and a bike storage area have been moved to space along Shirlington Road previously occupied by 4 parking spaces.

10. That the applicant review the location of the transformer.

Staff Response: Staff finds that the proposed location would have the least impact on adjacent properties and therefore supports the current transformer location with the proposed fencing and landscape screening which would mitigate the visual impact of the unit.

11. That all building entrance doors, including the garage lobby if built, be powered by hands-free, electric eye motion sensors. If there is a secured entrance, that the power door will be activated by a hands-free security system that will be wall mounted at the lowest allowable height.

Staff Response: See Staff Response #6.

At its May 7, 2008 meeting, the Planning Commission unanimously recommended approval of the proposed development with two (2) conditions, including a reaffirmation of their support to add a condition regarding the term of affordability and a condition requiring the applicant to implement additional design revisions to the building entrance. Staff expressed concerns regarding adding language conditioning the term of affordability as it relates to the use permit because the formal affordability term agreement is stipulated in the County Board's approved designation of financing through the AHIF budget process. However, staff supports adding

language which recognizes the commitment of affordability through a minimum 30-year period with an extension to 60 years to be determined by the County Board without affecting the use permit approval. Therefore, staff proposes condition #34 to address the Planning Commission's concerns. Since the Planning Commission meeting, the applicant has designed the north façade wall and added additional details to the building to further articulate the building entrance.

Section 31.A.17 of the Zoning Ordinance states the goals of Unified Commercial/ Mixed Use Developments are to:

...1) provide for flexible, site-specific solutions for the revitalization of existing shopping areas while preserving commercial service levels, including, in certain circumstances, new construction in "C-2" Districts to implement the purposes of the General Land Use Plan and Zoning Ordinance; 2) promote the compatibility of commercial developments within the commercial district and surrounding properties by coordinating building placement, orientation, scale, bulk, parking, signage, landscaping, streetscape, pedestrian facilities, and historical features where applicable; (3) provide for creative opportunities which encourage and retain local and small business; and (4) promote opportunities for affordable housing. Additionally, this subsection will provide for the construction of residential units within C-2 Districts as part of a mixed use development, according to specific guidelines...

The proposed mixed use development meets the intent of goals established to support UC/MUD projects. The project will support revitalization goals of the Nauck community and will complement adjacent building scale and setback. The brick masonry building design is consistent with adjacent residential and commercial structures. The overall site design will expand and enhance the streetscape by incorporating urban design elements such as ample sidewalks widths, street trees, benches and street lighting which does not exist in this section of Shirlington Road. The development seeks to retain the existing non-profit office in the proposed first floor office space. The development will also help the County to achieve an important goal to attract and retain affordable housing. This project would provide one of the first opportunities to increase the amount of affordable housing in Nauck since the County Board approved the Shelton, a 98-residential unit UC/MUD on January 21, 2006.

CONCLUSION: The proposed development provides a number of benefits and supports the revitalization of the Nauck community. The UC/MUD meets the intent of the Nauck Village Center Action plan. Throughout the deferral period, the applicant has worked with staff to provide additional information to facilitate review of the final proposal. Overall, the development is consistent with established County goals and policies with one exception noted. Staff supports the building design which now demonstrates a cohesive composition of predominantly masonry construction. The applicant has worked with staff to redesign the north façade to create more visual interest through the use of texture and design and to limit the use of non-masonry materials so as to incorporate a more durable, high quality building material consistent with the overall building design.

The proposed project will increase the affordable housing inventory in the County and support revitalization of the Nauck community. The County remains committed to the provision of affordable housing opportunities to support the County's goals of providing an inclusive urban community while meeting supporting the intent of the Nauck Village Center Action Plan. Therefore, staff recommends approval of the proposed UC/MUD subject to the conditions of the staff report.

