



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of February 24, 2018

DATE: February 16, 2018

SUBJECTS: Items associated with 11th & Vermont:

- A. GP-341-17-1 GENERAL LAND USE PLAN AMENDMENT from "Low-Medium" Residential (16-36 Units/Acre) to "High-Medium Residential Mixed-Use" (Up to 3.24 FAR including associated office and retail activities) for the middle one-third of the blocks between Fairfax Drive and 11th Street North and between North Vermont Street and North Randolph Street; and, to include GLUP Note 25 for this area to provide additional guidance on the overall vision for the desired neighborhood transition along 11th Street North.
- B. Z-2600-17-1, REZONING from R-5, One Family and Restricted Two Family Dwelling District to R-C, Multiple-Family Dwelling and Commercial District; for the property known as 1031 N. Vermont Street and 4400 11th Street N. (RPC #14-017-005; -018; -006).
- C. SP #447, SITE PLAN for a 72-unit multifamily residential building with condominium and townhouse-style units (South Block) and 12 townhouse units (North Block); located at 1031 N. Vermont Street and 4400 11th Street N. (RPC #'s 14-018-001; -002; -070 and 14-017-005; -006; -018). Modification of zoning standards: density exclusions for below-grade spaces; visitor parking; tandem parking; and all other modifications necessary to achieve the proposed development.

Applicant:

NVR, Inc.

11700 Plaza America Drive, Suite 500

County Manager:

County Attorney:

Staff: Matthew W. Pfeiffer, DCPHD, Planning Division
Jane S. Kim, DES, Development Services Bureau
Melissa Cohen, DCPHD, Housing Division
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By:

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C.M. RECOMMENDATIONS:

1. Adopt the attached resolution to amend the General Land Use Plan from "Low-Medium" Residential (16-36 units/acre) to "High-Medium Residential Mixed-Use" (Up to 3.24 FAR including associated office and retail activities) for the middle one-third of the blocks between Fairfax Drive and 11th Street North and between North Vermont Street and North Randolph Street; and, to include GLUP Note 25 for this area to provide additional guidance on the overall vision for the desired neighborhood transition along 11th Street North.
2. Adopt the attached ordinance to approve the subject request for rezoning from R-5, One Family and Restricted Two Family Dwelling District to R-C, Multiple-Family Dwelling and Commercial District; for the property known as 1031 N. Vermont Street and 4400 11th Street N.
3. Adopt the attached ordinance to approve the request for a site plan to redevelop the subject properties with a 72-unit multifamily residential building with condominium and townhouse-style units (south block) and 12 townhouse units (north block); located at 1031 N. Vermont Street and 4400 11th Street N., with modification of zoning standards for density exclusions for below-grade spaces and visitor parking, and all other modifications necessary to achieve the proposed development, subject to the conditions of the ordinance.

ISSUES: This is a request for a General Land Use Plan (GLUP) Amendment, rezoning, and final site plan for an infill residential project located on two (2) contiguous blocks (henceforth referred to as the "north block" and the "south block") in North Ballston. The applicant is proposing the seven-story multifamily building on the south block be placed such that there is a 22-foot, 8-inch separation between the proposed building and the existing, abutting Westview Condominium building. The Ballston-Virginia Square Civic Association (BVSCA) and Westview Condominium Association, as well as individual residents participating in the public review process have expressed concern about the height and placement of the multifamily building on the south block in relation to the existing Westview buildings. The BVSCA and Westview Condominium Association, and the Victoria at Ballston, Vermont Court, and Vermont Place Homeowners Associations have expressed general concern about the scale of the proposed development on the north and south blocks, impact of shadowing as a result of the new building

mass being proposed, loss of open space, and concern about traffic, parking in the vicinity, and the location of parking access at the site.

SUMMARY: This is a request for a GLUP Amendment from “Low-Medium” Residential to “High-Medium Residential Mixed-Use” and the addition of GLUP Note 25 for the blocks between Fairfax Drive and 11th Street North and between North Vermont Street and North Randolph Street; a rezoning from R-5 to R-C for the parcels located on the south block; and a site plan for a seven-story, 58-unit multifamily building with 14 adjoining townhouse-style units (72 total units) on the south block and 12 townhouses on the north block. The site is located on a portion of two (2) blocks in North Ballston separated by 11th Street North; the northernmost site (referred to as the “north block”) is zoned R15-30T and the southernmost site (referred to as the “south block”) is the subject of the requested rezoning to R-C.

As called for in the County Board’s adopted [“Policy for Consideration for General Land Use Plan \(GLUP\) Amendments Unanticipated by Previous Planning Efforts,”](#) a special planning study was undertaken to evaluate a requested GLUP amendment for a site located at 1031 North Vermont Street and 4401 11th Street North (the site subject to the proposed rezoning). This is the only site along 11th Street North in North Ballston to still be zoned R-5 One-Family and Restricted Two-Family Dwelling District, and one of the last three sites to not yet redevelop in this area. Since the adoption of the [1980 Ballston Sector Plan](#), this area of North Ballston has developed via numerous special exception site plan and rezoning approvals, in accordance with sector plan guidance. The special study concluded that the proposed GLUP Amendment could be appropriate for a portion of the site, under certain circumstances, as further discussed in this report.

If the County Board approves the GLUP amendment as recommended by staff, it would allow for the south block properties to be rezoned to the R-C district, which would match the prevailing zoning pattern in the immediate vicinity. The proposed site plan implements the “Low-Medium” Residential GLUP category on the north block; is consistent with the R15-30T district provisions; and is compatible with surrounding development densities and form. The portion of the proposed site plan on the south block is generally consistent with the vision set forth in the subject GLUP amendments which the County Board authorized advertisement of in June 2017 for consideration contemporaneous with a redevelopment proposal. The proposed building form and massing is also consistent with the advertised GLUP Note 25, which limits building heights to 3-4 stories for the first 80 feet of block depth.

The applicant proposes a separation of 22 feet, 8 inches from the adjacent Westview building along the southern property line of the south block. While the buildings are of a larger scale than can be seen in instances of comparable building separations within staff’s study of the issue, the applicant is mirroring the setback from the property line that is provided on the adjacent property by the Westview building. The configuration of the Westview building footprint provides for a varied separation distance, and the applicant is proposing sculpting of the corners to respond to the existing configuration of the Westview building. With sculpting, staff believes that there will be sufficient separation between adjacent buildings and no undue adverse impact to surrounding properties.

The applicant proposes modifications of zoning standards for density exclusions for below-grade mechanical and storage spaces, which do not contribute to the bulk, mass, or height of the building. Also proposed are modifications to support the relocation of one guest parking space from the north block to the south block parking garage, and to reduce the required parking ratio for the north block in order to accommodate tandem parking spaces within the unit garages. These modifications provide for efficient use of parking resources and are supported by [Master Transportation Plan](#) policies. The applicant has agreed to site plan conditions providing standard site plan features and amenities to mitigate the impacts of new development. The applicant has also agreed to provide an affordable housing contribution of four (4) two-bedroom units as committed affordable housing units (CAFs) as a result of the proposed GLUP Amendment and the application of section 15.5.8.H of the Zoning Ordinance.

Therefore, staff recommends that the County Board adopt: 1) the General Land Use Plan Amendment from "Low-Medium" Residential (16-36 Units/Acre) to "High-Medium Residential Mixed-Use" (up to 3.24 FAR including associated office and retail activities) for the middle one-third of the blocks between Fairfax Drive and 11th Street North and between North Vermont Street and North Randolph Street, and to include GLUP Note 25 to provide additional guidance on the overall vision for the desired neighborhood transition along 11th Street North; 2) rezoning of the subject site from R-5, One Family and Restricted Two Family Dwelling District to R-C, Multiple-Family Dwelling and Commercial District; and 3) a site plan for a 72-unit multifamily residential building with condominium and townhouse-style units (South Block) and 12 townhouse units (North Block), with modification of zoning standards: density exclusions for below-grade spaces; visitor parking; tandem parking; and all other modifications necessary to achieve the proposed development, subject to the conditions of the ordinance.

BACKGROUND: The site is currently occupied by a three-story church building and single-family residence (a former rectory) on the south block, and a surface parking lot and tot lot on the north block. The site was the subject of a Special General Land Use Plan (GLUP) Study, for which the County Board authorized advertisement of a GLUP Amendment in June, 2017. The applicant, NVR, Inc., proposes to amend the GLUP designation for a portion of the south block from "Low-Medium" Residential to "High-Medium Residential Mixed-Use;" to rezone the South Block from R-5 to R-C, and a site plan providing for 12 townhouse units on the North Block, and 72 multifamily units on the South Block including a seven-story building and four-story townhouse style units, with a two-level below-grade parking garage.

The following provides additional information about the site and location:

Site: The site is located at 1031 N. Vermont Street and 4400 11th Street N. (RPC #'s 14-018-001; -002; -070 and 14-017-005; -006; -018) within the Ballston Metro Station Area on two separate blocks; the North Block is generally bounded by North Vermont Street to the west, North Utah Street to the east, 11th Street North to the south, and Washington Boulevard to the north; the South Block is generally bounded by North Vermont Street to the west, North Utah Street to the east, 11th Street North to the north, and Fairfax Drive to the south. The site is developed with a two-story church (with a three-story wing housing a nursery school), a single-family residence (formerly a rectory), a surface parking lot, and a tot lot (served by the church), and bounded by the following uses:

To the north: Vermont Court Townhouses (SP #334), zoned R15-30T and designated “Low-Medium” Residential on the GLUP.

To the east: Victoria at Ballston Townhouses (SP #195), zoned R15-30T and designated “Low-Medium” Residential on the GLUP; Westview at Ballston Metro Condominiums (SP #232), zoned R-C and designated “Low-Medium” Residential and “High-Medium Residential Mixed-Use” on the GLUP.

To the west: Vermont Place Townhouses (SP #171), zoned R15-30T and designated “Low-Medium” Residential on the GLUP; Fairgate at Ballston (SP #218) zoned C-O-2.5 and designated “Medium” Office-Apartment-Hotel on the GLUP.

To the south: Westview at Ballston Metro Condominiums (SP #232), zoned R-C and designated “Low-Medium” Residential and “High-Medium Residential Mixed-Use” on the GLUP.

Existing Zoning: The North Block is zoned [R15-30T, Townhouse Dwelling District](#). The South Block is zoned [R-5, One Family and Restricted Two Family Dwelling District](#).

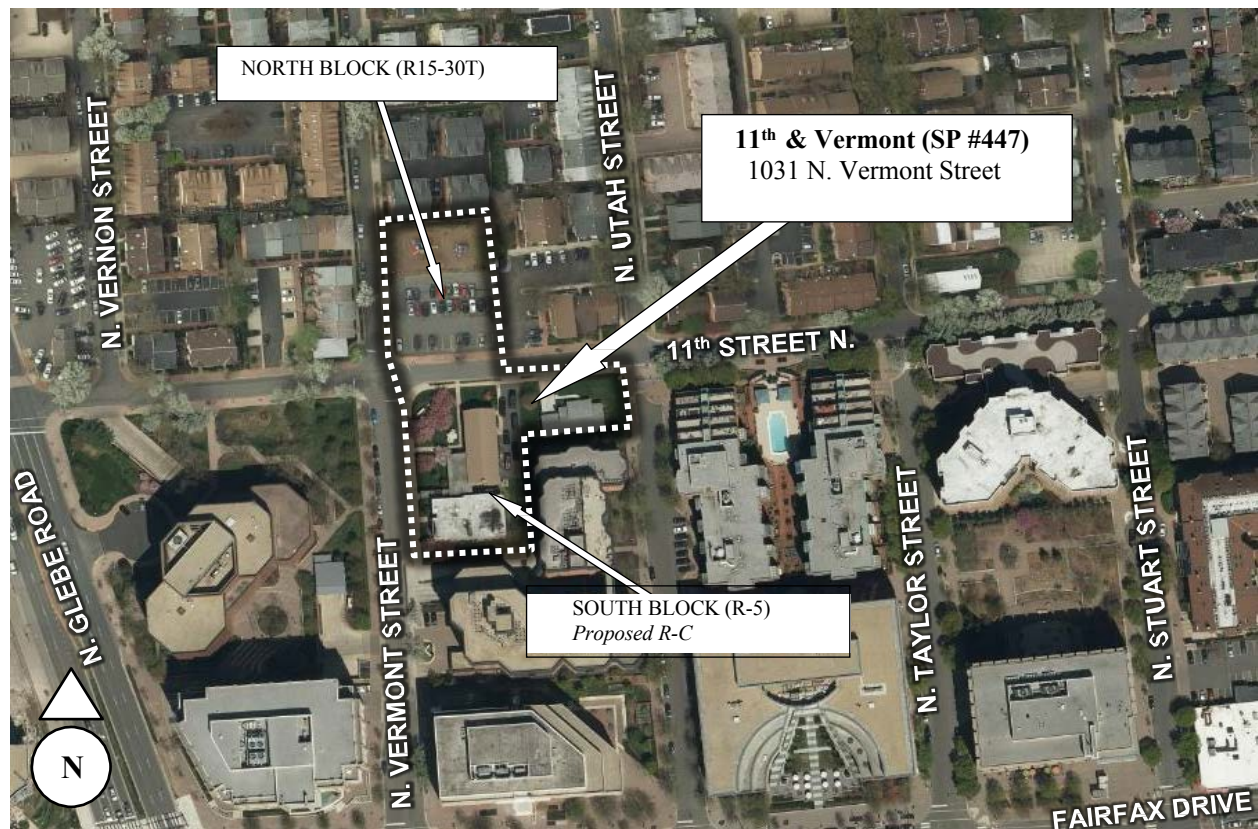
Proposed Zoning: The applicant proposes to rezone the South Block to [R-C, Multiple Family Dwelling and Commercial District](#).

Existing GLUP Designation: The site is designated [“Low-Medium” Residential](#) on the General Land Use Plan.

Proposed GLUP Designation: The applicant proposes to amend the General Land Use Plan designation for a portion of the South Block to [“High-Medium Residential Mixed Use”](#).

Neighborhood: The site is located within the Ballston-Virginia Square Civic Association (BVSCA). The site is located adjacent to the Westview Condominium Association and the Victoria at Ballston, Vermont Court, and Vermont Place Homeowners Associations. Additional information regarding community engagement efforts is provided in the Public Engagement section of this report.

Figure 1: Aerial Image of Site:



Existing Development: The South Block is currently developed with a two-story church (with a three-story school wing) building that houses a Montessori day care program, and a single-family residence (formerly used as a rectory). The North Block is developed with a surface parking lot and a small playground that serve the church and daycare uses.

Figure 2: North Block Existing Conditions:



Figure 3: South Block Existing Conditions:



Development Potential: The following is a breakdown of the permitted development within the existing and proposed zoning districts:

Figure 4: Development Potential:

Site Area: 55,667 sq. ft.	Density Allowed/Typical Use	Maximum Development
R15-30T By-Right (19,250 sq. ft.)	One-family dwellings up to 5,000 sq. ft. per lot.	3 single family detached units

R15-30T Site Plan (19,250 sq. ft.)	Two-family dwellings semi-detached (abutting RA, C, or M districts)	4 semi-detached units
	Two-family dwellings semi-detached (all other)	6 semi-detached units
	Two-family dwellings duplex	4 duplex units
	Townhouse dwellings (15 du/acre)	6 townhouse units
	Mixed Townhouse and other dwellings (30 du/acre)	13 townhouse or mixed units
R-5 By-Right (36,417 sq. ft.)	One-family dwellings up to 5,000 sq. ft. per lot	7 single-family detached units
R-C By-Right (36,417 sq. ft.)	One-family dwellings	6 single-family detached units
	Two-family dwellings semi-detached	10 semi-detached units
	Two-family dwellings duplex	10 duplex units
	Townhouse dwellings	20 townhouse units
	Multiple-family dwellings	20 apartment units
R-C Site Plan (36,417 sq. ft.)	Up to 3.24 FAR Apartment The following uses at a rate of .62 sq. ft. for every one sq. ft. apartment uses, provided that total FAR does not exceed 3.24: <ul style="list-style-type: none"> Retail and service commercial uses restricted to the first floor of any structure; and Offices, business and professional. 	117,991 sq. ft. apartment project Mixed use: 72,834 sq. ft. (2.0) residential 45,157 sq. ft. (1.24) maximum non-residential

Proposed Development: The following is a statistical summary of the site plan proposal.

Figure 5: Proposed Development Statistics:

	SP #447, 1031 N. Vermont Street
SITE AREA	55,167 sq. ft. (1.26 ac.)
POST-DEDICATION SITE AREA	54,552 sq. ft. (1.25 ac.)
NORTH BLOCK	18,750 sq. ft. (.43 ac.)
SOUTH BLOCK	36,417 sq. ft. (.84 ac.)
Density	
Total Residential Units	84 units
Total Residential GFA	125,734 sq. ft.
NORTH BLOCK	

Residential units	12 units
Residential density	27.9 du/ac.
R15-30T Max. Permitted Density	30 du/ac.
SOUTH BLOCK	
Residential GFA	104,181 sq. ft.
Residential Units	72 units
Exclusions	4,083 sq. ft.
Residential GFA after exclusions	100,098 sq. ft.
Residential density before exclusions	2.88 FAR
Residential density	2.75 FAR
R-C Max. Permitted Density	3.24 FAR
R-C Max. Permitted GFA	117,991 sq. ft.
Building Height	
NORTH BLOCK	
Average Site Elevation	275.74 feet
Number of Stories	4
Main Roof Height	44.75 feet
R15-30T Max. Permitted Building Height	45 feet
SOUTH BLOCK	
Average Site Elevation	272.74 feet
Number of Stories	7
Main Roof Height	75.85 feet
Penthouse Roof Height	85.9 feet
R-C Max. Permitted Building Height	95 feet
Parking	
Total Parking	126 spaces
NORTH BLOCK	
Unit Parking Spaces	16 ¹
Visitor Spaces	2
Parking Ratio	1.33 sp./unit
R15-30T Required Parking Ratio	2 sp./unit
R15-30T Required Parking Spaces	24 spaces
R15-30T Required Visitor Parking	3 spaces
SOUTH BLOCK	
Parking Spaces ²	110
Parking Ratio	1.5 sp./unit
Compact Spaces	16
Compact Percentage	12.9%
R-C Required Residential Parking Ratio	1 sp./unit
R-C Required Residential Parking Spaces	73 spaces
LEED	
LEED Score	Silver

¹ Eight of the parking spaces being provided for the north block townhouse units are tandem spaces, which can fit two cars

² Of the 110 spaces being provided in the south block parking garage, 14 are tandem spaces, meaning two cars can fit at one time

Density and Uses: The applicant proposes to rezone the South Block from R-5 to R-C to develop a seven-story multifamily building containing 58 condominium units and a row of 14 townhouse-style condominium units (for density purposes, these are considered multifamily units³) connected through a two-level below grade garage containing 110 spaces. The proposed South Block density is 2.75 FAR, which is below the site plan base density maximum of 3.24 FAR for the R-C district. The applicant proposes a site plan for the North Block using the existing R15-30T zoning to achieve 12 townhouse units at a density of 27.9 units per acre. No bonus density is proposed for the site plan.

The applicant has agreed to dedicate to the County a small area of their property in fee on the southwestern side of the south block that is located west of the curb line and adjacent to the North Vermont Street public right of way. The area corresponds to the applicant's proposed layby for the multifamily building, and is approximately 615 square feet in size. The site area post-dedication is 54,552 square feet.

Site and Design: For the North Block, the applicant proposes two (2) sticks of six (6) townhouses, one (1) fronting 11th Street North and framing the street, and another fronting a private courtyard that abuts the northern property line. The two sticks of townhouses are separated by an internal alley that leads to the rear-loaded units. The eastern property line abuts the Victoria at Ballston development, and the proposed alley is separated from the Victoria parking lot by a system of bollards.

Figures 6 and 7: North Block Renderings:



³ Subject to Zoning Administrator determination.



The South Block contains a seven-story multifamily building fronting North Vermont Street and framing the street. A row of 14 townhouse-style condominium units fronting 11th Street North are separated from the multifamily building by an internal alley that leads to the parking garage access. The garage entry, as well as the building's loading dock, are located on the north façade of the multifamily building. Landscape planters and the one-story garage entry abuts the eastern property line with the Westview condominiums. The rear of the townhouse-style condominium units contain private patios separated by bioretention planters. A raised landscape planter abuts the property line with the Westview Condominiums.

Figures 8 and 9: South Block Renderings:





Sustainable Design: Although bonus density is not proposed, the applicant proposes achieving LEED Silver certification. This program is administered by Arlington County and is a point-based system for green building practices in areas of site and stormwater protection, energy efficiency, resource efficient design, sustainable and durable building materials, indoor air quality, water efficiency, and waste reduction.

Public School Student Generation Estimates: Arlington Public Schools (APS) estimates the proposed development would generate six (6) elementary school students, two (2) middle school students, and four (4) high school students. This project would fall within the Ashlawn Elementary School, Swanson Middle School, and Washington-Lee High School attendance areas. These estimates are generated using the housing characteristics presented at the time of the plan application and using recent student generation factors. Should these housing unit characteristics or the student generation factors change, then the student generation estimates would also change.

Transportation: The subject site, 11th and Vermont, is in the North Ballston area and is located on the north and south sides of 11th Street North and to the west of North Vermont Street (north block and south block). The project site is bounded by North Vermont Street to the west, North Utah Street to the east, and existing residential developments to the north and south. The Master Transportation Plan (MTP) classifies 11th Street North and North Vermont Street as Residential or Commercial Local Neighborhood Streets.

Transportation Analysis and Trip Generation: A Traffic Impact Analysis (TIA) dated September 16, 2016 and prepared by Wells + Associates Transportation Consultants was submitted by the applicant. The analysis assessed the impact of the proposed development on the adjacent street network and found that the proposed development would have a minimal overall vehicular impact on the adjacent street network. The analysis concluded that the project would generate 32 AM peak hour vehicle trips, 44 PM peak hour vehicle, and 424 daily vehicle trips upon project completion in 2019. Compared to the existing site uses today, this equates to 104 fewer AM peak hour vehicle-trips and 31 net new PM peak hour vehicle trips.

The TIA analyzed six (6) intersections within the vicinity of the site, including the two driveway entrances off of North Vermont Street. The table below summarizes the overall Level of Service

(LOS) for each intersection under the existing conditions, future background, and future conditions with the proposed development of the site.

Figure 10: LOS Summary

Intersection	2016 Existing Conditions		2019 Background Future		2019 Total Future	
	AM	PM	AM	PM	AM	PM
N. Glebe Road/ 11 th Street N. (Signalized)	A	B	B	C	A	C
N. Vermont Street/ 11 th Street N. (All-Way Stop)	A	A	A	A	A	A
N. Utah Street/ 11 th Street N. (Stop)	A	A	A	A	A	A
N. Vermont Street/ Fairfax Drive (Stop)	A (E/W) F (N/S)	A (E/W) F (N/S)	A (E/W) F (N/S)	A (E/W) F (N/S)	A (E/W) F (N/S)	A (E/W) F (N/S)
N. Vermont Street/ North Site Driveway	--	--	--	--	A	A
N. Vermont Street South Site Driveway	--	--	--	--	A	A

The proposed development would reduce the overall AM peak hour delay at the North Glebe Road and 11th Street North intersection due to the elimination of the current school use. The stop-controlled approaches (East- and West-Bound) at Fairfax Drive would continue to operate at LOS F due to the traffic volumes on Fairfax Drive. Vehicles turning from North Vermont Street could utilize the gaps in traffic on Fairfax Drive or could use the existing street grid to turn at a traffic signal (i.e. at North Glebe Road). All other approaches, including the two site driveways, and turning movements at the remaining stop-controlled intersections would operate at acceptable LOS during both the AM and PM peak hours without any further improvements.

Streets: Access to the proposed project site will be from two curb-cuts on North Vermont Street, one serving each side of the development on either side of 11th Street North. The proposed project removes three (3) existing curb-cuts on 11th Street North currently serving the project site.

The project proposes to maintain the existing 11th Street North curb alignment with a curb-to-curb cross-section of approximately 23 feet. The existing North Vermont Street curb alignment for the north site will remain, with a curb-to-curb cross-section of approximately 22.5 feet. For the south site, the North Vermont Street curb alignment closest to the intersection with 11th Street North will shift to the west by approximately 6 feet for a curb-to-curb cross-section of approximately 30 feet for half of the proposed frontage. The remaining curb along the southwestern site frontage will remain as existing, with an approximate curb-to-curb cross-section of 36.5 feet. This wider portion of North Vermont Street will include some on-street parking spaces along the south site frontage.

Parking and Loading Access and Site Circulation: Parking and Loading access to the existing north block is via two curb cuts: one each on North Vermont Street and 11th Street North. The existing south block is served by two curb cuts on 11th Street North. The proposed development eliminates the three curb cuts on 11th Street North for both blocks. All vehicular access to the

proposed development will be from North Vermont Street with a single driveway entrance serving each of the proposed blocks (north and south).

The proposed development includes 12 townhouse units with two (2) vehicle parking spaces provided for each dwelling unit on the north block. These spaces will be provided in two-car garages for each of the units, for a total of 24 garage spaces. However, eight (8) of the 12 units have tandem spaces, which equates to 16 parking spaces for the purposes of calculating the parking ratio. Two (2) of the three (3) visitor spaces required for the townhouse portion of the site plan are located at grade on the north block with the remaining visitor spaces located within the underground parking garage on the south block. The parking ratio for the north block is 19 spaces (16 garage and 3 visitor) for 12 units or 1.58 spaces per unit. A modification to provide less than the required 2.2 spaces per unit for the townhouse dwelling district (R15-30T) zone has been requested and is supported by staff. The difference from the required 24 garage spaces (two (2) spaces per unit) required is provided via tandem spaces in each unit's garage. Additionally, per Policy 6 of the [*Master Transportation Plan \(MTP\) Parking and Curb Space Management Element*](#), special exception projects in close proximity to public transit may have a reduced parking demand. Also in accordance with Policy 6 of the MTP, the developer has agreed to Transportation Demand Management (TDM) measures to encourage non-vehicular modes of travel.

The south block underground garage has 110 total parking spaces. One space will be reserved as an off-site guest parking space for the north block, leaving 109 total spaces to serve the 72 multi-family units (parking ratio of 1.51 spaces per unit). Fourteen of the spaces are tandem spaces located in private garages underneath the townhouse-style units fronting on 11th St. North providing enough space for 28 vehicles. The developer has agreed (Condition 33.B.d.) that any unsold parking spaces in the underground garage shall be made available for use by the residents of both the north and south blocks and their guests for short-term and/or temporary use.

Sidewalks and Pedestrian Connections: Sidewalks currently exist on the North Vermont Street and 11th Street North frontages. The project proposes to provide 6' clear sidewalks on both frontages of the north block and 8' clear sidewalks on the south block. Also proposed is a 4' wide landscape between the proposed sidewalk and curb for all of the site frontages. Appropriate ADA ramps and crossing will be provided on the project side of the 11th Street North and North Vermont Street intersection.

