

Closed Meeting and Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of #1 Courthouse Plaza thereof on Tuesday, November 20, 2001, at 6:29 p.m.

PRESENT: JAY FISETTE, Chairman  
CHRISTOPHER ZIMMERMAN, Vice Chairman  
BARBARA A. FAVOLA, Member  
PAUL FERGUSON, Member  
\*CHARLES P. MONROE, Member

ALSO PRESENT: RON CARLEE, County Manager  
STEPHEN A. MacISAAC, County Attorney  
ANTOINETTE COPELAND, Clerk  
and other staff

\* Arrived at 7:28 p.m.

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**CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS.**

On motion by Mr. Fisetite, seconded by Mr. Zimmerman and carried by a vote of 4 to 0, the voting recorded as follows: Mr. Fisetite – Aye, Mr. Zimmerman - Aye, Ms. Favola – Aye, and Mr. Ferguson - Aye, Mr. Monroe not having arrived, the Board met in a closed meeting from 6:29 p.m. to 7:18 p.m., as authorized by §§2.1-3711.A.3. of the Virginia Code, to discuss one matter concerning the disposition of publicly-held property, where discussion in an open meeting would adversely affect the bargaining and negotiating position of the County.

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On motion by Mr. Fisetite, seconded by Mr. Zimmerman and carried by a vote of 5 to 0 by roll call, the voting recorded as follows:

<b><u>Member</u></b>	<b><u>Vote</u></b>
Mr. Fisetite	Aye
Mr. Zimmerman	Aye
Ms. Favola	Aye
Mr. Ferguson	Aye
Mr. Monroe	Aye

the Board certified that to the best of each member's knowledge that only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered by the Board.

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**GENERAL LAND USE PLAN AMENDMENT GP-275-01-1, REZONING Z-2477-01-1, SITE PLAN SP #350, AND VACATION IN FORT MYER HEIGHTS (15<sup>TH</sup> AND SCOTT STREET, LLC, APPLICANT - THE ODYSSEY).**

After duly advertised public hearings at which the public spoke, the Board took the following actions:

**RESOLUTION TO DENY REQUEST FOR GENERAL LAND USE PLAN AMENDMENT GP-275-01-1 AND APPROVE DESIGNATION AS "SPECIAL AFFORDABLE HOUSING PROTECTION DISTRICT" FOR EASTERN PORTION OF BLOCK BOUNDED BY NORTH COURTHOUSE ROAD, CLARENDON BOULEVARD, NORTH 16<sup>TH</sup> STREET, NORTH SCOTT STREET AND NORTH 15<sup>TH</sup> STREET.**

On motion by Ms. Favola, seconded by Mr. Monroe and carried by a vote of 5 to 0, the voting recorded as follows: Mr. Zimmerman – Aye, Mr. Monroe - Aye, Ms. Favola – Aye, Mr. Ferguson – Aye, and Mr. Fisetto – Aye, the Board adopted the following resolution:

WHEREAS, the County Board of Arlington County has been presented with a proposed amendment of the General Land use Plan ("GLUP"), a part of the County's Comprehensive Plan, to designate as "**High Residential (up to 3.8 FAR Hotel; up to 4.8 FAR Residential)** and to add **Note 13 to designate the site as a *Special Affordable Housing Protection District (SAHPD)*** the site identified as the eastern portion of the block bounded by N. Courthouse Rd., Clarendon Blvd., N. 16<sup>th</sup> St., N. Scott St. and N. 15<sup>th</sup> St. ("Property");

WHEREAS, the County Manager has recommended that the proposed amendment be denied;

WHEREAS, the Planning Commission has recommended that the proposed amendment be denied;

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

WHEREAS, the County Board of Arlington County held a duly advertised public hearing on the proposed amendment to the GLUP on **November 20, 2001**;

NOW, THEREFORE, BE IT RESOLVED that, based on the aforementioned considerations, deliberations and all public comments, the County Board of Arlington County finds that: A) the proposed amendment to designate the site as "**High Residential** should be, and hereby is, **denied**; B) **the proposed addition of Note 13 to this site on the General Land Use Plan should be, and it hereby is approved and Note 13 is amended to read** as follows: This area was designated a "Special Affordable Housing Protection District" by County Board action. (11/17/90 Pollard Gardens-Clarendon Courts SP #292, 5/24/2000 Twin Oak SP #341, and 11/20/01 The Odyssey).

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**RESOLUTION FOR APPROVAL OF REZONING Z-2477-01-1 FOR 1901, 2001, 1915, 1911 NORTH 15<sup>TH</sup> STREET; 1500 BLOCK OF NORTH SCOTT STREET; 1506 NORTH SCOTT STREET; AND 1900, 1906, 1910, 1914 NORTH 16<sup>TH</sup> STREET.**

On motion by Ms. Favola, seconded by Mr. Monroe and carried by a vote of 4 to 1, the voting recorded as follows: Mr. Zimmerman – Nay, Mr. Monroe - Aye, Ms. Favola – Aye, Mr. Ferguson – Aye, and Mr. Fisetto – Aye, the Board adopted the following resolution:

WHEREAS, the County Board of Arlington County ("County Board") finds that the 15<sup>th</sup> and Scott Street, L.L.C. has requested a rezoning of property located at 1901, 2001, 1915, 1911, 15<sup>th</sup> Street, North, 1500 Block North Scott Street, 1900, 1906, 1910, 1914, 16<sup>th</sup> Street, North ("property"); and

WHEREAS, the County Board finds that the requested rezoning to "RA4.8" Multiple Family Dwelling Districts, and "C-O" Commercial Office Building, Hotel and Multiple-Family Dwelling Districts will be consistent with the General Land Use Plan Designation for the Property, and with the Courthouse Sector Plan, the Courthouse Sector Plan Addendum and the Retail Action Plan; and,

WHEREAS, the County Board finds that the rezoning to "RA4.8" Multiple Family Dwelling Districts, and "C-O" Commercial Office Building, Hotel and Multiple-Family Dwelling Districts is required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT RESOLVED that the Property located at 1901, 2001, 1915, 1911, 15<sup>th</sup> Street, North, 1500 Block North Scott Street, 1506 North Scott Street, 1900, 1906, 1910, 1914, 16<sup>th</sup> Street, North, is hereby rezoned **FROM** "RA8-18", Apartment Dwelling Districts, **TO** "RA4.8" Multiple Family Dwelling Districts, and "C-O" Commercial Office Building, Hotel and Multiple-Family Dwelling Districts, as shown on the map attached to the County Manager's November 15, 2001 report.

