



**ARLINGTON COUNTY, VIRGINIA**

**County Board Agenda Item  
Meeting of February 6, 2025**



**DATE:** February 3, 2025

**SUBJECT:**

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- A. GP-365-24-1 GENERAL LAND USE PLAN AMENDMENT to change the land use designation for the northeast portion of the block bounded by 23<sup>rd</sup> Street South, South Grant Street, South Hayes Street and 24<sup>th</sup> Street South, to include Parcel A (RPC #36-039-015) excluding Parcel B (RPC #36-039-016), which is and shall remain envisioned as a portion of Nelly Custis Park, from "Public" to "Low-Medium" Residential.
- B. REZN24-00002 REZONING from "C-1" Local Commercial District and "R-6" One-Family Dwelling District to "RA8-18" Multiple-family Dwelling District; for an approximately 75,496 square foot area; located at 750 23<sup>rd</sup> Street South (RPC# 36-039-015).
- C. SPLN24-00002 SITE PLAN (SP #478) to construct a 5-story mixed-use building with approximately 131,736 square feet (sf) of residential gross floor area (GFA) and 17,033 sf of institutional GFA, with modifications for additional density, reduced residential parking ratio, density exclusions, and other modifications necessary to achieve the proposed development, located at 750 23<sup>rd</sup> Street South (RPC# 36-039-015).

**Applicant:**  
 23<sup>rd</sup> Redevelopment Owner LLC  
 2311 Huntington Avenue  
 Alexandria, VA 22303

**By:**  
 Catharine Puskar  
 Walsh, Colucci, Lubeley & Walsh, P.C.  
 2200 Clarendon Blvd, Suite 1300  
 Arlington, VA 22201

County Manager:

County Attorney:

Staff: Kevin Lam, DCPHD, Planning Division  
 Bryce Johnson, DES, Development Services Bureau  
 Alexander McMillen, DCPHD, Housing Division

**C.M. RECOMMENDATION:**

1. **Adopt** the attached Resolution to approve the General Land Use Plan amendment to change the designation from "Public" to "Low-Medium" Residential for the northeast portion of the block bounded by 23<sup>rd</sup> Street South, South Grant Street, South Hayes Street and 24<sup>th</sup> Street South, to include Parcel A (RPC #36-039-015) excluding Parcel B (RPC #36-039-016), which is and shall remain envisioned as a portion of Nelly Custis Park.
2. **Adopt** the attached ordinance to rezone the property located at 750 23<sup>rd</sup> Street South (RPC# 36-039-015) from "C-1" Local Commercial District and "R-6" One-Family Dwelling District to "RA8-18" Multiple-family Dwelling District.
3. **Adopt** the attached ordinance for SPLN24-00002 (SP #478) to permit the construction of a 5-story mixed-use building with approximately 131,736 sf of residential GFA and 17,033 sf of institutional GFA, with modifications for additional density, reduced residential parking ratio, density exclusions, and other modifications necessary to achieve the proposed development, located at 750 23<sup>rd</sup> Street South, subject to the conditions of the attached ordinance.

**Commented [sm1]:** REJECT – See comments

**Commented [sm2]:** REJECT – See comments

**Commented [sm3]:** REJECT – See Comments

**ISSUES:** This is a set of applications for a General Land Use Plan (GLUP) amendment, rezoning, and new site plan (SPLN24-00002 aka SP #478) to facilitate development of a 5-story mixed-use building. During the public review process, the applicant worked with staff to address several concerns related to conformance with the recommendations of the [750 23<sup>rd</sup> Street South \(Melwood\) Special GLUP Study Document](#) ("Melwood Special GLUP Study"), including improvements to the building design and form, historic interpretation of the existing building façade, and the 23<sup>rd</sup> Street South streetscape. In addition, staff and the applicant investigated opportunities to increase the building setback along the eastern portion of 23<sup>rd</sup> Street South to increase the potential to conserve existing trees and greenspace, as well as locate the historic interpretation façade proximate to the existing building setback. However, to ensure appropriate building setbacks and stepbacks facing Nelly Custis Park, maintain a greater percentage of family-sized units, achieve disability-forward design standards for the entire building, and accommodate an efficient below-grade parking garage layout, staff finds that the proposed building setback along the eastern portion of 23<sup>rd</sup> Street South is acceptable. During the public review process, the applicant made several site design, architectural, and transportation-related changes based on Site Plan Review Committee (SPRC) feedback. SPRC members also encouraged the applicant to further explore additional short-term parking spaces for deliveries and pick-up/drop-off, increasing tree canopy coverage, improving pedestrian safety at the loading dock driveway, and potential salvage and re-use of existing building materials on-site or off-site. The Aurora Highlands Civic Association (AHCA), which is the host civic association and an SPRC member, continues to oppose the project and believes the proposed density and building height is inappropriate given the surrounding low-density residential neighborhood, and expects the project to negatively impact Nelly Custis Park, on-street parking availability, local traffic, and the historic character of the site. The main concerns raised by AHCA have been discussed by the SPRC and reviewed by staff and the applicant with feedback incorporated in revised application materials, as further discussed in the Public Engagement section below. While considering these elements, staff has concluded that the revised project as presented