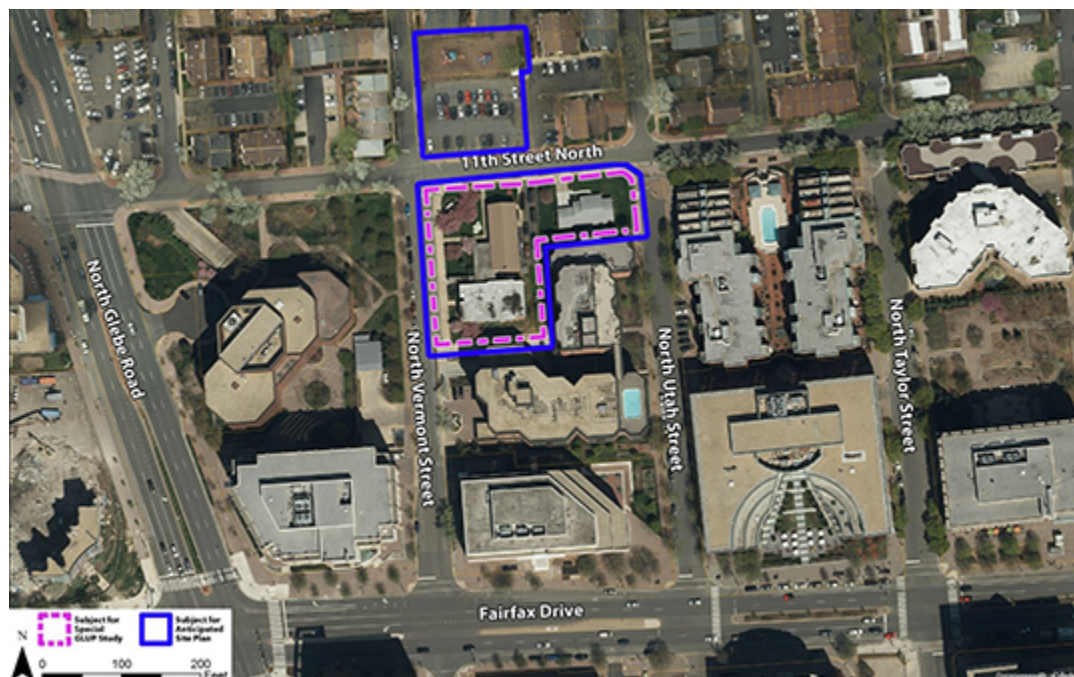
Public Transit: The existing site is well served by numerous public transit options. The site is located approximately ¼ mile from the Ballston-MU Metro station which serves the Orange and Silver Lines. The site is well served by both Metrobus and ART bus service, with stops available on North Glebe Road and Fairfax Drive (0.1 miles) as well as at the Ballston Metro station.

Bicycle Access: Capital Bikeshare stations are located in the site vicinity including one on 11th Street North at North Utah Street and one on North Glebe Road to the north of 11th Street North. Bicycle connectivity is provided via on-street bike lanes on Fairfax Drive as well as on-street bike routes on 11th Street North, North Utah Street, Wakefield Street, North Taylor Street, and North Stuart Street.

Utilities: The applicant is proposing sanitary sewer and water connections from North Vermont Street. Public storm sewer connections are proposed on North Vermont Street on the north site as well as on 11th Street North serving both the north and south project sites.

DISCUSSION: The applicant proposes a GLUP amendment from “Low-Medium” Residential to “High-Medium Residential Mixed-Use” for a portion of the south block, a rezoning from R-5 to R-C for the south block, and a site plan to redevelop the entire site with a residential infill development. The south block was the subject of a Special GLUP Study ([11th Street and North Vermont Street Special General Land Use Plan Study](#)) which examined the appropriateness of potentially changing the GLUP for the subject site as well as for several other blocks to the east of the subject site with similar characteristics. At the conclusion of the Special GLUP Study process in June 2017, the County Board authorized advertisement of an amendment to the GLUP to be considered contemporaneously with a redevelopment proposal. The following provides an overview of the policy guidance for the site and how the subject site plan and rezoning requests implement that guidance, and also summarizes the results of the Special GLUP Study.

Figure 11: 11th & Vermont Site with South Block Highlighted



Adopted Plans and Policies: The following plans, policies and regulations are applicable to development on this site (in order of most general guidance to most specific):

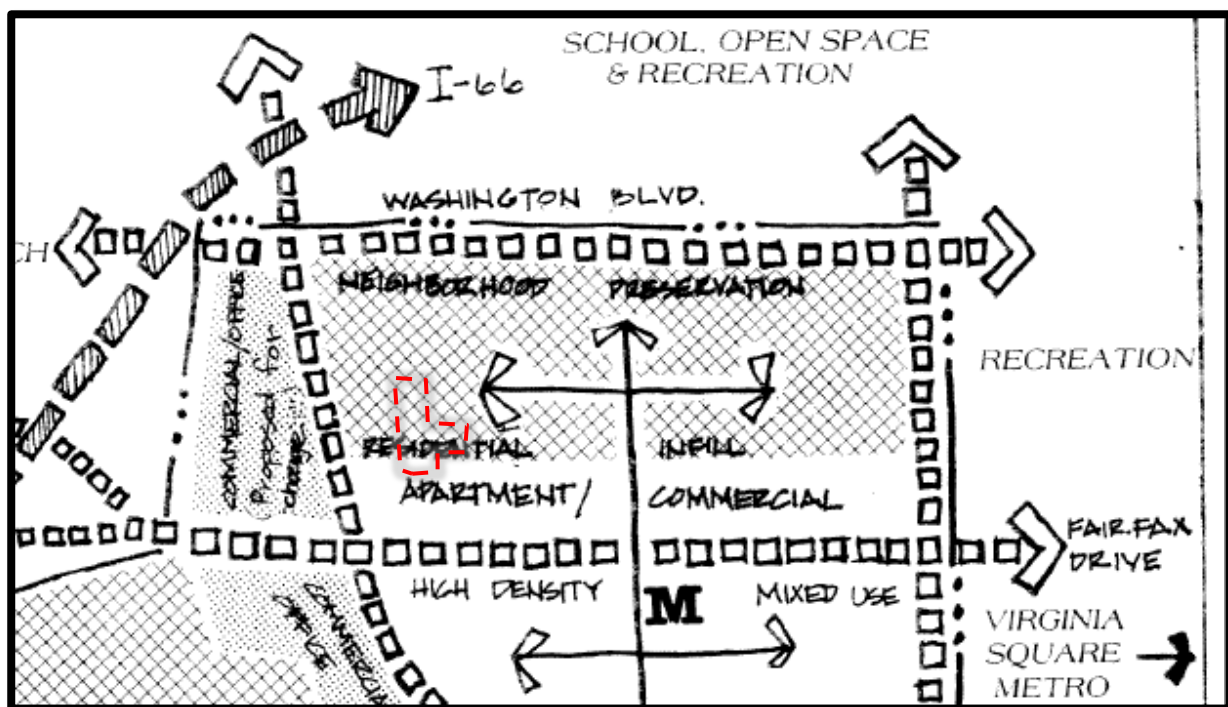
- [General Land Use Plan](#)
- [Ballston Sector Plan](#)

General Land Use Plan: The south block is designated “Low-Medium” Residential (16-36 units per acre) and “High-Medium Residential Mixed-Use” (up to 3.24 FAR including associated office and retail activities) on the GLUP. The applicant proposes to change the designation for a

portion of the south block site to “High-Medium Residential Mixed-Use.” The County Board authorized advertisement of a GLUP amendment at its meeting in June 2017 (see Special GLUP Study below). The north block site is designated “Low-Medium” Residential (16-36 units per acre) and is not subject to the advertised GLUP Amendment.

Ballston Sector Plan (1980): The site is located within the North Ballston section of the Ballston Sector Plan. The Concept Plan Map in the sector plan depicts the area of the subject site plan as “Residential Infill,” in the location approximately between the “Apartment/Commercial” area fronting North Fairfax Drive and the “Neighborhood Preservation” area between 11th Street North and Washington Boulevard.

Figure 12: Concept Plan (Annotated) from Ballston Sector Plan (1980)

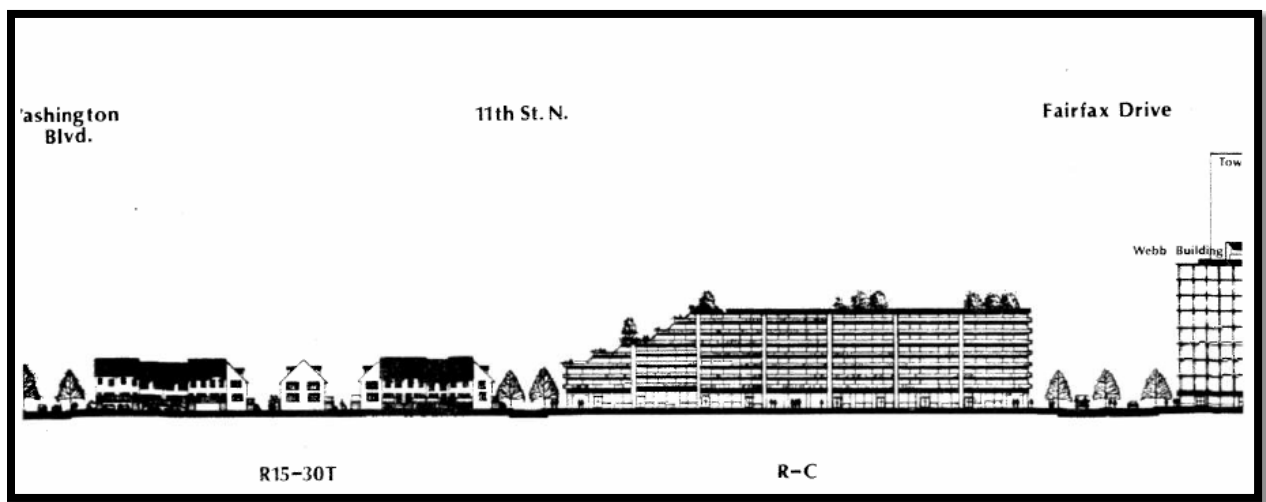


Note: The subject site is shown in red dashed outline.

- In the sector plan’s Urban Design section, infill projects in North Ballston are specifically mentioned as being encouraged to “include architectural detailing and layout designs compatible with existing housing styles.”
- The sector plan also recommends that higher density commercial and residential development adjacent to low-rise residential development incorporate an effective transition “through the use of plant materials, tapering of building heights, balconies, open spaces, topography, walls, and fencing.”
- The sector plan also recommends that “at grade parking facilities should be screened from adjacent residential areas by use of dense plant materials, topography, and walls.”
- The Land Use section of the sector plan contains several recommendations and analyses pertinent to North Ballston:

- The most important recommendation is that the boundary between the recommended “High-Medium” and the recommended “Low-Medium” development on the blocks in between Fairfax Drive and 11th Street North be left intentionally vague with the expectation that those areas would utilize the R-C zoning district to achieve proper building siting and transition between the high-density commercial areas along Fairfax Drive and the medium-density residential areas along 11th Street North.
- It should be noted that the advertised GLUP Amendment to change the designation to “High-Medium Residential Mixed-Use” and include GLUP Note 25, if adopted, would further clarify the County Board’s intent for this area regarding development density and form. The cross section below outlines the sector plan’s intended transition to the north:

Figure 13: Recommended Transition from Fairfax Drive to Washington Boulevard (Ballston Sector Plan)



11th Street North and North Vermont Street Special General Land Use Plan Study: As called for by County Board policy, staff led a special planning study in 2016-17 to evaluate the requested GLUP amendment for the subject south block site. Since the 1980 Ballston Sector Plan, numerous special exception site plans (with associated rezonings to R-C) have been approved and built in this area of North Ballston, in accordance with sector plan guidance. However, in 2013, a Zoning Ordinance amendment to the R-C District had the effect of making at least partial designation of "High-Medium Residential Mixed-Use" a pre-requisite for rezoning a site to R-C. In this context, the main purpose of the Special GLUP Study was to evaluate the appropriate GLUP designation for this area, in the context of the area’s prevailing development pattern largely implemented according to Ballston Sector Plan guidance. Given the context and circumstances surrounding the request, this Special GLUP Study was distinctly different from prior ones in that it ultimately addressed potential GLUP amendments beyond the specific site of the subject site plan application.

The process, substantive analysis, and outcomes of the Special GLUP Study are thoroughly documented in the [11th Street North and North Vermont Street Special GLUP Study document](#). While the Special GLUP Study document is not adopted County policy, it presents thorough

analysis conducted to evaluate the appropriate GLUP designation for the area and supports staff's recommendation in June 2017, that the County Board authorize advertisement of public hearings for a GLUP amendment that would:

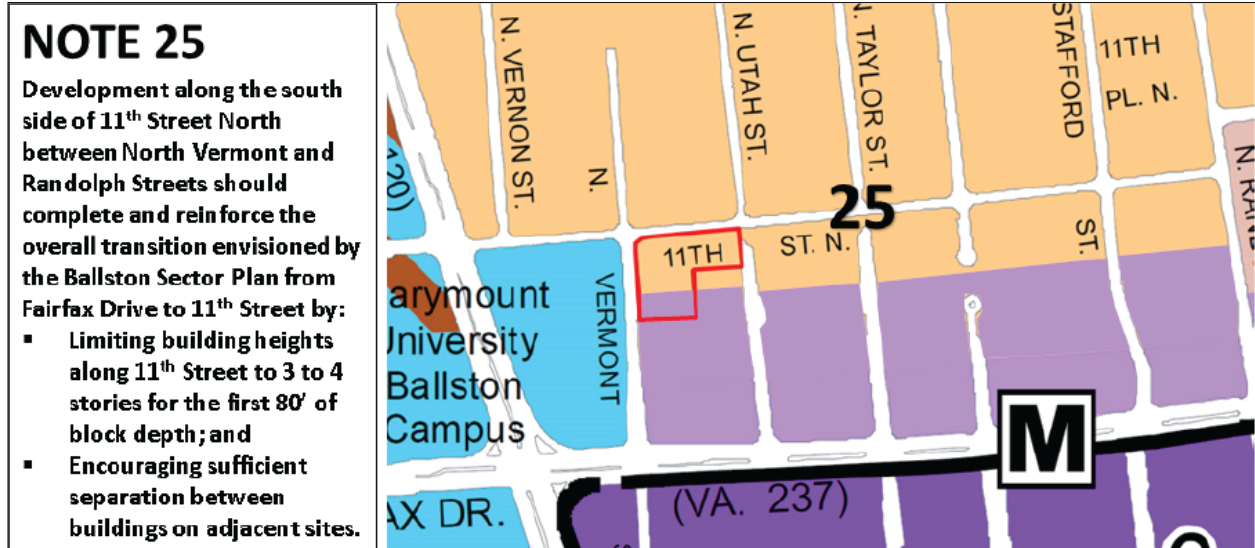
- 1) Expand the "High-Medium Residential Mixed-Use" designation from approximately one-third of the blocks from Fairfax Drive to 11th Street North and between North Vermont Street to North Randolph Street to approximately two-thirds of the blocks, while retaining the "Low Medium" Residential designation along 11th Street North; and
- 2) Add Note 25 to the GLUP map to provide additional guidance for achieving an appropriate transition between taller buildings along Fairfax Drive to more neighborhood-scale development along 11th Street North. between the surrounding development and any new development.

As advertised, Note 25 would establish recommended building height maximums up to three and four stories along the 11th Street North edge and indicate the importance of achieving sufficient building separation. While the R-C zoning could allow building heights up to 95 feet, the Special GLUP Study process reinforced the desire for any new development on this site to be consistent with and continue the pattern of lower building heights along the 11th Street North frontage towards North Randolph Street.

In its [June 2017 report to the County Board](#), Staff concluded that the proposed GLUP amendment would more clearly communicate the County's overall vision for this area of North Ballston and more closely reflect the built conditions implemented through the County Board's previous actions to approve numerous special exception site plans and rezonings since 1980. Staff also concluded that applying the proposed change to all five blocks would result in a more cohesive and uniform land use pattern rather than solely changing the subject block. While property owners and/or homeowner associations across all five blocks have been notified of this proposed GLUP amendment, Staff does not anticipate that the proposed amendment will have meaningful implications for other sites due to already existing GLUP and development patterns.

At its May 11, 2017 hearing, the Planning Commission concurred with staff's findings, and recommended that the County Board authorize advertisement of future public hearings for the subject GLUP amendments. As documented in the [Planning Commission letter](#), it also passed several motions to their main recommendation suggesting more specific guidance on building form and placement for the future site plan application. On June 17, 2017, the County Board authorized advertisement of the proposed GLUP amendment to change the land use designation as described above and to add Note 25 to the GLUP Map. The Board also considered the Planning Commission's recommendation to include more specific building height and separation guidance, but ultimately it concurred with staff's recommendation that these more specific parameters be addressed through the Site Plan Review Committee (SPRC) process. The County Board authorized advertisement of the proposed GLUP amendment without those specific details. Further discussion of the building height and separation topic is provided below.

Figure 14: County Board Advertised GLUP Amendment and Note 25:

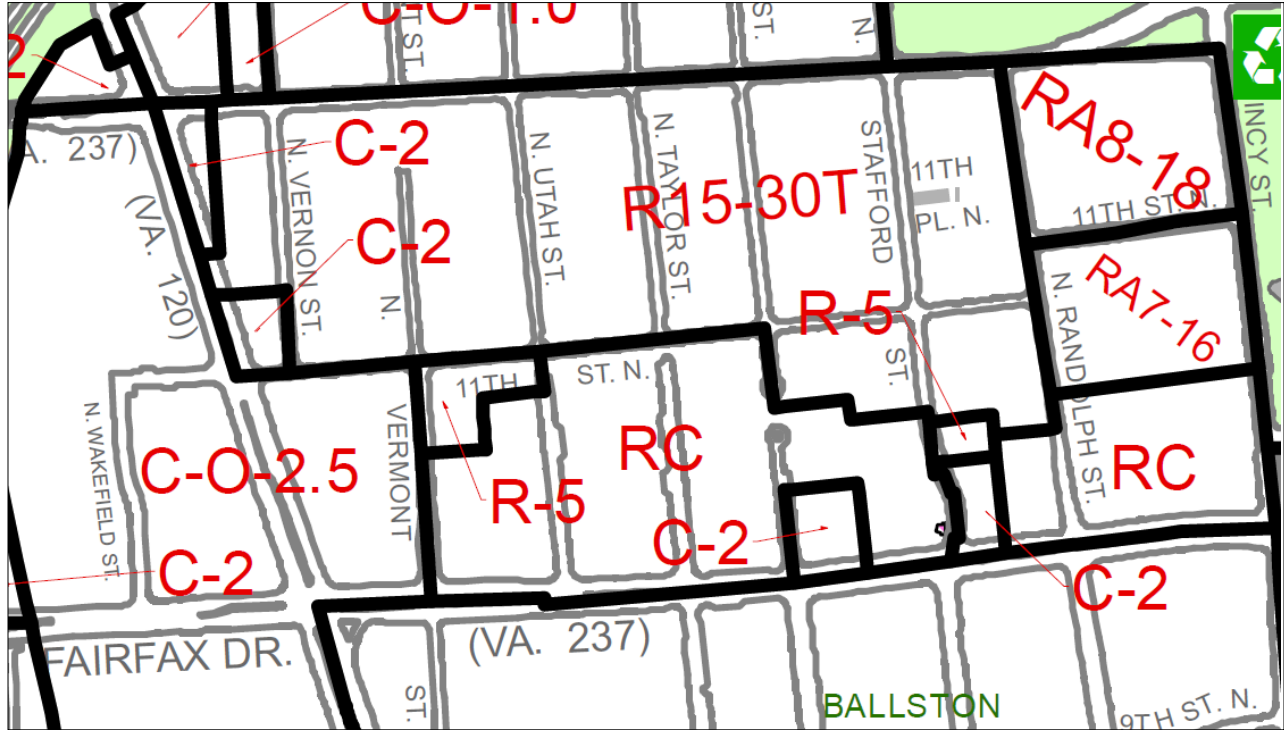


Zoning:

R-C District Standards: The applicant is requesting rezoning of the south block site from R-5 to R-C. The purpose of the R-C, Multiple Family Dwelling and Commercial District is to provide for high-medium density residential development, while permitting a commercial and mixed-use transition to higher-density commercial areas. The district is explicitly intended to be located within a half-mile radius of a Metrorail station; the types of densities, heights, and land uses are to be determined on a case by case basis. The site plan option within R-C provides for residential and commercial development up to a maximum of 3.24 FAR. Commercial uses may be considered at a ratio of 0.62 square feet per 1 square foot of residential gross floor area, although that ratio may be increased if certain site criteria are present. The district contains a height standard of 95 feet, with a limit on penthouse height of 16 feet.

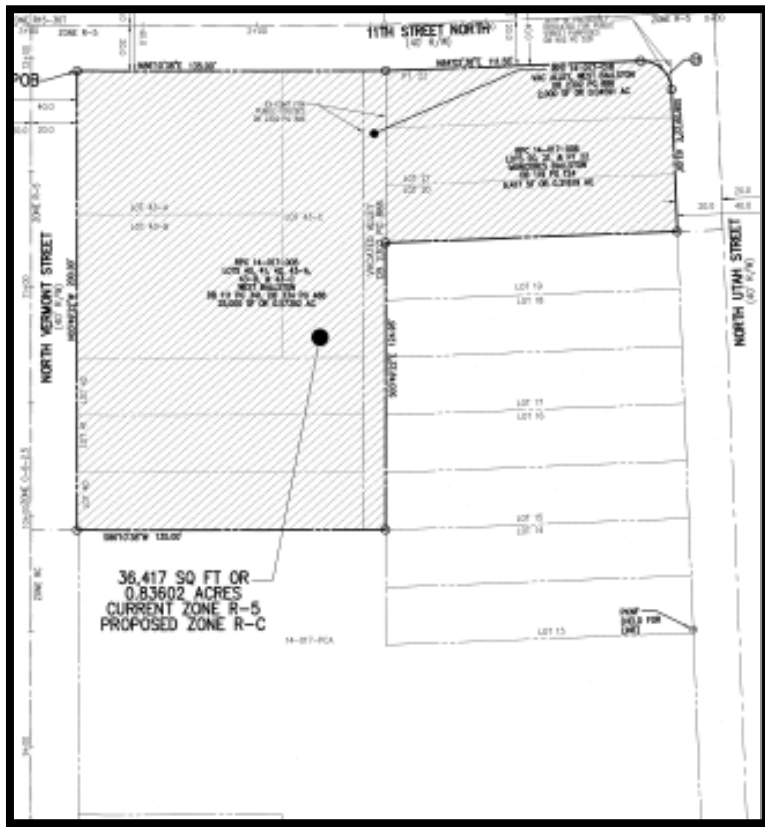
R15-30T District Standards: The north block is zoned R15-30T and the applicant is requesting a site plan development for the north block within this district. The purpose of this district is to provide low-rise one (1)-family townhouse development within Metrorail corridors providing a transition between higher density residential development and one (1) and two (2) family development patterns. The district density standards allow for up to 15 units/acre on sites less than 17,424 square feet, and up to 30 units/acre on sites greater than that size. The height standard is 45 feet by site plan.

Figure 15: Current Zoning Map



Rezoning: The advertised GLUP Amendment for the subject site would bring the “High-Medium Residential Mixed-Use” designation to encompass two-thirds of the subject blocks, including the southernmost portion of the south block. This allows the south block to be eligible for rezoning to the R-C District, which corresponds to the “High-Medium Residential Mixed-Use” GLUP Category. The Special GLUP Study analyzed the impacts of reclassifying this portion of the site in anticipation that R-C development would be implemented at the subject site. The neighborhood transition resulting from the proposed site plan application’s overall form and placement is generally consistent with vision of the GLUP amendment advertised by the County Board in June, 2017. The request to rezone the subject site on the south block to R-C is consistent with supporting plans and policies, including the Ballston Sector Plan. The proposed rezoning is thus consistent with the three (3) blocks to the east, all of which contain identical GLUP designations and are currently zoned R-C.

Figure 16: Proposed Rezoning Plat



Urban Form and Transition to 11th Street North: The advertised GLUP Amendment was intended to more accurately reflect the built development pattern on the blocks north of Fairfax Drive, acknowledging the fact that these blocks are developed with R-C site plans. GLUP Note 25 was designed to provide general guidance as to how new R-C development on these blocks should reinforce the transition in height, density, and urban form from high-density commercial along Fairfax Drive towards low-medium residential along 11th Street North. The R-C district is a transitional district and includes provisions that reinforce this point.

The applicant's proposal for the south block includes a seven-story building on the southern portion of the site corresponding in part to the advertised "High-Medium Residential Mixed-Use" GLUP category. The building is sited 81-feet from the curb line of 11th Street North. The building is separated by a private alley from a row of four-story townhouses fronting 11th Street North. This is consistent with guidance for limiting building heights to 3-4 stories for the first 80 feet of block depth proposed as part of GLUP Note 25. The applicant is also proposing a stepback at the northern façade of the seven-story building in order to create a more deliberate taper to 11th Street North. The following exhibit depicts the proposed transition to 11th Street North:

Figure 17: Transition to 11th Street North



Separation with Buildings on Adjacent Sites: A major topic of discussion during the Special GLUP Study continuing into the site plan review process was the placement of the proposed new buildings on the south block in relation to the existing development east and south of the site. The majority of the block on which the subject south block is situated is developed by SP #232, which includes the Arlington Square office building fronting Fairfax Drive, and the Westview Condominium development on the middle two-thirds of the block. The Westview Condominium development contains two (2) buildings; a nine (9) and a 10-story building, each of which contain a wing that steps down to six-stories towards their northern property lines.

Figure 18: Existing Development Context on Subject Block



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The applicant is proposing situating the new seven-story multifamily building 10-feet eight - inches from the southern property line at its closest point, and 11-feet, four -inches along the frontage directly across from the six-story Westview wing to the south. On the eastern side of the project, the proposed new building is situated a minimum of 15-feet from the property line, although the covered parking garage entry is sited directly to the property line. The two (2) Westview Condominium buildings that abut the subject site are situated 11-feet, six -inches from the southern property line and 18-feet (at the minimum dimension) from the eastern property line. As a result, on the southern property line there is a minimum separation between the building faces of 22-feet, 10-inches. On the eastern property line, there is a minimum separation between the building faces of 34-feet, 10-inches (however there is a ground-level separation with the covered garage entrance of 14-feet, two-inches). The graphic below provides the distances discussed in this paragraph:

Figure 19: Building Separation in Plan View



**CORNER
SCULPTED
6'-4" X 22'
DEEP**

AT SOUTHEAST CORNER

Dimensions and Level Markers:

- TOP OF PARAPET: 357'-0"
- 08 ROOF LEVEL: 348'-0"
- 07 LEVEL 7: 338'-0"
- 06 LEVEL 6: 327'-4"
- 05 LEVEL 5: 318'-0"
- 04 LEVEL 4: 308'-0"
- 03 LEVEL 3: 299'-4"
- 02 LEVEL 2: 284'-0"
- 01 LEVEL 1: 272'-0"

Vertical Spacing (from Level 1 to Level 2): 12'-0"

Vertical Spacing (from Level 2 to Level 3): 15'-8"

Vertical Spacing (from Level 3 to Level 4): 10'-8"

Vertical Spacing (from Level 4 to Level 5): 10'-8"

Vertical Spacing (from Level 5 to Level 6): 10'-8"

Vertical Spacing (from Level 6 to Level 7): 10'-8"

Vertical Spacing (from Level 7 to Roof): 10'-0"

Horizontal Dimensions:

- 18'-2"
- 11'-10"
- 6'-4"
- 11'-6"
- 34'
- 33'-0"
- 36'-0"

This topic was also a focus of discussion during the GLUP Study process for the site. The Planning Commission recommendation to the County Board for the GLUP Study Request to Advertise included several recommendations on specific language to address this issue, which the Planning Commission recommended be included in new proposed GLUP Note 25. Specifically, the Planning Commission recommended that there be a minimum of 30-feet of

separation north-south and 50-feet east-west between new and existing buildings. They also recommended that the height of any new building be limited to six (6)-stories. Finally, they recommended that the applicant provide sculpting to the southern façade of the building to ease the transition and allow additional light and air into the passageway between the two buildings.