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**AN ORDINANCE PURSUANT TO APPLICATION SP #350 TO GRANT A SPECIAL EXCEPTION FOR A SITE PLAN ON CERTAIN PARCELS OF LAND KNOWN AS 1901, 2001, 1915, 1911, NORTH 15<sup>TH</sup> STREET; 1500 BLOCK OF NORTH SCOTT STREET; 1506 NORTH SCOTT STREET; 1900, 1906, 1910, 1914 NORTH 16<sup>TH</sup> STREET (THE ODYSSEY).**

On motion by Ms. Favola, seconded by Mr. Monroe and carried by a vote of 3 to 2, the voting recorded as follows: Mr. Zimmerman – Nay, Mr. Monroe - Aye, Ms. Favola – Aye, Mr. Ferguson – Nay, and Mr. Fisette – Aye, the Board adopted the following ordinance and approved the proposed site plan with modifications of use regulations to exclude mechanical closets and basement storage area from the calculation of gross floor area, and approved additional density and height subject to the conditions in the staff report, incorporating the Affordable Housing Plan and changing the designation from 30 years to 40 years:

BE IT ORDAINED that, pursuant to application SP #350 on file in the Office of the Zoning Administrator for a special exception for a site plan for a 17-story residential building containing 338,138 square feet of residential gross floor area, 6,800 square feet of retail gross floor area, and 1,500 square feet of office gross floor area, modification of use regulations to exclude from density calculations approximately 41,000 square feet of elevators, unit mechanical, mechanical penthouse, recreation/multipurpose room, residential storage, residential lobby, retail and office space, and for additional building height and tandem parking spaces for the parcels of real property known as 1901, 2001, 1915, and 1911 North 15<sup>th</sup> Street; 1500 block of North Scott Street; 1506 North Scott Street; and 1900, 1906, 1910, and 1914 North 16<sup>th</sup> Street, approval is granted and the parcels so described shall be used according to the approval requested by the application, subject to the following conditions and modifications:

- **The following conditions of site plan approval (#1 through #9) are valid for the life of the site plan and must be met by the developer before the issuance of the Clearing, Grading and Demolition Permit.**
1. The developer (as used in these conditions, the term developer also includes the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth in Administrative Regulation 4.1 and the plans dated October 18, 2001 and reviewed and approved by the County Board and made a part of the public record on November 17, 2001 including all renderings, drawings, and presentation boards presented during public hearings together with any modifications proposed by the developer and accepted by the County Board or vice versa. This site plan approval expires three (3) years after the date of County Board approval if the owner has not obtained a final building permit for construction of the approved site plan and commenced construction under that final building permit. Extension of this approval shall be at the sole discretion of the County Board. The developer agrees that this discretion shall include a review of this 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 developer and accepted by the County Board or vice versa.
  2. This Condition Has Been Removed.

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

All photographic records shall be taken using black and white film. Submission of negatives and a photo contact sheet shall be the minimum acceptable standard; 8" x 10" prints are preferred. Color slides may be submitted in addition to black and white photographs and negatives. The photographic record shall include the following:

Before the issuance of a Clearing, Grading, and demolition permit - Views of the north, south, east and west facades of buildings to be demolished, as location permits, 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.

Site Clearance - Views of cleared site facing north, south, east and west, as location permits, with adjacent buildings and streets included.

Construction Phase (shall be submitted before issuance of the Shell and Core Certificate of Occupancy Permit) - At a minimum, views of the site; during excavation, upon completion of the first floor above grade, at topping out, and during the exterior cladding phase.

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.

The photographic record of the site as it appears before demolition shall be delivered to the Zoning Administrator before the issuance of a Clearing, Grading or Demolition permit. The remaining records shall be delivered to the Zoning Administrator before the issuance of a master Certificate of Occupancy for placement in the County archives. If the "Fast Track" Permit Process (as defined in the brochure "The Fast Track Permit Process" published by Arlington County, May 1990, and available from the Arlington County Inspection Services Division) is selected by the applicant, the Site Clearance and Construction Phase photographs shall be submitted before the issuance of the Footing to Grade Structure Permit, the Construction Phase photographs showing any construction to grade shall be submitted before the issuance of the Final Building Permit, and the Construction Phase photographs, showing all construction above grade and the Site Completion photographs shall be submitted before issuance of the Master Certificate of Occupancy.

4. In addition to funding and constructing the utility undergrounding work, the developer agrees to contribute, at the rate of \$50,000.00 per acre, to the County utility fund before the issuance of the Clearing, Grading and Demolition Permit. The contribution for this project would be \$83,254 (\$50,000 x 1.66 acres). These funds may, but need not be, used by the County for the purpose of providing the undergrounding of utilities along the properties, which are not redeveloping in this undergrounding district. If the area of the site plan is subdivided, the contribution to be made by each owner shall be based on the amount of site area allocated to each subdivided parcel. The contribution, if not obligated by the County to pay for utility undergrounding projects within 10 years from the date of payment, will be refunded without any accrued interest to the development owners of record at the time of any refund.
5. The developer agrees to develop a plan for temporary pedestrian and vehicular circulation during construction. This plan shall identify temporary sidewalks and any other feature necessary to ensure safe pedestrian and vehicular travel around the site during construction. The developer agrees to obtain the Department of Public Works approval of this plan as meeting these standards before the issuance of the Clearing, Grading and Demolition Permit.

6. The developer agrees to provide each rental household living in an apartment unit or a single-family dwelling which is displaced by the construction of this site plan, except those which are given leases after the date of this site plan approval, with the following:
  - a. A minimum of 120 days written notice to vacate; and
  - b. Relocation payments in accordance with the Arlington County Tenant Relocation Guidelines adopted by the County Board and in effect on November 17, 2001; and
  - c. Relocation services in accordance with adopted Arlington County Tenant Relocation Guidelines by the County Board.

