

The Odyssey November 20, 2001

GP-275-01-1 (Deny 5-0)

Z-2477-01-1 (Approve 4-1 Zimmerman)

SP #350 (Approve 3-2 Favola, Monroe, Fissette for, Zimmerman, Ferguson against)

Revised Condition 66 and 36, 60, 61.B and 64 from supplemental report.

November 8, 2001

TO: The County Board of Arlington, Virginia

FROM: Ron Carlee, County Manager

APPLICANT: 15th & Scott Street, LLC
C/o Bernstein Brothers Management
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Arlington, Virginia 22209

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SUBJECTS: A. **GP-275-01-1 GENERAL LAND USE PLAN AMENDMENT** (Carry-Over) for the eastern portion of the block bounded by N. Courthouse Rd., Clarendon Blvd., N. 16th St., N. Scott St. and N. 15th St.: A. Change the designation from "High" Office-Apartment-Hotel (Up to 3.8 FAR Office; 4.8 FAR Residential; 3.8 FAR Hotel) and "High-Medium" Residential (up to 3.24 FAR Residential) to "High" Residential (up to 3.8 FAR Hotel; up to 4.8 FAR Residential); B. Designate the site as a "Special Affordable Housing Protection District" and add Note 13.

B. **Z-2477-01-1 REZONING** from "RA 8-18" Apartment Dwelling Districts to "C-O" Commercial Office Building, Hotel and Multiple-Family Dwelling Districts and "RA-4.8" Multiple-Family Dwelling Districts premises known as 1901, 2001, 1915, 1911, 15th Street, North. 1500 Block North Scott Street, 1806 North Scott Street, 1900, 1906, 1910, 1914, 16th Street, North.

- C. **SP #350 SITE PLAN APPROVAL:** Request of 15th & Scott Street, LLC, by Erika Byrd, Attorney, 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; on premises known as 1901, 2001, 1915, 1911, 15th Street, North. 1500 Block North Scott Street, 1806 North Scott Street, 1900, 1906, 1910, 1914, 16th Street, North. **(The Odyssey)**

RECOMMENDATIONS:

- A. **Adopt the attached resolution to: Deny the proposed General Land Use Plan Amendment to change the land use designation, and to approve the designation of the site as a "Special Affordable Housing Protection District" and add Note 13.**
- B. **Adopt the attached resolution to: Approve the rezoning of .232 acres of the site to "C-O" Commercial Office Building, Hotel and Apartment Districts, and 1.43 acres of the site to "RA-4.8" Multiple Family Dwelling Districts.**
- C. **Approve 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 to permit additional density and height subject to the conditions in the staff report.**

SITE: A 1.66 acre (72,531 s.f.) site located east of the Courthouse Metro station area on the eastern portion of the block bounded by 15th Street North, North Courthouse Road, Clarendon Boulevard, 16th Street North and North Scott Street.

ZONING: The entire site is currently zoned "RA8-18" Apartment Dwelling Districts.

LAND USE: The subject site is designated a combination of "High-Medium Residential Mixed-Use" (86%) and "High Office/Apartment/Hotel" (14%) on the General Land Use Plan.

NEIGHBORHOOD: The site lies within the Fort Myer/Radnor Heights Conservation Association.

SUMMARY: The applicant proposes to replace a number of single-family houses and apartment buildings with a project containing a 15-story high-rise residential building, town houses, street-level retail, and publicly accessible open space. The site has been identified as being eligible to be designated as a *Special Affordable Housing Protection District (SAHPD)*, which means that the affordable housing units on the site must be replaced with the redevelopment proposal. The applicant requests a rezoning of the site to a combination of "C-O" and "RA4.8" which would be consistent with the property's existing General Land Use Plan (GLUP) designations of "High Office-Apartment-Hotel" and "High-Medium" Residential.

Initially, the developer was contemplating a larger building and had requested a General Land Use Plan amendment for "High" Residential. However, with the recently adopted Zoning Ordinance amendments permitting additional density and height for the provision of affordable housing, and staff's opposing changing the General Land Use Plan at this location, the applicant modified the site plan to coincide with the property's existing GLUP designations. Therefore, staff recommends the GLUP amendment be denied and that Note 13 be added on the GLUP designating the subject site as a *SAHPD*. The proposed rezoning to "C-O" and "RA4.8" conforms to the existing GLUP designations and is supported by staff.

The proposed site plan meets the goals of the *Courthouse Sector Plan Addendum* and the *Retail Action Plan*. The proposal would help to enliven the street, with landscaping, open space, benches, storefront retail and opportunities for outdoor café seating. The proposed building relates well to surrounding uses, and transitions to the town houses to the east by placing the bulk of the building back from Scott Street and 16th Street and locating town houses along Scott Street and street-front retail on 16th Street/Clarendon Boulevard. The project would also provide a public passage-way through the site, publicly accessible open space at two locations on 15th Street, as well as convenience parking for visitors and retail customers. Modification of use regulations to exclude tenant storage and mechanical rooms from density calculations are supported by staff. Much of the focus on the review of this project has centered on density, height and the provision of affordable housing.

Under the *SAHPD*, the applicant would be required to retain or replace the existing affordable units, and proposes to do so by incorporating the replacement units into a market rate rental apartment building. Using the recently adopted Zoning Ordinance amendments that would allow additional density and height for the inclusion of affordable housing, the applicant has successfully included affordable dwelling units in the proposed development. Staff would support the additional density and height at this location, and believes that the proposed site plan, as designed, is consistent with the land use and planning policies for the Courthouse Station area.

Staff recommends approval of a revised affordable housing plan Option #4 as submitted on October 23, 2001, a copy of which is attached to this report. This plan meets the requirements of the *SAHPD* by effectively replacing all of the units on a bedroom-by-bedroom basis. The existing 35 one and two-bedroom units (47 total bedrooms) would be replaced with 21 new units (48 bedrooms), including 6 three-bedroom townhouses and 15 two-bedroom flats. This approach also addresses important County Housing Policy Goals and a Consolidated Plan priority by creating more affordable family size units.

The appraisal consultant, working under a contract with the County, has provided a comparative value analysis, indicating that the value of the developer's affordable housing program provides at least \$1.58 million more in value (due to the deeply subsidized rents), than the value of the additional density and height being requested. The Housing Commission voted 11-0 to support a plan (Option #1) which provided the same 6 three-bedroom units plus 3 two-bedroom townhouses, and 12 two-bedroom flats at lower rent levels than Option #4. This plan was originally submitted by the developer in conjunction with a request for a larger building. When staff did not support that proposal, the developer agreed to submit a modified site plan using the new Zoning Ordinance affordable housing provision. Although the proposed building's density and height were reduced, the developer agreed to keep the Option #1 affordable housing plan as originally submitted.

On October 16, the developer subsequently provided an Option #3, which was a variation on Option #1, with a modified affordability plan that increases the rental rates for the affordable units. This plan was provided in response to a reduction in the amount of requested exclusions identified by staff. Staff did not support Option #3 since it raises the

rents on the affordable units from an average of 50% of median income affordability levels to an average of 60% of median income. The modified plan also includes some 70% of median income units that do not qualify since they are not defined as affordable under the new zoning ordinance provisions. Finally, on October 23, the developer provided a new option #4, which is currently being recommended by staff.

Option #4 provides rent levels at 50% and 60% of median income and exchanges 3 of the two-bedroom townhouse units for 3 additional 2 two-bedroom flats. These changes somewhat mitigate the impact of the reduced overall density of the project to the developer, and the developer is willing to proceed under this revised plan.

The proposed site plan would promote and protect the public health, safety, and welfare and therefore staff recommends that the County Board adopt the attached resolutions, to Deny the General Land Use Plan amendment, to Approve the *SAHPD* designation on the GLUP, to Approve the rezoning, and to Approve the site plan, with modifications of use regulations for density and height, and exclusion of below ground storage and mechanical closets from density calculations, subject to conditions of the staff report.