The County Board chose not to affirm these recommendations in the advertisement for the GLUP Amendment, and instead adopted the staff recommended GLUP Note 25 language for “encouraging sufficient separation between buildings on adjacent sites.” During the public hearing on the item, Board members discussed that the desire for the GLUP Note was for general guidance on urban form for the areas under consideration, and that specific distances for specific sites should be studied and weighed during the site plan review process. Also, Board members discussed that the specific dimensions recommended by the Planning Commission could be used to form the basis of later discussions; however, they did not wish to preclude consideration of building heights and separation less than that recommended by the Planning Commission independent of the review of a specific site plan proposal.

Absent established policy guidance, staff undertook a study to understand the issue in greater depth. In evaluating the subject proposal during the site plan review process, staff looked to a variety of resources to help gauge the impacts and inform a recommendation on the proposed separation with existing buildings on adjacent sites. The following resources were evaluated:

- Analysis of existing and proposed site conditions;
- Existing zoning and building code standards;
- Development pattern in the vicinity and in Arlington generally; and
- Analysis of purported impacts to light and air, privacy, and views.

Site Conditions: The six-story Westview wing abutting the southern property line of the subject site is set back from the North Vermont Street right of way approximately 55 feet⁴. The units within this wing (and within the development generally) contain floor-to-ceiling bay windows provided along an undulating façade. The area abutting the proposed site is encompassed largely of the Westview loading driveway, and a residential pedestrian entry point to the building. The applicant proposes a new raised planter at ground level on their property in this area.

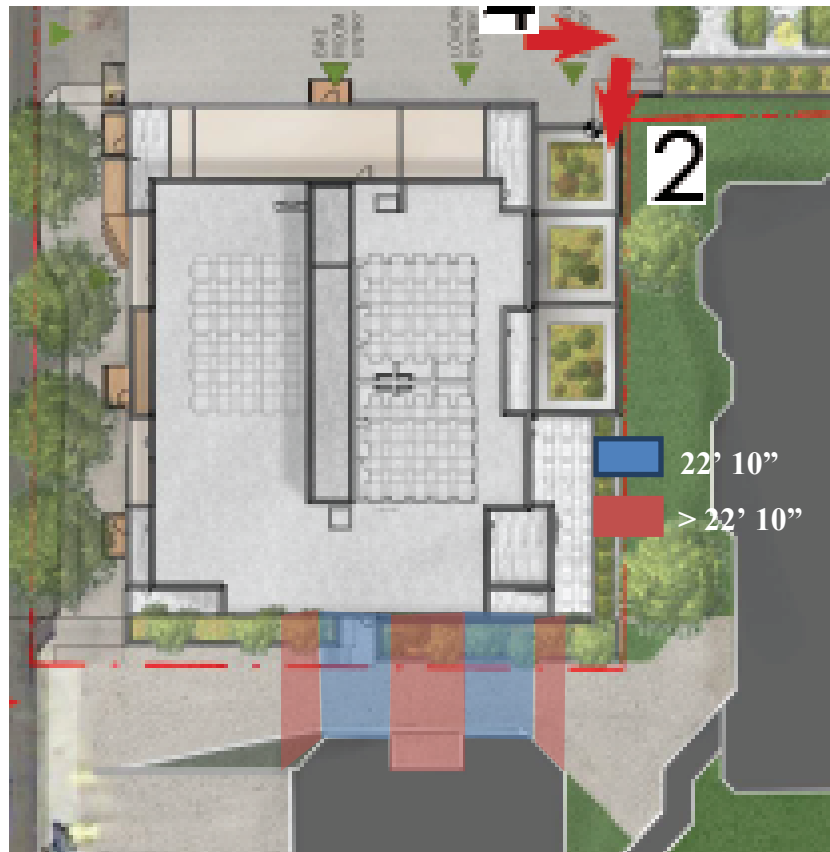
⁴ Distances measured using County GIS mapping software.
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Figure 21: Existing Conditions Showing Approximate Location of Property Line



Due to the configuration of the Westview units and their prominent bay windows, the footprint of the existing buildings is nonlinear, and thus the separation between existing and new buildings varies. Specifically, the six-story wing abutting the southern property line contains rows of units with bay windows on either corner, but is recessed in the middle of the wing. Because of this, and the existing building's approximately 55-foot setback from North Vermont Street, the area in which the approximately 22-foot separation occurs is limited to roughly 50 percent of that building façade. The graphic below depicts this point:

Figure 22: Building Separation Analysis



Another existing condition on the subject block is the distance by which the Westview is set back from its own property lines on the north and west sides of the parcel on which it is located. On the northern boundary on the western side of the block adjacent to North Vermont Street, and closest to the location of the proposed multifamily building, the Westview building is set back 11 feet, 6-inches from the property line. On the northern boundary on the eastern side of the block adjacent to North Utah Street, and closest to the location of the proposed townhouse-style units fronting 11th Street North, the Westview building is set back approximately 8 feet from the property line.⁵ The graphic below depicts the distances discussed above.

An important point to consider about setbacks and building separation is that while both terms are discussed in this report, they are not identical. Setbacks are a zoning standard which denotes the distance buildings must be located from *property lines*. Building separation, on the other hand, refers to the actual distances between the faces of buildings, and is used in planning terminology. Building setbacks are the zoning tool used to establish building separation.

⁵ All measurements obtained using County GIS Mapping software.
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Figure 23: Westview Condominium Setback Distances from Northern Property Lines



Building Code and Zoning Standards: The Virginia Uniform Statewide Building Code provides restrictions on residential construction in proximity to property lines. If a building is located within 15 feet of a property line (as is the subject proposal), it may have no more than 45% openings on its façade and the wall must be fire rated to 1-hour. For comparison purposes, if a building is built within three (3) feet of a property line, then no openings are permitted.

The applicant is proposing to rezone the subject site to R-C Multiple Family Dwelling and Commercial District, the same zoning as the abutting Westview Condominium project (SP #234). The R-C district provides for 40-foot setbacks from the centerline of any street. Side and rear yard setbacks are not required unless the property abuts an R or RA district, which the subject proposal does not. Therefore, the applicant's proposal is consistent with the R-C district standards for the side yard setback. In this instance, there is no corresponding setback requirement for building separation between buildings on the same site or between buildings on adjacent sites.

Development Pattern in the Vicinity and Generally: On the block on which the subject site is located, the existing separation between Westview Condominium buildings measures 35 feet

east-west, and 34 feet north-south⁶. The separation between the Westview and the Arlington Square office building is 32 feet. On the block immediately to the east of the subject block, which is developed with the Ballston Station office and Windsor Plaza residential (SP #212), the separation east-west between the residential wings of the building is 32 feet, and the separations between the residential and office buildings are 31 feet. The Summerwalk development three (3) blocks to the east of the site contains a separation of approximately 19 feet between a seven-story building and adjacent four (4)-story townhouses.

Figure 24: Building Separations in Vicinity



Staff also examined building separation elsewhere in the County, specifically looking for examples of projects in which separation between buildings was less than 30 feet. The chart below provides those data⁷:

Figure 25: Building Separation Research Chart

Project	Zoning	Minimum Separation Distance	Height Differential
Westview	R-C	35 feet	6 stories and 8 stories
Westview	R-C	34 feet	8 stories and 8 stories
Westview/Arlington Square	R-C	32 feet	6 stories and 8 stories

⁶ All measurements are obtained from County GIS Mapping software.

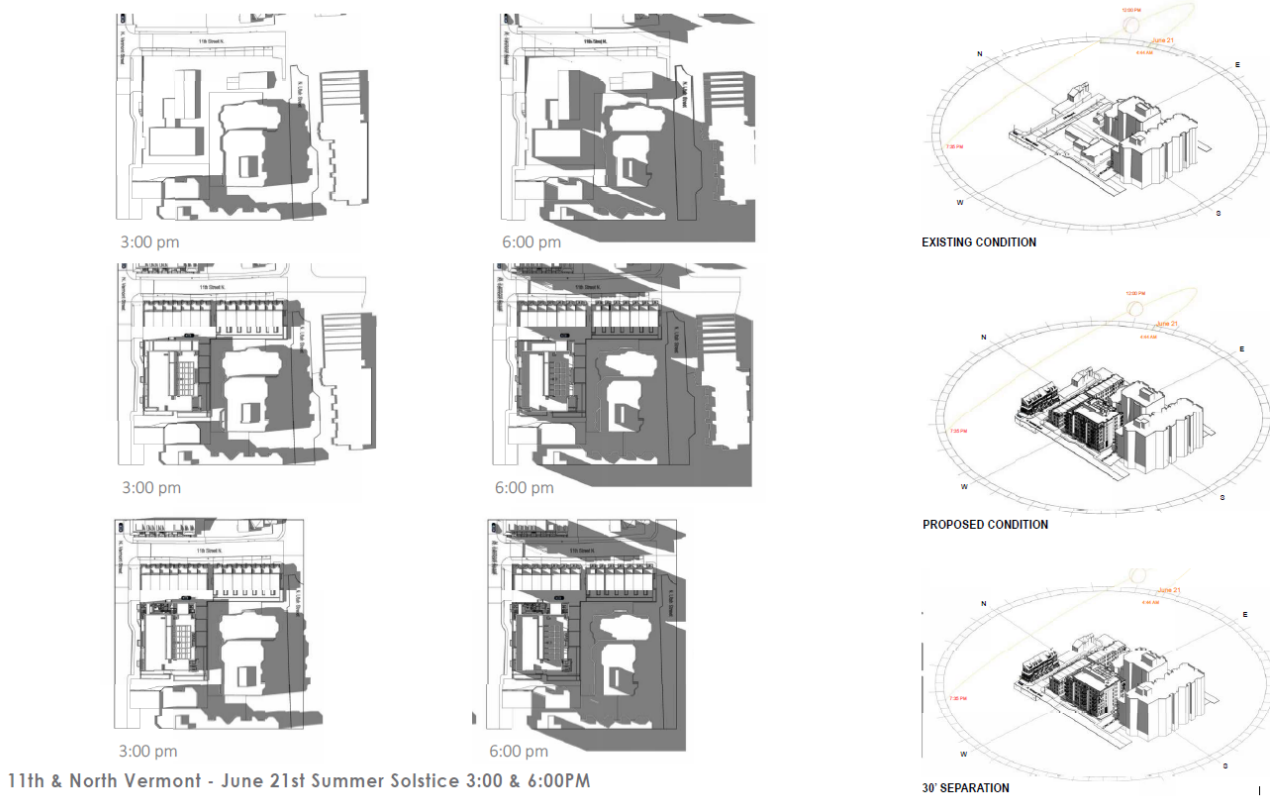
⁷ This is not intended to be an exhaustive list, and is specifically designed to highlight projects with less than a 30-foot separation between buildings

Windsor Plaza	R-C	31 feet	7 stories and 7 stories
Windsor Plaza/Ballston Station	R-C	32 feet	7 stories and 8 stories
Summerwalk	R-C	19 feet	7 stories and 4 stories
672 Flats	R-C	22 feet	3 stories and 1-6 stories
Jordan Manor	C-O-2.5	25 feet	4 stories and 4-5 stories
Penrose Square	C-O-2.5	28 feet	5 stories and 6 stories
NSTA	C-O-2.5	23 feet	5 stories and 4 stories
Market Common	C-O-1.5	25 feet	7 stories and 3 stories
11th & Vermont	R-C	22 feet	7 stories and 6 stories

Two (2) general findings can be made regarding the research displayed above. First, separations between buildings vary, and building separations of less than 30 feet can be found in R-C projects (among other districts). Height and scale of buildings play a part in how projects are developed; generally speaking, as the scale of buildings increase, so does the separation between them. The subject project is unique in that the scale of the proposed buildings is somewhat greater than found in the projects shown above, given the proposed separation.

Potential Impacts of Building Placement: In evaluating this issue, staff looked to the specific impacts that could arise from building placement. The first, and most cited concern during the site plan review process, is light and air, in particular access to sunlight. Residents expressed concern that the proposed separation on the southern property line would block the Westview wing's access to sunlight, and cast shadows upon the existing building. As a result of this concern, staff requested that the applicant prepare shadow studies to help better understand how the proposal would affect access to sunlight. The shadow studies show that, due to the placement of the subject building north of the existing Westview buildings, the only time of year in which a shadow will be cast on the six-story wing of the Westview will be during the evening hours during the summer season. The building will cast a new shadow to the east onto the 9-story Westview building during the spring, summer, and fall during the afternoon and evening hours. However, the shadowing at this specific site is more related to the heights of buildings, and it is unlikely that adjusting the placement of the subject building by several feet will have an effect on the shadows being cast onto the existing buildings. In addition, the shadow studies show that for much of the year, the existing Westview buildings will cast shadows onto the new building. The placement of the subject building will not result in a detrimental impact to the existing Westview buildings' access to sunlight.

Figure 26: Shadow Study Showing Proposed Development—Summer Solstice



In addition to concerns about access to sunlight, Westview residents raised concerns about privacy given the proximity of the proposed seven-story building. Given the building code requirements limiting window openings to 45 percent on the southern façade, and the location of a stairwell adjacent to this façade, the areas of the façade directly across from the six-story Westview wing are proposed to have minimal windows, which should limit any adverse impacts regarding privacy. See southern façade elevation below.

1 SOUTH ELEVATION

SCALE: 3/32" = 1'-0"

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Figure 28: Western Elevation (South Block)



Findings: Staff finds that the applicant’s proposed building separation will not result in undue adverse impacts to surrounding properties. The scale of the proposed building is larger than what was observed by staff in cases in which less than 30 feet of separation is provided; however the applicant is responding to a challenging urban infill situation and is providing a generally compatible form of development for the site. Moving the building setback to increase the separation across the southern property line from 22 feet to 30 feet will not materially change the conditions being created in terms of access to light and air, privacy, or views. In addition, the applicant is, for practical purposes, mirroring the side yard setback distance already established by the Westview, which is consistent with both applicable zoning and building code standards. Increasing the building separation in this location would require the applicant to provide a larger setback than is provided on the neighboring property of the same zoning. Finally, the area of the Westview façade impacted by the 22-foot separation is limited to the area immediately surrounding the angled bay windows. Due to the uniqueness of the existing building footprint and the deep setback from North Vermont Street, the majority of the separation is greater than 22 feet.

Staff finds that selective sculpting on the south façade is a more meaningful way to address the impacts of the new building than increasing the overall side setback distance between the buildings. Chamfering of the corners will allow greater views from the existing Westview units to the northwest and northeast. The applicant is proposing sculpting on the third through seventh floors to directly respond to the existing configuration of the abutting Westview building. With this sculpting mitigating the impacts on views from the existing building, staff finds that the proposal would generally be consistent with the proposed GLUP Note 25 recommendation for “sufficient separation with buildings on adjacent sites.”

Modification of Use Regulations: The applicant requests modification of Zoning Ordinance standards for the following:

Exclusions from GFA Calculations: The applicant is requesting 4,083 sq. ft. of GFA be excluded from density calculations. These areas are located below grade in the parking garage on the south block, and include building storage, mechanical, electrical, utility, water, telecom, and emergency generator rooms, as well as the transformer vault. Staff supports excluding these areas from calculations as they are consistent with past County Board approvals for exclusions, and do not contribute to the overall bulk, mass, and height of the subject building. The calculation of below-grade spaces is consistent with the Zoning Administrator's advice on Density Exclusions from GFA for Site Plan Projects.

Visitor Parking: The applicant is proposing two (2) of the three (3) required visitor parking spaces for the 12 townhouse units on the north block be located within surface parking areas on the north block. The third space would be located within the below-grade parking garage on the south block. This decision was made during a redesign of the north block units, which resulted in a more efficient site layout and incorporated open space, which staff supports. The tradeoff for a more efficient site layout and incorporation of open space was the loss of one (1) visitor parking space. Staff supports locating this space within the garage on the south block, as it represents an efficient use of parking resources. Given that the applicant has agreed to condition language requiring any unsold parking spaces within the garage be made available for visitor parking for both the north and south blocks, it is not anticipated that there will be a lack of visitor parking within the development.

Tandem Parking: Of the 12 townhouse units proposed for the north block, eight (8) of the units are proposed to have tandem parking spaces within the unit garages. The Zoning Ordinance counts tandem parking spaces as one (1) space, which means that there are 16 spaces provided for the 12 units, which is below the required 24 spaces. Therefore, the applicant is seeking a modification of zoning standards related to the required parking ratio for townhouses within the R15-30T district to reduce the required ratio from two (2) spaces per unit to 1.33 spaces per unit. Staff supports the proposed modification because tandem spaces can hold two (2) cars, and can be managed as such given the individual ownership of the units. Per Policy 6 of the [*Master Transportation Plan \(MTP\) Parking and Curb Space Management Element*](#), special exception projects in close proximity to public transit may have a reduced parking demand. Also in accordance with Policy 6 of the MTP, the developer has agreed to Transportation Demand Management (TDM) measures to encourage non-vehicular modes of travel. No adverse impacts to parking are anticipated as a result of tandem parking being permitted on the north block.

Affordable Housing: The Applicant will meet the affordable housing requirements of the Zoning Ordinance and additionally proposes four (4) on-site committed affordable units (CAFs), as a contribution due to the GLUP amendment, and as outlined below:

1. ZO §15.5.8.A – Affordable Dwelling Units for Increased Density within the General Land Use Plan. The applicant shall have the choice of:
 - a cash contribution = \$470,444
 - on-site units = approximately 3 units
 - off-site nearby units = approximately 4 units

- off-site units = approximately 5 units
2. ZO §15.5.8.H – Four (4) units as a contribution related to the GLUP amendment. Section §15.5.8.H states, “Site plan applications that include an application to change the GLUP designation of the site may be subject to an affordable housing requirement in addition to the above requirement [§15.5.8.A].”
 - 4 ownership units affordable up to 80% of the Area Median Income (AMI).

The applicant proposes that the four (4) CAFs will be two-bedroom units. The applicant proposes that one (1) of these will be fully accessible. The CAFs will remain affordable in perpetuity, for the life of the project. This will ensure a long term affordable commitment and that the tax assessments be based on the affordable value of the unit, instead of the much higher market rate assessment of the same unit.

The four CAFs shall have a maximum sale price that is affordable to households at or below 80% of Area Median Income (AMI) as published by the US Department of Housing and Urban Development (HUD) for the Washington, DC Metropolitan Statistical Area, adjusted for household size. The specific sale price of the four (4) CAF units will be determined in consultation with staff and will be included as part of the CAF Agreement to be submitted prior to the First Certificate of Occupancy.

This proposal meets several of the County’s Goals, Objectives and Policies of the County Board adopted Affordable Housing Master Plan.

1. Policy 1.2.1 – Project will add four (4) CAFS through zoning ordinance provision §15.5.8.H
2. Policy 1.2.2 – Project will create four (4) family sized units.
3. Policy 2.5.3 – Project helps to maintain a sufficient supply of CAF units that are accessible for persons with physical and sensory disabilities by adding one (1) Type A accessible unit.
4. Policy 3.3.1 and 3.3.2 – The multifamily building will be certified LEED Silver which will help to advance the goals of the Community Energy Plan and encourage water conservation.

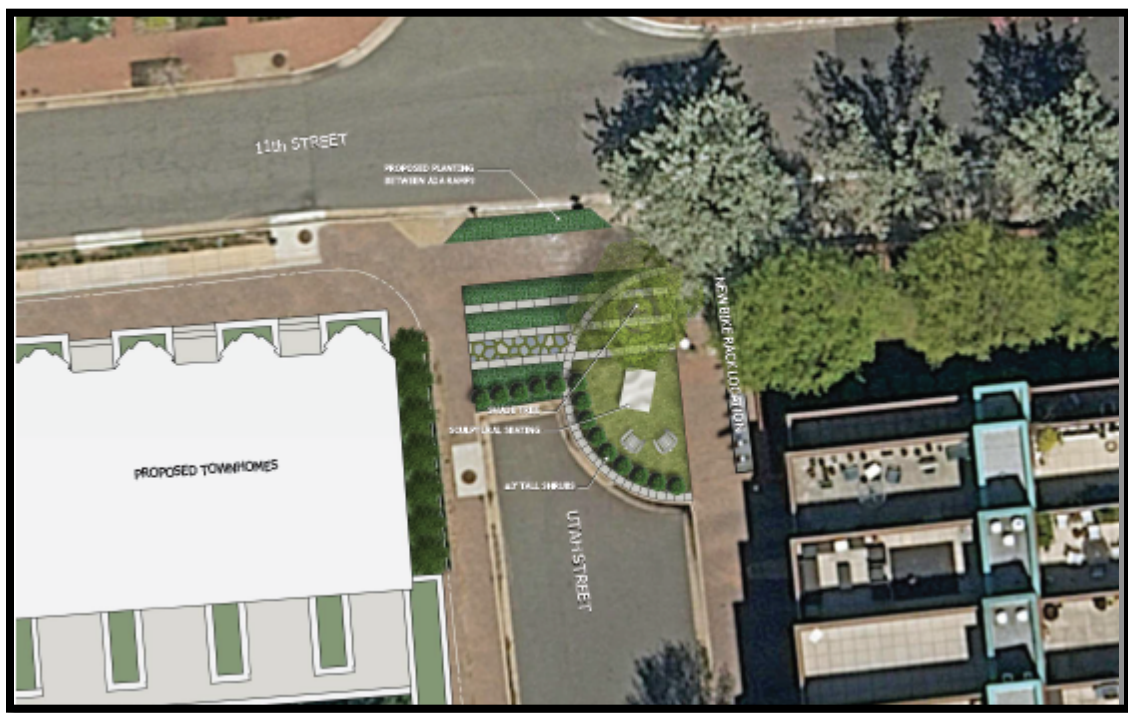
Site Plan Features and Amenities: The applicant agrees through the standard site plan conditions to provide certain features, improvements, and amenities, to mitigate the impact of the proposed development on adjacent properties and the neighborhood. This list includes, but is not limited to:

- Completion of pavement, sidewalk, curb and gutter on street frontages;
- Streetscape and landscape improvements on site to current County standards;
- Utility undergrounding and fund contribution;
- Transportation demand management program;
- Installation of an in-building wireless First Responders Network;
- LEED Silver Certification; and

- The applicant will meet the affordable housing requirements of the ACZO Sec. 15.5.8. The amount of cash contribution may vary based on the amount of gross floor area that is actually built.

In addition to the standard site plan features, the applicant has agreed to provide landscaping improvements to a small area within the North Utah Street right of way as a way of mitigating the need for green space in the vicinity. The applicant has agreed to maintain the subject treatment in perpetuity unless or until the County opens North Utah Street at this location. The applicant has also agreed to condition language requiring them to hold a community meeting to solicit input into the final design of the treatment.

Figure 29: Landscaping Treatment at N. Utah Street



PUBLIC ENGAGEMENT: The subject GLUP amendment, rezoning, and site plan have been reviewed by the following advisory groups and review committees:

Site Plan Review Committee (SPRC): The SPRC reviewed this site plan at four (4) meetings on the following dates: October 19, 2017, December 11, 2017, January 4, 2018, and January 25, 2018. The October 19 SPRC meeting was preceded by a site walking tour. The January 25 SPRC meeting was preceded by a short Open House where participants could speak with staff and the applicant on an individual basis to clarify outstanding questions about the proposal. Representatives of the Ballston-Virginia Square Civic Association (BVSCA), the Westview Condominium Association, and the Victoria at Ballston, Vermont Court, and Vermont Place Homeowners Associations participated in the review. The major topics of discussion at these meetings included:

- Overall scale of development and compatibility with the surrounding neighborhood:
- Location and nature of open space:
- North block site layout and configuration:
- Building placement and separation with buildings on adjacent sites:
- Effects of shadowing on buildings on adjacent sites:
- Architecture and sculpting:
- Parking availability:
- Location of parking and loading access within the project:
- Delivery and drop off location:
- Pedestrian circulation; and
- Traffic generated by the proposed development.

Transportation Commission: The Transportation Commission heard the subject requests at its February 8, 2018 meeting, and recommended unanimous approval of the proposal with no amending motions. The discussion during the meeting focused on the performance of several intersections adjacent to the subject site, including those that were closed subject to the recommendations of the Ballston Sector Plan in the 1980's.

Planning Commission: The Planning Commission heard the subject requests at its February 12, 2018 meeting, and recommended unanimous approval of the proposal with one (1) amendment to their main motion:

1. Recommend to the County Board that the multifamily building has 30 feet of separation from its building face to the building face of the Westview building.

Staff Response: Staff supports the applicant's proposed separation with the adjacent Westview building on the southern boundary of the south block, for the reasons enumerated in the "Separation with Buildings on Adjacent Sites" section of this report. Staff finds that the applicant's proposal will not result in an undue adverse impact on surrounding properties, and is consistent with applicable guidance for the site. Therefore, staff does not support the Planning Commission's amended motion.

Other issues discussed at the hearing include parking, building height, and process for community involvement post-approval.

Housing Commission: The Housing Commission heard the subject requests at its February 15, 2018 meeting, and recommended unanimous approval of the proposal with no amending motions.

CONCLUSION: The applicant's proposal includes a GLUP amendment from "Low-Medium" Residential to "High-Medium Residential Mixed-Use"; a rezoning of the south block from R-5 to R-C; and a site plan for a seven (7) story multifamily building and 14 townhouse-style units on the south block, and 12 townhouses on the north block. Based on staff's analysis of the relevant planning documents and adopted County policies and the feedback staff received from

the LRPC and Planning Commission on the 11th Street North and North Vermont Street Special GLUP Study, staff recommends that the County Board adopt GLUP Amendments for the area of North Ballston as described in this report, including the addition of Note 25. The proposed rezoning of the south block to R-C is permissible with the recommended GLUP Amendments, and is consistent with the existing zoning pattern in the vicinity. The proposed site plan with modifications as requested will help complete the vision for North Ballston set forth in the Ballston Sector Plan, and is generally consistent with the plan's urban form and transition recommendations. Furthermore, staff finds that with the sculpting provided on the southern façade of the multifamily building, the proposed site plan is consistent with Note 25's recommendations for "sufficient separation with buildings on adjacent sites." Staff finds that the project:

- a) Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the R-C and R15-30T district as may be modified by the County Board; and
- b) Functionally relates to other structures permitted within the district and will not be injurious or detrimental to property improvements in the neighborhood; and
- c) Is so designed and located that the public health, safety and welfare are promoted and protected.

Therefore, staff recommends that the County Board: 1) adopt the General Land Use Plan Amendment from "Low-Medium" Residential (16-36 Units/Acre) to "High-Medium Residential Mixed-Use" (Up to 3.24 FAR with associated office and retail activities) for the middle one-third of the several blocks generally bound by Fairfax Drive to the south, North Vermont Street to the west, 11th Street North to the north, and North Randolph Street to the east, and to include GLUP Note 25 to provide additional guidance on the overall vision for the desired neighborhood transition along 11th Street North; 2) rezone the subject site from R-5, One Family and Restricted Two Family Dwelling District to R-C, Multiple-Family Dwelling and Commercial District; and 3) approve SP#447 with conditions for a 72-unit multifamily residential building with condominium and townhouse-style units (South Block) and 12 townhouse units (North Block), with modification of zoning standards: density exclusions for below-grade spaces; visitor parking; tandem parking; and all other modifications necessary to achieve the proposed development.

GENERAL LAND USE PLAN AMENDMENTS TO:

CHANGE THE DESIGNATION FROM “LOW-MEDIUM” RESIDENTIAL (16-36 UNITS/ACRE) TO “HIGH-MEDIUM RESIDENTIAL MIXED-USE” (UP TO 3.24 FAR) FOR THE MIDDLE ONE-THIRD OF THE BLOCKS BETWEEN FAIRFAX DRIVE AND 11TH STREET NORTH AND BETWEEN NORTH VERMONT STREET AND NORTH RANDOLPH STREET; AND, INCLUDE GLUP NOTE 25 TO PROVIDE MORE DETAILED GUIDANCE PERTAINING TO THE DESIRED TRANSITION ALONG 11TH STREET NORTH IN NORTH BALLSTON.