Proposed Conditions:

1. The developer (as used herein, the term developer includes the owner, the applicant and their agents, employees, and all successors and assigns) agrees to comply with the plans dated September 4, 2008, as reviewed and approved by the County Board at the County Board meeting of September 13, 2008, together with any modifications proposed by the developer and accepted by the County Board or vice versa. This Unified Commercial/Mixed Use Development Use Permit 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 developer agrees that this discretion shall include a review of this use permit for a Unified Commercial/Mixed Use and its conditions for their compliance with County policies for land use, zoning, and special exception uses current at that time.
2. The developer agrees to 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, after 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, 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 ensure 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.

3. The developer agrees to comply with all federal, state and local laws and regulations not modified by the County Board's action on this Unified Commercial/Mixed Use Development and to obtain all necessary permits. In addition, the developer agrees to comply with all of the agreed-upon conditions approved by the County Board as a part of this use permit approval. The developer agrees that the County has the authority to take actions to include issuance of a stop work order when the developer is not in full

compliance with any of the agreed-upon conditions. Further, temporary Certificates of Occupancy will not be issued without approval by the Zoning Administrator.

4. 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, the president of the Nauck Civic 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 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. Safe pedestrian paths should be identified during construction to maintain pedestrian flow on Shirlington Road including temporary crosswalks. 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. 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.
 - 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 a.m. and end by 6:30 p.m. on weekdays and will commence no earlier than 10 a.m. and end by 6:30 p.m. on Saturdays, Sundays, and holidays. "Holidays" are defined as New Year's Day, Martin Luther King Day, 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.
 - g. The developer agrees to maintain street surfaces adjacent to the site in a clean and paved, condition at all times during the construction period. Whenever any significant portion of an adjacent road surface (in excess of 10' by 10') 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 paved 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.
 - h. The developer will also notify all abutting property owners in writing (or, by mutual agreement, by e-mail) at least five calendar days in advance of any street closure, except in the case of an actual emergency, of more that two hours duration on any street. Where county street lighting has been removed due to construction and not yet replaced, the developer agrees to provide lighting at the perimeter of the site between the start of construction and completion of the project.
5. The developer agrees to install address indicator signs, which comply with Section 27-12 of the Arlington County Code or successor provision, in a location visible from the street and as shown on the final engineering plan, prior to issuance of a Certificate of Occupancy for the uses approved by the County Board on September 13, 2008.
6. The developer agrees that, except as otherwise specifically provided in these conditions, all required easements and right-of-way agreements shall be submitted to the County Manager or designee for approval and be recorded by the developer before the issuance of a certificate of occupancy for uses approved by the County Board on September 13, 2008.

7. 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 #9 below, as well as a vicinity map with major streets labeled. The developer agrees that all landscaping on the site shall be established and maintained in accordance with the final Landscape Plan, and these conditions. The developer further agrees that all landscaping called for in the final landscape plan for any lot shall be installed for the specific lot before the issuance of a certificate of occupancy for any structure or use on that lot unless another timing arrangement is approved by the Zoning Administrator because of the impractical or impossible nature of such timing.

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

- a. The location and dimensions of utility meters, utility vaults and boxes, transformers, site and building lighting, mechanical equipment, fire hydrants, standpipes, stormwater detention facilities, the location of all existing and proposed utility lines and of all easements.
 - 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 final Site Development and Landscape Plan and the final Site Engineering Plan. 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 site engineering plan and the final site development and landscape plan before issuance of the Footing to Grade Permit.
 - c. The location, dimensions, and materials for driveways, driveway aprons, parking areas, interior walkways and sidewalks.
 - d. Topography at two (2) foot intervals and the finished first floor elevation of all structures.
 - e. Five (5) foot wide utility/planting strips and street tree locations.
 - f. The limits of demolition and construction.
8. The developer agrees that all landscaping shall conform to Division of Transportation Standards and Specifications and to at least the following requirements:

- a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:
- (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 4 to 4 1/2 inches, except as indicated in Condition #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. 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.
- c. 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.
- d. Soil depth shall be a minimum of four (4) feet plus 12 inches minimum of drainage material for trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2 1/2 feet, maximum) above the adjacent finished grade.
- e. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
- f. 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.