BACKGROUND: The applicant is requesting a General Land Use Plan Amendment, Rezoning and Site Plan approval to accommodate a 15-story residential building containing up to 320 dwelling units and 8,300 square feet of office and retail gross floor area. Concurrent with the application, staff is proposing to designate the site as a "*Special Affordable Housing Protection District*" (*SAHPD*) which requires the replacement of existing affordable residential units on the site.

Description of Site and Surroundings

The Courthouse Metro station lies two blocks, about 800 feet, to the west of the subject site. The site has significant elevation changes. From the high point on the western portion of the site to the low point at the North Scott Street and 15th Street intersection, the grade changes 30 feet. Adjacent to the site along Clarendon Boulevard is the three-story Educational Research Service building which is zoned both "C-2" and "RA8-18". Adjacent to the site on the south side along 15th Street is a one-story office building that has "C-1" zoning. The recently completed 1515 Courthouse Road, a 12-story office building and parking structure, occupies the remainder of the block bounded by Courthouse Road on the east, Clarendon Boulevard on the north, Scott Street on the east and 15th Street on the south. The existing site lacks permanent

sidewalks along 15th Street and North Scott Street and provides a poor transition from the commercial development located to the west. Across 15th Street, Phase III of the Meridian residential development, a 12-story 136-foot-tall building containing 270 units, is under construction. This site plan amendment and a rezoning to "RA4.8" were approved in 2000. To the east of the site across North Scott Street are properties zoned "RA8-18" and designated on the General Land Use Plan as "Medium" Residential (37-72 dwelling units per acre). Recent redevelopment in this area includes mostly by-right town house development at 36 dwelling units per acre.

Planning and Zoning History of the Site

General Land Use Plan: The General Land Use Plan (GLUP) is the primary policy guide for the future development of the County. Since its original adoption in 1961, the Plan has been updated and periodically amended to more clearly reflect the intended use for a particular area. The Plan may be amended either as part of a long-term planning process for a designated area or as a result of an individual request for a specific change. The subject site is currently shown on the GLUP as "High Office-Apartment-Hotel and "High Medium Residential." The following summarizes the history of GLUP amendments on the subject site:

- This area was originally designated "Commercial Office Buildings" and "High Medium Residential" (14-39 dwelling units/acre) on the 1961 GLUP.
- Later in 1975, the GLUP shows the subject site as "General Commercial" and "Low-Medium Residential" (16-30 dwelling units/acre).
- In 1977, the GLUP was amended to show the commercial portion of the site as "High" Office-Apartment-Hotel (3.5 FAR office; up to 135 dwelling units/acre; up to 210 hotel units/acre) and the residential portion of the site as "High-Medium Residential" (73-90 apartment units per acre; 72-135 hotel units per acre).
- In 1983, the GLUP legend was changed to allow under the "High-Medium Residential" designation densities of up to 3.24 FAR for residential uses and 72-135 hotel units per acre.
- This designation was amended again in the late 1980's to delete Hotel as a permitted use. The "High" Office-Apartment-Hotel designation was also amended to allow densities of up to 3.8 FAR for office or hotel uses and up to 4.8 FAR for residential uses.

Special Affordable Housing Protection District ("SAHPD"): In 1990, *Section 15.1-466.1 of the Code of Virginia* was amended to provide the opportunity to use the Comprehensive Plan to promote the construction and maintenance of affordable housing. Specifically, the amendment allowed for "the designation of areas for the implementation of measures to promote construction of, and maintenance of affordable housing." This provision facilitated the establishment of overlay districts on the General Land Use Plan as a tool to ensure the preservation and/or replacement of existing affordable housing.

The "SAHPD" was developed as a mechanism to replace affordable housing demolished for redevelopment in a manner consistent with long term planning goals for the Metro Corridors. This tool, approved by the County Board in November 17, 1990, was designed to promote retention of affordable housing within Metro Corridors, where the General Land Use Plan usually allows development at much higher densities than allowed "by-right" under current zoning.

The overall goal of this District is to provide opportunities for housing affordable to persons with low- and moderate- incomes in areas where such housing has traditionally been available. The intent of this District is to ensure that existing low- and moderate-income apartment units remain or are replaced where development density shown on the GLUP is 3.24 F.A.R. or more, and is higher than allowed by-right under zoning applicable to properties considered for the SAHPD designation at the time of request for rezoning or site plan. In instances where redevelopment of these sites is proposed, the higher densities shown on the Plan are intended to be achieved through on-site preservation or replacement of existing affordable low- and moderate- income housing units, either on the site or a similar off-site location as part of the redevelopment proposal. The SAHPD has been applied as an overlay district on two sites: the Pollard Gardens Apartments site, which facilitated the development of Clarendon Courts (an affordable housing complex located across Wilson Boulevard from the former Pollard Gardens site), and the Twin Oak site, which will include affordable housing units on site as part of the approved development.

In 1991, five additional sites were identified for designation as SAHPDs, one of which was the subject site. The County Board took no action on their designation because it had been determined that the SAHPD would be applicable only at the time when the property owner/developer attempted to achieve the increase in densities (and associated value) permitted by the GLUP. At that time, no development proposal had been filed for any of the sites under consideration.

The *Courthouse Sector Plan* was adopted in 1981 and emphasized the expansion of the government center ringed by a balanced mix of high-density office and residential development. The plan noted that "The "RA4.8" district would be the most appropriate zoning category for this site.

Courthouse Sector Plan Addendum, adopted in 1993, further defined the Concept Plan and elements of urban design for the County's government center. Specifically on the subject site, the *Addendum* recommended that:

- Development should be located at the back of the sidewalk respecting a build-to line.

- A landscaped setback should be included along 16th Street. Open space should be consolidated to serve as a transition between commercial and residential development.
- Commercial/office building mass and height should taper down toward residential development.
- Townhouses, low-and/or mid-rise development should front 16th Street, North Scott Street and North 15th Street.
- A pedestrian connection should be provided between North 15th Street and North 16th Street as an extension of North Taft Street.

The subject site also falls within the Monumental Core. The County Board approved a resolution in 1982 on building heights related to the National Capital Mall Axis that the County would endeavor to maintain approved building heights within the basic site plan heights specified and discourage the use of bonus provisions except in clearly appropriate circumstances. The resolution also encourages developers of high-rise structures to use neutral and non-reflective facades to minimize their visual impact from the Mall.

Zoning: The existing site is zoned "RA8-18" Apartment Dwelling Districts. Residential density at 36 dwelling units per acre is permitted in this district. The existing site would support 59 residential units. The applicant is proposing rezoning 14% of the site (.23 acres) to "C-O" Commercial Office Building, Hotel and Multiple-Family Dwelling Districts and 86% of the site (1.43 acres) to "RA4.8" Multiple Family Dwelling Districts. These zoning categories would be consistent with the existing General Land Use Plan designations for portions of the site designated as "High Medium" Residential and "High" Office, Apartment, Hotel.

Site Plan Proposal

The applicant is requesting site plan approval for a residential building under the special exception provisions of the "C-O" and "RA 4.8" Zoning districts and with modification of use regulations under Section 36 of the Zoning Ordinance for additional density and height, for the exclusion of storage and mechanical space from density, and for tandem parking.

This would be the first site plan proposed under the recently adopted Zoning Ordinance Amendments for affordable housing. Additional modification of use regulations were originally sought for the exclusion of elevator shafts, recreation and multiple purpose rooms, office and retail space from density calculations. However, staff will only support the exemption of residential storage areas and mechanical spaces as previously approved on other residential site plan projects. The additional density and height are

being sought under new provisions of the Zoning Ordinance that would permit additional density and building height for the provision of affordable housing. The applicant is proposing to provide 21 affordable housing units containing a total of 48 bedrooms. A total of 306 residential units are proposed that include both high-rise and town house units.