If the developer decides to limit relocation benefits to persons who executed initial leases before adoption 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 may be reduced by mutual agreement in writing. Compliance with this condition shall be shown before the issuance of the Clearing, Grading and Demolition Permit.

7. The developer agrees to comply with all state and local laws and regulations not expressly modified by the County Board's action on this site plan and to obtain all necessary permits.
8. The developer agrees to file three copies of a site plan, which complies with the final approval of the County Board and with Administrative Regulation 4.1, with the Zoning Administrator within 90 days of the County Board approval and before the issuance of the Clearing and Grading Permit.
9. The developer agrees to comply with the following before issuance of the Clearing, Grading and Demolition Permit and to remain in compliance with this condition until the Master Certificate of Occupancy is issued.
  - a. The developer agrees to identify a person who will serve as liaison to the community throughout the duration of construction. This individual shall be on the construction site throughout the hours of construction, including weekends. The name and telephone number of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site, and to the Zoning Administrator, and shall be posted at the entrance of the project.
  - b. Before commencing any clearing or grading of the site, the developer shall hold a meeting with those whose property abuts the project to review the hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The developer agrees to notify the Zoning Administrator of the date of the meeting before a clearing and grading permit is issued. Copies of plans showing the hauling route, construction worker parking and temporary pedestrian and vehicular circulation shall be posted in the construction trailer and given to each subcontractor before they commence work on the project.
  - c. Throughout construction of the project, the developer agrees to advise abutting property owners in writing of the general timing of utility work in abutting streets or on-site that may affect their services or access to their property.
  - d. At the end of each work day during construction of the project, the developer agrees to ensure that any streets used for hauling construction materials and to enter the construction site are free of mud, trash and debris.
  - e. No outdoor construction work on this project shall occur before 7:00 a.m. on weekdays or before 9:00 a.m. on Saturdays, Sundays, or holidays.

- **The following Conditions of site plan approval (#10 through #29) are valid for the life of the site plan and must be met by the developer before issuance of the Excavation/Sheeting and Shoring Permit.**

10. The developer agrees to submit a detailed final site development and landscape plan at a scale no larger than 1/16 inch = 1 foot before the issuance of the Excavation/Sheeting and Shoring Permit. Such plan shall be approved by the County Manager or his designee before the issuance of the Final Building Permit as consistent with the approved site plan and all County laws, regulations, and policies. In order to facilitate comparison with the final site engineering plan the landscape plan shall be at a scale of 1 inch = 25 feet; the County may require more detailed plans appropriate to landscape installation at a larger scale (1/16 inch = 1 foot, 1/8 inch = 1 foot, or 1/4 inch = 1 foot). The County may permit minor changes in building, street and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance governing administrative approval and with the intent of the site plan approval. The landscape plan shall include a Street Tree Plan which shall be reviewed by the Department of Parks, Recreation and Community Resources and shall be accompanied by the site engineering plan and the two plans shall be compared to ensure that there are no conflicts between street trees and utilities; neither plan shall be approved until the landscape plan and the site engineering plan agree. The installation of all plant materials shown on the final landscape plan shall take place before the issuance of the first Certificate of Occupancy. The final site development and landscape plan shall include the following details:
  - a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final site engineering plan and placed so as not to obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets shall not be located in the public sidewalk. Transformers shall not be placed in the setback area between the building and the street;
  - b. The location, dimensions, and materials for driveways, driveway aprons, parking areas, interior walkways and sidewalks as well as for address indicator signs;
  - c. The location and types of light fixtures for streets, parking, walkway and plaza areas;
  - d. Topography at two (2) foot intervals and the finished first floor elevation of all structures;
  - e. Landscaping for plaza areas, raised planters and surface parking areas, including a listing of plant materials, and details of planting, irrigation and drainage; and
  - f. The location and planting details for street trees in accordance with Department of Public Works Standards and Specifications for planting in public rights-of-way and as shown on the approved final site engineering plan.
  - g. The location of all retaining walls, including spot elevations at the top and at the bottom of the wall, shall be shown on the final landscape plan.
11. The developer agrees that all landscaping shall conform to Department of Public Works Standards and Specifications and to at least the following requirements:
  - a. Planting materials shall be of good nursery stock and a nursery guarantee shall be provided by the developer for two years including the replacement and maintenance (to include but not be limited to pruning, feeding, spraying, mulching, weeding, and watering) of all landscape materials following the issuance of the master certificate of occupancy;
  - b. Planting materials and landscaping shall meet the American Standard for Nursery Stock Z50.1-73, and shall also meet the following standards:
    - (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) - a height of 12 to 18 feet with a minimum caliper of 3 to 3 1/2 inches.
    - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.) - a minimum height of 8 to 10 feet.
    - (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)- a height of 10 to 14 feet with a minimum caliper of 1 1/2 to 2 inches.

- (4) Shrubs - a minimum spread of 18 to 24 inches.
  - (5) Groundcover - in 2" pots.
- c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager or his designee, based on accepted landscaping standards, seeding may be substituted for sod. All sod and seed shall be state certified;
  - d. Exposed earth not to be sodded or seeded shall be well mulched or planted in groundcover. Areas to be mulched may not exceed the normal limits of planting beds;
  - e. Soil depth shall be a minimum of four (4) feet for trees and tall shrubs and two (2) feet for other shrubs. For planters located on the Terrace Level This requirement shall also apply to those trees and 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 finished grade adjacent to them;
  - f. Finished grades shall not exceed slopes of three to one or the grades that existed before the site work began.
  - g. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process. Further, the developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well-maintained condition after the expiration of the two year guarantee required in #11.a. above and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator.
  - h. The developer agrees to notify the Department of Parks, Recreation and Community Resources (DPRCR) Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.
  - i. The developer agrees to maintain the street trees and landscaping for the life of the project.
  - j. The developer agrees to provide a copy of the landscape plan to the Scott Street residents and neighborhood for their review prior to the final approval by the County Manager.
  - k. All retaining walls shall have a stone façade.
12. The developer agrees to contact all utility companies, including the electric, telephone and cable television companies, and offer them access to the site at the time of utility installation to install their underground cables. In order to comply with this condition the developer agrees to submit, to the Zoning Administrator, letters from the developer to the utility companies offering them access as stated above.
13. The developer agrees to construct pavement, curb, and gutter along all frontages of this site in accordance with Arlington County Standard R-20 for concrete curb and gutter and Standards R-1.0, -1.1, -1.2, -1.3, and -1.4 for pavement and according to the following dimensions:
- A) 15<sup>th</sup> Street North - Face of curb shall be located 18 feet from the Arlington County survey centerline;
  - B) North Scott Street – Face of curb shall be located 13 feet from the Arlington County survey centerline;
  - C) The developer agrees to reconstruct the intersection of Clarendon Boulevard and North Scott Street as shown on the developer's plans dated October 18, 2001 and as shown on the final engineering plans approved by the County Manager;