Whereas, the County staff has, pursuant to County policy, studied the property, the County’s planning policies and goals, and relevant Zoning that apply to the subject property and surrounding area; and

Whereas, the proposed General Land Use Plan amendment would advance the County’s policies to implement transit-oriented development in close proximity to Metrorail stations and other transit offerings; be consistent with guidance set forth in the Ballston Sector Plan; preserve established residential neighborhoods; and accomplish the harmonious development of the County or promote the health, safety, morals, order, convenience, prosperity, and general welfare of the inhabitants as set forth in the General Land Use Plan booklet; and

Whereas, the County Manager has recommended that the proposed amendment be adopted; and

Whereas, the Planning Commission has recommended approval of the subject GLUP change at their meeting on February 12, 2018.

Whereas, the County Board held a duly advertised public hearing on the proposed amendment to the GLUP on February 24, 2018.

Whereas, the County Board of Arlington desires to consider whether the subject General Land Use Plan amendment is appropriate for the Property.

Now, Therefore, be it resolved that, based on the aforementioned consideration, deliberations and all public comments, the County Board of Arlington County finds that the aforementioned proposed amendments to the GLUP to change the designation from “Low-Medium” Residential (16-36 units/acre) to “High-Medium Residential Mixed-Use” (up to 3.24 FAR) for the middle one-third of the blocks between Fairfax Drive and 11th Street North and between North Vermont Street and North Randolph Street; and to include GLUP Note 25 to provide more detailed guidance pertaining to the desired transition along 11th Street North in North Ballston as shown on the map provided in Attachment A to this report, should be, and hereby is, approved.

REZONING ORDINANCE

WHEREAS, the County Board of Arlington County (“County Board”) finds that NVR, Inc. has requested a rezoning FROM R-5 (One Family and Restricted Two Family Dwelling District) TO R-C (Multiple Family Dwelling and Commercial District) for property located at 1031 N. Vermont Street and 4400 11th Street N. (RPC #14-017-005; -018; -006) (“Property”); and

WHEREAS, the County Board finds that the rezoning to R-C (Multiple Family Dwelling and Commercial District) will be consistent with the General Land Use Plan Designation for the Property; and

WHEREAS, the County Board finds that the rezoning to R-C (Multiple Family Dwelling and Commercial District) will achieve goals and objectives set forth in the Ballston Sector Plan; and

WHEREAS, the County Board finds that the rezoning to R-C (Multiple Family Dwelling and Commercial District) is required by public necessity, convenience, general welfare, and good zoning practice; and

WHEREAS, the Planning Commission recommended approval of the rezoning to R-C (Multiple Family Dwelling and Commercial District) at their meeting on February 12, 2018; and

WHEREAS, the County Manager recommends approval of the rezoning to R-C (Multiple Family Dwelling and Commercial District); and

WHEREAS, the County Board of Arlington County held a duly advertised public hearing on the proposed rezoning on February 24, 2018.

NOW THEREFORE, be it ordained, that the Property located at 1031 N. Vermont Street and 4400 11th Street N. (RPC #14-017-005; -018; -006) is hereby rezoned FROM R-5 (One Family and Restricted Two Family Dwelling District) TO R-C (Multiple Family Dwelling and Commercial District), as shown on the map Attachment B to this report (Z-2600-17-1)

SITE PLAN ORDINANCE

WHEREAS, an application dated September 16, 2016 for approval of Site Plan #447, was filed with the Office of the Zoning Administrator; and

WHEREAS, the Planning Commission held a duly advertised public hearing on that Site Plan application on February 12, 2018; and

WHEREAS, as indicated in Staff Report(s) prepared for the February 24, 2018 County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan subject to numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan on February 24, 2018 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
 - Exclusion of density (4,455 square feet of gross floor area) for below-grade storage, mechanical and electrical rooms; and
 - Modification of parking ratio from 2 sp./unit to 1.5 sp./unit for north block townhouses
 - Modification of visitor parking ratio from .2 sp./unit to .16 sp./unit for north block townhouses
 - Other modifications necessary to achieve the proposed development project.
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated September 16, 2016 for Site Plan #447, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition #2 below (which drawings, etc.... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan to construct 72 multifamily units and 12 townhouse units, for the parcels of real property known as RPC #'s 14-018-001; -002; -070 and 14-017-005; -006; -018 and 1031 N. Vermont Street and 4400 11th Street N., approval is

granted and the parcels so described shall be used according to the Revised Site Plan Application, and subject to the following conditions:

Note: Where a particular County office is specified in these conditions, the specified office includes any functional successor to that office. Where the County Manager is specified in these conditions, "County Manager" includes the County Manager or his/her designee. As used in these conditions, the term "Developer" shall mean the owner, the applicant, and all successors and assigns.

The general sequence of permits is as follows: Demolition Permit; Land Disturbance Permit; Excavation, Sheeting and Shoring Permit; Footing to Grade Permit; and Final Building Permit. In the event that the Developer does not obtain all permits separately, the Developer agrees that the requirements for all permits as set forth or as otherwise may be modified in the conditions below will be included in the permit that is applied for up to and including those requirements set forth to be met before the permit that is being applied for has been issued. In the event that the Developer only applies for and receives a Final Building Permit, the requirements for the Demolition Permit; Land Disturbance Permit; Excavation, Sheeting and Shoring Permit; and Footing to Grade Permit must also be met prior to issuance of the Final Building Permit.

1. Overall Compliance Requirements

The Developer agrees that nothing in these conditions relieves the Developer from complying with all Federal, State and/or local laws and regulations. The Developer agrees that these conditions are valid for the life of the Site Plan. The Developer agrees to paste to all site development and building permit application drawings (not including interior alteration building permits i.e. electrical and plumbing), the site plan conditions as referenced in the approved minutes of the County Board meeting at which the Site Plan or any amendment to the Site Plan was approved. The Developer also agrees that no changes to the approved post-4.1 plans shall be made in the field. Unless otherwise stated in the conditions below, all required submissions shall be filed with the Zoning Office.

2. Site Plan Compliance and Expiration

A. **Compliance (Life of the Site Plan)** The Developer agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1, and the revised plans dated February 2, 2018 and reviewed and approved by the County Board as part of the Site Plan approval (as used in these conditions, the term "Site Plan" shall refer to the approved special exception SP #447) and made a part of the public record on February 24, 2018, 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, except as specified in the conditions below.

B. **Expiration (Footing to Grade Permit)** If a Footing to Grade Permit has not been issued for the first building to be constructed pursuant to the approved Site Plan, then

this Site Plan approval expires on February 24, 2021 unless otherwise extended by the County Board. 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 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.

3. Post-County Board 4.1 Filing (Demolition and Land Disturbance Permits)

- A. **(Demolition and Land Disturbance Permits)** The Developer agrees to file four copies of a Site Plan and the Site Plan Specification Form called for in Administrative Regulation 4.1 within 90 days of the County Board approval, and before issuance of the Land Disturbance Permit or Demolition Permit. The Developer also agrees to submit four digital copies on thumb drive or another comparable electronic format as approved by the Zoning Administrator, including final Site Plan drawings (JPEG, PDF, DWF, and DXF formats), color images of all renderings and photos of presentation boards (JPEG and PDF formats), and PowerPoint presentations (PPT format) shown to the County Board, including any changes made during the County Board meeting, of the approved 4.1 plans. The submittal shall comply with the final approval of the County Board and with Administrative Regulation 4.1. No permits shall be issued for this Site Plan until the post-County Board 4.1 filings have been approved by the County Manager.
- B. The Developer agrees that no changes to the approved post-4.1 plans shall take place in the field. The Developer agrees to obtain the Zoning Administrator's review and approval of all post-4.1 plan changes, who will determine whether the changes are acceptable, need an administrative change, or require site plan amendment approval.

4. Site Plan Conditions Review Meeting (Demolition and Land Disturbance Permits)

The Developer agrees to request and attend, along with its construction team, a Site Plan Conditions Review Meeting coordinated by the Zoning Office prior to the issuance of any permits for the Site Plan. The meeting is intended to inform the Developer of the following: 1) requirements of each of the Site Plan conditions that apply to the approved Site Plan; 2) the general process and contacts for obtaining permits, including plan review and approval and overview of associated Site Plan compliance requirements; and 3) the potential need to attend additional pre-permit and pre-construction meetings coordinated by the Inspection Services Division (ISD) and the Department of Environmental Services (DES).

5. Multi-Building Phasing Plan (Demolition and Land Disturbance Permits)

For multi-building Site Plans, the Developer agrees to obtain approval of the County Manager of a phasing plan ("Phasing Plan"), setting forth each defined phase ("Phase") of the Site Plan, prior to the issuance of any Demolition and Land Disturbance Permits, and to implement the approved Phasing Plan. Improvements required by this Site Plan

condition shall be constructed in phases, consistent with the approved Phasing Plan. Any changes in the project phasing shall require a new Phasing Plan approved by the County Manager prior to the issuance of any subsequent permits for the project.

6. Vacations and Encroachments (Demolition and Land Disturbance Permits)

A. Approval of Ordinance (Demolition and Land Disturbance Permits) The Developer agrees to obtain approval of, and fulfill all required conditions of, all ordinances of vacation and/or ordinances of encroachment associated with and/or required to build the project, or any portion thereof, as shown on the plans referenced in Condition #2, prior to the issuance of Demolition and Land Disturbance Permits or for a pertinent phase approved by the County Manager as part of the Phasing Plan required in Condition #5, with the exception of demolition or land disturbance permits solely for buildings and structures not owned by the County and not located on property within which the County has an interest.

B. Obtain Ordinance (Excavation, Sheeting and Shoring Permit) Further, the Developer agrees that no building, structure or utility of any type shall encroach upon, or interfere with, the use of any County property or the exercise by the County of any property right or interest, unless the Developer has first, before any Excavation, Sheeting and Shoring Permit is issued: a) obtained an ordinance of vacation or an ordinance of encroachment, enacted by the County Board, permitting such use, encroachment or interference; and, b) met all of the conditions of such ordinance(s). The satisfaction of the requirements of this condition may be phased provided such phasing is consistent with the Phasing Plan per Condition #5.

7. Tree Survey, Tree Protection Plan, and Tree Protection Bond (Demolition and Land Disturbance Permits)

A. (Demolition and Land Disturbance Permits) The Developer agrees to do the following prior to the issuance of the Demolition and Land Disturbance Permits:

- 1) **Tree Survey.** Complete a tree survey which meets the standards set forth below in subparagraph C, and consistent with the Chesapeake Bay Preservation Ordinance (County Code 61).
- 2) **Tree Protection Plan.** Submit to, and obtain the County Manager's review and approval of a tree protection plan for those trees identified on the tree protection plan to be saved according to the standards set forth below in paragraph C, and consistent with the Chesapeake Bay Preservation Ordinance (County Code 61).
- 3) **Bond Estimate.** Upon approval of the tree protection plan, the Developer agrees to submit to and obtain the Department of Parks and Recreation's (DPR) review and approval of, a bond estimate for the trees to be saved based upon Arlington County's Tree Replacement Formula or an amount approved by the County Manager. The Developer agrees to protect all trees designated to be saved on the tree protection plan, and those specified to be saved by the approved Site Plan and shown on any filing in connection with this Site Plan.

- 4) **Bond.** Upon approval of the bond estimate by the County Urban Forester, the Developer agrees to submit to DPR a bond, in the form of cash or letter of credit in the approved amount of the estimate, and the approved tree protection plan.

B. Tree Replacement and Tree Replacement Bond for Preservation of Trees on Developed or Adjacent Property (Post Master Certificate of Occupancy Permit)

- 1) **Tree Replacement.** Unless otherwise specified, any tree required to be saved pursuant to this condition, which dies, as determined by the County's Urban Forester, prior to or within three (3) years of the issuance of the Master Certificate of Occupancy, shall be removed and replaced by the Developer at his expense with the number of major deciduous and evergreen trees consistent with the Tree Replacement Guidelines. Failure to provide the required number of replacement trees on site shall cause default of the Tree Protection Bond. The County shall draw from the Tree Protection Bond the bonded amount for each dead or removed tree not adequately replaced. All funds drawn from the bond shall be placed in the County's Tree Canopy Fund.
- 2) **Final Inspection & Bond Release.** The Developer agrees to request a final inspection of all trees required to be preserved, consistent with the approved Tree Protection Plan, three (3) years after the issuance of the Master Certificate of Occupancy. The bond will be released upon satisfaction of all tree protection requirements, including preservation of protected trees.

C. Tree Protection and Tree Protection Plan Standards

- 1) The tree survey shall show existing conditions of the site and locate and identify all trees which are three (3) inches in diameter or greater. The survey shall include any tree on adjacent sites whose critical root zone extends onto the subject site.
- 2) The tree protection plan will designate any trees proposed to be saved by the Developer. This plan shall include any tree on adjacent sites whose critical root zone 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. At a minimum, this plan shall include:
 - a. Detailed specifications for any tree walls or wells proposed.
 - b. A description of how and where building materials and equipment will be stored, and a description and map of construction travel routes, during construction to ensure that no compaction occurs within the critical root zone of the trees to be saved.
 - c. The location of all construction trailers, which may not be located within any tree protection area.

8. Location of Construction Trailers (Demolition and Land Disturbance Permits)

The Developer agrees to submit a construction trailer plan, which shall show the location of construction trailers, prior to the issuance of the Demolition and Land Disturbance Permits, and prior to locating any trailers on the site. The plan may show construction trailers located within the setback area as long as they are not located in the vision obstruction area or tree protection area. The Developer may submit the construction trailer plan for review by both Zoning and DES prior to approval of the plan by Administrative Change by the Zoning Administrator. If all construction trailers for the project are shown on the Tree Protection Plan (Condition #7.A) above), then that Plan can be used to satisfy this condition's submittal requirements, provided it has been reviewed and approved as set forth herein.

9. Photographic Record of Development (Demolition and Land Disturbance Permits)

A. The Developer agrees to produce and submit to the Zoning Administrator a photographic record of development, starting with a record of the site as it appears before demolition is begun, including photographic records during construction, and ending with a photographic record of the development as it appears after completion of construction, for placement in the Arlington County Library Community Archives. These submissions shall comply with the standards provided in subparagraph B below.

The photographic record shall include photos taken at the following points in construction, and photos shall be submitted before issuance of the permit specified in each sub-paragraph below:

- 1) **(Demolition and Land Disturbance Permits)** Before issuance of the Demolition and Land Disturbance Permits for the site – Views of north, south, east and west facades, as location permits, of buildings to be demolished, as well as at least one photo of the site before any clearing or grading including the existing physical relationship with adjacent buildings and streets. The photographic record shall also include all historic aspects of the facades of the building to be demolished, consistent with the requirements described in Condition #34 below.
- 2) **(Footing to Grade Permit)** Before issuance of the Footing to Grade Permit – Photos of Site Clearance: Views of cleared site facing north, south, east and west, as location permits, with adjacent buildings and streets included.
- 3) **(Shell and Core Certificate of Occupancy)** Before issuance of the Shell and Core Certificate of Occupancy– Photos of Construction Phase: At a minimum, views of the site during excavation, upon construction of the first floor above grade, at topping out, and during the exterior cladding phase.
- 4) **(Master Certificate of Occupancy)** Before issuance of the Master Certificate of Occupancy – Photos of Site Completion: north, south, east and west facades of completed building or buildings, as well as at least one view of completed project

in context of adjacent buildings and streets. Photographs on compact disc must be submitted in addition to print copies of photographs and the photo contact sheet.

B. Photographic Record of Development Submittal Standards

All photographic records shall be submitted as either 8" x 10" prints on photographic paper, on thumb drive, or another comparable electronic format as approved by the Zoning Administrator, and must be date stamped. The photographs shall be either color or black and white.

10. Construction Related Measures (Demolition and Land Disturbance Permits)

A. Maintenance of Traffic Plans

- 1) All Maintenance of Traffic Plans (MOT) for this site plan shall include the hours permitted for construction activities in the public right-of-way. Construction activity within the public right-of-way may occur between 9:00 a.m. and 3:30 p.m., Monday through Friday and/or between 10:00 a.m. and 6:00 p.m. on weekends and holidays. Construction activity within the public right-of-way shall not occur between 6:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:30 p.m., Monday through Friday. The foregoing construction hours may be modified by the County Manager if he/she finds that, 1) for right-of-way improvements required by the site plan, construction activity must be constructed outside the hours stated above in order to avoid disruption of traffic or other transportation systems; or 2) the construction activity requires certain utility work and/or street closures outside the hours stated above. "Holidays" are defined as New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day. The Developer agrees to place a minimum of one sign per street front around 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.
- 2) The Developer agrees to maintain a 5-foot minimum clear width pedestrian access along 11th Street N., N. Vermont Street, and N. Utah Street adjacent to the site throughout construction. Exceptions may be made during an emergency as defined in condition #13.C, when the County Manager has determined that pedestrian access adjacent to the site should be limited for safety reasons, and/or for such limited periods as are unavoidable for utility upgrades or construction of the sidewalk along 11th Street N., N. Vermont Street, and N. Utah Street.
- 3) The Developer agrees to: a) submit one (1) copy of each approved Construction Hauling Route Plan to the Zoning Administrator and; b) document to the Zoning Administrator that the Developer has provided one (1) copy of each approved Construction Hauling Route Plan to the Ballston Virginia Square Civic Association, and the Vermont Court, Vermont Place, and Victoria at Ballston Homeowners Associations and the Westview Condominium Association and one (1) copy to the Arlington County Police Department. Copies of plans or maps shall also be posted in the construction trailer and given to each subcontractor and construction vehicle operator before they commence work on the project.

- B. Maintenance of Street Surfaces.** 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 for work associated with this Site Plan. 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. 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. All temporary street patching shall be performed per Arlington County Construction Standards and Specifications
- C. Temporary Lighting Plan.** During construction the Developer agrees to provide adequate temporary lighting for roadway users, including pedestrian and vehicular traffic, along all frontages of the site, including the interiors of covered pedestrian walkways. Lighting levels shall conform to minimum luminance levels approved by the County, based on the Arlington County Traffic Signal and Streetlight Specifications. The Developer agrees to submit and obtain approval of, a temporary lighting plan prior to issuance of the Demolition and Land Disturbance Permits. 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. The approved temporary lighting plan shall be implemented prior to issuance of the Excavation Sheeting and Shoring Permit and prior to the shut-down or removal of any existing lighting and operated from implementation until lighting fixtures as approved in Condition #19 are in place and operational around the perimeter of the site.
- D. Off-Street Parking for Construction Workers (Demolition and Land Disturbance Permits).** The Developer agrees to develop and submit to the Zoning Administrator a plan for off-street parking for construction workers prior to the issuance of the Demolition and Land Disturbance Permits. The Developer agrees to obtain the review and approval by the Zoning Administrator of such plan prior to the issuance of the Excavation, Sheeting and Shoring Permit. The Developer agrees that the plan shall provide for off-street parking and shall be provided for all construction workers, including sub-contractors, 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. The Developer agrees to implement the approved plan throughout all phases of

construction on the project. If the plan is found to be either not implemented or violated during the course of construction, a notice to correct the violation will be issued to the Developer. If the violation is not corrected within ten (10) days, appropriate enforcement actions will be taken in accordance with Article 17 of the Zoning Ordinance. The Developer agrees that the plan shall include the following:

- 1) The location of the parking to be provided at various stages of construction.
- 2) The number of parking spaces that will be provided at various stages of construction.
- 3) The number of construction workers that will be assigned to the work site at various stages of construction.
- 4) Mechanisms which will be used to encourage the use of Metro, carpooling, vanpooling, and other similar efforts.
- 5) The location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes, and carpooling and vanpooling information.
- 6) The contact person responsible for communicating parking and transportation options to workers.

- E. **On-Site Construction Activity Hours (Demolition and Land Disturbance Permits to Throughout Construction of the Site Plan)** On-site construction activity, including, by way of illustration and not limitation, delivery of materials and equipment, except for construction worker arrival to the construction site and indoor construction activity, shall commence no earlier than 7:00 a.m. and end by 9:00 p.m. on weekdays, and shall commence no earlier than 9:00 a.m. and end by 9:00 p.m. on weekends and holidays. 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. The Developer may submit to the Zoning Administrator, through the 4.1 administrative change process, a request to permit construction activity during hours other than those identified above. The Zoning Administrator may approve such request only if the Developer can show that the construction activity requires certain utility work and/or street closures outside the hours stated above. "Holidays" are defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, and Christmas Day. 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.

11. ~~Residential Relocation (Demolition and Land Disturbance Permits)~~ Intentionally Omitted

- ~~A. The Developer agrees to submit to the Zoning Administrator evidence of compliance~~

~~with this condition prior to the issuance of the Demolition and Land Disturbance Permits. The Developer agrees that such evidence of compliance shall first be reviewed and approved by the Arlington County Relocation Program Coordinator prior to submission to the Zoning Administrator.~~

~~B. The Developer agrees to provide each eligible rental household displaced by the construction of this Site Plan project, except those who sign initial leases for a unit in the project after the date of this Site Plan approval, with at least the following:~~

- ~~1) A minimum of 120 days written notice to vacate.~~
- ~~2) Relocation payments, in accordance with the _____ (project name) Relocation Plan approved on _____ (date) by the Tenant Landlord Commission and in effect on the County Board hearing date.~~
- ~~3) Relocation services in accordance with the Arlington County Tenant Relocation Guidelines adopted by the County Board on [insert date], and as amended from time to time.~~

~~C. If the Developer decides to limit relocation benefits to persons who executed initial leases before approval of the Site Plan, the Developer agrees to notify, in writing, any tenant moving in after the date that the Site Plan is approved of his/her ineligibility for relocation payments and services. Any tenant who has not signed a waiver of rights to relocation assistance must receive the assistance. In cases where State law requires 120-day notice to vacate (displacement from multi-family buildings containing four or more units), notice cannot be waived, but the lead time for such notice may be reduced by mutual agreement in writing.~~

~~D. **[Insert if applicable] Tenant Assistance Fund:** The Developer agrees to establish, either through a written agreement with the County or on its own, a Tenant Assistance Fund [TAF] in compliance with the County's TAF Policy adopted on [insert date], and as amended from time to time.~~

12. Retail Relocation (Demolition and Land Disturbance Permits)Intentionally Omitted

~~The Developer agrees to submit to and obtain review and approval from the Zoning Administrator evidence of compliance with the terms of this condition prior to the issuance of the Demolition and Land Disturbance Permits. The Developer agrees that such evidence of compliance shall first be reviewed and approved by Arlington Economic Development (AED) prior to submission to the Zoning Administrator. The Developer agrees to provide the following relocation assistance to retail tenants under lease as of the date of the approval of the proposed Site Plan:~~

- ~~A. The Developer agrees to keep all retail tenants informed of the redevelopment schedule by providing periodic updates with regard to material changes in the development program for the site, including the phasing of the project, anticipated schedules for eviction, construction and occupancy, and any anticipated material impacts on the tenants while they remain on the site, such as test borings, construction signs and fencing, asbestos removal, disruptions to customer parking and pedestrian paths, and the like.~~
- ~~B. The Developer agrees to refer, in writing, the following retail tenants identified during the public review process to AED for information on available commercial space in the County, business counseling services, appropriate business workshops, and assistance in leasing: _____. A copy of the correspondence shall be provided to AED as part of the evidence of compliance with this condition, prior to submission to the Zoning Administrator.~~
- ~~C. Except for provisions in any lease to the contrary, the Developer agrees to maintain the site, structures and systems in good repair and in a businesslike appearance until the last retail tenant vacates or until the notice to vacate expires, whichever comes first.~~

13. Community Outreach During Construction (Demolition and Land Disturbance Permits)

The Developer agrees to comply with the requirements of this condition prior to the issuance of the Demolition and Land Disturbance Permits, and to remain in compliance with this condition until the Master Certificate of Occupancy is issued.

- A. Community Liaison.** The Developer agrees to identify a person(s) who will serve as liaison to the community throughout the duration of construction. This individual shall be on the construction site or readily accessible throughout the hours of construction, including weekends. The name, e-mail address and telephone number of the individual(s) shall be provided in writing to residents, property managers and business owners whose property abuts the site (including the Ballston-Virginia Square Civic Association, the Westview Condominium Association and the Vermont Court, Vermont Place, and Victoria at Ballston Homeowners Associations), and to the Zoning Administrator, and shall be posted at the entrance of the project.
- B. Community Meeting.** Before commencing any clearing or grading of the site, the Developer agrees to hold a community meeting with those whose property abuts the project to review the Construction Hauling Route Plan, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, temporary lighting plan, and hours and overall schedule for construction. The Zoning Administrator and the Arlington County Police representative shall be notified in advance of the meeting date 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.

- C. **Temporary Closures of Any Traffic Lanes (Demolition and Land Disturbance Permits – 7 days in advance of street closures)** The Developer agrees to notify the appropriate civic associations and all abutting property owners in writing (or, by mutual agreement, 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, unsecured 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, utilities work, or similar situations.
- D. 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.

14. Construction Site Maintenance Requirements (Demolition and Land Disturbance Permits to Throughout Construction of the Site Plan)

- A. The Developer agrees to the following site maintenance requirements during construction of the site plan:
- 1) That the site and any buildings located within it are secured and kept in a well-maintained condition throughout construction, consistent with the requirements outlined below in this condition. This shall include, but not be limited to, maintaining landscaping, keeping the grass mowed, removing litter and debris from the site, and properly disposing of recyclable materials.
 - 2) Maintain access on the site for fire emergency vehicles including access to existing fire hydrants and fire department connections.
 - 3) Maintain in a secure, safe and clean manner the site or portions of the site that have been cleared, but for which construction has either ceased for a period of six (6) consecutive months or is not anticipated to begin within six (6) months of issuance of the Demolition and Land Disturbance Permits. In the event that construction activity on the site or portions of the site ceases for a period of ten (10) consecutive months, then the Developer shall prepare, and receive the approval of the County Manager, of an interim condition plan for site improvements only in the event that such improvements are intended to include more than permitted landscaping, fencing, and publicly accessible pathways, and that such interim condition plan will be implemented within twelve (12) months of the dates that construction activities on the site or portions of the site have ceased or not yet begun.
 - 4) At the end of each work day during construction of the project, any streets used for hauling construction materials and entrance to the construction site shall be free of mud, dirt, trash, allaying dust, and debris, and all streets and sidewalks adjacent to the construction site shall be free of trash and debris.

- B. **Storage of Construction Materials (Throughout Construction of the Site Plan)** The Developer agrees that storage of construction materials, equipment and vehicles shall occur only on the site. The Developer may submit a request for the County Manager's review and approval of an off-site location, which the County Manager may approve provided that he/she finds that the storage of construction materials equipment and vehicles do not adversely impact the public health or safety of the off- site location.