**Commented [sm4]:** This statement presents a false choice between options that are all too large for the site. In short, the proposal contains approximately 2X density as the site can hold in terms of historic preservation, height and parking.

**Commented [sm5]:** The revisions were minimal. The Applicant did not resolve any of the material comments from AHCA in terms of density, parking, historic preservation, impact on park, pedestrian safety at loading dock, transformer and exhaust location, etc.

The Applicant stated in the last SPRC meeting they are not even salvaging material. It is meaningless to state the SPRC members encouraged anything when the Applicant has stated they are not making these revisions.

**Commented [sm6]:** AHCA has presented (2) studies on why the parking ratio proposed is insufficient, cited County policy as to why anything over 35' of height is inappropriate in a Low Density Single Family Neighborhood, including the Aurora Highlands Neighborhood Conservation Area Plan, the Crystal City Sector Plan, the GLUP. Using the word "believes" in this context is at best, inaccurate.

**Commented [sm7]:** The County has not responded to one letter sent from AHCA on this project in 3 years. The Applicant refused to work collaboratively with AHCA as per the Planning Commission instructions May 2024. There was no discussion at the SPRC meetings, they were done in Round Robin format, which did not allow for discussion. This statement is inaccurate.

addresses various design comments raised by staff and the community and will allow for the redevelopment of the site with a new space for Melwood’s programs integrated into a building with 105 committed affordable units (CAFs). Overall, staff believes that the redevelopment proposal is consistent with the goals and recommendations of the Melwood Special GLUP Study, which provides specific County Board-accepted redevelopment guidance for the subject site.

**SUMMARY:** In May 2024, the County Board adopted the Melwood Special GLUP Study and authorized advertising a change in the GLUP designation from "Public" to "Low-Medium" Residential for the site (Parcel A aka RPC #36-039-015 only) if such request was made in association with a rezoning and appropriate site plan application to redevelop the site in conformance with the Melwood Special GLUP Study guidance. In authorizing advertisement of the GLUP change for the site, the County Board made the following findings:

*WHEREAS the proposed General Land Use Plan amendment would be consistent with the County’s development and growth goals stated in the General Land Use Plan, would accomplish the harmonious development of the County or promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants as set forth in the General Land Use Plan Booklet; and be responsive to the following guiding principles:*

- *Ensure building scale, massing and materials complement the surrounding area, including the adjacent Nelly Custis Park;*
- *Provide for attractive and welcoming pedestrian-level conditions through landscaping, other biophilic design and underground parking;*
- *Enhance access, connectivity, and safety for all modes of travel in and around the site;*
- *Prioritize sustainability through compact building design that conserves on-site open space, and trees and stormwater mitigation measures that contribute to improving stormwater conveyance systems adjacent to and downstream of the site;*
- *Prioritize affordable, accessible, equitable housing with redevelopment.*

The applicant, 23<sup>rd</sup> Redevelopment Owner LLC, proposes a new 5-story mixed-use building consisting of multiple-family residential units (100% CAFs) and ground floor institutional space operating as a community service use for a nonprofit providing job training and support programs for people with disabilities. To facilitate the redevelopment, the applicant is requesting to change the GLUP designation from "Public" to "Low-Medium" Residential and a rezoning from "C-1" Local Commercial District and "R-6" One-Family Dwelling District to "RA8-18" Multiple-family Dwelling District. The proposed "RA8-18" zoning district corresponds with the proposed "Low-Medium" Residential GLUP designation. As will be discussed throughout this report, these applications were evaluated throughout the public review process for consistency with the County Board’s established vision for the site through their 2024 acceptance of the Melwood Special GLUP Study document.