The "V" shaped residential building is split into two wings designed to take advantage of views to the east and the site's topography. The west wing would parallel 15th Street on an east-west axis and would contain 120 residential units. The east wing, on a longer, north-south axis, would face the property's Scott Street frontage with angled setback to accommodate the townhouse units and a terrace. The east wing's curved linear non-reflective glass tower faces eastward and would contain 176 residential units. Three-story town house units (10) with doors facing the street and direct parking access to the underground garage are located along North Scott Street. A roof-top swimming pool would be located on the east wing. An exercise room, office space and multi-purpose room would be located on the west wing's top floor. The height of the west wing is eight feet taller than the east wing. The mechanical equipment for both buildings would be located on the roof of the west wing.

Three levels of underground parking would provide spaces for residential, visitors and retail customers. The proposed project would also provide a publicly accessible walkway through the site from 15th Street to Clarendon Boulevard and two publicly accessible landscaped open space areas on 15th Street. The applicant has also agreed to reconstruct the Clarendon Boulevard and Scott Street intersection to provide better turning movements and pedestrian access to and from the site. A segregated garage retail parking area is accessed from Clarendon Boulevard. Access to the residential parking garage is provided from 15th Street. The building's entrance is located in the interior of the site at the end of an entry/exit drop off drive-way that leads to the entry court, with areas for short-term parking. The driveway passes below and through the west wing. On street public parking would be provided on both sides of North Scott Street. Loading access is provided from 15th Street. The 15th Street elevation would include the open space and garden area at the corner of Scott Street, a low stone wall, the loading entrance, the drive-way and pedestrian entrance, another stone wall and the publicly accessible open space. At its highest point, the stone wall would be approximately 10 feet tall. Vine pockets would be placed at the base of the wall. The height of the wall decreases as the grade changes. Retail space in two storefronts is provided along Clarendon Boulevard to the Scott Street intersection.

Affordable Housing Plan: A significant aspect of the proposed project is the provision of affordable housing. The subject site has been considered for designation as a *SAHPD*, in which affordable housing existing on a site is required to be preserved or replaced, on or off site, when the property is redeveloped. This proposal would also

mark the first use of the County's new affordable housing density provisions for up to 25% additional density as approved by the Board on October 13, 2001.

The existing apartments and single-family homes on the site include 35 units, with 47 bedrooms. The applicant proposes to provide 21 new affordable units, with a total of 48 bedrooms. The County's Housing Policy Goals and the Consolidated Plan both have a priority for multiple bedroom, family size units, and the approach of replacing bedrooms, rather than units, has previously been approved by the County Board (e.g. Pollard Gardens and Twin Oak). The 6 three-bedroom townhouse units would be located along the Scott Street frontage, while the 15 two-bedroom flats would be provided within the building, and scattered among the market rate units. Tenants of the affordable units would have the same access to all project amenities as would the market rate tenants. Below is a preliminary statistical summary of the proposed development.

	<u>Existing</u>	<u>Proposed</u>
Site Area	72,531 s.f. (1.66 acres)	No Change
Zoning	"RA8-18" (1.66 acres)	"RA4.8" (62,388 s.f. 1.43 acres) "C-O" (10,143 s.f. .23 acres)
GLUP Designations	"High-Medium Res. Mixed-Use" & "High O-A-H"	No Change
Density		<u>Proposed</u>
Residential GFA (306 dwelling units shown on plans)		311,428 s.f.
Retail GFA		6,800 s.f.
Office GFA		<u>1,500 s.f.</u>
Total GFA		319,528 s.f.
Requested Density Deductions		
Unit mechanical equipment rooms		6,000 s.f.
Residential Storage		<u>500 s.f.</u>
Total		6,500 s.f.
Proposed Density w/density deductions		313,028 s.f.
Proposed FAR w/density deductions		4.31 F.A.R.
Proposed FAR w/out density deductions		4.40 F.A.R.
Permitted Density	"C-O" 4.8 F.A.R. (site area 10,143 s.f.)	48,686 s.f.
	"RA4.8" 3.24 F.A.R. (site area 62,388 s.f.)	<u>202,137 s.f.</u>
	Total	250,823 s.f. (3.46 F.A.R.)

Allowable Additional Density from 25% Affordable Hsg. Provision 62,705 s.f.
 Total Density w/25% Afford. Hsg. Provision 313,528 s.f.
 (4.32 F.A.R.)

Residential Unit Mix

1 Bedroom Units	184 units	550-860 s.f. ave.
2 Bedroom Units		116 units 900-1,150 s.f. ave.
3 Bedroom Units		<u>6 units</u> 1,200-1,300 s.f. ave.
Total Units		306 units*

Height

Average Site Elevation	198.65 ft.
Building Height to main roof West Wing	155.35 ft. (15 stories)
Building Height to main roof East Wing	147.35 ft. (15 stories)
Building Height to top of Penthouse Roof	175.35 ft.
"C-O" Zoning Residential Bldg. Height	180 ft. (to top of penthouse)
"RA4.8" Zoning Bldg. Height	136 ft. (to top of penthouse)

Parking

Compact Parking Spaces Provided (25%)*	87 spaces
Standard Parking Spaces Provided (72%)	250 spaces
Handicapped Parking Spaces Provided (.03%)	10 spaces
Total Parking Spaces	347 spaces
Tandem Parking Spaces proposed	16 spaces
Residential Parking (1.08 spaces per unit)	331 spaces
Retail Parking (1 space 453 s.f.)	16 spaces
Office Parking (1 space 300 s.f.)	5 spaces
Surface Parking Spaces	5 spaces
Standard "C-O" & "RA 4.8" Residential Parking Requirement	1 space/unit
Standard Retail/Office Parking Requirement ("C-O")	1 space/530 s.f.

*Compact Spaces include 53 spaces which exceed minimum compact size but are less than standard size spaces: 8.5' x 16'. The total number of compact spaces (7.5' x 15') is 34 spaces or 10.2% of the total. Applicant is required to provide the same parking ratio regardless of unit count.

Sidewalk Widths

	<u>Required</u>	<u>Provided</u>
16 th Street	14 feet	14 feet
N. Scott Street	14 feet	14 feet (includes landscape area in front of town houses)
15 th Street	14 feet	14 feet

Site Coverage & Open Space

* Unit mix is preliminary. The final unit count will be between 280 and 320 units.

Proposed Site Coverage: 76%

West Park (with public access easement including walkway & open space) 21,000 s.f.

East Park (with public access easement including landscaped open space at 15th/Scott Streets) 5,700 s.f.

Terrace (open to residents of proposed building only) 7,900 s.f.

16th Street/Scott Street (realignment of intersection, walkway access) 5,000 s.f.

TRANSPORTATION: The site is located on the eastern portion of the block bounded by Clarendon Boulevard and 16th Street to the north, North Scott Street to the east and 15th Street to the south. The Master Transportation Plan-Part 1 designates Clarendon Boulevard and 15th Street as a principal arterial and minor arterial street, respectively. North Scott Street and 16th Street are classified as neighborhood-minor streets. Adjacent to the site, Clarendon Boulevard and 16th Street operate one-way in the eastbound direction. Wilson Boulevard, which operates one-way in the westbound direction, is located one block to the north. Along the site frontage, North Scott Street and 15th Street are generally unimproved, lacking curb, gutter and sidewalk. Both streets provide a single travel lane in each direction and parking is generally prohibited along the frontage.

Public transportation is available within convenient walking distance of the site. The entrance to the Courthouse Metrorail Station, which is served by the Metrorail Orange Line, is located two blocks to the west along 15th Street, offering connections throughout the region on Metrorail. Metrobus service is also available nearby along Wilson and Clarendon Boulevard in the Rosslyn-Ballston Corridor, providing service between Ballston and Rosslyn in Arlington and peak hour service to Farragut Square in the District of Columbia.

Access to the residential parking garage, lobby entrance drop-off and loading dock is provided from three driveway entrances off 15th Street. The retail/office parking spaces (27 spaces) are accessed from 16th Street and are segregated from the remainder of the garage. The proposed parking garage contains a total of 347 parking spaces on three levels. The proposed residential mixed-use development is estimated to generate approximately 100 AM and PM peak hour vehicle trips. A Traffic Impact Analysis (TIA) was prepared by a transportation consultant to assess the impacts of the proposed development on the adjacent street system. The adjacent intersections and driveways are forecasted to continue to operate at level of service (LOS) B or better during the morning and evening peak periods.