15. ~~Historic Sites (Demolition and Land Disturbance Permits)~~ Intentionally Omitted

~~In the event the site contains a building that is identified and/or surveyed by Arlington County's Historic Preservation Program, the Developer agrees to the following:~~

- A. ~~Develop, submit, and obtain review and approval by the County Manager of a plan for the salvage and re-use or recycling of building elements and materials from the existing building(s) proposed to be demolished, prior to the issuance of the Land Disturbance or Demolition Permits.~~
- B. ~~Implement such plan throughout the respective phases of construction.~~
- C. ~~Contact by written notice and permit the staff of the Historic Preservation Program to inspect the property and the existing building(s) to identify those historic building elements and materials to be salvaged and/or re-used. Provisions for such salvage and/or re-use shall be incorporated into the plan.~~
- D. ~~Contact local firms/organizations that may be interested in removing these materials without expense to the Developer prior to demolition of the buildings, and submit evidence of compliance with the terms of this condition to the County's Historic Preservation Program staff before any demolition is initiated. If, as a result of the Developer's efforts, there is little or no interest by local firms/organizations to remove these materials, then the Developer agrees to pay for a recycling contractor or other licensed contractor to have the identified building elements and materials that are marked for salvage and/or re-use to be removed from the building and the site.~~

~~Further, the Developer agrees that if historic buildings, as identified and/or surveyed by Arlington County's Historic Preservation Program, are located on the site, then photographic documentation shall be provided consistent with Historic American Building Survey (HABS) standards.~~

16. ~~Green Building Fund Contribution (Demolition and Land Disturbance Permits)~~ Intentionally Omitted

~~The Developer agrees to make a contribution to the County's Green Building Fund of \$_____ (\$0.045 X _____ square feet) prior to the issuance of the Land Disturbance and Demolition Permits. The payment shall be made out to Treasurer, Arlington County, and delivered to the Department of Environmental Services,~~

~~Office of Sustainability and Environmental Management (OSEM). 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 written request, and documentation of LEED certification, by the Developer.~~

17. Public Art (Demolition and Land Disturbance Permits)

The Developer agrees to either commission public art or provide a public art fund contribution as set forth below.

A. Commissioning Public Art (Demolition and Land Disturbance Permits)

Commission Professional Artist. The Developer agrees to follow the *Public Art Program Guidelines for Site Plan/Developer Projects* for commissioning art on-site. The Developer agrees to commission a professional artist to create public art for a minimum cost of ~~\$75,000~~, inclusive of artist fees, artist travel/expenses, fabrication, transportation, and installation, but exclusive of art consultant fees, fees for coordinating with artist or with other design professionals on the project (architect, landscape architect, engineer, etc.), and other in-house costs or fees. If the commission is made more than 12 months after Site Plan approval, the minimum cost will be increased by the same percentage as the percentage change in the Consumer Price Index (CPI-U) from the date of initial County Board approval of the Site Plan to the first day of the month on which the contribution is made. The public art shall support the themes and priorities discussed in the Public Art Master Plan (adopted December 2004) and the goals of the Public Art Policy (adopted September 2000). The site owner retains ownership of the work of art and is responsible for its maintenance in perpetuity.

The Developer agrees to complete the following Public Art Requirements before the issuance of the indicated permit/milestone:

- 1) **Artist Approval (Demolition and Land Disturbance Permits)** The Developer agrees to obtain approval of its choice of artist from the Arlington Commission for the Arts/Public Art Committee (ACA/PAC) prior to issuance of the Demolition and Land Disturbance Permits.
- 2) **Art Proposal Approval (Excavation, Sheeting and Shoring)** The Developer agrees to obtain approval of the art proposal from the ACA/PAC prior to issuance of the Excavation, Sheeting and Shoring Permit.
- 3) **Re-submit Art Proposal if necessary (Footing to Grade)** The Developer agrees to resubmit to the County Manager if necessary, the art proposal, which shall reflect any revisions made in response to recommendations made by ACA/PAC, prior to issuance of the Footing to Grade Permit.
- 4) **Installation (Partial Certificate of Occupancy for top floor of building)**

The Developer agrees that installation of the public art shall be completed prior to the issuance of the Partial Certificate of Occupancy that permits occupancy of any part of the top floor of the building.

In order to promote integration of the public art with other elements of the Site Plan, and to enable the County to review plans for the location of the art, the Developer agrees to represent the public art on the Final Landscape Plan, building elevation or other plan that includes the site of the art, in the normal course of submission of such plans as provided for in these Site Plan conditions. The plan(s) on which the art is represented will be determined based upon the art's chosen location within the Site Plan.

B. Public Art Fund Contribution (Final Building Permit)

If the Developer chooses to make a contribution of \$75,000 to the Public Art Fund to fund County-initiated public art projects in the Ballston metro/or other specified area in lieu of commissioning public art through the process set forth above, then the Developer agrees to notify the County Manager in writing, and make the total financial contribution, prior to issuance of the Final Building Permit. If the contribution is made more than 12 months after Site Plan approval, the contribution amount shall be increased by the same percentage as the percentage change in the Consumer Price Index (CPI-U), from the date of the initial County Board approval of the Site Plan to the first day of the month on which the contribution is made.

18. LEED Credits and Sustainable Design Elements (Demolition and Land Disturbance Permits)

The Developer agrees to obtain LEED credits and implement sustainable design elements as described and required below:

A. For Development without Bonus Density:

The Developer agrees to include a LEED® Accredited Professional (LEED-AP) as a member of the design and construction team. The team will incorporate sustainable design elements and innovative technologies into the project so that numerous project components will earn the Developer points under the U.S. Green Building Council's LEED green building rating system. Specifically, the Developer agrees to meet the requirements for all LEED Prerequisites and achieve at least the number of LEED credits necessary to achieve LEED certification at the Silver level using the LEED version 4 green building rating system or a more recent version as approved by the County Manager for the multifamily building located on the south parcel and LEED for Homes Silver for the townhomes on the north parcel. The Developer also agrees to submit all appropriate documentation to the USGBC (or their designee) for review and evaluation for LEED certification.

a. (Shell & Core Certificate of Occupancy) The Developer agrees that for residential development:

- (1) **ENERGY STAR appliances.** All of the following types of appliances, fixtures, and/or building components initially installed in residential units in the project shall have earned the U.S. EPA's ENERGY STAR label (or an equivalent as approved by the County

Manager): clothes washers, dishwashers, refrigerators, and ceiling fans. Residential units shall comply with the EPA's Advanced Lighting Package (or equivalent as approved by the County Manager). The Developer shall submit to the County Manager documentation sufficient to confirm that such components are ENERGY STAR qualified (or equivalent as approved by the County Manager) prior to issuance of the Shell and Core Certificate of Occupancy.

- (2) **WaterSense fixtures.** All the following fixtures initially installed in residential units in the project shall have earned the U.S. EPA's WaterSense label (or equivalent as approved by the County Manager): toilets, showerheads, and bathroom sink faucets. The Developer agrees to submit to the County Manager documentation sufficient to confirm that such components are WaterSense qualified (or equivalent as approved by the County Manager) prior to issuance of the Shell and Core Certificate of Occupancy.

- b. **Report Submittals.** The Developer further agrees to submit to the Department of Environmental Services (DES) (with notification of submission to the Zoning Office), reports prepared by the LEED-AP and documentation upon request to substantiate the report. Such reports shall be submitted prior to the issuance of each of the following permits or certificates of occupancy for construction of the project (with appropriate updates as the project progresses) and shall summarize the efforts to date of the inclusion of the sustainable elements within the project:

- (1) Demolition and Land Disturbance Permits
- (2) Excavation, Sheet piling & Shoring Permit
- (3) Final Building Permit
- (4) Shell and Core Certificate of Occupancy
- (5) Partial Certificate of Occupancy for occupancy of any part of the last floor of space
- (6) Master Certificate of Occupancy

- c. **Site Visits (First Partial Certificate of Occupancy for Tenant Occupancy)**
The Developer further agrees to permit and cooperate with site visits as requested by the County Manager to verify that all LEED components as agreed to as part of this Condition #18 have been included in the project.

- d. **LEED AP Verification (Partial Certificate of Occupancy for space on last floor)** The Developer agrees to provide a verification letter by a LEED-AP prior to issuance of the Partial Certificate of Occupancy for any space on the last floor of space for which a Certificate of Occupancy is issued. The verification shall state that all the prerequisites and the minimum number of LEED credits, as set forth above in the reporting mechanisms, have been incorporated into the building for which the Certificate of Occupancy permit

has been issued, and that, in the professional's opinion, the project will qualify for at least a LEED Silver Certification as outlined in the ~~2009~~ LEED version 4 of LEED or a more recent version.

e. Bond or Letter of Credit (Partial Certificate of Occupancy for space on last floor) For the multifamily building, the Developer agrees to provide to the County financial security (in the form of a bond or letter of credit or other form approved by the County Attorney) in the amount of \$100,098.00 [(\$1 per s.f.) x (100,098 s.f. of GFA)] prior to the issuance of the Partial Certificate of Occupancy for any space on the last floor of space for which a Certificate of Occupancy is issued, guaranteeing that, within twenty-four (24) months from the date of the issuance of the Partial Certificate of Occupancy for any space on the last floor of space for which a Certificate of Occupancy is issued, the Developer will have received from the U.S. Green Building Council its LEED Silver certification for the multifamily building. For the townhomes, the Developer agrees to provide to the County financial security (in the form of a bond or letter of credit or other form approved by the County Attorney) in the amount of \$100,098.00 [(\$1 per s.f.) x (100,098 s.f. of GFA)] prior to the issuance of the Partial Certificate of Occupancy for any space on the last floor of space for which a Certificate of Occupancy is issued for the townhomes, guaranteeing that, within twenty-four (24) months from the date of the issuance of the Partial Certificate of Occupancy for any space on the last floor of space for which a Certificate of Occupancy is issued for the townhomes, the Developer will have received from the U.S. Green Building Council its LEED Silver certification.

If the total number of LEED points earned by that date through certification is less than the number of points required to achieve the agreed upon LEED certification level, the Developer agrees that it shall automatically forfeit a percentage of the financial security as follows:

<u>Points missed</u>	<u>Percentage of financial security forfeited</u>
<u>1-2</u>	<u>25%</u>
<u>3-4</u>	<u>50%</u>
<u>5-6</u>	<u>75%</u>

Should the Developer miss seven (7) or more points within the twenty-four (24) month period (unless due to delay related solely to the USGBC), the Developer agrees that it shall automatically forfeit 100 percent (100%) of the security. The forfeited amount shall be paid to the County within 30 days of the date of notification either from the USGBC or the County. The Developer agrees that the County may take any amounts due under the condition out of the financial security as deposited with the County.

- 1) All sustainable design elements and innovative technologies incorporated into the project for which the Developer earned points under the U.S. Green Building Council's LEED green building rating system shall remain as part of the Site Plan

for the life of the Site Plan. No part of the LEED-related building elements for which LEED points were earned may be eliminated from the building unless the Developer obtains administrative change approval for such elimination. The Zoning Administrator may approve such change if the Zoning Administrator finds that the LEED points associated with the change are equivalent to or greater than the points for the eliminated elements.

- 2) The Developer agrees that the LEED points referenced in this condition refer to the LEED version ~~4~~ 2009 rating system. If the Developer requests to use an updated version of LEED, then any point valuations incorporated into future updates to the LEED Green Building Rating System must be equal to or exceed the requirements outlined in ~~the 2009 version of~~ LEED Version 4.

19. Civil Engineering Plan (Land Disturbance Permits)

A. Submission and Approval (Land Disturbance Permits)

- 1) **Submission (Land Disturbance Permits)** The Developer agrees to submit a complete set, as determined by the Department of Environmental Services, of Civil Engineering Plan for each applicable phase of the project consistent with the approved Phasing Plan for the development, pursuant to Condition #5 above, based on the Minimum Acceptance Criteria and Guidelines dated June 15, 2016 or subsequent amended acceptance criteria document, prior to the issuance of the Land Disturbance Permit for that phase.
- 2) **(Excavation, Sheeting and Shoring Permit)** The Developer agrees that in the event it seeks an Excavation Sheeting and Shoring Permit prior to approval of the Civil Engineering Plan, such permit may only be issued if the following requirements have been met for the applicable phase pursuant to Condition #5:
 - a. **Finding of no substantial risk to County.** A minimum of one complete County staff review of the Civil Engineering Plan has been completed that results in a finding by the County Manager that the limits of Excavation, Sheeting and Shoring proposed on the plan will not interfere with, limit, damage, or pose a substantial risk of damage, to existing and proposed public infrastructure and adjacent public or private property; and
 - b. **Maintenance of Traffic Plan.** Approval by the County Manager of a Maintenance of Traffic Plan for, at a minimum, the Excavation, Sheeting and Shoring phase of work.
- 3) **Approval of Plan (Footing to Grade Permit)** The Developer agrees to obtain approval of the Civil Engineering Plan by the County Manager prior to the issuance of the Footing to Grade Permit, for any phase of the project (approved pursuant to Condition #5). The Developer further agrees that the approved Civil Engineering Plan shall conform to this Site Plan approval,

the approved Final Landscape Plan, and the sequence of construction, and shall be consistent with all site plan approval requirements and all County codes, standards and specifications, and policies.

B. Infrastructure Improvements. The Developer agrees to design and incorporate, at a minimum, the following elements in addition to other information required to be provided on the Civil Engineering Plan:

1) Structure Free Zone

- a. In order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the Civil Engineering Plan shall provide a structure-free zone under the public sidewalk along all street frontages.
 - i. This zone shall be a minimum of five (5) feet in depth, as measured from the approved finished sidewalk elevation, and shall extend from the back of the final location of the street curb, to the far edge of the public sidewalk.
 - ii. No subterranean structures (such as parking garages or storm water detention facilities) shall intrude into this five (5) foot deep zone, unless otherwise approved by the County Board and as shown on the Civil Engineering Plan.
 - iii. Within the structure-free zone, underground utilities and/or utility vaults shall not be located in a manner that interferes with the appropriate spacing of street trees shown on the approved Final Landscape Plan nor shall utility lines be located beneath street trees.

2) Water Mains and Services

- a. Water services and public water main improvements, as listed below.
 - i. The Developer agrees to construct approximately 100 feet of 8-inch water main in N. Vermont Street to serve the proposed North Block development

However, their exact sizes, lengths, and locations shall be determined as part of the Civil Engineering Plan review based on final engineering design and on reevaluation of existing conditions and capacity needs adjacent to, or in the vicinity of, the site. These improvements shall be constructed in accordance with the standards set out in the DES Construction Standards and Specifications Manual.

3) Sanitary Sewer

- a. Public sanitary sewer main improvements, as listed below.
 - i. None.

Their exact location shall be determined as part of the Civil Engineering Plan review based on final engineering design. These improvements shall be constructed in accordance with the standards set out in the DES Construction Standards and Specifications Manual.

- b. The Developer agrees that the County may TV-Inspect the sanitary sewer lines serving, or along the frontages of the site and shall identify any improvements that are necessary to adequately provide sanitary sewer service to the development. The Developer shall repair or replace any sections or appurtenances of the sanitary sewer serving, or along the frontages of the development that are found to be deficient or as shown on the Civil Engineering Plan.

4) **Storm Sewer**

- a. Public storm sewer improvements and public storm water management facilities as listed below.

- i. None

Their exact location shall be determined as part of the Civil Engineering Plan review based on final engineering design. These improvements shall be constructed in accordance with the standards set out in the DES Construction Standards and Specifications Manual.

5) **Electric Service and Appurtenances**

- a. All new electric transformers, and all associated appurtenances shall be installed in underground utility vaults or in locations at grade so as not to be clearly visible from the street and shall be otherwise screened.

6) **Undergrounding of Aerial Utilities**

- a. Removal and/or undergrounding of all existing aerial utilities located within or along the periphery of the entire site plan to a distance of approximately five (5) feet beyond the site boundaries or the limits of disturbance/clearance, whichever is greater.
- b. All utility improvements necessary to provide adequate utility services to the development, or utility work necessary to provide terminus facilities associated with the undergrounding of utility lines shall not result in the installation of any new or additional permanent utility poles, push braces, or aerial utility lines or devices.

7) Underground Utility Vaults

- a. The location of all underground utility vaults, ventilation grates, and associated appurtenances, which shall meet the following standards:
 - i. Installation of all underground utility vaults shall be in conformance with the County design and construction standards and specifications, and all applicable construction standards and specifications of the owner of the utilities. Underground utility vaults for electric transformers and all associated appurtenances, shall meet both Dominion Virginia Power and County design and construction standards and specifications.
 - ii. Underground private utility vaults may not be placed, in whole or in part, within the County right-of-way or public easement unless the Developer obtains County Board approval of an encroachment ordinance or other County approval, as appropriate, permitting use of the County right-of-way or public easement for such purpose. Upon enactment of an ordinance or approval, the Developer agrees to comply with all the conditions of such ordinance and any other conditions prescribed in the site plan addressing vacations and encroachments, including, but not limited to, recordation of any deeds, plats, or ordinances, the payment of compensation, and required fees.
 - iii. The location and placement of underground utility vaults shall not conflict with the physical operation or placement of other existing or proposed public or private utility facilities.
 - iv. Underground utility vaults shall have a minimum horizontal clearance of five (5) feet to conduits, manholes, public water mains and public sanitary sewers, unless a lesser clearance is specifically approved by the County Manager.
 - v. Ventilation grates for underground utility vaults, or for garage air intake and exhaust vents, shall not be located within public sidewalks, streets, or within any portion of the County right-of-way or public easement area for sidewalks or public streets, or within any areas that provide pedestrian access to any buildings, street, and public or private open spaces.

8) Streetscape

- a. The final streetscape design shall include sidewalks, street trees, tree pits, bicycle racks, and sidewalk pattern/design along with the final selection of materials and colors to be used, and the limits of the clear pedestrian zone of all public sidewalks and pedestrian access. Along with street lighting per subparagraph B.11 below, the final streetscape design shall include, but not be limited, to the following elements:

N. Vermont Street (South of 11th Street N.)

- *Minimum streetscape width measured from the back of curb: 13 feet*
- *Minimum clear sidewalk width: 8 feet*
- *Tree pits/planting strip dimensions: 4 feet and distance from back of curb: minimum eight (8) inches*
- *Tree spacing: 28-32 feet apart on center, or as approved by the County Manager per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects*

N. Vermont Street (North of 11th Street N.)

- *Minimum streetscape width measured from the back of curb: 10 feet*
- *Minimum clear sidewalk width: 6 feet*
- *Tree pits/planting strip dimensions: 4 feet and distance from back of curb: minimum eight (8) inches*
- *Tree spacing: 28-32 feet apart on center, or as approved by the County Manager per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects*

11th Street N. (South Side)

- *Minimum streetscape width measured from the back of curb: 13 feet*
- *Minimum clear sidewalk width: 8 feet*
- *Tree pits/planting strip dimensions: 4 feet and distance from back of curb: minimum eight (8) inches*
- *Tree spacing: 28-32 feet apart on center, or as approved by the County Manager per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects*

11th Street N. (North Side)

- *Minimum streetscape width measured from the back of curb: 10 feet*
- *Minimum clear sidewalk width: 6 feet*
- *Tree pits/planting strip dimensions: 4 feet and distance from back of curb: minimum eight (8) inches*
- *Tree spacing: 28-32 feet apart on center, or as approved by the County Manager per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects*

- b. Public sidewalks designed in conformance with the Department of Environmental Services Construction Standards and Specifications Manual or subsequent standards as amended and as required to be shown on the Final Landscape Plan per Condition #20.B.8.
- c. The clear sidewalk along all street frontages of the site shall be in compliance

with applicable streetscape guidelines or standards, and shall be not less than six (6) feet wide at any point, including across all driveways, with no obstructions to impede the passage or flow of pedestrian traffic (clear sidewalk). However, pinch points may be permitted in conformance with the Master Transportation Plan and/or other applicable plans.

- d. The location and planting details for street trees shall be in compliance with the Arlington County Landscape Standards; the Standards for Planting and Preservation of Trees on Site Plan Projects; and other applicable streetscape guidelines or standards, or urban design standards approved by the County Board.

9) Visitor Bicycle Parking

Visitor bicycle parking spaces in the following amounts:

- a. ~~Office uses: one (1) visitor space for every 20,000 square feet, or portion thereof, of office floor area.~~
- b. Residential uses: one (1) visitor space for every 50 residential units, or portion thereof.
- c. ~~Retail uses: two (2) visitor spaces for every 10,000 square feet, or portion thereof, of the first 50,000 square feet of retail floor area; and one (1) additional visitor space for every 12,500 square feet, or portion thereof, of additional retail floor area.~~
- d. ~~Hotel uses: one (1) visitor space for every 50 hotel room units, or portion thereof.~~

Visitor bicycle parking shall conform to Class III Arlington County bicycle parking standards in effect on the date of site plan approval, or as approved in the Civil Engineering Plan as substantially equal to, that shown in the standards.

Such facilities shall be installed at exterior locations that are highly visible to, and within 50 feet of, the primary building entrances, unless there are physical obstructions that cannot be changed or moved to accommodate the bicycle parking within the 50 foot distance, in which case they shall be sited as close to the 50 foot distance as physically possible. Such facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians or any required fire egress.

10) Pavement, Curb and Gutter

- a. Pavement, curb and gutter along all site frontages, as listed below, and as shown on the approved Civil Engineering Plan.
 - i. N. Vermont Street- street cross-section of approximately 22.6 feet north of 11th Street N., 30.8 feet directly south of 11th Street N. (approximately 100 feet), and 37.6 feet along the southernmost site frontage (approximately 75

feet). The developer agrees to maintain or construct new curb and gutter along the site frontages and ADA ramps as shown on the civil engineering plan approved by the County Manager.

- ii. 11th Street N- street cross-section of approximately 22.9 feet. The developer agrees to maintain or construct new curb and gutter along the site frontages and ADA ramps as shown on the civil engineer plan approved by the County Manager.

- b. Pavement, curb, and gutter, including all improvements for pedestrian and/or vehicular access or circulation along all frontages shall be designed and constructed in compliance with the Department of Environmental Services Construction Standards and Specifications Manual or subsequent standards as amended.

11) Street Lighting

- a. Arlington County standard street lights along all frontages of the site in accordance with the then current Arlington County Traffic Signal and Streetlighting Specifications and VDOT Traffic Engineering design manuals, as applicable. This shall include installation of a street lighting system including, but not limited to, poles, meters, service cabinets, conduit, junction boxes and power connection appurtenances along all frontages of the site, in locations as determined at the time of review of the Civil Engineering Plan.
- b. Removal of all mastarm mounted streetlights (typically cobrahead lights mounted at 25' to 35' above grade) from all street frontages of the site. If the County decides that such streetlights are required to provide adequate lighting for street safety purposes at intersections or when the lights are part of a traffic signal mastarm system, they shall be called out on the Civil Engineering Plan.

12) Traffic Signal Equipment

- a. Relocation of existing traffic signal poles, traffic signal cabinets, and any other existing traffic-related items and appurtenances in the public right-of-way along all frontages of the site, and installation of new traffic signal poles, traffic signal cabinets, and any other traffic-related items and appurtenances in the public right-of-way as listed below, in locations as determined by the County Manager at the time of the review of the Civil Engineering Plan:
 - i. None.

13) Communication Conduit

- a. Four (4), 2-inch communication conduits (HDPE or equivalent County standard for communication conduits) and related equipment along all site frontages, and two (2), 2-inch conduits from a County handhole into the communications room, all for the sole and exclusive use by Arlington County, unless the County Manager determines that less conduit is required

for the purpose of providing necessary public safety and communication network access and connectivity.

C. Implementation Timing. The Developer agrees to implement the approved Civil Engineering Plan as follows:

1) **(Shell and Core Certificate of Occupancy)** The Developer agrees to construct and/or install the following improvements as shown and approved on the Civil Engineering Plan, as applicable, for each respective phase of construction, prior to the issuance of the Shell and Core Certificate of Occupancy for each respective phase of construction:

- a. Undergrounding of aerial utilities, including removal of all permanent and temporary poles, lines, and other devices.
- b. Public water main and appurtenances, including fire hydrants and fire department connections.
- c. Public sanitary sewer main and appurtenances.
- d. Public storm sewer improvements.
- e. Communication conduit.

The Zoning Administrator may, through the 4.1 administrative change process, allow reasonable modifications to the timing of Condition #19.C.1) a. above if the Zoning Administrator determines that: 1) the Developer has installed all necessary conduit and other infrastructure required to implement the utility undergrounding;

2) the Developer can demonstrate that it has made all reasonable efforts to implement the required undergrounding; 3) the only remaining work is the responsibility of private utility companies and related completion of streetscape; 4) the timing of these elements will unnecessarily impede progress of the project; and 5) the Developer agrees that completion of this work will occur by the time approved by the Zoning Administrator but in no case later than prior to issuance of the Master Certificate of Occupancy for the building(s) adjacent to the utility pole(s) and/or utility line(s).

2) **(First Partial Certificate of Occupancy for Tenant Occupancy)** The Developer agrees that the following public improvements shall be constructed or installed as shown and approved on the Civil Engineering Plan prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy for the respective phases of construction:

- a. Public street pavement, sidewalk, curb and gutter improvements.
- b. Fire Apparatus Access Roads (Fire Lanes)

- c. Street lighting elements including but not limited to: poles, meters, service cabinets and power connection appurtenances, and all conduit and junction boxes necessary for the lighting system.
- d. Traffic signal improvements and the relocation of existing traffic signal equipment.
- e. Stormwater management facilities.
- f. All other elements shown in the approved Civil Engineering Plan.

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

The Zoning Administrator may, through the 4.1 administrative change process, allow reasonable modifications to the timing of Condition #19.C.2) above, requiring construction or installation of public improvements, if the Zoning Administrator determines that: 1) the Developer is diligently pursuing the work; 2) timing of conditions as originally approved will unnecessarily impede progress of the project; 3) the installation of the public improvements during extreme weather conditions will not meet County Standards and Specifications; and 4) the Developer has provided reasonable assurances that the work will be completed in accordance with the Site Plan's approved design.

D. As-Built Civil Engineering Plan (Master Certificate of Occupancy) The Developer agrees to submit to, and obtain approval from, the County Manager of an as-built Civil Engineering Plan for each phase of the site plan pursuant to Condition #5, certified by a professional engineer or surveyor registered in the state of Virginia, prior to issuance of the Master Certificate of Occupancy. The Developer agrees that the as-built Civil Engineering Plan shall show the sanitary sewers, storm sewers and storm water management facilities, water mains, street lights, traffic signalization, curb and gutter, sidewalks, street paving, pavement markings, and all appurtenant facilities related to these items. The as-built Civil Engineering Plan shall include a separate schematic drawing showing all storm sewer structures; all sanitary sewer structures; and water meters, valves, blow-offs, and hydrants. Each of these items

shall be labeled with horizontal coordinates and with vertical rim elevations and inverts of incoming and outgoing pipes.

- E. **Maintenance of Public Infrastructure.** The Developer agrees to maintain, repair and replace all sidewalks and street trees shown on the approved Civil Engineering Plan and approved Final Landscape Plan, which are installed within the public right-of-way or public easement for the life of the Site Plan.

20. Utility Company Notification (Land Disturbance Permit)

In order to coordinate timing of utility work during construction of the project, the Developer agrees to notify all utility companies and County agencies that provide dry utility services in Arlington County of the limits of development and general timing of construction prior to issuance of the Land Disturbance Permit. By way of illustration and not limitation, these utility services include electric, telephone, cable television, telecommunications, gas. Utility companies consist of those providing existing utility services within the limits of development and others that regularly provide these services in Arlington County. The Developer also agrees to offer utility companies site access, as well as site coordination for their work within the public rights-of-way or easements that permit utilities, whether existing or that will be dedicated by the development, so that utility companies may install their utilities at the time the Developer will be disturbing or paving in the areas described above. The Developer further agrees to submit to the Zoning Administrator copies of communication from the Developer to the utility companies providing such notifications.