A partnership between Wesley Housing Development Corporation (“Wesley Housing”) and

**Commented [sm8]:** There are many inconsistencies between the proposal and the GLUP Study including the square footage, the setbacks, maintenance of the mature trees in the NE corner of the site, etc. This statement is inaccurate.

**Commented [sm9]:** The Study was accepted, not adopted. Also, there were process inconsistencies cited by the judge in the October 2024 decision on the Missing Middle lawsuit that included this action which we are told is being appealed by the County. Where is that issue addressed in this report?

**Commented [sm10]:** Everything about this proposal is inconsistent with the GLUP whose main theme is to put density in metro areas (this is not a metro area) and preserve single family neighborhoods.

**Commented [sm11]:** No harmony is achieved when the landowner refuses to work with his neighbors.

**Commented [sm12]:** Nothing about this building is appropriate for the neighborhood. It is 2X too big at a minimum.

**Commented [sm13]:** Not requiring affordable housing allows the Applicant to turn around and resubmit for a by right residential market rate building, which would be inconsistent with the premise of the upzoning.

**Commented [sm14]:** This is accessory use is Office, not Institutional.

**Commented [sm15]:** Upzoning in an R-6 is unprecedented at least since the 2008 GLUP Policy was adopted and this would set a precedent for all of Arlington. The effective density is Medium, not Low-Medium.

Melwood Horticultural Training Center Inc. (“Melwood”), the proposal consists of the demolition of the existing building and surface parking lot for the construction of 105 CAFs and approximately 17,033 sf of institutional GFA. As part of an associated new use permit that is the subject of a separate report (UPER24-00021), Melwood intends to utilize the institutional space (community service use) and continue offering their programs at the site, which includes workforce development and day services programs for people with disabilities. The project includes 94 total parking spaces located in a below-grade parking garage, including 74 spaces for residences and 20 spaces for Melwood. Requested Arlington County Zoning Ordinance (ACZO) modifications include additional density, reduced residential parking ratio, and density exclusions, and other modifications necessary to achieve the proposed development.

**Commented [sm16]:** Per HALRB letter 2/3/2025 plans for demolition cannot proceed until the LHD Study is complete.

**Commented [sm17]:** Community Service is not a building use. It is office. See AHCA SPRC correspondence.

**Commented [sm18]:** There is a shortage of about 75 residential spaces. See AHCA SPRC correspondence.

**Commented [sm19]:** There is a shortage of 50 parking spaces for the office portion of the project. See AHCA SPRC correspondence.

The 2024 Melwood Special GLUP Study outlines specific guiding principles and recommendations to inform the site’s potential future redevelopment, including in the areas of building height and design, transportation, historic preservation, affordable housing, and the environment. The Melwood Special GLUP Study concluded that a "Low-Medium" Residential GLUP designation is appropriate for this site, provided a future site plan application comports with the guidance of the Melwood Special GLUP Study. By incorporating setbacks, stepbacks, and a green buffer to ensure appropriate transitions with the surrounding context, streetscape improvements and below-grade parking to foster a pedestrian-friendly environment, historic interpretation of the existing building façade to evoke its original character, creation of 105 CAFs, as well as green building and stormwater management features, staff finds the proposal is in conformance with the Melwood Special GLUP Study guiding principles and recommendations.

**Commented [sm20]:** Biophilic separation and wall separation from the park was requested to be added as a Guiding Principle but was not in the meeting minutes.

**Commented [sm21]:** The building is 2X too big to be appropriate.

**Commented [sm22]:** This is demolition, not interpretation.

Furthermore, staff finds the proposed site plan to be consistent with the requested GLUP designation, the Melwood Special GLUP Study, and applicable requirements of the ACZO (with modifications as requested), and advances several key County goals and objectives, such as:

- **Affordable housing:** Provides 105 CAFs at 30-80% of the Area Median Income (AMI), advancing the goals and objectives of the [Affordable Housing Master Plan](#).
- **Transportation improvements:** Provides street, streetscape, and transit infrastructure improvements on 23<sup>rd</sup> Street South and [South Grant Street](#), consistent with the goals of the [Master Transportation Plan](#).
- **Sustainable design:** Achieves National Green Building Standard (NGBS) Silver certification with minimum energy optimization performance, ENERGY STAR appliances and WaterSense fixtures, as well as providing 10 years of energy reporting, supporting the sustainability goals of the [Community Energy Plan](#).