- D) The developer agrees to design and construct streetscape improvements along the east side of North Scott Street south of 16<sup>th</sup> Street, approximately 180 feet to the south to the existing streetscape improvements along the east side, in accordance with the following:
- 1) face of curb shall be located 13 feet from the Arlington County survey centerline;
  - 2) Two-foot wide utility/planting strip adjacent to the curb and a four-foot-wide concrete sidewalk.

All improvements to curb, gutter, sidewalks and streets for pedestrian and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act and any regulations adopted thereunder, as well as any other applicable laws and regulations.

14. The developer agrees that sidewalks along all street frontages of this development shall be paved with brick or an interlocking concrete paver and shall be placed on a properly engineered base approved as such by the Department of Public Works. The final selection of materials and colors to be used shall be as determined by the County Manager or his designee on the final site development and landscape plan in accordance with the Rosslyn-Ballston Streetscape Plan or other applicable urban design standards approved by the County Board and in effect at the time of the site plan approval. The sidewalks shall contain street trees in tree grates as specified below on Clarendon Boulevard, 16<sup>th</sup> Street and Scott Street and in tree pits on 15<sup>th</sup> Street. The tree pits shall be planted with ground cover. Perennials for seasonal accent, and evergreen shrubs to form a low hedge are required for planting areas in front of the town house units. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standards. Street trees shall be guaranteed by the developer for two years after final acceptance by the Department of Public Works. Before acceptance of the right-of-way improvements a bond and an agreement for this guarantee period shall be submitted to the Department of Public Works by the developer and executed by the developer in favor of the County. The sidewalk sections and street tree species shall be as follows:
- (1) Clarendon Boulevard/16<sup>th</sup> Street: Minimum 14-foot wide unobstructed sidewalk with brick or interlocking pavers in addition to 4'x6' or larger tree grates. Tree grates to be located one-foot back from curb. Tree planting areas shall be planted with Willow Oak trees with a minimum caliper of 4 to 6 inches, 12 to 14 feet minimum height, planted 30 feet apart on center. The developer agrees to use root aeration, root path and air entrained structural soil mixture compaction techniques. All tree planting areas shall contain under-drainage areas which connect to the storm drain.
  - (2) 15<sup>th</sup> Street: Minimum 14-foot wide unobstructed sidewalk with brick or interlocking pavers in addition to a 4 x 12 foot wide planting strip located one foot back from the face of curb. Tree planting areas shall be planted with Willow Oak trees with a minimum caliper of 4 to 6 inches, 12 to 14 feet minimum height, and planted 30 feet apart on center and liriope groundcover. The developer agrees to use root aeration, root path and air entrained structural soil mixture compaction techniques. All tree-planting areas shall contain under-drainage areas, which connect to the storm drain.
  - (3) Scott Street: Minimum 14-foot wide sidewalk with brick or interlocking pavers which include a 4' x 6' tree grates and planting area in front of the town house units. A four (4) wide planting area will be located at the front of the town house units. At a minimum, the clear sidewalk width shall be a minimum of 10 feet wide. Tree planting areas at the back of curb shall be planted with Northern Red Oak trees with a minimum caliper of 4 to 6 inches, 12 to 14 feet minimum height, planted 30 feet apart on center. The planting area in front of the town house units shall contain annuals, perennials, evergreen shrubs and ground cover as specified in Condition #11 above. The developer agrees to use root aeration, root path and air entrained structural soil mixture compaction techniques. All tree-planting areas shall contain under-drainage areas, which connect to the storm drain.
15. The developer agrees that in order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the final design of the project shall provide a structure-free zone under the public sidewalk along all street frontages. This zone shall be a minimum of five (5) feet deep and shall extend from the back of the street curb to the far edge of the public sidewalk (the sidewalk width shall be as defined in condition #14 above). No subterranean structures (such as parking garages) shall intrude into this five-foot deep zone. Within the zone, underground utilities and utility vaults shall not be located in a manner that interferes with the appropriate spacing and replacement of street trees. Utility lines, including but not limited to cable television, fiber optics, etc., shall not be located beneath street trees or within tree pits. The location of all existing and proposed utility lines shall be shown on both the final landscape plan and the final site-engineering plan.