- g. 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.
9. The developer agrees to submit final site engineering plans to the Division of Transportation. 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 Transportation, as consistent with all site plan approval requirements and all County laws. 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 Transportation for recording.
10. 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. Shirlington Road, 30-feet. The developer agrees to remove and replace, according to Arlington County standards, 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.
 - b. South Garfield Street, 26-feet. The developer agrees to remove and replace, according to Arlington County standards, 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.

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 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 approved on September 13, 2008, unless the County provides additional funding to offset such increased cost.

11. 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 site development and landscape plan and final engineering plan, in accordance with 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 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 plan, including snow removal. The sidewalk sections and street tree species shall be as follows:

Shirlington Road – A minimum 15-foot wide sidewalk measured from the back of curb, consisting of a minimum 10-foot wide, clear sidewalk and a 5-foot by 12-foot tree pits adjacent to the back of curb, planted with 4 to 4 ½ inch caliper American Elm street trees, or as approved by the County Manager, and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

South Garfield Street – A minimum 11-foot wide sidewalk measured from the back of curb, consisting of a minimum 6-foot wide, clear sidewalk and 5-foot by 12-foot tree pits adjacent to the back of curb planted with 4 to 4 ½ inch caliper American Elm street trees, or as approved by the County Manager, and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

12. 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 to purchase and install single-globe Virginia Power "Carlyle" standard street lights along all frontages of the site in accordance with adopted County Street Lighting Policy, prior to the issuance of the Shell and Core Certificate of Occupancy. The height of the street lights along Shirlington Road shall be 16-feet and along South Garfield Street 12-feet, measured from the sidewalk to the base of the luminaire.

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 pay the cost of installing additional standard thoroughfare lights should the County decide that they are necessary to provide adequate lighting for street safety purposes.

13. The developer agrees that all improvements to streets for pedestrians and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act and any regulations adopted thereunder.
14. The developer agrees to install and maintain a minimum of two (2) designated handicap parking spaces as shown on the plans dated September 4, 2008, as approved by the County Board on September 13, 2008. The designated handicap parking space shall be installed and maintained in full compliance with the Americans with Disabilities Act and any regulations adopted thereunder.
15. The developer agrees that the design of the façade treatment for the building and the materials to be used on the façades 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, and material samples, for review by the County Manager for consistency with this approval prior to the issuance of the 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 use permit amendment to grant an exception to this condition for a specified duration.

16. The developer agrees that all engineering design plans and subsequent construction shall be in accordance with the latest edition of the Arlington County Department of Environmental Services (Transportation Planning) Construction Standards and Specifications.
17. The developer agrees that at the time of any transfer of any part of the property, the purchaser shall be provided with a copy of the conditions of the use permit as well as with information clearly stating that all owners of property on the site and their successors and assigns are bound to the terms and conditions of this use permit.
18. Prior to the issuance of the first Certificate of Occupancy (to include temporary Certificates of Occupancy) for any building on the site, the developer agrees to submit a Loading and Delivery Management Plan to the Zoning Administrator for review and approval. This plan shall provide for service access using the loading facility as shown in the plans reviewed and approved by the County Board on September 13, 2008. This plan shall further provide for monitoring of loading and unloading/deliveries by the management of the residential and commercial components of the project, the restriction of loading and deliveries using public streets for the parking of loading and delivery vehicles and shall include a contact name of a person with authority to control loading and unloading/deliveries to whom outsiders may report violations.