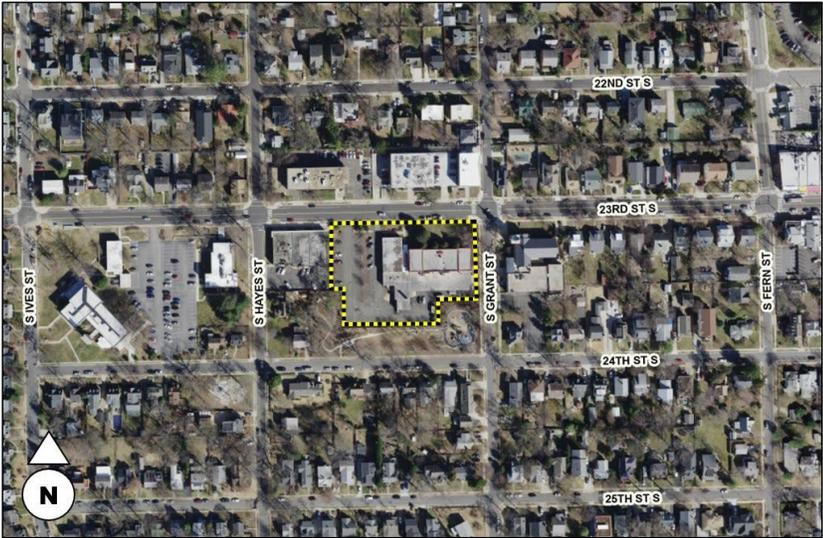
**Commented [sm23]:** This proposal corrals more affordable housing into one section of South Arlington that will have more concentration of affordable housing once Crystal House is complete than any other area of the county. This is not consistent with AHMP.

**Commented [sm24]:** PC Weir & others were opposed to widening Grant Street, citing safety concerns. There were technical issues in the Transportation Study that were never corrected. See AHCA SPRC correspondence. 23<sup>rd</sup> Street is too small for this traffic.

Overall, staff finds the proposal to be consistent with the County’s adopted plans and policies, specifically related to the Melwood Special GLUP Study, and will not result in adverse impacts to surrounding streets or neighborhoods. Therefore, staff recommends the County Board adopt the attached ordinances to approve the Melwood site redevelopment site plan project, rezoning, and GLUP amendment.

**BACKGROUND:** The 1.73 acre (75,496 sf) site is located at 750 23<sup>rd</sup> Street South in the Aurora Highlands neighborhood. The site is bordered by the Church of Jesus Christ of Latter-day Saints and a low-density commercial building to the north across 23<sup>rd</sup> Street South, the Calvary United Methodist Church to the east across South Grant Street, Nelly Custis Park to the south, and a low-density commercial building to the west.

**Figure 1. Location of the Melwood Site.**



Source: AC Staffmap.

- Address / RPC:** 750 23<sup>rd</sup> Street South (RPC# 36-039-015).
- Neighborhood:** The site is located within the Aurora Highlands Civic Association.
- Zoning:**
  - Existing: "C-1" Local Commercial District and "R-6" One-Family Dwelling District.
  - Proposed: "RA8-18" Multiple-family Dwelling District.
- GLUP:**
  - Existing: "Public".
  - Proposed: "Low-Medium" Residential.
- Existing Land Use:** The existing 2-story building is situated on the eastern portion of the site and is currently occupied by Melwood. The site features

two (2) curb cuts on 23<sup>rd</sup> Street South providing access to the 46-space surface parking lot located on the western portion of the site. The northeast corner of the site also features a lawn area with a flag pole and several mature trees.

**Figure 2. Existing Site.**



Source: Pictometry.

**Figure 3. Views from 23<sup>rd</sup> Street South.**



Source: CPHD.