To reduce peak hour vehicle trip generation from the proposed development, staff recommends that the applicant implement a Transportation Demand Management Program to residents and employees. The TDM program is detailed in Condition #61 and provides for transit promotion and marketing to residents and retail employees, a parking management plan and a promotional transit subsidy program for new tenants.

The applicant's proposed streetscape sections are consistent with adopted sector plan and streetscape standards for the area. A 14-foot wide paver sidewalk, with street trees located adjacent to the curb, is proposed along the adjacent street frontages.

Curb alignment along 16th Street North, North Scott and 15th Street North is proposed to be located generally along the existing edge of pavement where the unimproved sections exist. On-street parking is currently allowed along 16th Street. North Scott Street is proposed as a 26-foot wide street section, which generally allows parking along both sides of the street. Approximately one-half of the block along the east side of North Scott Street is unimproved, resulting in 23-foot curb to curb section where parking would be prohibited along the east side of the street. Staff recommends, and the applicant has agreed to, design and construct streetscape improvements along the east side of North Scott Street to provide a continuous 26-foot wide street and a four-foot-wide sidewalk. 15th Street North is being reconstructed along its south side in conjunction with adjacent development. This reconstruction will allow parking along both sides of the street.

At the southeast corner of the site, North Scott intersects 15th Street North at an acute angle, making certain vehicle turning movements difficult. Designs to improve turning movements lengthen the pedestrian crossing distance across North Scott Street to approximately 65 feet. The applicant is developing alternative intersection designs to reduce the pedestrian crossing distance by reconstructing the intersection curb returns and incorporating a pedestrian island. The applicant has also incorporated into the design reconstruction of the intersection of Clarendon Boulevard and North Scott Street, eliminating the existing channelized right-turn movement from east bound Clarendon Boulevard to North Scott and 16th Street.

UTILITY SERVICE: Adequate water and sanitary sewer system capacity is available to serve the proposed development. The developer will be required to construct local utility connections and improvements. Staff recommends and the applicant has agreed to construct a new eight-inch water main in North Scott Street along the site frontage to ensure adequate water flow and pressure for domestic use and fire protection. Consistent with the Courthouse Sector Plan and the Utility Undergrounding Policy, staff recommends that all aerial utility services located along the periphery of the site be located underground and that the developer contribute to the Underground Utility Fund. The contribution to the Underground Utility Fund totals \$83,000 (1.66 acres x \$50,000 per acre).

DISCUSSION:

The General Land Use Plan amendment, rezoning and site plan approval requests have been under review since February 2001. The proposed site plan would be the first

project to use new Zoning Ordinance provisions that permit added density and height for affordable housing provided in the project. Initially, a General Land Use Plan amendment was requested and advertised because the applicant requested a rezoning to "RAH-3.2" which is consistent with the "High" Residential designation on the General Land Use Plan. It is recommended that the County Board Deny the General Land Use Plan change. The following discussion addresses the General Land Use Plan amendment request, rezoning request, the proposed site plan/project design, modification of use regulations, and the affordable housing plan.

General Land Use Plan Amendment

Approximately 14% of the property is currently designated "High" Office-Apartment-Hotel and 86% is designated as "High-Medium" Residential on the General Land Use Plan. A portion of the site was identified as a potential site for designation as a *"Special Affordable Housing Protection District" ("SAHPD")* in 1990, when this district was established as an overlay district on the General Land Use Plan. The "SAHPD" designation was created as a mechanism to require the replacement of existing affordable residential units on sites planned for densities of 3.24 F.A.R. or higher. Staff believes that the existing General Land Use Plan designation mixture should be retained and is appropriate for this location. Therefore, staff recommends that the proposed GLUP amendment be denied and that the County Board add Note 13 to the GLUP for this site designating it as a *"Special Affordable Housing Protection District" ("SAHPD")*.

Rezoning Request

The applicant has proposed to rezone the subject property from "RA8-18" to a mixture of "RA4.8" and "C-O". This zoning pattern would be consistent with the property's General Land Use Plan designation. In addition, the County Board last year approved the Meridian Phase III project, which included a rezoning to "RA4.8" and residential building height of 136 feet, located to the immediate south of the Odyssey site. The "RA4.8" zoning provides an appropriate transition between the "C-O" zoned properties located to the west of the site and the lower-density zoned "RA8-18" properties located to the east. The planning concept for the metro station areas in the Rosslyn-Ballston Corridor is to have increased development densities within a radius of approximately one-quarter mile around each metro station. Height and density would peak at the metro station area and then taper down toward the lower-density residential neighborhoods at the periphery. The requested rezoning is consistent with the site's General Land Use Plan designation and location approximately within 1/4 mile from the Courthouse Metro station. Therefore, staff supports the rezoning request.

Proposed Site Plan/Project Design

The proposed site plan for a 15-story residential building with ground floor retail and town houses is the first project to be considered under the recently adopted Zoning Ordinance Amendments (Section 36.H.5.b.) which permit additional density (up to 25 percent) and building height (up to either 6 stories or 60 feet) for the provision of affordable housing.

Density: The applicant is proposing approximately 63,705 square feet of additional density which is equivalent to a 25 percent increase over the permitted "RA4.8" and "C-O" densities.

Height: The proposed building's height (175 feet), as measured to the top of penthouse on the west wing, would exceed the "RA4.8" height requirement by 39 feet. The proposed building's east wing height is 147 feet. That proposed building height would be within the "C-O" building height limit of 180 feet.

The proposed additional density and height are justifiable and supported by staff. The applicant is providing on-site affordable housing (discussed below) and the proposed site plan is generally consistent with adopted plans and policies for the area.

The topography of the site and the proposed building's height would reinforce the building height taper from the taller buildings along Courthouse Road (Courts Facility, Detention Facility, 1515 Courthouse Road, and the SRA building) to the lower-density residential areas located east of the site. Phase III of the Meridian residential site plan, currently under construction and located to the immediate south of the site, would have an equivalent height (136 feet) to the east wing of the proposed building (147 feet). Further, Phase II of the Meridian, a 7-story, 96 foot tall building, is located farther east of Scott Street along North Rolfe Street.

The proposed building's design is creative and imaginative, and provides a successful mixture of street level retail, town houses, open space and high-rise apartments. The massing and scale of the project responds to the surrounding buildings and uses in the area. For example, ten (10) town houses and street front retail have been placed along Scott Street in building heights ranging from 33 to 28 feet. The town houses and street front retail provide a good transition of the project to the by-right town house developments located on the east side of Scott Street. While these properties are currently zoned "RA8-18" their General Land Use Plan designation is "Medium" Residential which would accommodate "RA6-15" residential development. Potential building heights under the "RA6-15" district can reach 125 feet by special exception. The proposed town houses are compatible in height and scale to the existing development.

The street level retail proposed along Clarendon Boulevard/16th Street is consistent with the *Retail Action Plan*. The *Plan* recommends that: "Clarendon Boulevard between Taft and Rhodes Street offer the opportunity for additional retail development that provides convenience goods and services to support the office and resident populations."

The first floor retail storefronts would have a much larger proportion of glass than would the upper floors, distinguishing the retail from the residential portion of the building.

Courthouse Sector Plan Addendum

The proposed site plan is consistent with the *Courthouse Sector Plan Addendum*. The proposed development is located at the back of the sidewalk, which establishes a build-to-line. Additional landscaping is provided in the area created by the closing of 16th Street in the front of the site. Also approximately 5,700 square feet of publicly accessible open space, with benches, is provided at the corner of 15th Street, North and Scott Street. A larger park, approximately 15,000 square feet, also with a public access easement is provided on the western boundary of the project and serves as a transition between commercial and residential development. Building mass and height taper down toward residential development east of the site. The town house development fronts North Scott Street, creating a less imposing façade across from town houses and lower density residential areas than does the larger apartment buildings. A pedestrian connection is provided between North 15th Street and North 16th Street as an extension of North Taft Street.