16. The developer agrees that the location of the water services will be determined at the time of the review of the final engineering plan in accordance with the following standards: Water meter installations shall be located behind and adjacent to the curb line in an area clear of driveways, a minimum of five (5) feet clear of other utilities and a minimum of 10 feet clear of structures; A clear space 15 feet wide by 25 feet long by 10 feet deep shall be provided for three (3) inch and four (4) inch meter installations, and 20 feet wide by 25 feet long by 10 feet deep for six (6) inch and larger meter installations; and the location of building walls shall be adjusted as necessary to provide these clearances.
17. The developer agrees that all sanitary sewers and water mains, including water services, shall have a minimum of ten (10) feet horizontal clearance from each other and five (5) feet clearance from all other utilities, and shall have a minimum of 10 feet horizontal clearance from buildings and other structures. Water mains 16 inch and larger and mains placed more than 10 feet deep shall have a minimum of 15 feet horizontal clearance from buildings and other structures; and sanitary sewers 15 inch and larger, or sewers placed more than 10 feet deep shall have 15 feet minimum clearance from buildings and other structures. All water mains and sanitary sewers shall meet County Standard design criteria.
18. The developer agrees that no existing water main or fire hydrant shall be taken out of service or made inaccessible without the prior written approval of the Department of Public Works. This approval shall be obtained before the issuance of the Excavation/Sheeting and Shoring Permit.
19. The developer agrees to construct water main improvements in accordance with the following: Construct an eight-inch water main in North Scott Street from the existing 12-inch water main in 16<sup>th</sup> Street, south to the existing eight-inch water main in Scott Street and abandon the existing six-inch water main parallel to the new main and convert water meters to the new main.
20. The County will TV-inspect the sanitary sewer serving the site. The developer agrees to repair or replace any appurtenances found by the County to be either deficient or damaged by the developer.
21. The developer agrees to provide horizontal standpipes or fire hydrants at intervals of not more than 300 feet to provide adequate fire protection. The County shall specify kind of service and locations at the time of the final site engineering plan approval based on applicable safety standards.
22. The developer agrees to remove and replace any existing curb, gutter and sidewalk along the street frontages of this site, which is in poor condition or damaged by the developer according to Arlington County standards and specifications.
23. The developer agrees to pay the capital cost for the installation of approved Arlington County street lighting along all frontages of the site. In addition, the developer agrees to furnish and install all conduit and junction boxes necessary for the lighting system. All construction shall meet Virginia Power Standards. Lighting shall be in accordance with the following:
  - Double globe "Carlyle" standard street lights along the Clarendon Boulevard frontage of the site; single globe "Carlyle" standard street lights along the 15<sup>th</sup> and North Scott Street frontages of the site.
24. The developer agrees to remove or place underground all existing aerial utilities within or along the periphery of this site. Any utility improvements necessary to provide adequate utility services to this development or utility work necessary to provide a terminus to the underground facilities shall be paid for by the developer and shall not result in the installation of any additional utility poles.
25. The developer agrees to submit final site engineering plans to the Department of Public Works. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. Neither the Excavation/Sheeting and Shoring nor first building permit shall be issued until final site engineering plans and the sequence of construction have been submitted for approval to the Department of Public Works. The developer agrees that any changes required on the final engineering plan that are inconsistent with the approved Administrative Regulation 4.1 site plan will require a site plan amendment.

26. The developer agrees to provide off-street parking for all construction workers without charge to the workers. In lieu of providing parking, the developer agrees to provide a subsidy for the construction workers in order that they may use Metro, provide a van for van pooling, or use another established method of transportation, to provide for construction workers to arrive at the site. Compliance with this condition shall be based on a plan, which shall be submitted to the Zoning Administrator before the issuance of the Excavation/Sheeting, and Shoring Permit. This plan shall set forth the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the site, and mechanisms which will be used to encourage the use of Metro, carpooling, vanpooling, and other similar efforts. The plan shall also provide for 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. If the plan is found to be either not implemented or violated during the course of construction, a correction notice will be forwarded to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, and construction halted until the violation has been corrected.
27. The developer agrees that brick or a concrete unit paver or other materials approved by the County Manager or his designee shall be used on all access drives, automobile drop-off areas, plaza areas and interior walkways. Interior walkways shall have a minimum width of four (4) feet. The materials and colors used are subject to approval by the County Manager or his designee for consistency with adopted Sector Plans or other urban design standards approved by the County Board as a part review and approval of the final site development and landscape plan.
28. The developer agrees to install address indicator signs which comply with Section 27-12 of the Arlington County Code or successor provisions in a location visible from the street and as shown on the final site development and landscape plan.
29. The developer agrees that the design of the facade treatment for the buildings and the materials to be used on the facades shall be as specified and shown on the submitted drawings dated, October 18, 2001 and as presented to the County Board and made a part of the public record on November 17, 2001, including all presentation materials, renderings, and drawings, presented during public hearings. The developer further agrees to obtain the approval of the County Manager of the façade treatment as being consistent with this approval before the issuance of the Excavation/Sheeting and Shoring Permit or first building permit, whichever comes first.
- **The following Conditions of site plan approval (#30 through #38) are valid for the life of the site plan and must be met by the developer before issuance of the Footing to Grade Structure Permit.**
30. All required easements and right-of-way agreements shall be submitted to the Department of Public Works for approval and that approved deeds or agreements shall be recorded by the developer before the first Certificate of Occupancy.
31. Upon approval of the final site engineering plan the developer agrees to submit a performance bond estimate for the construction or installation of all facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the Department of Public Works for review and approval. Upon approval of the performance bond estimate by the Department of Public Works, the developer agrees to submit a performance bond in the approved amount of the estimate and agreement for the construction or installation of all these facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the Department of Public Works and this bond shall be executed by the developer in favor of the County before the issuance of the Footing to Grade Structure Permit.
32. All electrical transformers shall be placed underground in vaults which meet Virginia Power standards. These vaults may be placed in the street right-of-way or in driveways if approved by the County on the final site-engineering plan. Ventilation grates, for garages or electrical transformers, may not be located within public sidewalks or within that portion of the public right-of-way between the street curb and any building which is used as a walkway. The locations of the vaults shall be coordinated with other utility locations so as to have a minimum clearance of five (5) feet to conduits and manholes and a minimum clearance of 10 feet to water mains and sanitary sewers unless otherwise approved by the owner of that utility. All vault ventilation grate and utility locations shall be approved by the Department of Public Works as part of the review of the final site engineering plan and by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit.
33. The developer agrees that interior space shall be provided for the collection, storage and compaction of trash, as well as appropriate facilities for the recycling of reusable materials as defined by the County. This space shall not be in a loading berth. Drawings showing compliance with this condition shall be approved by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit.