The developer agrees to develop a parking management plan which outlines how guest and visitor parking for the building, parking for residential, office and retail tenants' employees and customers, and general public parking will be provided, where the parking will be located and how guests and visitors, office and retail employees and customers, and the general public, will be directed to the parking spaces. The parking management plan shall also include the location of any secure areas and the location of security gates or other measures to restrict access. The parking management plan shall encourage parking by visitors and customers of the project, through ease of access to the parking spaces, signage, and fee structure. The fee structure shall discourage daily commuter parking. The developer shall submit the parking management plan, which shall include the parking fees and details of the validation program, if applicable, to the Zoning Administrator and it shall be reviewed and approved by the County Manager or his designee, prior to the issuance of the first Certificate of Occupancy for the first building. The developer agrees to submit to the Zoning Administrator, upon request, documentation showing compliance with the parking management plan as well as any changes to the plan.

19. Site lighting shall be shielded in a manner that will limit light spillover from the subject property onto the adjacent properties. The manner of shielding shall be shown on the

final engineering plan and approved by the County Manager or his designee as part of the approval of those plans.

20. 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.
21. In order to maintain the effectiveness of the County's public safety communications systems, the developer agrees to permit the County the right to install radio transmitters and receivers in the penthouse or top floor and antennae 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 the developer and the County. The developer agrees to provide 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.
22. All proposed utility services, including electrical, telephone, and cable TV, with the exception of the pad mounted transformer, shall be located underground and shall not result in the installation of any additional utility poles or aerial devices.
23. The developer agrees that all sanitary sewers and water mains, including water services, shall have a minimum of ten (10) feet horizontal clearance from each other and five (5) feet clearance from all other utilities, and shall have a minimum of 10 feet horizontal clearance from buildings and other structures. Water mains 16 inch and larger, and mains placed more than 10 feet deep shall have a minimum of 15 feet horizontal clearance from buildings and other structures; and sanitary sewers 15 inches and larger, or sewers placed more than 10 feet deep shall have 15 feet minimum clearance from buildings and other structures. All water mains and sanitary sewers shall meet County Standard design criteria.

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

diameter from the center line of storm sewer mains greater than 27 inches in diameter, at any depth.

24. The developer agrees to show, on the final engineering plans, water main improvements in accordance with the following. The water main improvements shall be constructed prior to the issuance of the First Certificate of Occupancy for any space in the building.
25. The developer agrees to show, on the final engineering plans, and to construct sanitary sewer main improvements in accordance with the following. The sanitary sewer main improvements shall be constructed prior to the issuance of the First Certificate of Occupancy for any space in the building.

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. The developer agrees to provide, at no charge to the user, secure bicycle storage facilities in locations convenient to office, residential and retail areas. The facilities for bicycle parking must meet the acceptable standards for Class I storage space as contained in the Arlington Bicycle Parking Class I Standards document in effect at the date of use permit approval. 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. Class I bicycle parking facilities for employees and residents shall be 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, and be visible from an elevator entrance, a full-time parking attendant, a full-time security guard, security camera, or a visitor/customer entrance.

Visitor parking (Class III) must be located at exterior locations, 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 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.

Parking shall be provided on the following basis at a minimum:

Residential/ Retail/Office- Class I: 14 spaces

Visitor- Class III: 4 spaces

27. The developer agrees to develop and implement a Transportation Management Plan (TMP) in order to achieve the desired results of the Arlington County Transportation Demand Management (TDM) program. The developer agrees to obtain the approval of the County Manager or his designee for such plan before the issuance of the first Certificate of Occupancy for each respective building. Annual assessment rates will be adjusted for inflation by the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index (CPI) Inflation Calculator from the date of site plan approval.

The Transportation Management Plan (TMP) 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

- a. Maintain an active, on going relationship with Arlington Transportation Partners (ATP), or successor entity.
- b. Designate a member(s) of building management as Property Transportation Coordinator to be a primary point of contact with the county and undertake the responsibility for coordinating and completing all TMP obligations. The applicant and /or building management will provide, and keep current, the name and contact information of the PTC to the Commuter Services Chief of the Arlington County Commuter Services (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.