Modifications of Use Regulations

The applicant has requested modifications of use regulations to exclude mechanical and HVAC rooms and below grade tenant storage from density calculations. Staff supports the requests for excluding the HVAC rooms, mechanical space, and below grade tenant storage, as consistent with prior, similar approvals. Provisions of Section 36.H.5 of the Zoning Ordinance permit the County Board to approve these types of requests. Below grade tenant storage makes use of otherwise unusable space in the garage levels and does not contribute to the building's height or bulk. Staff has consistently supported these exemptions in other projects and also supports this request. Staff has also supported requests to exempt HVAC closets from density calculations. With the move over time to individual heating and cooling capabilities in each unit, these spaces have been added to residential projects. In order to avoid exposed HVAC units on open balconies, which would not be counted in GFA, staff has supported requests to exempt these spaces when they have been enclosed in closets that would be counted toward density. Consistent with a number of previous projects, staff supports this request.

Affordable Housing Plan

Replacement of Affordable Housing

The site currently includes 35 affordable units contained in the 15-unit Fort Myer Manor Apartments, the 11-unit 1506 N. Scott St. Building (both brick garden-style apartment buildings) and in 7 single family detached houses, one of which has been subdivided into 3 units. The current unit mix includes 1 efficiency, 19 one-bedroom and 6 two-bedroom apartment units, plus 6 two-bedroom single-family homes and one subdivided 3-unit house. There are a total of 47 bedrooms.

Initial discussions between staff and the developer included a review of the County's Housing Policy Goals, Consolidated Plan and other recent housing plan precedents in the context of SAHPD projects. The developer responded with a plan to provide affordable housing on the site (Option #1) that included 6 new three-bedroom townhouse units and 3 new two-bedroom units located along Scott St., plus 12 new two-bedroom units scattered in the high rise tower (48 total bedrooms). An alternative plan (Option #2) was also prepared that would provide 5 three-bedroom townhouse units and 16 two-bedroom flats. In the base plan and the alternative, the developer included a mix of units at rents affordable to households at 40%, 50% and 60% of area median income.

The applicant has submitted a low or moderate-income housing plan including all of the necessary sub-components as required under the zoning ordinance amendment approved by the County Board on October 13, 2001. (See attachment 2) Staff has also reviewed the plan and has evaluated the developer's revised Option #4 plan using the staff guidelines as set forth in the County Board report as approved on October 13, 2001. The plan meets or exceeds all of the guidelines as follows:

Minimum Term: The plan provides for a thirty-year affordability period.

Eligible Income: The plan would limit eligibility for leasing the units to households at or below 60% of area median income, with eligibility for 4 of the units limited to households at or below 50% of median income.

Rents: 17 units are affordable to households at or below 60% of area median income, and 4 units will remain affordable to households at or below 50% of area median income.

Unit/bedroom mix: The plan provides 6 affordable three-bedroom units and 15 affordable two-bedroom units, which is a significantly greater proportion of multi-bedroom units than the building, include overall.

Location: Affordable units will be disbursed throughout the building and the site. All of the townhouse units will be located along the Scott St. frontage. There are no off-site units included in the plan.

Design and layout: Affordable units will be architecturally compatible with market rate units. Some flexibility in the level of finishes (i.e., trim, countertops) may be allowed. Families living in affordable units will have equal access to all building amenities.

Process: Staff has reviewed the plan to ensure that it substantially ameliorates the impact on the community of the additional height and density through the provision of a substantial affordable housing plan.

Staff also described the possibility of using County Affordable Housing Investment Fund (AHIF) loan assistance to enhance the affordable housing program through additional units or lower rent levels. Nevertheless, the developer maintained its position of using the value created by the additional density to offset the cost of providing the affordable units. The developer also provided a relocation plan with payments at the level called for in the County's relocation guidelines, together with other relocation services. (See section entitled Relocation Plan for further details.) The developer's plan was initially prepared to be considered in conjunction with the higher density "RA-H-3.2" zoning category (4.8 FAR) originally sought by the developer. Although it now seeks somewhat less overall additional density using the proposed revisions to the zoning ordinance for up to 25% additional density, it did not initially request a reduction in the depth or breadth of the originally-proposed affordable housing plan.

Ultimately, the developer did provide a modified affordability plan (Option #3) on October 16, 2001, with higher rents proposed for the affordable units. This plan came as a result of a reduction in the amount of requested exclusions identified by planning staff and the site plan review subcommittee. Staff did not support the modified plan since it raises the rents on the affordable units from an average of 50% of median income affordability levels to an average of 60% of median income, including some 70% of median income units. On October 23, 2001, the developer provided Option #4 which redistributes the targeted income levels to 40% and 50% of median income, and does exchange 3 of the two-bedroom affordable townhouse units for 3 additional units in the tower, as Option #2 did previously.

Option #1 (RECOMMENDED BY HOUSING COMMISSION):

<u>Number of Units</u>	<u>Unit Type</u>	<u>Affordable at % of Median</u>	<u>Net* Monthly Rent</u>	<u>Term of Affordability Period</u>
1	3-br town	40%	\$ 739	30 years
2	3-br town	50%	\$ 957	30 years
3	3-br town	60%	\$1175	30 years
1	2-br town	50%	\$ 831	30 years
2	2-br town	60%	\$1020	30 years
1	2-br flat	40%	\$ 670	30 years
2	2-br flat	50%	\$ 859	30 years
9	2-br flat	60%	\$1048	30 years
21 Total	48 bedrooms			

Option #2 (Fewer townhouse style units):

<u>Number of Units</u>	<u>Unit Type</u>	<u>Affordable at % of Median</u>	<u>Net* Monthly Rent</u>	<u>Term of Affordability Period</u>
1	3-br town	40%	\$ 739	30 years
2	3-br town	50%	\$ 957	30 years
2	3-br town	60%	\$1175	30 years
2	2-br flat	40%	\$ 670	30 years
3	2-br flat	50%	\$ 859	30 years
11	2-br flat	60%	\$1048	30 years
21 Total	48 bedrooms			

OPTION #3 Modified Proposal (Submitted 10/16/2001 - Reduced Affordability):

<u>Number of Units</u>	<u>Unit Type</u>	<u>Affordable at % of Median</u>	<u>Net* Monthly Rent</u>	<u>Term of Affordability Period</u>
1	3-br town	50%	\$ 957	30 years
2	3-br town	60%	\$1175	30 years
3	3-br town	70%	\$1394	30 years
1	2-br town	50%	\$ 831	30 years
2	2-br town	60%	\$1020	30 years
5	2-br flat	50%	\$ 859	30 years
2	2-br flat	60%	\$1048	30 years
5	2-br flat	70%	\$1237	30 years
21 Total	48 bedrooms			

Option #4 (Staff Recommended - Fewer townhouse style units):

<u>Affordable at % of Median</u>	<u>Net* Monthly Rent</u>	<u>Term of Affordability Period</u>
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<u>Number of Units</u>	<u>Unit Type</u>	<u>at % of Median</u>	<u>Monthly Rent</u>	<u>Affordability Period</u>
1	3-br town	50%	\$ 957	30 years
5	3-br town	60%	\$1175	30 years
3	2-br flat	50%	\$ 859	30 years
<u>12</u>	<u>2-br flat</u>	<u>60%</u>	<u>\$1048</u>	<u>30 years</u>
21 Total	48 bedrooms			

- * The above rents do not include utilities, which would be individually metered and paid by the tenants. The County's standard Section 8 utility allowance factor has been deducted from the maximum rents allowed under the program, which is why the above rents are labeled net rents.

Tenants leasing these units would be subject to the same fees charged to the market rate units such as garage parking (2nd space), application/credit check fee, move-in fee, pet deposit/fee, etc. Amenities, including use of the exercise room and pool, would be included in the rents.