34. The developer agrees that all loading docks shall be in the interior of the building and shall also comply with the requirements of Section 1 (minimum 12 foot clear width [including entrances], 30 foot length and 14 foot clearance) and Section 33.C.5 of the Zoning Ordinance, and shall contain roll-down doors. The doors of the loading docks shall be closed when the docks are not in use. Loading dock doors shall also be closed when the loading docks are in use, except when necessary for entry or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures.
35. The developer agrees that parking garages shall be designed to allow access and use by vans and all garage entrances shall meet ADA requirements.
36. The developer agrees to ensure that all parking spaces shall comply with the requirements of Section 33 of the Zoning Ordinance. Unless otherwise approved by the County Board, the number of compact spaces may not exceed 10% of the total number of spaces provided. The applicant agrees that the number of hybrid spaces measuring 8.5 feet wide by 16 feet long will not exceed 30% of the total parking supply. Standard parking spaces shall comprise at least 60% of the total parking supply. The developer further agrees to retain the same parking ratios in the event that unit counts in the building change more or less than 309 units. Drawings showing that the requirements have been met shall be approved by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit.
37. The developer agrees to provide secure bicycle storage facilities on the following minimum basis:
- One (1) employee space for every 7,500 square feet, or portion thereof, of office floor area and one (1) visitor space for every 20,000 square feet, or portion thereof, of office floor area;
- One (1) space for every 10 residential units, or portion thereof, and one (1) visitor space for every 50 residential units, or portion thereof;
- Two (2) visitor/customer spaces for every 10,000 square feet, or portion thereof, of the first 50,000 square feet of retail floor area; one (1) space for every 12,500 square feet, or portion thereof, of additional retail floor area and one (1) employee space for every 25,000 square feet, or portion thereof, of retail floor area. At the discretion of the County Manager or his designee, these spaces may be provided in a convenient location on the sidewalk.
- These facilities shall be highly visible to the intended users and protected from rain or snow within a structure shown on the site plan. The facilities shall not encroach on the sidewalk or on any area in the public right-of-way intended for use by pedestrians. The facilities for residential users must meet the acceptable standards for Class I storage space and be highly visible from an elevator entrance, a full-time parking attendant, a full-time security guard or a visitor/customer entrance. Facilities for visitors/customers must meet the standards for either Class II or Class III storage space and be highly visible from a main street level visitor/customer entrance. Drawings showing that these requirements have been met shall be approved by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit.
38. 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 if required by the Fire Marshall. Bollards or curbs shall be used on pedestrian plazas to separate the areas intended for emergency vehicle use from areas intended for pedestrian use. No above grade structure shall be allowed to encroach in fire lanes. Compliance with this condition shall be demonstrated before issuance of the Footing to Grade Structure Permit. Those pedestrian and park areas, which have public access easements, shall include signs that the area is open to the public. Sign permits must be secured for any proposed sign.
- **The following Conditions of site plan approval (#39 through #43) are valid for the life of the site plan and must be met by the developer before issuance of the Final Building Permit.**
39. The developer agrees that all mechanical equipment shall be screened so as not to be visible from public rights-of-way.
40. The developer agrees that the use of any penthouse shall be limited to mechanical equipment and equipment maintenance space or radio transmitters and receivers as required in condition #49.
41. The developer agrees to submit engineering site plans and building plans to the Crime Resistance Section of the Arlington County Police Department for its review of security measures before the issuance of the Final Building Permit.

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

• **The following Condition of site plan approval (#43) is valid for the life of the site plan and must be met by the developer before the issuance of the Shell and Core Permit.**

43. The developer agrees to develop a comprehensive sign plan and that all exterior signs shall be consistent with the guidelines contained in "Sign Guidelines for Site Plan Buildings as adopted by the County Board and with Section 34 of the Zoning Ordinance. Prior to erecting any sign on the site, the developer agrees to obtain the Zoning Administrator's approval of the comprehensive sign plan that meets all standards of the Guidelines and the Ordinance, with only the specific modifications in this condition.

- No freestanding building identification sign will be permitted.
- Retail tenants are limited to no more than three (3) signs per tenant, except corner tenants shall be permitted to have no more than four (4) signs.
- All proposed rooftop signs shall require a site plan amendment.

The developer agrees that no sign shall be permitted on the site unless it is shown on the approved comprehensive sign plan.

• **The following Conditions of site plan approval (#44 through #48) are valid for the life of the site plan and must be met by the developer before the issuance of the First Certificate of Occupancy.**

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

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

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

45. The developer agrees to include a lighting plan for all internal and external public areas, including parking areas, as part of the final site development and landscape plan. This lighting plan shall be subject to review by the Police Department based on the Zoning Ordinance, Section 2, Subsection H, and the Illumination Engineering Society of North America Standards and shall not be approved as part of the final landscape plan unless it meets these standards. The lighting shall be installed and tested before the issuance of the First Certificate of Occupancy.

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

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

47. In the event that the building becomes a condominium, and then the conditions of this site plan approval shall be made available with the condominium's, cooperative's or homeowners association's bylaws or agreements. Documentation that this condition has been satisfied shall be provided to the County Manager or his designee before the issuance of the First Certificate of Occupancy.
48. Before the issuance of the Master Certificate of Occupancy, the developer agrees to submit drawings certifying the building height as measured from the average site elevation both to the building roof and to the top of the penthouse.
- **Post Certificate of Occupancy: the following Conditions of site plan approval (#49 through #54) are valid for the life of the site plan.**
49. In order to maintain the effectiveness of the County's public safety communications systems, the County reserves the right to install radio transmitters and receivers in the penthouse or top floor and antennae on the roof of the proposed buildings at no charge to the County in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both. The developer agrees to provide access to electrical service separately metered, including auxiliary electrical power, and telephone radio control lines to the penthouse in the defined area. Any radio transmitter or receiver equipment and antenna to be installed or used by others must not interfere with the emergency communication system of the County.
50. The developer agrees that any structural addition shall be subject to the approval of the Zoning Administrator consistent with Section 36.H.2.c of the Zoning Ordinance. If the Zoning Administrator determines that the proposed improvements have a significant impact on the site plan, a site plan amendment shall be required.
51. The developer agrees that the maintenance of the common area, walkways, private drives and parking areas which are tied to condominium units shall be provided for by the condominium's, cooperative's or homeowners association's bylaws or agreements consistent with Section 2.D.6 of the Zoning Ordinance.
52. The developer or owner agrees to remove snow from all interior streets and interior and exterior sidewalks within a reasonable time after the snow has stopped.
53. This condition has been deleted.
54. The density allocated for any subdivided parcel on the site shall be the same as the approved density for the entire site. No additional density shall be allowed on any individual parcel formed by subdivision of the site.
- **The following unique site specific Conditions (#55 through #63) are valid for the life of the site plan and must be met before the issuance of the permit specified in each Condition.**
55. Prior to the issuance of any building permit for any activity on the site, the developer agrees to execute documents requested by the County to evidence agreement to an approved final Affordable Housing Plan, including, but not necessarily limited to, the conditions governing the affordable units outlined in the section of this report on Staff Recommendation of Affordable Housing Plan, as approved in concept by the County Board at the November 17, 2001 meeting. The developer agrees, at all times, to fully comply with the requirements of such documents and the plan.
56. The developer agrees to develop a retail attraction and marketing plan for the total square footage of the approved site plan development allocated for retail uses. The plan shall identify the types of retail desired for each space, the amount of space to be allocated to each type of retail use, the strategy that will be used to attract these uses to the subject building, and the strategies to be used to market these businesses once they are in place. In developing the attraction and marketing plan, the developer shall take into account other existing or proposed retail uses in the vicinity of the site and shall make every effort to attract businesses that complement existing uses or that provide for goods or services not readily available in the area. The plan shall be subject to review and approval by the County Manager or his designee prior to the issuance of the final building permits for the building in which the retail space is located.
57. The developer agrees to make a minimum of 16 parking spaces in the garage available exclusively to visitors to the building and to retail users. The developer agrees to make these spaces available to visitors 24 hours per day, and to make them available to retail users, at a minimum, during all hours of operation of the businesses.