Facilities and Improvements

- a. Provide in the residential lobby, an information display, the content/design/location of which shall be approved by the County Manager or his designee, to provide transportation-related information to residents and visitors.
- b. During construction, maintain or coordinate relocation of any existing bus stops at the developer's expense. Comply with requirements of Site Plan conditions to provide bus stop improvements. 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.
- c. Maintain one on-site business center (including, at a minimum, access to copier, fax, pc, and internet services in a minimum 56 sq. ft. of space), which shall be made available to support residents of the buildings who choose to work from home.

- d. Comply with requirements of bicycle parking conditions to provide bicycle parking/storage facilities

Parking Management Plan

- a. No on-street loading will be permitted between the hours of 7 and 9 AM and 4 to 6 PM.
- b. 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 choice of either one (1) SmarTrip card plus \$40.00 Metro fare media, or four (4) Metrobus Weekly Passes (Valid for a full week of unlimited travel region wide on regular Metrobus routes) or successor fare media, for free, one time, to each residential lessee or condominium purchaser of each unit, distributed no later than the day of move in at the building. Senior or Disabled weekly bus pass may be substituted if criteria are met. Passes shall be purchased through CommuterDirect, or successor entity, for ease of verification by the Commuter Services Chief of the ACCS. Signs announcing the program shall be approved by ACCS and posted in the lobby of each building and in each mail room. The program shall also be announced in any newsletter or website for the site.
- b. Provide a choice of either one (1) SmarTrip card plus \$40.00 Metro fare media, or four (4) Metrobus Weekly Passes (Valid for a full week of unlimited travel region wide on regular Metrobus routes) or successor fare media, for free, one time, to each to on-site employees of the property management company Provide or administer a sustainable commute benefit program for these employees (the program shall include, at a minimum, pre-tax employee contributions and/or tax-free transit or vanpool monthly contributions.)
- c. Ensure (via lease agreement) that retail tenants are to provide a choice of either one (1) SmarTrip card plus \$40.00 Metro fare media, or four (4) Metrobus Weekly Passes (Valid for a full week of unlimited travel region wide on regular Metrobus routes) or successor fare media, for free, one time, to on-site employees of the retail tenants distributed no later than the employee's first day of work at the building. Senior or Disabled weekly bus pass may be substituted if criteria are met. Passes shall be purchased through CommuterDirect, or successor entity, for ease of verification by ACCS.
- d. Provide website hotlinks to CommuterPage.comTM under a "transportation

information” heading from the developer and property manager’s websites regarding this development.

- e. Distribute a new-resident package, material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each lessee and / or condominium purchasers. Packages will be distributed to tenants no later than the day of move-in at the building. Distribute equivalent package to new employees no later than their first day of work.
- f. Reference to the bus routes in promotional materials and advertisements.
- g. 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.
- h. 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 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.
28. The developer agrees that use of the loading dock for deliveries or trash pick-ups, excluding moving vans, shall be limited to the hours on Monday through Saturday from

8:00 a.m. to 6:00 p.m., and on Sunday from 10 a.m. to 6 p.m. 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.

29. The applicant agrees to provide 2 units as accessible to persons with physical disabilities as described in the American National Standards Institute “Accessible and Usable Buildings and Facilities” (ICC/ANSI A117.1-2003) and Type A units as described in the current applicable Accessible Standards as adopted by the Virginia Uniform Statewide Building Code. The applicant agrees to market the accessible units to persons with disabilities for a period of 60 days. If after 60 days, the applicant is unable to rent the unit(s) to persons with disabilities, then the applicant agrees to provide the units to income eligible residents. The applicant agrees to market these units to households in need of such units as part of the applicant’s Affirmative Marketing Plan.
30. The developer agrees to participate in the EarthCraft Virginia green home program. The project team shall work to incorporate sustainable design elements and innovative technologies into the project in order to achieve at least 200 points in the EarthCraft Virginia program.