The indicated rents are indexed to 2001 area median incomes as published by the U.S. Department of Housing and Urban Development (HUD) for the Washington, D.C. Metropolitan Area (MSA). If the HUD Median Income figure increases between the time of project approval and lease-up of the units 24 to 36 months later, the rents would increase but would remain affordable to households at the same income tiers. The rents could therefore rise to the maximum allowable rent under the HUD Median Income guidelines (less the utility allowance) for the agreed upon affordability level (e.g., 40%, 50% or 60% of median income). These affordability levels would be secured under the terms of tenants' leases and would be a provision in the affordable housing or Community Benefit Unit program agreement between the County and the developer/owner.

The affordable rent schedule, as adjusted, would remain in effect for the duration of the term of the affordability period. At the end of the term, the units would transition to market rate rents.

The developer's marketing plan calls for advertising and marketing of the affordable units for 90 days prior to initial occupancy; thereafter, the units would be marketed for 60 days except in the case of eviction where the marketing time would be 30 days. If a unit is not rented to a qualified tenant within the first 30 days, allotted time, it may be leased to a resident who is overqualified, subject to a waiver request being approved in writing by the County. However, the rent would remain the same as if it were leased to a qualified tenant.

The owner and/or management agent will be responsible for providing a quarterly schedule to the County indicating the unit number, tenant, number of occupants, monthly rent, lease commencement, lease expiration, annual income, and type of income certification (W-2, tax return, employer, etc.).

Value of Additional Density

The Department of Economic Development has engaged O'Neill and Associates, L.C., an MAI certified real estate appraisal firm, to determine the economic value to the developer related to the additional density compared to the value of the developer's affordable housing replacement plan. Mr. O'Neill's report evaluates the capital value of additional density sought by the developer, in terms of the pro-rata portion of the land cost attributable to the additional market rate units that the developer would benefit from. It assumes that the developer pays all of the other related costs typically associated with such developments. The appraiser used the 30-year term offered by the developer, as the basis for valuing the affordable housing plan.

The appraiser first calculated a value of the density on the originally proposed 349,000 square foot building, with 72,776 square feet of additional density available for "at-market" rent units that are being created by the prospective rezoning. Applying a land value of \$25 per FAR square foot on the additional market rate density gives a value of \$1.8 million as the benefit to the developer of the market units. The value of the additional density is reduced to approximately \$1.6 million when the additional "at market" density is reduced to 63,882 square feet.

The appraiser values the rent subsidy program for 21 affordable units under Option #1 by measuring the difference in net operating income (NOI) including the rent differential between 21 units with the subsidized rents and 21 units with market rate rents. Applying a net present value calculation to this differential NOI over a 30-year period of deep rent subsidies indicates a value of \$2,840,000 in benefit from the developer to the County. As shown in the table below, subtracting the \$1,800,000 in density value from the \$2,840,000 value of the affordable housing plan results in a net benefit to the County of approximately \$1,040,000. The net benefit to the County increases as shown on the three (3) tables on the following page. The developer originally requested approval of a site plan including a rezoning and general land use plan change to an "RAH-3.2" (4.8 FAR) allowing an increase to a proposed density of 349,838 square feet from 251,682 square feet under an "RA4.8" zoning at an FAR of 3.24. This approach would have provided the developer with an additional 98,156 square feet in density. By subtracting 25,380 square feet for the affordable units, this would leave 72,776 square feet for additional market rate units. Under the developer's revised proposal using the newly approved provisions in the zoning ordinance for up to 25% additional density, the additional density for market rate units is reduced to 63,822 square feet. Further reductions in items that the developer requested exclusions from

the density calculations have result in a building of 319,528 square feet, leaving the net portion of the 25% additional market rate density at 42,676 square feet.

Value of Increased Density Compared to Developer's Contribution

<u>Original 4.8 FAR Proposal (349,000 FAR) with Housing Plan Option #1</u>	
Additional Floor Area Ratio (FAR) square footage of (Land cost based on comparable sales)	72,776
Total Land Value of Additional Density (\$25 per FAR square foot of added density)	\$1,800,000
Developer's Contribution	
Value of Developer's Housing Plan (Option #1)	\$2,840,000
Differential (Net additional value to County)	<u>\$1,040,000</u>

<u>Proposal Using New Ordinance (340,085 FAR) with Housing Plan Option #1</u>	
Additional Floor Area Ratio (FAR) square footage of (Land cost based on comparable sales)	63,023
Total Land Value of Additional Density (\$25 per FAR square foot of added density)	\$1,575,575
Developer's Contribution	
Value of Developer's Housing Plan (Option #1)	\$2,840,000
Differential (Net additional value to County)	<u>\$1,264,425000</u>

<u>Proposal Using New Ordinance (319,528 FAR) with Option #3 Submitted on October 16, 2001</u>	
Additional Floor Area Ratio (FAR) square footage of (Land cost based on comparable sales)	41,938
Total Land Value of Additional Density (\$25 per FAR square foot of added density)	\$ 1,048,450
Developer's Contribution	
Value of Developer's Housing Plan (Option #3)	\$2,370,000
Differential (Net additional value to County)	<u>\$1,321,000</u>

If the original affordable housing plan Option #1 is used in combination with the 319,528 square foot building, the net additional value to the County is \$2.84 million minus the \$933,000 benefit to the developer or \$1,791,000.

Option #4 submitted on October 23, 2001 provides rent levels at 50% and 60% of median income and exchanges 3 of the two-bedroom townhouse units for 3 additional 2 two-bedroom flats. These changes somewhat mitigate the impact of the reduced overall density of the project to the developer, and the developer is willing to proceed under this revised plan.

<u>Proposal Using New Ordinance (319,528 FAR) with Option #4 Submitted on October 23, 2001</u>	
Additional Floor Area Ratio (FAR) square footage of (Land cost based on comparable sales)	42,676
Total Land Value of Additional Density (\$25 per FAR square foot of added density)	\$ 1,066,900
Developer's Contribution	
Value of Developer's Plan (Option #4)	\$2,650,000
Differential (Net additional value to County)	<u>\$1,583,100</u>

Tenant Survey/Current Residents:

In April 2001, the developer provided survey information of the existing 31 households living at the property, with the results summarized below:

Number at or below 30% of median: 11 (Income range is between 14% and 30%)
 Number between 31% and 45% of median: 13
 Number between 46% and 50% of median: 2
 Number between 51% and 60% of median: 1
 Number between 61% and 80% of median: 2
 Number over 80% of median: 1

Number of children under age 18: 15
 Of that number, number of school-age children: 12

Number of persons with a disability: None indicated

Overcrowding on-site: 9 units

Race and ethnicity:

White/non-Hispanic: 2
Black/African American/non-Hispanic: 0
Asian/Pacific Islander: 2
Native American/Alaskan Native: 0
Hispanic: 27

Relocation Plan

The developer initially submitted a Relocation Plan in April 2001. The proposed plans comply with the County Board's Housing Relocation Assistance Guidelines. Relocation benefits will be paid to all tenants who are at the affected properties and in compliance with their lease as of the day the 120-day notice is given. At that time, due to the developer schedule, the notices were projected to happen on or about July 1, 2001, however due to delays in the developer's site plan approval, this has not yet occurred.

All tenants will be sent a 120-day notice to vacate in accordance with the Virginia Code. The notices will be hand-delivered in person to each occupied apartment or house or mailed by registered mail. All households receiving a 120-day notice who are in compliance with their leases will be eligible for a relocation payment. Payment will exceed the Arlington County Tenant Relocation Guidelines as it will double the County's standard payment for all tenants; the amount will be twice the current street rent of the apartments in Ft. Myer Manor Apartments. Payments would be \$1,200 for one-bedroom units, \$1,400 for two-bedroom apartment tenants and \$1,600 for tenants of 3 bedroom houses. The relocation payment will be made one per unit to the leasehold tenant, half paid within five days after receipt of notice of the tenant's intention to vacate and the second half paid within five days after the tenant vacates and returns the keys.