21. Final Landscape Plan (Excavation, Sheeting and Shoring)

A. Submission and Approval (Excavation Sheeting and Shoring)

- 1) **Submission (Excavation Sheeting and Shoring).** The Developer agrees to submit to the Zoning Administrator a detailed Final Landscape Plan prior to issuance of the Excavation Sheeting and Shoring Permit, The plan shall conform to, where applicable:
 - a. The landscaping requirements contained herein;
 - b. Rosslyn-Ballston Corridor Streetscape Standards;
 - c. Sector Plans;
 - d. The landscaping, planting, and sidewalk and driveway construction specifications and standards;
 - e. Arlington County Landscape Standards, including the Standards for Planting and Preservation of Trees on Site Plan Projects;
 - f. Master Transportation Plan;
 - g. Other applicable streetscape guidelines or standards or urban design standards approved by the County Board and in effect at the time of the Final Landscape Plan approval.
- 2) The Developer agrees that the Final Landscape Plan shall, at a minimum, contain the following information, in accordance with the checklist in the Arlington County Landscape Standards:
 - a. **Tree Replacement Plan and Calculations (Footing to Grade)**

(1) In addition to saving identified trees, consistent with Condition #7 above, the Developer also agrees to replace all trees shown on the Tree Survey that are removed as a result of the new construction. Such replacement shall be completed in accordance with the Arlington County Tree Replacement Guidelines. The Developer agrees to submit and obtain the review and approval of a Tree Replacement Plan, and Tree Replacement Calculations, as part of the Final Landscape Plan.

(2) Tree Canopy Fund (Excavation, Sheeting and Shoring)

The Developer agrees that any replacement trees that cannot be accommodated on site shall be provided in a monetary amount to the Tree Canopy Fund prior to the issuance of the Excavation, Sheeting and Shoring Permit. The Developer agrees to make a contribution to the County's Tree Canopy Fund of at least \$2,400.00 per tree, or a greater amount specified by the County Board, for every tree that cannot be planted on site. The contribution shall be required when tree planting requirements cannot be met on the property. The Developer agrees to deliver the payment to the Department of Parks and Recreation, and provide evidence of compliance with this condition, which shall be provided to the Zoning Administrator in the form of a letter at the time of payment.

b. Drawings from the Civil Engineering Plan showing the location of utilities, lighting, equipment, and other elements which may impact landscape elements on the site.

~~c. Exterior building security measures for office developments only, if applicable.~~

~~(1) The Developer agrees to coordinate with County staff on the design of exterior office building security measures in order to limit or mitigate any adverse impacts that these measures may have on the project's urban design (including street and retail base) and streetscape. All exterior office building security measures shown on and approved as part of the landscape plan shall also be shown on and approved as part of the façade elevation drawings, consistent with Condition #26.~~

~~(2) The Developer agrees that the design of exterior office building security measures shall not adversely impact the base of the office buildings, as shown in the drawings dated _____, and that have been designed to accommodate retail uses and provide interest and activate the streetscape.~~

d. A street tree plan and street tree survey, which shall show the location of street trees and that there are no conflicts between the street trees and utilities.

- e. The location and depth of all existing and proposed utility meters, underground utility vaults and boxes, utility lines, transformers, and at-grade mechanical equipment.
- f. The location of all existing, proposed and relocated traffic signal poles, traffic signal cabinets, and any other traffic-related items and equipment located on or in the public sidewalk contiguous to the site.
- g. The location of all existing and proposed fire hydrants and standpipes, storm sewers and storm water management facilities, and sanitary sewers and appurtenances.
- h. The location of all on-street parking spaces, bus stops, bicycle rack locations, bike share stations, and other facilities as identified during the review of the plans.
- i. The location and dimensions of intake and exhaust garage ventilation grates and screening for ventilation grates, which shall meet the requirements of the conditions contained herein.
- j. The location of all street light fixtures, poles, meters, service cabinets and power connection appurtenances along the frontages of the site.
- k. The location, dimensions, materials, and pavement pattern for driveways and access drives, automobile drop-off areas, curb ramps, driveway aprons, service drives, crosswalks, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Interior walkways shall have a minimum width of four (4) feet.
- l. The final streetscape design, including sidewalks, street trees, tree pits, bicycle racks, and sidewalk pattern/design and final selection of materials and colors to be used.
- m. The limits of clear pedestrian zones of all public sidewalks and pedestrian access.
- n. Landscaping for open space areas, plaza areas, courtyards, raised planters (including cross-sections of raised planters), surface parking areas, and service drives, including a listing of plant materials; details of planting, irrigation and drainage; and details of proposed furnishings for all areas, including, but not limited to, dimensions, size, style(s), materials(s), finish(s), and manufacturer(s) of seating, bollards, trash receptacles, lighting, arbors, trellises, water features, and other landscape elements or structures.
- o. The location and planting details for street trees.

- p. The location, design and details of the retail visitor/customer bicycle spaces, pursuant to Condition #19 above.
- q. The location of public art, pursuant to Condition #17 above.
- r. The location of public use and access easement areas, including final landscape design and installations in these areas.
- s. 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 14.2 of the Zoning Ordinance.

- 3) **Approval of Plan (Footing to Grade Permit).** The Developer agrees to obtain approval of the Final Landscape Plan by the County Manager, prior to issuance of the Footing to Grade Permit. The Developer further agrees that the approved Final Landscape Plan shall conform to the Civil Engineering Plan, and the sequence of construction, and shall be consistent with the conceptual Final Landscape Plan approved by the County Board as a part of the Site Plan approval, all site plan approval requirements, and all County codes, standards and specifications, and policies.

B. Standards and Requirements. The Developer agrees that the Final Landscape Plan shall, at a minimum, meet the following standards and requirements:

- 1) The plans shall be drawn to on sheets 24 inches by 36 inches in size.
- 2) The plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in the Commonwealth of Virginia.
- 3) The Tree Replacement Plan, and associated Tree Replacement Calculations, shall be in accordance with the Arlington County Tree Replacement Guidelines. The tree replacement calculations shall be developed by a certified arborist or a landscape architect certified to practice in the Commonwealth of Virginia. Any replacement trees shall conform to the standards and specifications set forth in subparagraph 11 below.
- 4) All existing and proposed traffic signal poles and traffic signal cabinets, and any other traffic-related items, on and around the perimeter of the site shall not obstruct pedestrian travel and shall not be located in the clear sidewalk, including, but not limited to, access areas to ADA ramps, crosswalks, building entrances, and interior walkways.

- 5) Transformers shall not be placed above grade in the setback area between the building and the street.
- 6) The Developer agrees that the location of intake and exhaust garage ventilation grates shall 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 that ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way.
- 7) All plaza areas, access drives, automobile drop-off areas, interior walkways and roadways shall contain special treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager for conformity with adopted Sector Plans or other urban design standards approved by the County Board as a part of review and approval of the Final Landscape Plan.
- 8) The final sidewalk pattern/design and final selection of materials and colors shall comply with the requirements outlined below. To the extent that the County's requirements and policies for sidewalk pattern/design and materials/colors change, subsequent to this Site Plan approval, the County Manager shall review, at the time of construction, for approval, the final treatment for compliance with the then current standards.
 - a. The clear sidewalk along all street frontages of the site shall be in compliance with the Rosslyn-Ballston Corridor Streetscape Standards or other applicable streetscape guidelines or standards, and shall:
 - (1) Continue across all driveway aprons for loading and garage entrances along all frontages of the Site Plan, and not contain any barriers that would impede the flow of pedestrian traffic.
 - (2) Be not less than six (6) feet wide at any point, including across all driveways, with no obstructions to impede the passage or flow of pedestrian traffic (clear sidewalk). However, pinch points may be permitted only as specifically permitted in conformance with the Master Transportation Plan and/or other applicable plans.
 - (3) Be designed and installed in compliance with Department of Environmental Services Construction Standards and Specifications.
 - (4) 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 by the County Manager, and under the provisions of the Rosslyn-Ballston Corridor Streetscape Standards or other applicable streetscape guidelines or standards.

- (5) Not contain joints or use patterns that create gaps of ¼-inch in depth or greater at a spacing of less than 30 inches.
- (6) Any garage entrance adjacent to a sidewalk shall be designed and constructed so that the location of the garage doors are recessed a minimum distance of six (6) inches from the building wall's surface.
- b. The materials and colors of the sidewalk pattern/design to be used shall be in compliance with the Rosslyn-Ballston Corridor Streetscape Standards or other applicable streetscape guidelines, plans or standards approved by the County Board and in effect at the time of the Final Landscape Plan approval.
- c. The Developer agrees to design and construct all elements of the streetscape, including, but not limited to, public sidewalks and street trees within the public right-of-way or public easement as follows:

N. Vermont Street (South of 11th Street N.)

- Minimum streetscape width measured from the back of curb: 13 feet
- Minimum clear sidewalk width: 8 feet
- Tree pits/planting strip dimensions: 4 feet and distance from back of curb: minimum eight (8) inches
- Tree spacing: 28-32 feet apart on center, or as approved by the County Manager per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects

N. Vermont Street (North of 11th Street N.)

- Minimum streetscape width measured from the back of curb: 10 feet
- Minimum clear sidewalk width: 6 feet
- Tree pits/planting strip dimensions: 4 feet and distance from back of curb: minimum eight (8) inches
- Tree spacing: 28-32 feet apart on center, or as approved by the County Manager per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects

11th Street N. (South Side)

- Minimum streetscape width measured from the back of curb: 13 feet
- Minimum clear sidewalk width: 8 feet
- Tree pits/planting strip dimensions: 4 feet and distance from back of curb: minimum eight (8) inches
- Tree spacing: 28-32 feet apart on center, or as approved by the County Manager per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects

11th Street N. (North Side)

- Minimum streetscape width measured from the back of curb: 10 feet
- Minimum clear sidewalk width: 6 feet

- *Tree pits/planting strip dimensions: 4 feet and distance from back of curb: minimum eight (8) inches*
 - *Tree spacing: 28-32 feet apart on center, or as approved by the County Manager per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects*
- 9) The sidewalks shall contain street trees placed in either tree pits with continuous soil panels or planting strips, consistent with the Standards for Planting and Preservation of Trees in Site Plan Projects, and as specified above. The location, soil volume enhancements, and planting details for street trees shall be in compliance with The Rosslyn-Ballston Corridor Streetscape Standards; Sector Plans; the Arlington County Landscape Standards; the Standards for Planting and Preservation of Trees in Site Plan Projects; and other applicable streetscape guidelines or standards, or urban design standards approved by the County Board. Street trees shall not be placed within the vision clearance (corners), as defined in Section 3.2.6.A.4 of the Zoning Ordinance.
- 10) The plan shall provide a structure free zone per Condition #19.B.1.
- 11) Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:
- a. Major deciduous trees (shade or canopy trees) other than street trees—a minimum caliper of 2-2 ½ inches.
 - b. Evergreen trees—a minimum height of 7 to 8 feet.
 - c. Ornamental deciduous trees—a minimum caliper of 2 to 2 ½ inches for single stem trees. Multi-stem trees shall not be less than 8 feet in height.
 - d. Shrubs—a minimum spread of 18 to 24 inches.
 - e. Groundcover—in 2 inch pots.

C. Installation and Maintenance of Landscape Plan Elements (First Partial Certificate of Occupancy for Tenant Occupancy)

The Developer agrees to implement the approved sidewalk, landscaping and street tree improvements of the Final Landscape Plan as follows:

- 1) **Installation (First Partial Certificate of Occupancy for Tenant Occupancy).** The Developer agrees that all improvements shall be constructed and/or installed prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy of any space above grade for the respective Phase of construction (as “Phase” is determined pursuant to the approved Phasing Plan required in Condition #5 above).
- a. The Zoning Administrator may, for good cause shown and through the administrative change process, allow modifications to the timing of installation of all improvements based on the planting season, availability of plant materials, weather, or other construction-related issues,

which may not permit installation of hardscape features, plant materials and/or street trees by the required timing.

b. The following standards for Installation apply:

- (1) The Developer agrees to notify the DPR 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 DPR 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 DPR Urban Forester.
 - (2) 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.
 - (3) 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.
 - (4) Soil depth shall be a minimum of three (3) feet in continuous soil panels plus 12 inches, or a depth to accommodate other drainage material commonly used in the industry as reviewed and approved by the County Manager on the landscape plan, for trees and tall shrubs and two (2) 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.
 - (5) Finished grades shall not exceed a slope of three to one, unless otherwise shown on the approved plans.
 - (6) The Developer agrees to install approved lighting before the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy, exclusive of the garage, for the applicable Phase of the project pursuant to the approved Phasing Plan required in Condition #5 above.
- 2) **Maintenance and Replacement (Life of Site Plan)** The Developer agrees to maintain the site in a clean and well-maintained condition and 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 in accordance with the Phasing Plan requirements outlined in Condition #5 and the maintenance agreement outlined in Condition #21.A.2.

The Developer also agrees to maintain and replace the street trees and sidewalks for the life of the Site Plan. All pruning of street trees must be performed in accordance with the last version of, or revision to, the ANSI A300 Pruning Standards. The Developer agrees to contact the Department of Parks and Recreation to arrange for a site meeting with an Urban Forester to review and approve the scope of work prior to performing any pruning of street trees. An International Society of Arboriculture (ISA) Certified Arborist must be on site

during all pruning of street trees.

D. Administrative Changes. The County Manager may consider minor revisions to landscape plans based on changes in building, street and driveway locations and other details of design as necessitated by civil engineering and architecture plans as long as such changes are consistent with the intent of the Site Plan approval. The Developer agrees that any change to the approved landscape plan requires approval of a revised landscape plan by the County Manager. The Final Landscape Plan shall govern construction and/or installations of elements and features shown thereon, except as amendments may be specifically approved by the County Manager.

- 22. ~~FAA Documentation (Excavation, Sheeting and Shoring Permit) Intentionally Omitted~~**
~~The Developer agrees to obtain from the Federal Aviation Administration (FAA) a written statement, based on the highest points (including the penthouse) of the building, that the project is not a hazard to air navigation, or that the project does not require notice to or approval by the FAA, prior to the issuance of the Excavation, Sheeting and Shoring Permit.~~
- 23. Recordation of Deeds of Public Easements and Deeds of Dedications (Footing to Grade Permit)**
- A. The Developer agrees to convey, in fee simple, free and clear of all liens and encumbrances. The real estate interests called for by this Site Plan approval to the County, for public street or public right-of-way purposes, including, but not limited to, the approximately 615 square foot area of the Developer's property located west of the curb line along N. Vermont Street, to be used as a layby for the proposed multifamily building on the south block. The applicant agrees to show dedication of the subject 615 square foot area of the developer's property on the Post-4.1 Plan Submission required by Condition #3. Real estate interests conveyed by the Developer to the County for Public Improvements or public uses, including, but not limited to, sidewalk, street trees, other streetscape planting, water mains, storm sewers, sanitary sewers, and other public utilities and facilities, which other Public Improvements are not located, or to be located, in the public street or public right-of-way, may be granted to the County by deed(s) of easement, provided, however that, in the deed(s) conveying such real estate interests to the County, all liens and encumbrances shall be subordinated to the easement rights of the County.
- B. Unless otherwise specifically provided elsewhere in these Site Plan conditions, the Developer agrees that for each Phase of the project, pursuant to the approved Phasing Plan required in Condition #5 above, all required plats, deeds of conveyance, deeds of dedication, and deeds of easement associated with, and/or required by the final approved Civil Engineering Plan, for the construction of any public street, public infrastructure, public utility, public facility or public improvement (jointly "Public Improvements"), to:
- 1) **Submission for Review (Footing to Grade Permit)** Submit for review by the County Manager all required plats, deeds of conveyance, deeds of dedication, and deeds of easement associated with, and/or required by the final approved Civil Engineering Plan, prior to the issuance of the Footing to Grade Permit for such phase; and
 - 2) **Approval and Recordation (First Partial Certificate of Occupancy)** Obtain approval and record such plats, deeds of conveyance, deeds of dedication, and deeds of easement associated with, and/or required by the final approved Civil Engineering Plan, among the

land records of the Circuit Court of Arlington County prior to issuance of the First Partial Certificate of Occupancy for Tenant Occupancy of the building(s) or any portion thereof for such phase.

- 24. Secure Bicycle Parking, Shower and Locker Facilities (Footing to Grade Permit)** The Developer agrees to provide, as a part of the project ~~and at no charge to the user,~~ secure bicycle parking, ~~shower and locker facilities for each~~ the multi-family building as described below:

A. Design of Class I Secure Bicycle Parking, ~~Shower and Locker Facilities (Footing to Grade)~~

- 1) The Developer agrees to obtain approval by the County Manager of the secure bicycle parking, ~~shower and locker facilities for each~~ the multi-family building that comply with the standards below as part of the applicable architectural floor plans, prior to issuance of the Footing to Grade Permit for that building. If no secure bicycle facilities for a building are located below grade, then approval shall be obtained prior to the issuance of the Final Building Permit for that building.
- 2) The Developer agrees that all Class I (secure) bicycle parking shall meet Arlington County Bicycle Parking Standards, 2016 Update, or subsequent revision in effect on the date of site plan approval, or be approved as equal to that shown in the Standards.

~~Hotel bicycle parking shall be located in a minimum of two locations; half of the spaces shall be reserved and designated for employee only access and located convenient to the employee changing area, and half for guest access. Spill over bike parking from guests or employees may be accommodated, as space permits, in either location.~~

- 3) The Developer agrees to provide the following Class I bicycle parking spaces:
 - a. ~~Office uses: One (1) employee bicycle parking space for every 6,000 square feet, or portion thereof, of office floor area.~~
 - b. Residential uses (multi-family building): One (1) resident bicycle parking space for every 2.5 residential units, or portion thereof.
 - c. ~~Retail uses: One (1) employee bicycle parking space for every 25,000 square feet, or portion thereof.~~
 - d. ~~Hotel uses: One (1) space for every 10 hotel room units, or portion thereof.~~
~~In addition, the hotel shall provide adequate space in a locked luggage storage facility, controlled by the hotel staff, inside the hotel, to accommodate guest's bicycles along with guest's luggage.~~
- 4) The Developer agrees to provide the following shower and locker facilities:
 - a. ~~For office/retail/hotel buildings of up to 100,000 square feet of Gross Floor Area (GFA), one (1) shower per gender, for every 50,000 square feet or fraction thereof.~~
 - b. ~~For office/retail/hotel buildings between 100,001 square feet of GFA and 300,000~~

square feet of GFA, three (3) showers per gender;

- e. ~~For office/retail/hotel buildings greater than 300,000 square feet of GFA, three (3) showers per gender, plus one (1) shower per gender for each additional 100,000 square feet of GFA or portion thereof above the first 300,000 square feet of building GFA.~~
- d. ~~If employees of retail establishments will not have access to shower facilities required for office or hotel employees, restrooms for retail employees shall be provided, one for each gender, and each restroom shall have at least one shower with a changing area.~~
- e. ~~For every required employee bicycle parking space, either 1) a minimum of one (1) clothes storage locker per gender shall be installed in gender-specific changing rooms, or 2) a minimum of one (1) clothes locker shall be installed adjacent to, but outside of changing rooms. The lockers shall be a minimum size of 12 inches in width, 18 inches in depth, and 36 inches in height.~~

~~The showers and lockers shall be located adjacent to one another in a safe and secure area.~~

~~The showers and lockers may be provided as an element of an exercise/health facility, which facility shall be made available to users of the bicycle parking spaces according to minimum standards stated above.~~

B. Installation of Secure Bicycle Parking, Shower and Locker Facilities (First Partial Certificate of Occupancy for Tenant Occupancy)

The Developer agrees that all secure bicycle parking, shower and locker facilities on the site, as described above, shall be fully installed and operational prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy for the applicable building.

25. Interior Exercise/Health Facilities (Footing to Grade Permit) Intentionally Omitted

~~The Developer agrees that the Site Plan may include an exercise/health facility for office buildings, which _____ square feet of GFA as approved by the County Board shall not be calculated as density (FAR) if this facility meets all of the following criteria:~~

- A. ~~The facility shall be located in the interior of the building and shall not add to the bulk or height of the project.~~
- B. ~~The exercise facility shall be open only to tenants of the project. The exercise facility, including the showers and lockers, shall be open during normal working hours.~~

~~The Developer agrees that conversion of this exercise/health facility space to other uses shall not be permitted without a Site Plan amendment.~~

26. Façade Treatment of Buildings (Footing to Grade)

A. The Developer agrees that the design of the facade treatment for the buildings and the materials to be used on the facades shall be consistent, in terms of massing, materials, fenestration, rhythm and overall architectural vocabulary, with the intent of this Site Plan approval and the drawings identified in Condition #2 as presented to the County Board and made a part of the public record on the date of

County Board approval of this Site Plan.

B. Submission of Facade Elevation Drawings and Material Samples (Footing to Grade)

The Developer agrees to submit to the Zoning Office, for review by the County Manager prior to the issuance of the Footing to Grade Permit, three (3) copies of colored elevations and one (1) copy of black and white architectural elevations at 24" x 36", which label the materials and colors for each elevation of the building, including interior façade elevations (e.g. elevations adjacent to interior courtyards, plazas and access drives), and which identify any proposed change from the drawings identified in Condition #2, along with a written summary and explanation of the proposed changes, as well as one (1) sample material board at no larger than 24" x 36".

C. Approval of Facade Elevation Drawings and Material Samples (Final Building Permit)

The Developer agrees to obtain the approval of the County Manager of the façade elevation drawings and material samples submitted per this Condition 26, as being consistent with the intent of the County Board's approval of the Site Plan, including any changes approved administratively or through site plan amendment, prior to the issuance of the Final Building Permit.

D. Mock-up of Approved Elevation (Final Building Permit – Before start of above grade construction)

Following approval of the façade elevation drawings and material samples, and prior to start of above grade construction, the Developer agrees to provide, on the construction site, a mock-up of an approved building elevation that includes the approved building materials and colors. The mock-up is intended to verify compliance with the approved façade treatment and to inform contractors and citizens of the approved treatment, and therefore will be updated if changes are approved.

E. Inspection and Approval of Built Façade (Shell and Core Certificate of Occupancy)

The Developer agrees to obtain approval of the County Manager of the built building façades as being consistent with the approved façade elevations and materials prior to the issuance of the Shell and Core Certificate of Occupancy.

F. Retail Storefront Facades.

- ~~1) Minor adjustments to the approved façade for retail storefronts shall be submitted to and reviewed by the Zoning Administrator, who may administratively approve the change(s) upon finding that the change(s) meets the intent of the approved Site Plan and the following guidelines and characteristics:~~
- ~~a. **Creative design of storefront facades.** Storefront facades may vary in color, texture, material, size, scale, and signs. Both the shell building and retail business storefronts shall be designed to maximize transparency into each store consistent with paragraph G.2 below.~~
 - ~~b. **Special architectural treatment.** Building materials are predominantly comprised of the following: natural stone (marble, limestone, granite, terrazzo), masonry (brick, arrisraft, stone, CMU), ceramic and quarry tile, precast concrete, metal panels, glass and glazing, and wood. Other materials of similar high quality may be used with approval of the County Manager.~~

~~For the purposes of this subparagraph F.1), minor adjustments shall include only the following: (i) adjustment in the location of the access points and window or door placements for retail along the~~

~~street frontage on the ground floor; and (ii) changes to the materials, provided that the proposed materials are in keeping with the general intent of the approved Site Plan design; and (iii) adjustments required due to adjustments of the elements of the retail space as described in Condition~~

~~#39 below. All other changes to the approved retail will require a Site Plan amendment.~~

- ~~2) Any change to the façade which does not meet the above description of minor adjustment or any structural element that requires an encroachment into County right-of-way shall require a Site Plan amendment.~~

G. Standards for Façade Treatment of Buildings:

- 1) **Mechanical Equipment.** The Developer agrees that all mechanical equipment, regardless of location, shall be screened so that the mechanical equipment is not visible from the public right-of-way. The screening shall have an opaque or opaque-like treatment. Screening for the penthouse mechanical equipment shall consist of a solid wall treatment. Any mechanical equipment, including equipment located on the ground or at roof top, and screening for the penthouse mechanical equipment, shall be shown on all elevation drawings. The Developer agrees to obtain the County Manager's review and approval of the details of the screening treatment, including height, material and color, as meeting this standard, as part of the approval for the façade elevations and façade materials.
 - 2) **Window Transparency.** ~~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 storefront 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 does not include views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like.~~
 - 3) **Architectural Illumination.** The Developer agrees that the illumination, up- lighting, or the like, of any architecture, including buildings, structures, sites and facades, shall not be permitted unless specifically called out on the Site Plan and approved by the County Board. Any architectural illumination shown on the façade elevations that was not specifically shown on the Site Plan approved by the County Board shall require a Site Plan amendment.

27. Plat of Excavated Area (Footing to Grade Permit)

- A. **Submission (Footing to Grade Permit)** The Developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the building's ground floor elevation(s) at the building's lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #2 and #3 above.

- B. **Spot Elevations at 50% (Footing to Grade Permit)** The Developer agrees to provide the

Zoning Administrator spot elevations taken at spots determined at the time of the pre-construction meeting which shall, at a minimum, consist of two corners and spot elevations from 50% of the total area to be excavated, 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.

- C. **Elevations Confirming Remainder of Excavation (Final Building Permit)** The Developer agrees to submit to the Zoning Administrator additional elevations confirming the elevations of the remainder of the excavation prior to the issuance of the Final Building Permit.

28. Public Improvements Bond (Footing to Grade Permit)

- A. **Bond Estimate (Footing to Grade Permit)** The Developer agrees to submit to the Department of Environmental Services (DES) a performance bond estimate for the construction or installation of all facilities (to include street trees and all landscape materials) that will be located within the public rights-of-way or easements, erosion and sediment controls, and storm water management facilities, upon approval of the Civil Engineering Plan for each Phase of the project, consistent with the approved Phasing Plan pursuant to Condition #5 above, and prior to the issuance of the Footing to Grade permit for such Phase.
- B. **Bond (Final Building Permit)** Upon approval of the performance bond estimate by DES, the Developer agrees to submit to DES a performance bond, in the approved amount of the estimate, and an agreement for the construction or installation of all facilities (to include street trees and all landscape materials) within the public rights-of-way or easements, erosion and sediment controls, and storm water management facilities; which bond shall be executed by the Developer in favor of the County before the issuance of the Final Building Permit.
- C. **Repair/Replace Infrastructure (Release of Public Improvement Bond)** The Developer agrees to repair or replace existing or new infrastructure, at the direction of the County Manager, damaged during construction prior to release of the public improvement bond.

29. Interior Trash Collection and Recycling Areas (Footing to Grade Permit)

The Developer agrees to obtain approval from the Zoning Administrator of drawings showing compliance with this condition prior to the issuance of the Footing to Grade Permit. The Developer agrees to provide and use interior space for the collection, storage, compaction, and removal of trash. The space shall not be outside the interior loading space and shall not conflict with the use of a loading berth. The Developer agrees to provide and use appropriate interior facilities for the recycling of reusable materials as defined by the County.

30. Interior Loading Spaces (Footing to Grade Permit)

The Developer agrees to obtain approval from the Zoning Administrator of drawings showing compliance with this condition prior to the issuance of the Footing to Grade Permit. The Developer agrees that all loading spaces shall be in the interior of the building and shall also comply with the following requirements:

- A. Minimum 12-foot clear width, including entrances, and minimum 14-foot clear height, however,

any loading dock to be used for trash removal shall have a minimum interior height clearance of 18 feet.

- B. At least one loading space shall have a minimum 40-foot clear length.
- C. The loading area shall be kept clear at all times except for the temporary loading/unloading of vehicles.
- D. All loading docks shall contain closable doors.
- E. Use of the loading dock for deliveries or trash pick-ups, excluding moving vans, shall be limited to the hours from 8:00 a.m. to 6:00 p.m., seven (7) days a week.
- F. The loading dock door shall 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.

31. Emergency Vehicle Access/Support on Surface Parking and Plaza Areas (Footing to Grade Permit)

The Developer agrees that the requirements and standards of this condition shall be incorporated in the construction drawings, which shall be submitted to the Inspection Services Division for the Footing to Grade Permit. The Footing to Grade Permit shall not be issued until evidence has been provided to the Zoning Administrator that the terms of this condition have been met.