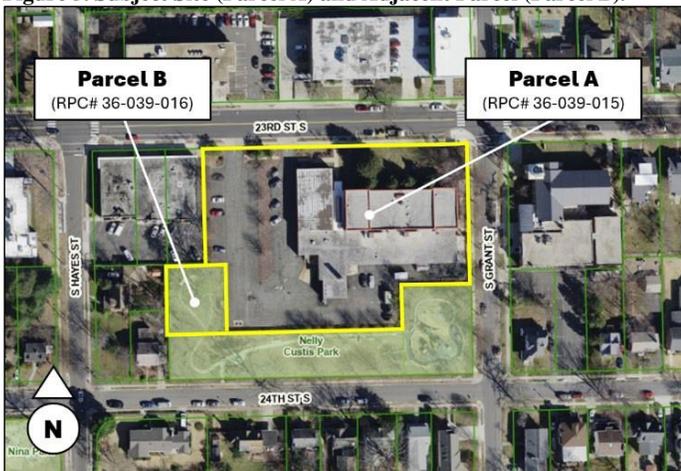
**Figure 4. Views from South Grant Street.**



Source: CPHD.

**Site History & Context:** Originally constructed in 1923, the existing building formerly operated as the Nelly Custis School until its closure in 1979. The building is comprised of the original 2-story 1923 section, two identical wings added in 1931 flanking the original section, a 1962 addition on the west and south sides of the building, and a narrow lobby added in 1995. Following the school's closure in 1979, the County and Sheltered Occupational Center of Northern Virginia (Melwood's predecessor) agreed to a land swap in 1981. The Sheltered Occupational Center of Northern Virginia conveyed a parcel near the Ballston Metro Station to the County in exchange for the subject site ("Parcel A" aka RPC #36-039-015) and an adjacent parcel ("Parcel B" aka RPC #36-039-016). As part of the land swap agreement, a use permit for an educational and occupational training center for people with disabilities was approved for Parcel A and a public park and open space easement was recorded over Parcel B. While the applicant continues to maintain ownership of Parcel B, no improvements are proposed to Parcel B and it will remain as part of Nelly Custis Park.

Figure 5. Subject Site (Parcel A) and Adjacent Parcel (Parcel B).



Source: AC Staffmap.

Although the existing building is a contributing structure to the Aurora Highlands Historic District, a historic district listed in the National Register of Historic Places, it is currently not designated a Local Historic District (LHD) or listed on the County’s Historic Resources Inventory. An LHD is a protective zoning overlay that seeks to preserve the character and physical integrity of significant historical, cultural, and architectural resources in the County. LHDs include design guidelines to ensure any exterior changes are appropriate and compatible with the historic nature of the LHD. Pursuant to ACZO Section 11.3.4, while LHDs must receive designation by the County Board upon recommendation by the Historical Affairs and Landmark Review Board (HALRB), an LHD nomination application for a single property may be submitted by any Arlington resident or property owner. In April 2024, an LHD nomination application for the Nelly Custis School building was filed by an Arlington resident, despite the property owner’s objection, whose consent is not required for the submission of an LHD nomination. In June 2024, the HALRB reviewed the LHD nomination application and voted 5-3 to request Historic Preservation Program (HPP) staff begin a detailed study of the property and preparation of an LHD designation report to inform HALRB’s future consideration of the LHD designation. If the HALRB recommends LHD designation at a future HALRB meeting, the LHD designation will then be considered for adoption by the County Board. If the HALRB does not recommend LHD designation, the LHD designation process would conclude then.

The preparation of an LHD report and accompanying design guidelines is an extensive process that involves detailed research, professional analysis, and collaboration with the property owner. Given HPP staff received several LHD nomination applications prior to receiving the LHD nomination application for the Nelly Custis School building, an LHD designation report for consideration by the HALRB has not been completed as of the date of this report. However, pursuant to ACZO Section 11.3.4 and 15.5.5, there is no procedural requirement for an LHD

**Commented [sm25]:** The Nelly Custis School land use is Public, and the property owner knew this and was aware of it when he purchased the property. It is a historic public land use, with a historic school on it. It also has a deed that states the building is for “school use only”. It is not a typical private property in this respect.

designation process to be completed prior to County Board approval of a site plan. Although the review of the Melwood Site redevelopment is occurring independently of the LHD designation process, the site plan has been reviewed in association with the County Board's accepted Melwood Special GLUP Study document that includes recommendations for considering preservation or interpretation of the original 1923 façade and/or portion of the building, as further outlined in the Discussion section below. In addition, a representative of the HALRB participated in the SPRC process and the applicant provided an informational presentation of the site plan at an HALRB meeting on January 15, 2025. Should the County Board approve this site plan before the conclusion of the LHD designation process, the Code of Virginia requires that no building or demolition permits may be issued for implementation of the site plan until 30 days after the County Board's final decision on the LHD designation.