58. Outdoor cafes may be permitted in the public right-of-way or within public easements along Clarendon Boulevard in accordance with the applicable provisions of the Zoning Ordinance, with a maximum seating area and all other applicable requirements as set forth in the Zoning Ordinance and as determined by the Zoning Administrator. Plans for all outdoor cafes shall be subject to prior administrative approval by the Zoning Administrator for consistency with such requirements.
59. The developer agrees to install three (3) pressed paver crosswalks at the North Taft Street and 15<sup>th</sup> Street intersections as shown on the drawing dated October 18, 2001 and entitled Level 01 Floor Plan. The developer agrees to install one (1) brick paver crosswalk with concrete banding and one pressed paver cross walk at the Clarendon Boulevard and 16<sup>th</sup> Street intersection as shown on the drawing dated October 18, 2001 and entitled Level 01 Floor Plan. The developer further agrees to install table pressed pavers at the intersection of North Scott Street and 15<sup>th</sup> Street as shown on the drawing dated October 18, 2001 and entitled Level 01 Floor Plan. The pressed paver crosswalks shall be comprised of scored and painted asphalt as approved by the County Manager or his designee. Construction of the crosswalks shall be completed before issuance of the first Certificate of Occupancy and shall be shown on the approved 4.1 plans.
60. The developer agrees to demolish the boarded-up single-family house (1906 16<sup>th</sup> Street) on the subject site. All debris shall be removed from the property. This work shall be completed within 90 days after the date of site plan approval (February 17, 2002) but, in any event, prior to the issuance of a sheeting and shoring permit. The homesite shall be covered with gravel or sod if construction is not begun within 30 days after demolition of the house to minimize soil runoff.
61. The developer agrees to submit a detailed transportation demand management plan to be approved by the County Manager or his designee, as consistent with the County Board's November 17, 2001 site plan approval, before the issuance of the Footing to Grade Structure Permit. The Transportation Management Plan shall include, but not be limited to, the following strategies:
  - A. The developer agrees to maintain membership in Arlington Transportation Partners (ATP) on behalf of the property management company (Property) and Condo Owners Association (COA).
  - B. Designate a member(s) of building management as Property Transportation Coordinator on an ongoing basis to be a primary point of contact and with responsibilities for coordinating and completing TDM obligations.
  - C. Provide a Transportation Kiosk (static display with printed materials or dynamic display with direct electronic link to CommuterPage.com<sup>TM</sup>) to provide transportation-related information to residents and visitors.
  - D. Ensure and require that the concierge service in the residential building provide (and be trained to provide) for residents and their visitors:
    1. Taxi hotline or phones available to call cabs.
    2. Site-specific transit schedules and information.
    3. Sale of transit passes to residents and visitors.
  - E. Provide SmarTrip cards for free, during first-time lease-up only, to tenants signing leases and to employees of the Property.
  - F. Provide or administer a sustainable transportation benefit program for employees of the Property, (which program shall include, at a minimum pre-tax benefits and/or Metrochek match contributions of at least \$40 per month). Further, the developer agrees to submit a reasonable proposal to the COA, within one year of execution of the fiftieth (50) lease for occupation of space in the project, to provide a pre-tax transportation program to service persons who work on-site but are not employed by the Property. This proposal may include having the COA serve as the "client" of the Commuter Assistance Program who could administer the pre-tax transportation benefit program on behalf of the beneficiaries.

- G. Distribute transit information to residents and visitors (and extend requirement to on-site businesses) to include:
    - 1. Providing a new resident package that includes site-specific transit-related information to each person signing a lease.
    - 2. Place a reference to Courthouse Metro Station in all promotional materials and advertisements.
    - 3. Provide information in recruiting and employment materials regarding commute options and assistance services available.
    - 4. Implement a transit-advertising program that will distribute information four times per year to all tenants, employees, and visitors.
    - 5. Participate in Ozone Action Days and other regionally sponsored clean air, transit and traffic mitigation promotions.
  - H. Maintain an on-site business center (including at a minimum, access to copier, fax and internet services) which shall be made available to support residents of the building who choose to work from home.
  - I. Provide website hotlinks to CommuterPage.com™ under a "transportation information" heading from the developer and property manager's websites regarding this development.
  - J. Provide a Parking Management Plan that includes a description of visitor, employee and retail employee parking arrangements and management.
  - K. Provide for Taxi passenger loading and unloading use of the front drive area.
  - L. Designate an accessible paratransit pickup, drop-off and passenger waiting area, in a location to be shown on the final Administrative Regulation 4.1 plan to be designated with appropriate signage in the front drive area. The developer shall provide an accessible pathway to the area and sufficient space for loading and unloading of wheelchairs from vans.
  - M. Provide effective directional signage (parking, deliveries, taxi stand, etc.) to direct residents and visitors to appropriate locations on the property.
  - N. Conduct one transportation performance monitoring study (two years after occupancy) to be comprised of a count of peak period vehicles at the garage entrances and the drop-off entrance and provide a report summarizing findings to the County.
  - O. Contribute to the Commuter Assistance Program (CAP) with a commitment to an annual contribution of \$1,000 per year for a period of five years. The payment for the first year of this commitment will begin before issuance of the first Certificate of Occupancy for the first finished unit in the building. Subsequent payments will be made each year on the anniversary of the issuance of the first certificate of occupancy.
62. The developer agrees that any balcony enclosure will require a site plan amendment.
63. The developer agrees that either separate building addresses or building unit numbers will be required to be posted at the entrances to the town houses facing Scott Street. The developer agrees to work with staff to incorporate some reference to Scott Street in the building address or unit numbers for the town house units.
64. The developer agrees that it shall close off a portion of 16<sup>th</sup> Street adjacent to the Property, and construct improvements on the site consistent with the detail drawing "C" as shown on the plans entitled "Streetscape/Road Improvements". The applicant shall fund the construction of these improvements. This area to be closed off may be used, at the developers option, as an outdoor seating area by a retail tenant of the building subject to approval as provided for in condition #58. The right-of-way area currently owned by the County will continue to be owned by the County in fee simple, but may be used by the developer as set forth in condition #58 above.