- A. The Developer agrees that all plaza areas used for vehicular access and all surface parking areas shall be constructed to support the live load of any fire apparatus, and agrees to construct these elements in accordance with the approved drawings.
- B. Architecturally designed bollards or curbs shall be used on pedestrian plazas to separate the areas intended for emergency vehicle use from areas intended for pedestrian use.
- C. No above-grade structure shall be allowed to obstruct fire lanes.

32. Parking (Footing to Grade Permit)

A. Site Plan Requirements

1) Site Plan Parking Requirements

- a. The Developer agrees that, unless specifically identified in this condition, parking shall be provided consistent with Section 14.3 of the Zoning Ordinance. The Developer agrees to submit to, and obtain review and approval from the Zoning Administrator, of drawings showing all parking spaces and drive aisles comply with the requirements of 14.3 of the Zoning Ordinance prior to the issuance of the Footing to Grade Permit.
- b. The Developer agrees that the required minimum number of parking spaces for the project, "Required Spaces", equals the sum of the project/building's uses times the parking ratio for each use type. The approved parking ratios,

by use type, are presented below.

<u>Use Type</u>	<u>Approved Parking Ratio</u>
Residential – Townhouses (North Parcel)	<u>1.58 spaces per unit (to include residents, residential visitors, accessible spaces & residential building employees)</u> <u>Eight (8) of the twelve units have tandem-loaded parking garages; one (1) visitor space to be provided in the South parcel parking garage.</u>
Residential – Multi-family (South Parcel)	<u>1.51 spaces per unit (to include residents, residential visitors, accessible spaces & residential building employees).</u> <u>110 parking spaces shall be located in the garage of the south parcel.</u> <u>Parking shall be provided as follows:</u> <ul style="list-style-type: none">• <u>109 spaces shall be provided for use by the south parcel, including 14 tandem spaces in private garages for the townhouse-style units;</u>• <u>1 additional space shall be provided for off-site guest parking for the north parcel.</u>
Office–	1 space per _____ square feet of GFA (to include office– employees, office visitors, building management employees, and accessible spaces)
Commercial/Retail–	1 space per _____ square feet of GFA, after approved exclusion for proximity to Metro Station (to include retail customers, retail– employees and accessible spaces)
Hotel–	_____ spaces per guest room (to include hotel employees, guests, visitors, and accessible spaces)

Other -

- c. The Developer agrees that the number of compact spaces counted toward the total number of “Required Spaces”, ~~exclusive of those spaces required for retail,~~ shall not exceed 15% of the total number of “Required Spaces”. “Required Spaces” for ~~retail and~~ guest or visitor parking shall not be compact. Spaces provided in excess of the “Required Spaces” total may be either standard or compact spaces.
- d. The Developer may use spaces not designated as ~~retail or~~ visitor for carshare, which shall count toward the required parking ratio for the applicable use.
- e. The Developer agrees that the “Required Spaces” shall not be converted to storage or other non-parking use without approval of a Site Plan amendment. Parking spaces constructed in excess of the “Required Spaces” may be converted from automobile parking to parking for other modes of transportation (i.e., motorcycles, scooters, bicycles, etc.) at the discretion of the Developer.

B. Operation and Management-Related Requirements

1) Residential Parking

- a. The Developer agrees that for projects that include ~~rental for sale~~ residential units, the ~~rental purchase~~ agreement shall not require ~~rental purchase~~ of a parking space and the cost of parking shall be shown in such agreement separately from the cost of ~~renting purchasing~~ the residential unit.
- b. For ~~both rental and~~ condominium buildings, the Developer agrees that the use of the residential parking spaces shall be limited to parking use by the residents of the building and their guests.
- c. The Developer agrees to inform all potential tenants and/or purchasers of the County’s Residential Permit Parking policy.
- d. Any unsold parking spaces in the underground garage shall be made available for use by the residents of both the north and south parcels and their guests.

2) Office Parking

- a. ~~The Developer agrees that new office-serving parking garages shall be designed to allow access, parking and use by commuter vanpools. At least _____% of office use or _____ spaces [choose either % or number of spaces], shall be accessible to vanpool vehicles designed to hold up to 15 passengers. These spaces shall be conveniently located on the level of the garage closest to street level, shall be standard size, and shall have a minimum height clearance of 98 inches. The Developer agrees to demonstrate compliance with this Condition on the garage level of the architectural plans, prior to issuance of the Footing to Grade Permit.~~

3) Shared Parking

- a. ~~The Developer agrees to designate and make available a minimum of _____ short-term (two hours maximum) parking spaces on the _____ level of the~~

~~parking garage for use by customers of the retail establishments or visitors to office establishments during the hours of operation of the retail or office establishments. The designated short-term parking spaces shall be shown on, and approved as a part of, the Garage Plan. Short-term parking spaces shall not be reserved for specific businesses.~~

- ~~b. The Developer agrees that in office buildings, no more than 20% of the total parking supply shall be reserved for individual persons.~~
- ~~c. In addition, for projects with office space the Developer agrees to make at a minimum _____ (describe number and location of spaces) in the garage available to the public for parking after standard office hours (weekday evenings after 6:00 p.m., weekends, and all legal holidays) until 12:00 midnight or until thirty minutes after the close of business of retail operations, whichever is later.~~
- ~~d. The Developer also agrees to make _____ office spaces available to the general public for overnight parking.~~

4) [Intentionally Omitted]

5) **Garage and Parking Management Plans (Footing to Grade Permit)**

a. **Garage Plan (Footing to Grade Permit)**

The Developer agrees to submit to, and obtain approval from, the County Manager of a Garage Plan prior to the issuance of the Footing to Grade Permit. The Garage Plan shall show where parking for the different user groups, including, when applicable, residents, visitors, and employees, ~~retail patrons, and the general public, including overnight public parking,~~ will be located. The Garage Plan shall also show the location(s) of any parking control equipment, locations of queueing, and a queueing analysis that demonstrates vehicle queueing will be accommodated entirely within the garage or other privately controlled areas of the site plan. The Garage Plan shall incorporate all elements for such plan listed in the *Department of Environmental Services Minimum Acceptance Criteria for Garage Plans* dated February 15, 2016 or subsequent version.

b. Parking Management Plan (First Partial Certificate of Occupancy for Tenant Occupancy) The Developer agrees to submit to, and obtain approval from the County Manager of a Parking Management Plan prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy. The Parking Management Plan shall follow the Guidelines and Minimum Acceptance Criteria for the Preparation and Submission of Parking Management Plans dated February 15, 2016 or subsequent version. The Developer further agrees that the plan shall be designed to ensure that vehicle queueing for site parking shall not occur in the public right-of-way. The Zoning Administrator may approve a parking count of 98% or more of the required number of spaces, if causes beyond the control of the Developer makes compliance impractical.

- c. **Implementation.** The Developer agrees to implement the approved Parking Management Plan for the life of the Site Plan. The Developer agrees to obtain the prior review and approval of any amendments to the approved Parking Management Plan by the County Manager.

33. Documentation of Historical Artifacts, Features and Buildings (Footing to Grade Permit)

- A. The Developer agrees to submit documentation to Arlington County Historic Preservation Program, Neighborhood Services Division (HPP), regarding any historical artifact or historical natural feature uncovered during construction on the site prior to the issuance of the Footing to Grade Permit for the building, or each building in a multi-building project. This documentation shall include written notation describing the artifact or natural feature, color photographs, and mapping of the location and/or depth of the site excavation at which the item was found.
- B. In the event an historical artifact or natural feature is found on the site, and is to be disturbed or removed from the site during construction, the Developer agrees to contact the HPP before removing or disturbing the artifact or natural feature. Arlington County shall be given the opportunity to accept donation of the artifact or natural feature before the item is offered to any other organization or individual.
- C. Should the project be assessed as a possible archaeological site, the Developer agrees to pursue, at a minimum, a level one and two archaeological study. The Developer agrees to submit to the HPP all written results of the level one and two archaeological study and all artifacts found on the site.

34. Underground Utility Fund Contribution (Final Building Permit)

The Developer agrees to contribute to the County underground utility fund in the amount specified by this site plan condition, in addition to funding and constructing the utility undergrounding work required by this Site Plan approval, prior to the issuance of the Final Building Permit. The total utility fund contribution for this site is \$69,742.08 (\$54,486 x 1.28 acres). [The Underground Utility Fund Contribution of \$50,000 per acre (2011 dollars) has been adjusted by the change in the Consumer Price Index (CPI-U) from 2011 Annual Average to 2017 Annual Average, reflecting a 8.97% increase. The rate shall be fixed from County Board approval until the payment is made by the

Developer prior to issuance of the Final Building Permit.] The Developer may request and obtain approval from the County Manager (DES) to prorate the total utility fund contribution for this site consistent with the approved Phasing Plan for the development pursuant to Condition #5 above. These funds may, but need not, be used by the County for the purpose of providing for undergrounding of utilities along the properties which are not redeveloping in this undergrounding district. If the area of the Site Plan is subdivided, the contribution to be made by each owner shall be based proportionally on the amount of site area allocated to each subdivided parcel. The contribution, if not obligated by the County to pay for utility undergrounding projects within 10 years from the date of payment, will be refunded upon receipt of written request without any accrued interest to the development owners of record at the time of any refund.

35. Wall Check Survey (Final Building Permit)

A. Walls/Elevations at Below Grade Structure (Final Building Permit)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 #2 and #3 above, prior to the issuance of the Final Building Permit. The Developer further agrees that the wall check survey shall show the location of the walls at the top level of the below-grade structure and the elevation of the highest parking slab.

B. Walls/Elevations of Slab at Grade (Prior to pouring the second floor slab or at completion of the slab on grade) The Developer further agrees to submit to the Zoning Administrator, and obtain the Zoning Administrator's approval as meeting the requirements of this approval, of a wall check survey showing the location of the walls, and the elevation of the slab, at grade, prior to pouring the second floor slab, or at completion of the slab on grade.

36. Use of Penthouse (Final Building Permit)

The Developer agrees that requirements of this condition shall be incorporated in project drawings prior to the issuance of the Final Building Permit. The use of any penthouse shall be limited to mechanical equipment and equipment maintenance space and/or telecommunication transmitter and/or receiver equipment as required in Condition #38 below, unless otherwise approved as part of this Site Plan with such uses subject to approval of Inspections Services Division where applicable.

37. Review by Crime Prevention Through Environmental Design (CPTED) Practitioner (Final Building Permit).

The Developer agrees to submit to the Operations Division of the Arlington County Police Department the approved post-4.1 drawings, which shall be reviewed by the Crime Prevention Through Environmental Design (CPTED) practitioner in the Police Department of CPTED design elements prior to the issuance of the Final Building Permit. The CPTED practitioner will review the post-4.1 drawings and provide comments on such plans for the purpose of ensuring that its design elements do not create a substantial risk of criminal activity at the location of the site plan.

38. **County Public Safety / Emergency Communications Systems (Final Building Permit)** ~~[If Applicable, delete entire condition below and incorporate in-building wireless condition; include Attachment A]~~ **Intentionally Omitted**
- A. **~~Telecommunications Transmitter/Receiver Equipment & Conducting Wire.~~** In order to maintain the effectiveness of the County's public safety systems, the Developer hereby agrees to grant to the County in perpetuity the right to install telecommunications transmitter and/or receiver equipment and conducting wire in or on the penthouse or top floor, and antennae and traffic monitoring systems on the roof of the proposed buildings in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both upon request by the County. The Developer agrees to provide, upon request by the County, access to electrical service separately metered, including auxiliary electrical power, and telephone radio control lines to the penthouse in the defined area. The Developer is not required to pay for design and installation costs for such equipment. 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.
- B. **~~Tie-ins from County Outdoor Emergency Warning System.~~** To enhance the reach of the County's public emergency communications system of systems, the Developer agrees to grant to the County in perpetuity the right to install tie-ins from the County's outdoor emergency warning system to the interior building fire/emergency warning enunciator systems using either land lines or emergency relay transceivers in or on the penthouse or top floor, antennae systems and along with hazardous material detection sensors on the roof of the proposed building(s) in a location and design that is acceptable to the County and the Developer based on a reasonable exercise of judgment by both upon request by the County. The Developer agrees to provide, upon request by the County, access to electrical service separately metered, including auxiliary electrical power, and telephone radio control lines to the penthouse in the defined area. Any radio transmitter or receiver equipment and antenna to be installed or used by others must not interfere with the emergency communication system of the County.
- C. **~~Internal Antenna/Amplifier System.~~** The Developer agrees to install and maintain in operable condition, in a manner acceptable to the County Manager, an internal antenna/amplifier system that permits public safety radio communications to transmit in the 806-825 MHz frequency and to receive in the 851-870 MHz frequency, or other range of transmitting and/or receiving frequencies deemed appropriate by the County Manager to meet current County requirements, from all areas within the building. The Developer agrees to provide documentation in the approved electrical engineering drawings that adequate accommodations have been made in the building to meet this requirement.
39. **Retail Elements (Final Building Permit)** **Intentionally Omitted**
The Developer agrees to meet the requirements of this condition prior to the issuance of the Final Building Permit.

A. The Developer agrees to the following for retail space, as shown on the plans referenced in Condition #2 above, within the Site Plan:

- 1) If the project is located within the Major Planning Corridors as defined in the Arlington County Retail Plan dated July 2015 (ACRP), then the Developer will market a minimum of _____ square feet of retail space located on the first floor of the building to uses as shown for that location in the approved ACRP or other applicable retail policy documents subsequently approved by the County Board and consistent with the standards in this Condition #39.

If the project is located outside of the Major Planning Corridors as defined in the ACRP, then the Developer agrees to market a minimum of _____ square feet of retail space located on the first floor of the building to uses consistent with the listings under "Retail Definition" in the ACRP or other applicable retail policy documents subsequently adopted by the County Board, and any other uses which the Zoning Administrator may determine are of the same general character (as same general character is described in Section 15.1.7 of the Zoning Ordinance), provided that they are consistent with the standards in this Condition #39.

The Developer agrees to submit the marketing material and/or a letter detailing the marketing efforts, and first floor plans consistent with the standards in this Condition #39, and obtain approval of such material or letter from the Zoning Administrator as having met the standards of this condition.

- 2) For retail space greater than 3,000 square feet, the Developer agrees to retain a retail broker and meet with AED to discuss the strategy and marketing plans for the retail space. The Final Building Permit shall not be issued until documentation has been provided to the Zoning Administrator from AED that this meeting has occurred and a retail broker retained.
- 3) **Standards for Retail Spaces:** The retail spaces shall be designed and constructed to meet the Retail and Urban Design Guidelines set forth in the ACRP. Exceptions are set forth as follows:

Insert any exceptions proposed.

B. Changes to Retail Spaces:

- 1) The Developer agrees that minor adjustments in the approved retail Gross Floor Area (GFA), or to details of the retail spaces as outlined in this Condition #39, shall be submitted to and may be approved by the Zoning Administrator if she finds that such changes are minor, as defined below, and are consistent with the original Site Plan approval. For the purposes of the preceding sentence, minor adjustments shall include only the following: (i) a minor adjustment in the location of the retail along the street frontage on the ground floor; or (ii) a minor adjustment in the GFA for the retail space, as long as the total approved retail GFA for the entire Site Plan does not change; or (iii) a minor adjustment in the

~~elements of the retail space as described in this Condition #39. All other changes to the approved retail will require a Site Plan amendment.~~

- ~~2) Any change in the use of the retail space from retail to office or other uses inconsistent with this Condition #39 shall require a Site Plan amendment.~~

40. Safety Measures at Garage Exit Ramps (Final Building Permit)

The Developer agrees to install safety measures, which may include but shall not be limited to speed bumps, at garage exit ramps at locations where ramps abut the pedestrian sidewalk, in order to slow vehicular traffic prior to vehicles crossing the sidewalk. The Developer agrees to show the locations of the safety measures on the ground level final building floor plans and shall obtain review and approval by the Zoning Administrator of the safety measures as meeting this condition prior to the issuance of the Final Building Permit.

41. Transportation Management Plan (First Partial Certificate of Occupancy for Tenant Occupancy)

The Developer agrees to obtain approval from the County Manager of, a Transportation Management Plan (TMP) prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy for each respective building or phase of construction per Condition #5. Such approval shall be given if the County Manager finds that the TMP for each building includes a schedule and description of implementation and continued operation, throughout the life of the Site Plan, of all elements outlined below under sub-sections A (Participation and Funding), B (Facilities and Improvements), C (Carpool and Vanpool Parking), D (Promotions, Services, and Policies), and E (Performance and Monitoring).

The Developer agrees to ensure consistency between this TMP and the Parking Management Plan, to the extent TMP provisions are applicable to the operation and management of parking facilities.

Upon approval of the TMP by the County Manager, the Developer agrees to implement all elements of the plan with assistance, when appropriate, by agencies of the County. Unless otherwise specified, the Developer agrees that all individual elements of this TMP shall be operational prior to issuance of the First Partial Certificate of Occupancy for Tenant Occupancy.

Unless otherwise specified, all dollar denominated rates shall 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 first approval of this condition.

A. Participation and Funding

- 1) Establish and maintain an active, ongoing relationship with Arlington Transportation Partners (ATP), or successor entity, on behalf of the property owner.

- 2) Designate and keep current a member of building management or Condominium or Homeowners Association as Property Transportation Coordinator (PTC) to be primary point of contact with the county and undertake the responsibility for coordinating and completing all Transportation Management Plan (TMP) obligations. The PTC shall be 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.
- 3) Contribute annually to ACCS, or successor, to sustain direct and indirect on-site and off-site services in support of TMP activities. Annual contribution shall be calculated based on a rate ~~\$0.06 per square foot of GFA for commercial (office, retail, hotel) use~~ and \$0.035 per square foot of GFA for residential use, escalated by CPI from the year 2008, per year for 30 years. Payment on this commitment shall begin as a condition of issuance of the First Partial Certificate of Occupancy for Tenant Occupancy for each respective building or phase of construction. Subsequent payments shall be made annually.

B. Facilities and Improvements

- 1) Provide in the lobby or lobbies, a transportation information display(s), the number/content/design/location of which will be approved by ACCS. The PTC shall keep display(s) stocked with approved materials at all times.
- 2) ~~Provide an ADA-compliant hotel van (with lift) to provide shuttle service to and from designated Metro station(s) for employees and guests. The van shall be staffed by a full-time employee, with a dedicated van-accessible parking space provided on the ground level of the mixed-use parking garage. The van shall be parked in this space when not in service. A communication device shall be provided with the hotel for on-call service (hotel only).~~
- 3) Provide a Bicycle Facilities Management Plan to support Condition #19 and #24. This plan shall include:
 - a. Identification of party(s) (person, agency, organization) responsible for managing the facilities and access to showers and lockers.
 - b. A description of how the facilities will be managed and operated, including:
 - i. Hours of operation or availability to users. ~~Showers and lockers for office/hotel/retail uses shall be available to employees during all hours in which employees may access the building.~~ Bicycle commuters shall be permitted to use the facility lockers for storage 24 hours per day, 7 days per week, to facilitate bicycle commuting.
 - ii. Management of registration and access of persons and bicycles to use the facilities.

- iii. ~~Management of locker assignments, and re-assignments, to bicycle commuters.~~
- iv. Methods to notify building occupants of the amenities, and the frequency of the notifications.
- c. Policy for abandoned bicycles.

C. ~~Carpool and Vanpool Parking~~

~~Carpools and Vanpools (for non-residential uses only)~~

- 1) ~~Operate a carpool/vanpool program with required elements including, at minimum:~~
 - a. ~~Provide reserved, signed, spaces for carpools and vanpools conveniently located with respect to main entrances/elevators serving the building.~~
 - b. ~~Provide two-person carpools with a parking subsidy equal to one-third the single-occupant vehicle monthly rate.~~
 - c. ~~Provide three-person (or more) carpools with a parking subsidy equal to two-thirds the single-occupant vehicle monthly rate.~~
 - d. ~~Provide vanpools, as recognized by the Internal Revenue Service (IRS), with free parking.~~

D. Promotions, Services, and Policies

- 1) Prepare, reproduce and distribute a welcome package, digital or hard copy, consisting of informational materials provided by Arlington County, which includes site-specific ridesharing and transit-related information, to each new residential lessee or purchaser, ~~and office, retail, hotel, property management, or maintenance employee, who moves into or begins employment in the building, from throughout initial occupancy through the life of the site plan.~~
- 2) Provide one time, per person, to each new residential lessee or purchaser, ~~and each new office, retail, hotel, property management, or maintenance employee, whether employed part-time or full-time, directly employed or contracted, who moves into or begins employment in the building throughout initial occupancy,~~ the choice of one of the following:
 - a. \$65.00 Metro fare on a SmarTrip card or successor fare medium
 - b. A one year bikeshare membership
 - c. A one year carshare membership

Purchase 50% of the anticipated need for such fare medium options prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy, and maintain stock on hand thereafter.

The County Manager may approve additions to, or substitution of one or more of these choices with a comparable transportation program incentive, as technology and service options change, if he/she finds that an incentive shall be designed to provide the individual with an option other than driving alone in a personal vehicle, either by removing a barrier to program entry, such as a membership cost, or by providing a similar level of subsidized access to a public or shared transportation system, program or service.

- 3) ~~Provide, administer, or cause the provision of a sustainable commute benefit program for each on-site property management, maintenance, and hotel employee, whether employed part-time or full-time, directly employed or contracted, which program shall include, at a minimum, a pre-tax transportation benefit, as defined by the IRS, or a subsidized/direct transportation benefit, as defined by the IRS.~~
- 4) Provide, under a “transportation information” heading on the Developer and property manager’s websites regarding this development:
 - a. Website hotlinks to the most appropriate Arlington County Commuter Services web page(s). Obtain confirmation of most appropriate link from ACCS.
 - b. A description of key transportation benefits and services provided at the building, pursuant to the TMP.

E. Performance and Monitoring

- 1) During the first year of start-up of the TMP and on an annual basis thereafter, the Developer shall submit an annual report, which may be of an online, or e-mail variety, to the County Manager, describing completely and correctly, the TDM related activities of the site and changes in commercial tenants during each year.
- 2) The Developer agrees to reimburse the County the full cost up to a maximum of \$7,000 (\$7,000 per land use type) for, and participate in, a transportation and parking performance monitoring study at two years, five years, and each subsequent five years (at the County’s option), after issuance of the First Partial Certificate of Occupancy for Tenant Occupancy, for the life of the site plan. The County may conduct the study or ask the owner to conduct the study (in the latter case, no reimbursement payment shall be required). As part of the study, a report shall be produced as specified below by the County. The study may include:
 - a. building occupancy rates,

- b. average vehicle occupancy,
- c. average garage occupancy for various day of the week and times of day,
- d. parking availability by time of day,
- e. average duration of stay for short term parkers on various days of the week and times of day,
- f. pedestrian traffic,
- g. a seven-day count of site-generated vehicle traffic,
- h. a voluntary mode-split survey,
- i. Hourly, monthly, and special event parking rates.

The building owner and/or operator shall notify, assist, and encourage building occupants and visitors on site to participate in mode-split surveys which may be of an on-line or email variety.

- 3) Should a Condominium or Homeowners Association be formed, the officers of the C/HOA shall notify, assist, and encourage all owners, or lessees on site to participate in a mode-split survey, which may be on an on-line or email variety.

42. Affordable Housing Contribution (Shell and Core Certificate of Occupancy)

A. For Affordable Housing Per the Ordinance – (Shell and Core Certificate of Occupancy) The Developer agrees to submit to and obtain from the County Manager confirmation or approval of the finalized plan for meeting the requirements of the affordable housing ordinance prior to the issuance of the Shell and Core Certificate of Occupancy. If the Developer fulfills the requirements through a monetary contribution, the Developer shall make the check payable to the Arlington County Treasurer and deliver the check to the Arlington County Housing Division prior to issuance of the Shell and Core Certificate of Occupancy. If the Developer fulfills the requirements through on-site or off-site units, the Developer shall execute all necessary documents to implement the approved or confirmed plan prior to the First Partial Certificate for Tenant Occupancy. The finalized plan shall comply with Subsection 15.6.8 of the Zoning Ordinance, “Affordable Dwelling Units for Increased Density Within General Land Use Plan.”

B. For Development with Bonus Density for Affordable Housing (First Partial Certificate of Occupancy for Tenant Occupancy) [When there is on-site affordable housing] The Developer agrees to execute documents requested by the County to evidence agreement to all of the terms and conditions outlined in the Developer’s approved final Affordable Housing Plan, as set forth below, prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy for the project:

- 1) **Affordable Rents Sale Price:** The Developer agrees to provide four (4) two-bedroom units, with each unit being approximately 1,331 gross square feet, or

1,065 net square feet as Committed Affordable Units (CAFs). The affordable sales prices for the four (4) two-bedroom CAFS shall be those as defined in the Housing Plan, based on being affordable to households at or below 80% AMI as published by the US Department of Housing and Urban Development (HUD) for the Washington, DC Metropolitan Statistical Area, adjusted for household size. Each of the two-bedroom CAFS shall meet the Virginia Uniform Statewide Building Code minimum standard for occupancy for at least three (3) persons, with a minimum of 200 SF of combined living/dining space for each CAF and with at least one of the bedrooms in each CAF containing a minimum of 100 SF.

The Developer agrees to provide _____ units, consisting of

~~_____ one-bedroom units, _____ two-bedroom units and three-bedroom units in approximately _____ gross square feet or _____ rentable square feet as Committed Affordable Units (CAFs). The CAFs shall have rents affordable to households at or below 60% of Area Median Income (AMI) as published by the U.S. Department of Housing and Urban Development (HUD) for the Washington, DC Metropolitan Statistical Area, adjusted for household size. The Developer agrees that the affordable rents of the CAFs shall not exceed 30% of the 60% AMI level as published by HUD, minus a utility allowance (if applicable) as per the schedule of Allowances for Tenant-Furnished Utilities provided by the Housing Division. These CAFs shall be leased only to households whose incomes~~

~~do not exceed 60% of AMI as published by HUD for the Washington, DC Metropolitan Statistical Area, adjusted for household size.~~

- ~~2) **Rent Increases:** The Developer agrees that rent increases for CAFs will be limited to increases provided by the Housing Division using AMI-based income limits published by HUD. For the first five (5) years of occupancy by each household in a CAF, the Developer agrees to a cap on the increase in rent of 5% per year in years where the AMI-based income limits published by HUD exceed 5%.~~
- 2) **Compliance Period:** The Developer agrees that the Site Plan condition shall require the CAFs to remain affordable as defined in Paragraph 1 “Affordable Sale Price” Rents” and Paragraph 2 “Rent Increases” above for a term of 30 years in perpetuity from the date of issuance of the Certificate of Occupancy for the last CAF unit that is able to be occupied for the building in which the CAF units are located.
- 3) **Accessible Units:** The Developer agrees to maintain a minimum of one (1) of the CAFs as Type A units (“accessible units”) under standards described in the American National Standards Institute “Accessible and Usable Buildings and Facilities” (ICC/ANSI A117.1) as adopted by the Virginia Uniform Statewide Building Code. The Developer agrees to diligently market the accessible units to income-qualified households with persons with physical disabilities for a period of 60 days during the initial marketing and sales ~~leasing~~ period. If after 60 days the Developer is unable to ~~rent~~ sell the accessible units to income-qualified

households with persons with disabilities, the Developer agrees to continue to make best efforts to market and sell ~~lease~~ the accessible units to income-qualified households with persons with disabilities, but the Developer may market and sell ~~lease~~ these accessible units to any income-qualified households regardless of disability. The Developer agrees to market accessible these units as part of the Developer's Affirmative Marketing Plan, described below.

- 4) **Developer Affirmative Marketing Plan:** The Developer agrees to prepare and implement an Affirmative Marketing Plan in substantially the form as required by the Housing Division. The Developer agrees that the Affirmative Marketing Plan shall call for the initial advertising and marketing of all the CAFs for a period of at least sixty (60) days prior to the projected occupancy of the complex.