**Commented [sm26]:** See letter from HALRB to CB 2/3/2025 stating no plan should move forward that proposes demolition of the building until the HALRB acts.

**Commented [sm27]:** This is "Demolition"

**Adopted Plans and Policies:** The following regulations, plans, and guiding documents are applicable to development on this site:

- [General Land Use Plan](#)
- ["RA8-18" Zoning District Regulations](#)
- [Melwood Special GLUP Study](#)
- [Affordable Housing Master Plan](#)
- [Master Transportation Plan](#)

**Commented [sm28]:** Omitted: (1) 2008 Aurora Highlands Neighborhood Conservation Area Plan – done with Arlington County zoning staff and accepted by the CB as a supporting document to the GLUP specifically calls out this site land use and zoning as existing to remain. (2) Crystal City Sector Plan references the site as part of the Aurora Highlands Neighborhood Conservation Area and not exceeding 35' in the single family neighborhood is a supporting document to the GLUP (3) Historic & Cultural Resources Plan – the historic Nellie Custis School (4) Forestry & Natural Resources Plan – this is a unique site that could achieve 40% canopy per FNRP goals, (5) Public Spaces Master Plan - this is a site next to a busy childrens' park – the park serves a growing population in 22202 and needs expansion. Nearly half of the "public spaces not achieved" in Board adopted plans are in 22202. A school and / or library is needed in the area especially with local schools projected to be over capacity in 2027. No study about the public use / acquisition of the site was done.

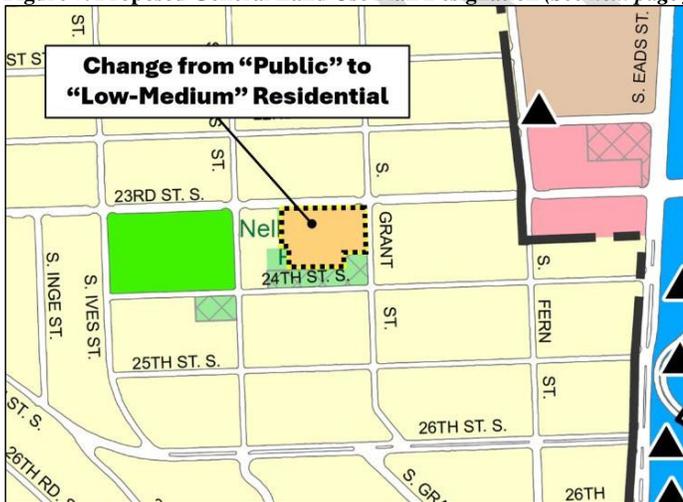
**GLUP:** The site is currently designated "Public" and the applicant has applied for a GLUP amendment to change the designation to "Low-Medium" Residential. As further discussed below, in May 2024 the County Board accepted the Melwood Special GLUP Study document and adopted a resolution to advertise future public hearings to consider a GLUP amendment of the subject site from "Public" to "Low-Medium" Residential concurrent with consideration of future site plan and rezoning applications.

**Commented [sm29]:** Accepted is correct, not adopted. Omitted: (1) the proposal includes bonus density that is the equivalent of "Medium" density not Low Medium – FAR 2.0 / units per acre equivalent to 83 counting the mixed-use office space (2) GLUP Map Note 2 (Green but not Hatched) guidance for the site regarding Public Land Use Not Publicly Owned to be developed consistent with the existing area (3) GLUP guidance to preserve single family neighborhoods and Neighborhood Conservation Area Plans. See previous AHCA SPRC correspondence for citations.

Figure 6. Existing General Land Use Plan Designation (See next page for legend)



Figure 7. Proposed General Land Use Plan Designation (See next page for legend)