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 updating the EarthCraft Scorecard including information on the energy model results and/or updates, field reports prepared by the project’s EarthCraft Technical Advisor (including blower door and duct blaster test results) 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 submit a certification to the County Manager stating that the elements to earn the above specified numbers of points have been included in the buildings. The final EarthCraft certification will be provided to the County prior to issuance of the Master Certificate of Occupancy.

31. The developer agrees to dedicate to Arlington County, in fee simple, in form and substance acceptable to the County Manager, and approval as to form by the County Attorney, approximately 984 square feet of right-of-way along the westerly portion of the site along Shirlington Road, for public street and utilities purposes, shown on sheet 1 of 3 of the Plot and Location Plan prepared by William H. Gordon Associated, Inc., and dated December 21, 2007, prior to the issuance of the first certificate of occupancy.

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

33. To mitigate the impacts of the 18-foot drive aisles in the garage and to improve safety, the developer agrees to install mirrors and signage in the garage. The mirrors shall be placed in appropriate locations approaching the 18-foot wide garage ramps to further reduce the likelihood of vehicles turning into the path of other oncoming vehicles.

34. At the end of the 30-year term for the provision of affordable housing, the term shall automatically renew for another 30 years except that during the second 30-year term the owner may apply to the County Board for approval of a revision to the affordable housing plan (without requiring an amendment to the use permit) based upon the owner's inability to refinance the property at commercially reasonable prevailing rates and terms.

35. This Unified Commercial/Mixed Use Development (UC/MUD) approval is conditioned upon the developer completing the requirements outlined in Zoning Ordinance Section 36.L. [Density Credit] for the fee simple dedication of 983.84 sq ft of right-of-way for the

portion of the site located within the Shirlington Road right-of-way. The developer agrees to obtain County Board approval of the density credit and to meet all requirements of Section 36.L. within one (1) year of the County Board approval of this UC/MUD (September 13, 2009). Unless all requirements have been met either on or before September 13, 2009, this UC/MUD approval shall be null and void and of no force or effect.

PREVIOUS COUNTY BOARD ACTIONS:

April 16, 2005	The County Board deferred consideration of a UC/MUD request for two live/work units at 2219 Shirlington Road to the June 18, 2005 meeting.
June 18, 2005	The County Board deferred consideration of a UC/MUD request for two live/work units at 2219 Shirlington Road to the September 17, 2005 meeting.
September 17, 2005	The County Board deferred consideration of a UC/MUD request for two live/work units at 2219 Shirlington Road to the November 15, 2005 meeting.
November 15, 2005	The County Board deferred consideration of a UC/MUD request for two live/work units at 2219 Shirlington Road to the March 14, 2006 meeting.
March 14, 2006	The County Board deferred consideration of a UC/MUD request for two live/work units at 2219 Shirlington Road to the July 8, 2006 meeting.
July 8, 2006	The County Board deferred consideration of a UC/MUD request for two live/work units at 2219 Shirlington Road to the November 14, 2006 meeting.
November 14, 2006	The County Board accepted withdrawal of a UC/MUD request for two live/work units at 2219 Shirlington Road.
January 26, 2008	The County Board deferred consideration of a UC/MUD request for 36 affordable dwelling units to the April 19, 2008 meeting.
April 19, 2008	The County Board deferred consideration of a UC/MUD request for 36 affordable dwelling units to the May 17, 2008 meeting.
May 17, 2008	The County Board deferred consideration of a UC/MUD request for 36 affordable dwelling units to the June 17, 2008 meeting.

June 17, 2008

The County Board deferred consideration of a UC/MUD request for 36 affordable dwelling units to the July 19, 2008 meeting.

July 19, 2008

The County Board deferred consideration of a UC/MUD request for 36 affordable dwelling units to the September 13, 2008 meeting.