65. The developer agrees to dedicate to the County Board and record a deed of public access easement, in favor of the County and the public, and in form and substance approved by the County Manager and County Attorney, permitting pedestrian passage, by the general public over the property located between 15<sup>th</sup> Street, North and Clarendon Boulevard, as shown on drawings and plans title "Site Plan" dated October 29, 2001, by Lewis Skuly Gionet. The approved easement shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County, Virginia, before the issuance of the first Certificate of Occupancy. The deed of public access easement shall provide that the developer agrees to install and maintain lighting, benches and signs noting that the walkway is a public passageway. The passageway shall be at least 10 feet in width. Final design of the passageway shall be reviewed by the Police Department and shown on the landscape plan to be approved by the County Manager or his designee.
66. The developer agrees to dedicate and record a deed of public access easement, in favor of the County and the public, in form and substance approved by the County Manager and County Attorney, for the park at the corner of 15<sup>th</sup> Street and Scott Street (approximately 5,700 square feet) and a public park at the western edge of the site fronting on 15<sup>th</sup> Street (approximately 15,000 square feet) as shown on drawings and plans title "Site Plan" dated October 29, 2001, by Lewis Skuly Gionet. The approved deed of easements shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County, Virginia, before the issuance of the first Certificate of Occupancy. The developer agrees to install and maintain lighting, seating, trash receptacles, and signs noting that the parks are public space. The final design of the parks shall be reviewed by the Police Department, the Department of Parks and Recreation and the Planning Department and shown on the approved landscape plan. The developer agrees, and the deed of public access easement shall so provide, that the developer shall maintain the parks in perpetuity. The developer agrees that, if required by the County Manager, the deed of easement shall require that: the developer shall comply with the County regulations applicable to parks, including the park naming process; the standards of maintenance by the developer shall be similar to a Mode I park maintenance; the developer shall at all times maintain liability insurance in the amounts reasonably determined by the County Manager insuring the developer and the County against claims, losses or damages arising out of the public use of the park; and the developer shall indemnify and hold harmless the County, its elected officials and appointed officials, officers and employees from any liability arising out of or concerning the park.
67. The developer agrees to obtain the Zoning Administrator's approval of a parking management plan which outlines how tenant, retail employee, guest, visitor, and other parking for the building will be provided, where the parking will be located, and how guests and visitors will be directed to the parking spaces, including the surface parking spaces. This plan shall be submitted to the Zoning Administrator, and reviewed and approved by the County Manager or his designee for consistency with this approval, prior to the issuance of the first Certificate of Occupancy.
68. The developer agrees to develop a plan for the recycling of building materials from the existing buildings to be demolished. The developer agrees to obtain the County Manager's approval of this plan prior to the issuance of the Clearing, Grading and Demolition Permit for the existing buildings. Prior to application for a Master Certificate of Occupancy, the developer agrees to submit to the County Manager documentation of all building components that could earn the developer points under the U.S. Green Building Council's system for LEED certification in order to determine the level of environmental "green building" technologies incorporated in the building. Information regarding any certification level received from the U.S. Green Building Council shall be shared with the County Manager or his designee.

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**AN ORDINANCE TO VACATE A 10 FOOT STORM SEWER EASEMENT ACROSS LOTS 37 AND 38, BLOCK 1, FORT MYER HEIGHTS WITH CONDITIONS.**

On motion by Mr. Fisetto, seconded by Ms. Favola and carried by a vote of 3 to 2, the voting recorded as follows: Mr. Zimmerman – Nay, Mr. Monroe - Aye, Ms. Favola – Aye, Mr. Ferguson – Nay, and Mr. Fisetto – Aye, the Board adopted the following ordinance, and authorized the Real Estate Coordinator to execute the Deed of Vacation on behalf of the County Board, with the Deed of Vacation subject to approval as to form by the County Attorney:

BE IT ORDAINED that, pursuant to a request on file in the Office of Support Services, the ten foot storm sewer easement across the property known as Lots 37 and 38, Block 1, Fort Myer Heights, shown on the plat attached to the County Manager's November 7, 2001, Board Report and originally conveyed to the County by Deed of Easement recorded on March 29, 1960, in Deed Book 1398, at Page 391 among the Land Records of the Arlington County Circuit Court, is hereby vacated subject to the following conditions:



1. The Applicant shall prepare, submit to the County for approval, and record all plats and the deed of vacation, subject to the approval of the County Manager, or his designee, and approval as to form by the County Attorney.
2. The Applicant shall pay all fees, including the fees for recording the required documents, associated with the Ordinance of Vacation. All conditions of this Ordinance of Vacation shall be met by noon on November 16, 2002, or the Ordinance shall become null and void.

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**ADJOURNMENT.**

Without objection, at 10:13 p.m. the meeting was adjourned.

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CHRISTOPHER E. ZIMMERMAN, Chairman

ATTEST:

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ANTOINETTE COPELAND, Clerk  
Approved: September 17, 2011