Rental Assistance: The developer will have staff dedicated to work with the tenants on relocation needs. All aspects of the relocation will be coordinated with County staff. All notices will be sent to tenants in English and Spanish. Tenants will be assisted through:

- One-on-one interviews to determine particular needs and to explain relocation benefits.
- Referrals to appropriately sized affordable units, including those owned by the developer. Referrals will include information relevant to renting the apartment.
- Completion of required paperwork for new housing, as needed;
- Coordination of moving companies selected by the tenant with a preference for the elderly and disabled households for residents facing transportation problems.
- Return of security deposits and interest within 10 business days.
- Identification of county agencies for special needs.

Retention of Affordable Units: Current tenants in good standing will have priority for the affordable units.

Full Communication with Tenants: The developer's representative notified all tenants of the proposed redevelopment of the site. He also met with each household individually to discuss the plans. A tenant meeting to explain the proposed redevelopment and relocation was held at Key Elementary School on May 14, 2001 with approximately 20 tenants in attendance.

Tenant-Landlord Commission Recommendation

At its April 18, 2001 meeting, the Tenant-Landlord Commission voted to recommend to the County Board that it adopt proposed Relocation plan, with the following revisions: that the plan include a priority ranking system for tenants to return to the property, clarification of language for the costs of temporary moves, adding language that bilingual staff will be designated for relocation work and that the plan be translated into Spanish. All conditions were met in the revised plan submitted to staff. (See attached letter)

Housing Commission Recommendation

At its meeting on June 21, 2001, the Citizen's Advisory Commission on Housing voted unanimously (11-0) to support the recommended option described above. (See attached letter) The developer returned to the Housing Commission on October 18, 2001 to discuss their revised affordable housing plan in conjunction with the 319,528 square foot building. The Commission did not vote on the revised plan. The Commission did vote to send a letter to the Planning Commission requesting that they support a higher FAR project in order ensure the feasibility of the developer's original affordable housing plan Option #1. The Housing Commission has not yet reviewed Option #4, however, it is anticipated that this will be placed on the Housing Commission's November 15, 2001 agenda for consideration, and the Commission will likely provide another letter to the County Board with its final recommendation.

Staff Recommendation on Affordable Housing Plan

Staff supports the developer's affordable housing plan Option #4 since it somewhat mitigates the impact of the significantly reduced density on which the affordable housing plan Option #1 was originally based. Although staff believes that Option #1 clearly meets more of the County Board's Affordable Housing Goals, the economic balance of the additional density compared to the Option #1 affordable housing plan could render the project financially infeasible. In order to ensure the affordable

housing commitment, approval of this item should be subject to the following terms and conditions:

1. **County/Developer Agreement/Affirmative Marketing Plan:** The developer will execute an agreement with the County wherein it agrees to all of the terms and conditions outlined in its Affordable Housing Plan, together with the following conditions 2 through 5 outlined below. This agreement shall include an Affirmative Marketing Plan in substantially that form as required by the U.S. Department of Housing and Urban Development and including, at a minimum, the elements specified in the Odyssey Apartments October 3, 2001 Marketing Plan. The final Affordable Housing Plan and Affirmative Marketing Plan and shall be in a form and substance acceptable to the County Manager, with the concurrence of the County Attorney.
2. **Affordable Rents/Marketing Period:** Affordable rents shall be defined as rents which require a qualified household (with annual income no higher than the affordability index for whatever affordable plan Option may be approved by the County Board) to pay no more than 30% of income for rents plus utilities. The developer shall market the affordable units to qualified households for a minimum period of 30 days. After this initial period, if the unit is not leased to an income-qualified household, the developer may, during a second 30-day marketing period, lease the affordable units to households with higher incomes, subject to a waiver, based on the low-income housing tax rules, being approved in writing by the County Manager or his designee.
3. **Rent Increases:** Shall be based on area median income increases as published by HUD, subject to a maximum cap of 5% per year. Also, after the initial 5 year period, annual rent adjustments shall not exceed the established affordability level for the rents minus a utility allowance as per the Utility Allowance Schedule annually approved by HUD for the Arlington County, VA Section 8 Housing Certificate/Voucher Program.
4. **Compliance Period:** The affordable housing plan shall require units to remain affordable for a term of 30 years from the date that each affordable unit is initially occupied. In addition, the developer will agree to pay relocation assistance to any remaining tenants, at the determination date, equal to two month's rent to all tenants forced to relocate due to economic displacement if rents increase by more than that allowed under the plan, or the amount under the prevailing payment standard required under the County relocation guidelines at that time, whichever is higher.
5. **Cost Certification:** The developer will provide a cost certification of the completed cost of the affordable housing units that demonstrates that the cost is

at least what was indicated to the County in its initial budget submissions within 90 days of the issuance of the final certificate of occupancy. In the event that the cost is less than the amount shown on initial budget submittals, the developer will agree to pay the differential between the initial estimates as one-time cash payment to the county. Such cash payment shall be paid to the County prior to issuance of final certificates of occupancy for the final phase of the development.

Housing Policy Goals: Staff recommends Option #4 because it provides a significant number of three bedroom townhouse units which are more suitable for families. The developer will provide several units at or below 50% of median income also. Also, the SAHPD designation and the cost certification currently requires replacement of all of the affordable housing units, although replacement of all bedrooms has been an acceptable substitute in previous cases approved by the County Board.

Housing Policy Goal Analysis:

GOAL I: Balance support for the elderly and persons with disabilities with a transitional safety net for working families with children.

This proposal would add 21 units, all two or three-bedroom family size, to the County's stock of committed affordable housing. Especially given the possibility of obtaining townhouse style units, this would provide quality family housing for families for a 30-year period. Displacement would be mitigated by the developer's relocation plan, as approved by the Tenant-Landlord Commission, and would give existing tenants in the complex the right of first refusal to return to the replacement units. Staff will continue to work with the developer to ensure a reasonable percentage of accessible and adaptable units for the physically disabled are included in the final affordable housing plan.

Goal II: Ensure through all available means that all housing in Arlington County is safe and decent.

All of these new units must meet new construction code standards. Conditions in these replacement affordable units will be of very high quality.

Goal III: Permit no net loss of committed affordable housing, and make every reasonable effort to maintain the supply of affordable market rate housing.

The requirements of the Special Affordable Housing Protection District (SAHPD) will ensure long term affordability of the replacement units. Any by-right development option on this site

would almost assuredly result in the loss of these “market rate affordable units. Currently, there are 35 affordable units with 47 bedrooms on the site. The applicant is providing 21 units that include 48 bedrooms.

Goal IV: Reduce the number of households in serious housing need (defined as those earning below 40% of median income who pay more than 40% of their income in rent).

The developer’s proposal Option #4 provides a mix of units affordable to households at 50% and 60% of area median income. Furthermore, several of these units would be affordable to households with Section 8 Housing Choice vouchers. Housing grants recipients could also access these units, however, that program may require households to pay up to 40% of income for housing costs.

Goal V: Increase the number of housing units with two or more bedrooms in order to match the needs of households with children.

This proposal would far exceed the norms in that it offers 100% multi-bedroom units matching the needs of households with children. In comparison with other high rise projects, which typically average 50% efficiencies and one-bedroom units and rarely more than 50% two-bedroom units, this is of significant merit.

Goal VI: Distribute committed affordable housing within projects, within neighborhoods and throughout the County.

This proposal would add to the County’s inventory of affordable units in the metro corridor, where it is very difficult and extraordinarily expensive to acquire units which are not candidates for redevelopment. The units would be scattered in the building tower and in townhouse units facing the Scott Street frontage.

Goal VII: Increase the rate of home ownership throughout the County, and increase homeownership opportunities for low and moderate-income households.

This proposal does not include any homeownership component. The developer’s financing plan is not predicated on selling the units, and because the owner’s family owned this parcel for over 40 years, they are not inclined to modify their business model in this instance.

Goal VIII: Ensure, through all available means, that housing discrimination is eliminated.

The County's agreements with the owners include strong anti-discrimination clauses, including a requirement that the owner not discriminate against tenants on the basis that they receive rent assistance of any kind. In any instance where the County is involved in a development, monitoring of the property reduces the likelihood that discrimination could go undetected.

Goal IX: Provide housing services effectively and efficiently.