In addition, employees of the Owner, Developer and/or Property Management Company shall not submit applications for the CAFs. ~~until the CAFs have been openly marketed for a minimum of four (4) weeks.~~

- 5) ~~**Condominium Conversion:** If at any time prior to the end of the 30-year compliance period for the CAFs the Owner or Developer proposes to convert the property from rental units to a condominium, the CAFs shall continue to be operated as rental units subject to the terms and conditions of this site plan condition for the remainder of the compliance period.~~

43. Availability of Site Plan Conditions to Residential Condos, Cooperatives and Homeowners Associations (Shell and Core Certificate of Occupancy)

The Developer agrees to submit proof to the County Manager that it has satisfied this condition prior to the issuance of the Shell and Core Certificate of Occupancy for the building.

- A. If the project includes a residential condominium or cooperative component, then the Developer agrees that a copy of the conditions of this Site Plan approval shall be made available to all prospective purchasers with the condominium's, cooperative's or homeowners association's bylaws or agreements.
- B. If the project includes a residential rental component that is converted to a condominium or a cooperative, then the Developer agrees that a copy of the conditions of this Site Plan approval shall be made available to all prospective purchasers with the condominium's, cooperative's, or homeowners' association's bylaws or agreements prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy following the conversion.

44. Obtain Master Certificate of Occupancy (Within 12 months of Receipt of the Certificate of Occupancy that permits full occupancy)

The Developer agrees to obtain a Master Certificate of Occupancy within twelve (12) months of receipt of the Certificate of Occupancy that permits full occupancy. The

Developer may request in writing to extend the timeframe for obtaining the Master Certificate of Occupancy. The request shall outline the reasons for the extension and shall be submitted to the Zoning Administrator for review and approval at least one (1) month prior to the end of the twelve-month time frame. The Zoning Administrator may approve such extension upon finding that the Developer is diligently and in good faith pursuing completion of the project, and will apply for and meet all requirements of a Master Certificate of Occupancy within a reasonable amount of time.

45. Building Height Certification (Master Certificate of Occupancy)

The Developer agrees to submit to, and obtain review and approval by the Zoning Administrator of one set of drawings certifying the building height as measured from the average site elevation to both the building roof and to the top of the penthouse roof prior to the issuance of the Master Certificate of Occupancy.

46. Structural Modifications (Life of Site Plan)

A. The Developer agrees that any structural modification or changes to the facades or materials shall be subject to the approval of the County Manager. If the County Manager determines that any proposed 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 require approval by the County Board, a Site Plan amendment shall be required.

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

47. [Intentionally Omitted]

48. Snow Removal (Life of Site Plan)

The Developer agrees to remove snow or ice from all sidewalks within or adjacent to the site, from adjacent bus stops, from all interior streets, and from required Fire Apparatus Access Roads (fire lanes) for the purpose of providing safe vehicular and pedestrian access throughout the site. Snow or ice fall less than six (6) inches shall be removed within twenty-four (24) hours, and six (6) inches and greater shall be removed within thirty-six (36) hours of the cessation of such snow fall or freezing. (Snowfall as measured by the National Oceanic and Atmospheric Administration at National Airport).

49. Maintenance of Residential Common Areas (Life of Site Plan)

If the project includes a residential component, then the Developer agrees that the maintenance of the common area, walkways, private drives and parking areas which are tied to condominium units shall be provided for by the condominium's, cooperative's or homeowners association's bylaws or agreements consistent with Section 14.1 of the Zoning Ordinance.

- 50. Retention of Approved Parking Ratio over Subdivided Site (Life of Site Plan)**
The Developer agrees to provide parking for each building according to the approved parking ratio; when parking is not located within the parcel designation of each building but located within the overall project, it shall continue to be committed to the entire project for purposes of administering the Zoning Ordinance.
- 51. Retention of Approved Density over Subdivided Site (Life of Site Plan)**
Pursuant to the Site Plan, the total density allocated for any new construction on any subdivided parcels of the Site Plan shall not exceed the total approved density for the entire Site Plan. No additional density shall be allowed on any individual parcel formed by subdivision of the site.
- 52. Refuse Delivery to County Disposal Facility (Life of Site Plan)**
The Developer agrees to deliver all refuse, as defined by the Arlington County Code, to an operating refuse disposal facility designated by the County Manager. Any facility designated by the County Manager will have competitive rates at or below other facilities in the region otherwise available to the Developer. The Developer agrees that if it intends to deliver its refuse from this project to a facility other than the disposal facility designated by the County Manager, then the Developer shall submit that decision in writing to the DES Solid Waste Bureau along with a comprehensive cost analysis justifying the Developer's decision. The Developer further agrees to stipulate in any future lease or property sale agreements and deeds that all tenants or property owners shall also comply with this requirement for the life of the Site Plan.
- 53. Canopies and Awnings (Life of the Site Plan)**
The Developer agrees that it will not construct or permit to be constructed any structures within areas dedicated, or to be dedicated, as public sidewalk easements and public sidewalk and utilities easements pursuant to the conditions of this site plan, except canopies, awnings and/or other similar architectural details as depicted in the final site plan on the face of the building ("canopies and awnings"), within such easement areas, provided that all such canopies and awnings shall be consistent with the final design and site engineering plans approved by the County Manager. Such canopies and awnings shall also, among other requirements, meet the following minimum standards: each canopy or awning shall (i) be suspended from the face of a building or structure; (ii) have no ground supports; (iii) extend no more than six (6) feet into the adjoining public sidewalk easement or public sidewalk and utility easements; (iv) contain no permanent fixtures, such as, among other things, fans, heaters and sprinklers; (v) extend no more than six feet in any location from the face of the building to the outer edge of the canopy or awning; (vi) extend into the easement area no further than to a point that is five feet behind the back of the curb line; (vii) not be located in the clear space above any utility vault; and, (viii) maintain a clearance of at least eight feet above the public sidewalk to the lowest part of the canopy or awning, provided, that if such canopy or awning incorporates a sign, the canopy or awning and the sign shall meet all applicable zoning ordinance provisions.

In the event such canopies and awnings are approved by the County Manager as part of the final site plan, the Developer further agrees for itself, its successors in title and interest, and assigns, to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, and agents from all claims, negligence, damages, costs and expenses arising from the canopies and awnings. The Developer agrees that, in the event of an emergency, the County may remove the canopy or awning and shall not be liable for any loss or damage to the canopy, awning or building that may result from such removal. In such event, the County shall not be responsible for replacing such canopy or awning.

The Developer agrees that in the event of need for routine utility work in the area of a canopy or awning, or need for County infrastructure repairs in the regular course of business in the area of the canopy or awning, the County may, by written notice delivered to the Developer, require the Developer, at the Developer's sole cost and expense, to remove the canopy or awning within fourteen (14) days of delivery of said notice. The Developer further agrees that, if the canopy or awning is not removed within fourteen (14) days of delivery of said notice, the County may, at the sole cost and expense of the Developer remove the canopy or awning and the Developer agrees that the County shall not be liable for any loss or damage to the canopy, awning or building that may result from such removal, or for replacing such canopy or awning.

The Developer agrees that, if the County Manager determines that any canopy or awning, whether or not approved, interferes with public access or is otherwise inconsistent with the public welfare, zoning ordinance requirements, or future development, the Developer agrees to, at its sole cost and expense, to remove the canopy or awning and fully restore any affected surface areas of the canopy, building or easement. The Developer agrees to complete removal of any canopy or awning upon notice of the County Manager's determination. The Developer agrees that, if the Developer fails to remove the canopy or awning within the time specified, the County may remove the canopy or awning, at the expense of the Developer, and that the County shall not be liable for any loss or damage that may occur as a result of such removal.

54. Power Door Openers (Life of Site Plan) –

The developer agrees to install power door openers for the main pedestrian entrances to the residential building. In addition, at the secure interior doors, the developer agrees that call boxes, if used, shall be mounted and measured at a height that allows for hands-free remote capability. The entrances to the lobby of the residential elevators from the first level of the parking garage will have automatic door openers. These items shall be installed and functional prior to issuance of any certificate of occupancy for tenancy of the building.

55. Rooftop Lighting Plan (Life of Site Plan)

The Developer agrees to submit and obtain the County Manager's approval of a plan for lighting of the rooftop amenity areas prior to the issuance of the Master Certificate of Occupancy for each building. The County Manager will approve the lighting components of the plan upon finding that the plans incorporate dark sky lighting principles in

accordance with the standards of the International Dark-Sky Association, specifies the hours of illumination, and includes a process and mechanism for adjusting the intensity of light after construction if necessary to ensure that rooftop lighting has no adverse effect on the surrounding area or views of Washington, D.C.'s monumental core.

56. Developer Installation of In-Building First Responder Network (Final Building Permit)

In order to maintain the effectiveness of the County's public safety systems, the Developer/applicant hereby agrees to design, construct, install, and maintain in an operable condition, an over-the-air radio in-building emergency responder communication and distribution system that will include, as defined in Attachment A:

- a. a donor antenna in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both;
- b. single mode fiber optic backbone;
- c. conditioned and secured-access space with dedicated backup power to locate fiber distribution equipment;
- d. secured head-end equipment to support bi-directional radio transmissions over the air and via internet protocol fiber optic link;
- e. related hardware in a number and configuration that is appropriate for radio transmission in frequencies established by the County;
- f. dedicated communications conduits from property line to the head-end equipment room;
- g. alarm reporting to the County's designated recipient.

The Developer agrees to submit to the County Manager for his/her review and approval, engineering drawings indicating that adequate accommodations have been made in the building to meet this requirement prior to issuance of the Final Building Permit. The County Manager will approve the drawings if she finds that the drawings meet the standards of this site plan condition.

In addition, the Developer agrees to submit to and obtain the County Manager's review and approval of, reports verifying that the level of radio communications coverage in the building is sufficient to permit emergency responder communication throughout the building, according to the testing procedure outlined in Attachment A. The Developer agrees to submit and obtain review and approval of these reports at the following times:

- a) prior to the issuance of the first certificate of occupancy for any space in the building;
- b) every one year after the date of issuance of the first certificate of occupancy for any space in the building.

The County Manager may waive this condition in the future if he/she determines that the level of radio communications coverage within the building can be monitored and verified to be at an acceptable level by the County through the County's ConnectArlington fiber optic network or other mutually acceptable means. In addition, the County Manager may waive coverage requirements in secure areas as well as in cases where State and County requirements overlap.

Landscape Treatment at N. Utah Street Terminus

The Developer agrees that the landscape treatment within the public right of way at the terminus of N. Utah Street where it meets 11th Street N., as shown on the plans provided for in Condition #2, shall be shown on the Final Landscape Plan per Condition #21, and the Civil Engineering Plan per Condition #19. The Developer further agrees to maintain, repair and replace the subject landscape improvement for the life of the Site Plan, including in the event any County work to this area results in damages to the subject treatment, unless and until N. Utah Street is extended by the County. The developer agrees that any successor condominium or homeowners association formed shall include in its covenants and bylaws an affirmative commitment to maintain this area for the life of the Site Plan unless and until N. Utah Street is extended. .

The Developer agrees to host a meeting, prior to the submission of the Final Landscape Plan and the Civil Engineering Plan, to review designs for the subject treatment with neighbors. The Developer agrees to invite the presidents of the Ballston-Virginia Square Civic Association, the Westview Condominium Association, and the Victoria at Ballston, Vermont Courts, and Vermont Place Homeowners Association to the meeting to review designs and solicit input. A copy of the meeting minutes shall be provided to the Zoning Administrator prior to the issuance of the Land Disturbance Permit for the first phase of construction.

If the County determines through the Civil Engineering Plan review process that the improvements cannot be constructed due to interference with County utilities located in the subject location of the improvement, then the requirements of this conditions shall be deemed to have been met.

57. Access to Courtyard on North Block

The Developer agrees that all unit owners and tenants of the property within this Site Plan shall without limitation, be able to access to the courtyard open space located on the north block, as shown on the plans dated February 2, 2018 per Condition #2.

Attachment A

In-Building First Responder Network Definitions and Testing Protocol

Definitions

As used in the standard site plan condition entitled “Developer Installation of In-Building First Responder Network”, unless the context requires a different meaning:

“alarm reporting” means an SNMP (Simple Network Management Protocol)-based monitoring system that sends notifications of faults or diminished performance.

“dedicated communications conduit” means conduit assigned to contain only the fiber optic cable used for public safety communications;

“dedicated backup power” means a secondary source of power, whether from battery or emergency generator, supplying automatically when the primary power source is lost, continuously operational for no less than 12 hours and, if from a battery, charging itself automatically in the presence of an external power input and contained in a NEMA 4 enclosure;

“donor antenna” means a bi-directional antenna mounted to the roof of a building interconnected to optical signal conversion and distribution equipment;

“fiber distribution equipment” means one or more modules capable of converting optical signals into radio frequency signals for distribution to all interconnected omni-directional antennas;

“head-end equipment” means one or more modules capable of receiving radio frequency signals from a donor antenna, amplifying the radio frequency signals, and converting the radio frequency signals into optical signals for distribution via fiber optic cable to all fiber distribution units throughout the building and are contained in a NEMA 4 enclosure;

Testing Protocol

When an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the radio system “the system” tested to ensure that two-way coverage on each floor of the building reveals a minimum signal strength of -95 dBm in 95 percent of the building’s area. In addition, the quality of radio signal should be no less than Delivered Audio Quality (DAQ) 3.4 as defined by the Telecommunications Industry Association (TIA). The test procedure shall be conducted as follows:

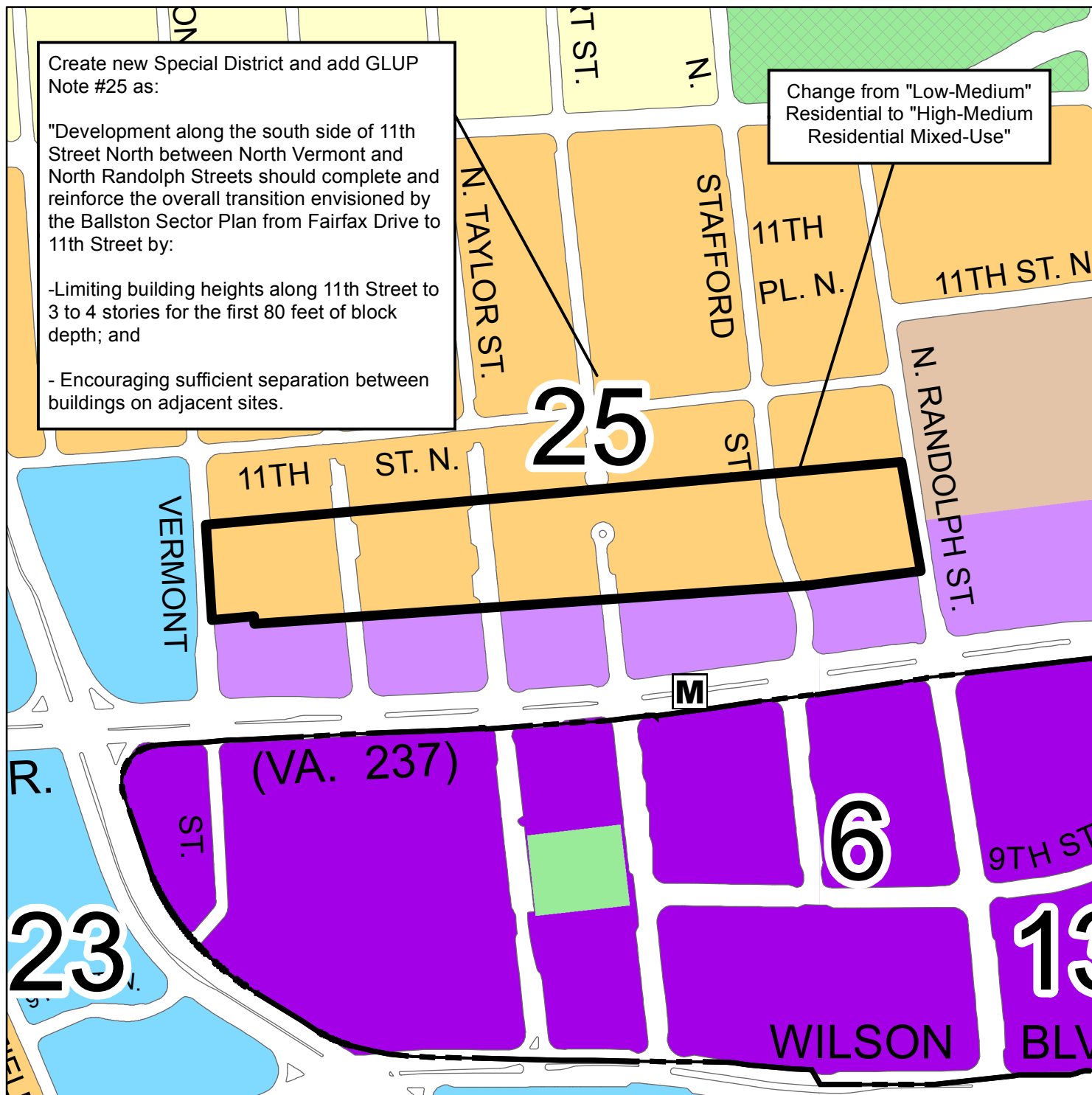
1. Each floor of the building shall be divided into a grid of 20 approximately equal areas.
2. The test shall be conducted using a calibrated portable radio of the latest brand and model used by the County.
3. The test shall be considered failed if more than two nonadjacent grid areas do not meet the signal strength requirements.

4. In the event that three nonadjacent areas fail the test, in order to be more statistically accurate, the floor shall be divided into 40 equal areas. The test shall be considered failed if more than four nonadjacent grid areas do not meet the signal strength requirements. If the system fails the 40-area test, the system shall be modified to meet the 95 percent coverage requirement.
5. A test location approximately in the center of each grid area shall be selected for the test. The radio shall be enabled to verify two-way communications to and from the outside of the building through the public agency's radio communications system. Once the test location has been selected, that location shall represent the entire area. If the test fails in the selected test location, that grid area shall fail. Prospecting for a better location within the grid area shall not be allowed.
6. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file within the building so that the measurements can be verified during annual tests. In the event that the measurement results become lost, the developer shall be required to rerun the acceptance test to reestablish the gain values.
7. As part of the installation a spectrum analyzer or other suitable test equipment shall be utilized to ensure false oscillations are not being generated by the subject signal booster.
8. The antennas, cable, and other passive components of the system shall be rated to operate at least between 400MHz and 5.0 GHz.

The minimum qualifications of the system designer, tester and lead installation personnel shall include:

1. A valid FCC-issued General Radio Operators License; and
2. Certification of in-building system training issued by a nationally recognized organization or school or a certificate issued by the manufacturer of the equipment being installed.

Personnel may be exempt from these requirements upon successful demonstration of adequate skills and experience satisfactory to the County Manager or designee.



GP-341-17-1
GLUP Amendment



GLUP Legend

	Low Residential 1-10 units per acre
	Low-Medium Residential
	Medium Residential
	Public
	Medium Office-Apartment-Hotel
	High-Medium Residential Mixed-Use
	Coordinated Mixed-Use Development District
	Public Ownership

Notes:

6. This area was designated a "Coordinated Mixed-Use Development District" on 12/2/78.

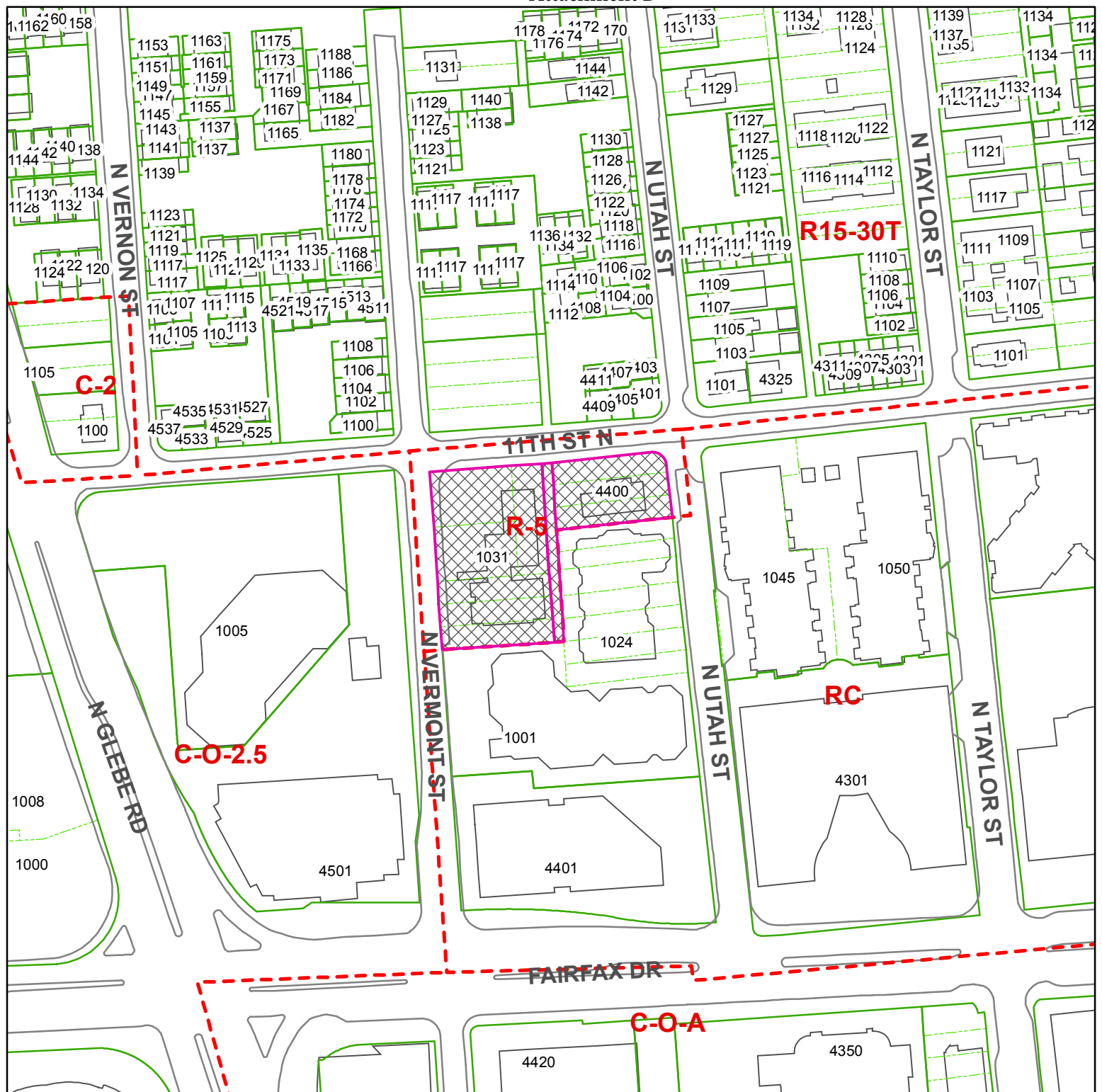
13. This area (Ballston Center) was designated a "Special Affordable Housing Protection District" on 1/26/02.

23. Within the area shown as "Medium" Office-Apartment-Hotel, in order to provide an appropriate transition to adjacent residential neighborhoods, buildings on the southwest and western portions of the site shall consist of residential uses and have maximum heights of 50 feet.



Map prepared by
Arlington County, Va.
GIS Mapping Center
January 2018

Map Scale 1" = 300'




Z-2600-17-1

1031 N Vermont St and 4400 11th St N

RPC #s 14-017-005, -006, -018

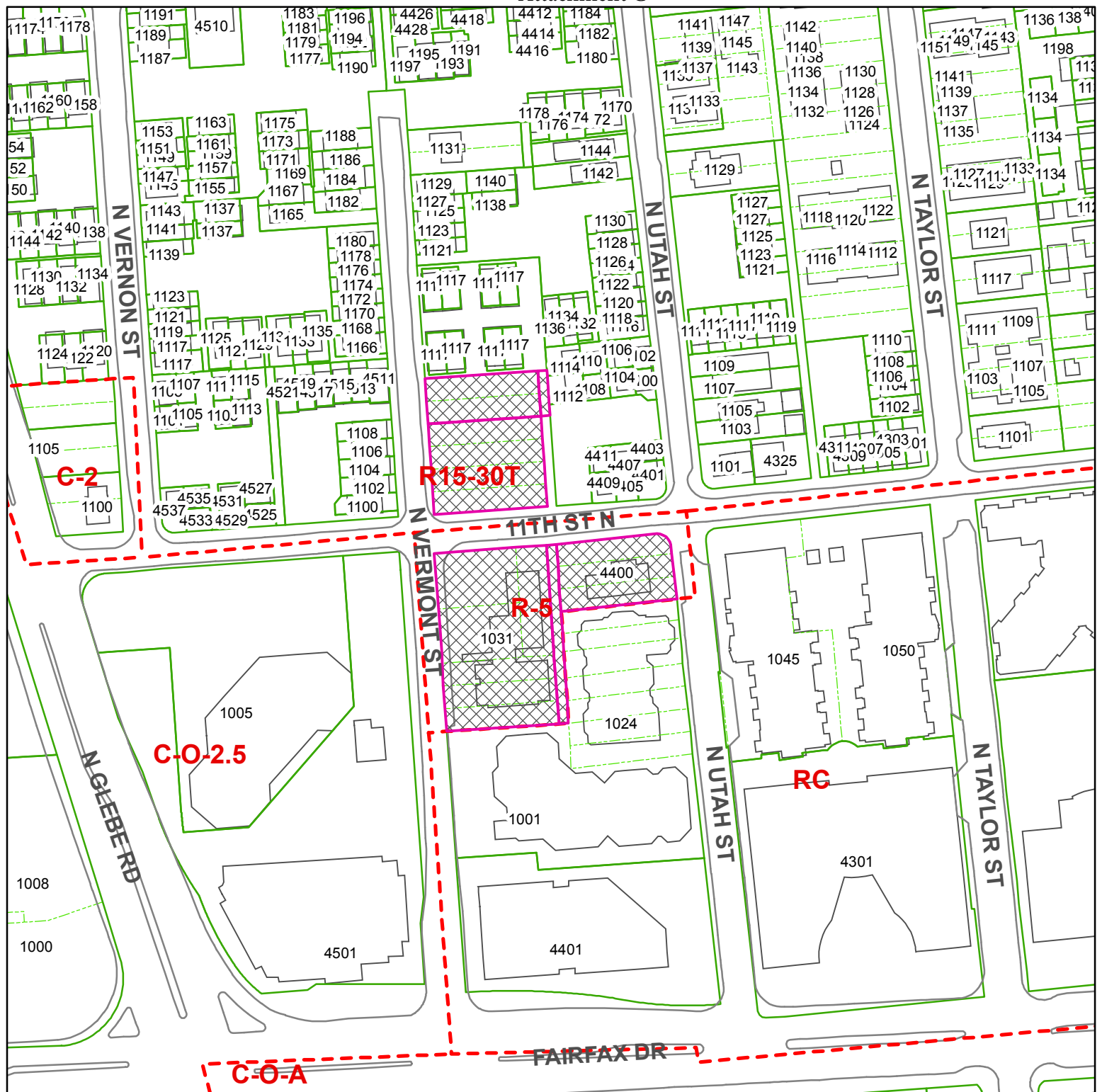


 Case
Location(s)
Scale: 1:1,800

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

Department of Community Planning, Housing and Development

County Use Only
Date Placard Posted _____
By _____
Removed _____




SP # 447

1031 N Vermont St and 4400 N 11th St N

RPC #s 14-018-001, -002, & -070; 14-017-005, -006, & -018



 Case Location(s)
Scale: 1:1,800

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

Department of Community Planning, Housing and Development

County Use Only
Date Placard Posted _____
By _____
Removed _____