This proposal would include the first use of the County's new zoning ordinance provision for up to 25% in additional density for providing affordable housing. This approach avoids the use of General Land Use Plan changes to achieve the density, such changes could have undesirable consequences in this instance. All appropriate housing program tools were used to ensure that the County receives the optimal community benefit in terms of the value of any affordable housing component in this proposal. This proposal preserves the County's available capital funding resources for projects where mechanisms such as the SAHPD and the new 25% additional density ordinances may not be applicable.

TRANSPORTATION COMMISSION RECOMMENDATION: At its meeting on June 20, 2001, the Transportation Commission voted 8-1 to recommend that the planned walkway through the site from 15th Street to Clarendon Boulevard/16th Street be as wide and accessible as possible; Scott Street between 15th and 16th Streets be developed to a 26-foot wide width with parking on one side of the street; that the intersection of 15th Street and Scott Street be altered to provide a more direct and safer pedestrian crossing.

PLANNING COMMISSION RECOMMENDATION: At its meeting on October 29, 2001, the Planning Commission voted 9-1 to Deny the GLUP amendment request and to designate the site as a "*Special Affordable Housing Protection District*", and to add Note 13; to adopt the attached resolution to approve rezoning the site and to approve the site plan subject to the conditions of the staff report.

CONCLUSION: The proposed site plan is consistent with the subject site's General Land Use Plan designation, and it meets the goals of the *Courthouse Sector Plan Addendum* and *Retail Action Plan*. The proposal would help to enliven the street, with landscaping, benches, a retail street wall, and opportunities for outdoor café seating. The proposed building relates well to surrounding uses, and transitions to the townhouse projects to the east by placing the bulk of the building back from Scott Street and 16th Street and by placing town houses along Scott Street and streetfront retail on 16th Street/Clarendon Boulevard. The project would also provide a public passageway through the site, public accessible open space, as well as convenience parking for visitors and retail customers. Staff believes that the proposed site plan

would promote and protect the public health, safety, and welfare. For these reasons, staff recommends that the that the County Board adopt the attached resolutions to deny the proposed GLUP amendment, to add Note 13 on the GLUP designating the subject site as a *SAHPD*, to approve the rezoning and to approve the site plan, with modifications of use regulations for density and height, and exclusion of below ground storage and mechanical closets from density calculations, subject to the following conditions.

- **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. Plant 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) 15th 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 16th 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, 16th Street and Scott Street and in tree pits on 15th 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/16th 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) 15th 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 lirioppe 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 16th 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 15th 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 facade 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 15% of the total parking supply. Standard parking spaces shall comprise at least 72% 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 15th 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 crosswalk at the Clarendon Boulevard and 16th 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 15th 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 16th 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 property if construction is not begun within 30 days after demolition of the house to minimize soil runoff from the.
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 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™) 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 16th 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". 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, and the County in its sole discretion, may grant an access easement to the Applicant to use the plaza right-of-way. The Applicant shall fund the construction of these improvements.
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 15th 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 15th Street and Scott Street (approximately 5,700 square feet) and a public park at the western edge of the site fronting on 15th 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.

Previous County Board Actions:

October 6, 2001

Defer General Land Use Plan, Rezoning and Site Plan
Approval requests to the November 17, 2001 meeting.

GENERAL LAND USE PLAN AMENDMENT 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. 16th St., N. Scott St. and N. 15th St. ("Property"); and

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

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

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 17, 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 11/17/01 The Odyssey)

ZONING RESOLUTION

Whereas, the County Board of Arlington County ("County Board") finds that the 15th and Scott Street, L.L.C. has requested a rezoning of property located at 1901, 2001, 1915, 1911, 15th Street, North, 1500 Block North Scott Street, 1806 North Scott Street, 1900, 1906, 1910, 1914, 16th 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.

Therefore, be it resolved, that the Property located at 1901, 2001, 1915, 1911, 15th Street, North, 1500 Block North Scott Street, 1806 North Scott Street, 1900, 1906, 1910, 1914, 16th 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 attached map.

November 15, 2001

TO: The County Board of Arlington, Virginia

FROM: Ron Carlee, County Manager

APPLICANT: 15th & Scott Street, LLC
C/o Bernstein Brothers Management
1215 North Fort Myer Drive, Suite 101
Arlington, Virginia 22209

SUBJECTS: A. **GP-275-01-1 GENERAL LAND USE PLAN AMENDMENT** (Carry-Over) for the eastern portion of the block bounded by N. Courthouse Rd., Clarendon Blvd., N. 16th St., N. Scott St. and N. 15th St.: A. Change the designation from "High" Office-Apartment-Hotel (Up to 3.8 FAR

Office; 4.8 FAR Residential; 3.8 FAR Hotel) and "High-Medium" Residential (up to 3.24 FAR Residential) to "High" Residential (up to 3.8 FAR Hotel; up to 4.8 FAR Residential); B. Designate the site as a "Special Affordable Housing Protection District" and add Note 13.

- B. **Z-2477-01-1 REZONING** from "RA 8-18" Apartment Dwelling Districts to "C-O" Commercial Office Building, Hotel and Multiple-Family Dwelling Districts and "RA-4.8" Multiple-Family Dwelling Districts premises known as 1901, 2001, 1915, 1911, 15th Street, North., 1500 Block North Scott Street, 1506 North Scott Street, 1900, 1906, 1910, 1914, 16th Street, North.
- C. **SP #350 SITE PLAN APPROVAL:** Request of 15th & Scott Street, LLC, by Erika Byrd, Attorney, 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; on premises known as 1901, 2001, 1915, 1911, 15th Street, North., 1500 Block North Scott Street, 1506 North Scott Street, 1900, 1906, 1910, 1914, 16th Street, North. **(The Odyssey)**

RECOMMENDATION: Adopt the revised resolution to rezone the subject property and revised conditions 36, 60, 61.B., and 64.

DISCUSSION: Due to incorrect information provided in the rezoning and site plan applications for the subject property, an address, 1806 North Scott Street, was inadvertently included in the Zoning Resolution. This address does not exist. The change would not prohibit the County Board from taking action on the proposed rezoning and site plan. Staff recommends that the County Board adopt the revised recommendation below.

Revised rezoning and site plan maps are attached. In addition, revised condition language is proposed to Conditions 36, 60, 61.B. and 64.

Revised Condition 36 would continue to require that the number of compact parking spaces would not exceed 10% of the total supply. Hybrid spaces, measuring 8.5 feet by 16 feet long, will not exceed 30% of the total supply and standard spaces will comprise 60% of the total amount of parking.

Conditions 60 and 61.B. include minor language and grammar changes. Proposed revisions to Condition 64 clarifies the use of a portion of the former 16th Street right-of-way as an outdoor café.

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 ~~15~~30% of the total parking supply. Standard parking spaces shall comprise at least ~~72~~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.
60. The developer agrees to demolish the boarded-up single-family house (1906 16th 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 ~~property~~ if construction is not begun within 30 days after demolition of the house to minimize soil runoff ~~from the~~.
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:
 - P. The developer agrees to maintain membership in Arlington Transportation Partners (ATP) on behalf of the property management company (Property) and Condo Owners Association (COA).
 - Q. 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.
64. The developer agrees that it shall close off a portion of 16th 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, ~~and the County in its sole discretion, may grant an access easement to the Applicant to use the plaza right-of-way~~ but may be used by the developer as set forth in Condition #58 above.

ZONING RESOLUTION

Whereas, the County Board of Arlington County ("County Board") finds that the 15th and Scott Street, L.L.C. has requested a rezoning of property located at 1901, 2001, 1915, 1911, 15th Street, North, 1500 Block North Scott Street, ~~1806 North Scott Street~~, 1506 North Scott Street, 1900, 1906, 1910, 1914, 16th 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.

Therefore, be it resolved, that the Property located at 1901, 2001, 1915, 1911, 15th Street, North, 1500 Block North Scott Street, ~~1806 North Scott Street~~, 1506 North Scott Street, 1900, 1906, 1910, 1914, 16th 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 attached map.