Land Use Designation*	Range of Density/Typical Use	Zoning**		
<b>Residential</b>				
Low	1-10 units per acre	R-20, R-10, R-10T, R-8, R-6, R-5		
Low	11-15 units per acre	R2-7, R15-30T		
Low-Medium	16-36 units per acre	R15-30T, RA14-26, RAB-18		
Medium	Up to 37-72 units per acre	RA7-16, RA6-15, RA-H		
High-Medium	Up to 3.24 F.A.R. (Floor Area Ratio) Residential	RA-4.8		
<b>Commercial and Industrial</b>				
Service Commercial	Personal and business services. Generally one to four stories, with special provisions within the Columbia Pike Special Revitalization District.	C-1-R, C-1, C-1-O, C-2, C-O-1.0, C-TH		
<b>Public and Semi-Public</b>				
Public	Parks (Local, regional, and federal). Schools (public). Parkways, major unpaved rights-of-way. Libraries and cultural facilities.	S-3A, S-D		
Semi-Public	Country clubs and semi-public recreational facilities. Churches, private schools and private cemeteries (predominant use on block).	S-3A, S-D		
<b>Office-Apartment-Hotel</b>				
	<b>Office Density</b>	<b>Apartment Density</b>	<b>Hotel Density</b>	
Low	Up to 1.5 F.A.R.	Up to 72 units/acre	Up to 110 units/acre	C-O-1.5, C-O-1.0
Medium	Up to 2.5 F.A.R.	Up to 115 units/acre	Up to 180 units/acre	C-O-2.5
High	Up to 3.8 F.A.R.	Up to 4.8 F.A.R.	Up to 3.8 F.A.R.	C-O, C-O Crystal City, C-O Rosslyn, RA-H-3.2



**Figure 8. Existing Zoning Designation**



**Commented [sm30]:** Omitted: Upzoning R-6 at all, and especially to Medium density, is unprecedented in the middle of a single family neighborhood.

**Figure 9. Proposed Zoning District**



**Commented [sm31]:** Omitted: The development exceeds the C-1 commercial line which is consistently held 1/2 block off of 23rd Street and sets a negative precedent for the commercial areas expanding into the residential neighborhood

**Zoning:** The site is currently zoned "C-1" Local Commercial District and "R-6" One-Family Dwelling District. The applicant is requesting a rezoning to "RA8-18" Multiple-family Dwelling District, which typically corresponds with the proposed "Low-Medium" Residential GLUP

designation. Additional "RA8-18" site plan requirements, specific to ACZO Section 6.3, 12.3.7, and 15.5.9, and relevant to the subject site include:

- **Building Height:** Pursuant to Section 6.3 and 12.3.7, the ACZO allows for building heights up to 60 feet for low- or moderate-income housing. The proposal meets this requirement as the building is 60 feet as measured from the average site elevation.
- **Density:** Pursuant to Section 6.3 and 12.3.7, the ACZO allows a base site plan density of up to 36 du/ac for low- or moderate-income housing. Further, pursuant to Section 12.3.7.A.2, the County Board may approve additional density in accordance with Section 15.5.9 beyond that specified in 12.3.7. With a proposed density of 65 du/ac, the applicant is requesting additional density pursuant to ACZO Section 15.5.9, as further discussed below.

**Commented [sm32]:** Omitted: Per 12.3.7 the height is only allowable where appropriate for the location. Per GLUP Note 2, and the Low Density surrounding area, the height is not appropriate for the location. See previous AHCA correspondence.

**Commented [sm33]:** Omitted: Per 15.5.9 the height is only allowable where appropriate and where there is tapering to the adjacent buildings. The building is too tall and the site too small to allow for appropriate tapering. See previous AHCA correspondence.

**Melwood Special GLUP Study:** In December 2021, Melwood applied for a GLUP amendment to change the GLUP designation of the site from "Public" to "Low-Medium" Residential with an associated rezoning from "C-1" and "R-6" to "RA8-18". As the site in question is located outside of a previously planned area, staff initiated a Special GLUP Study to address the requested GLUP amendment, as called for in the [Policy for Consideration for General Land Use Plan \(GLUP\) Amendments Unanticipated by Previous Planning Efforts](#).

A Special GLUP Study is initiated when a GLUP amendment request has been made for a property where there is insufficient planning guidance for the future of a site. A Special GLUP Study evaluates the appropriateness of the requested GLUP amendment and provides additional guidance for potential future redevelopment. For this Special GLUP Study, an interdepartmental staff team initiated a public review process in conjunction with the Long Range Planning Committee (LRPC) of the Planning Commission, which consisted of representatives of the Aurora Highlands Civic Association and other advisory commissions, committees, and community groups. Community input gathered throughout the public review process, which included two (2) online engagement opportunities, two (2) LRPC meetings, and a Planning Commission hearing, ultimately informed the Melwood Special GLUP Study. The Melwood Special GLUP Study analyzed the appropriateness of a potential GLUP amendment from "Public" to "Low-Medium" Residential and outlined specific guiding principles and recommendations for potential future development. In May 2024, the [Melwood Special GLUP Study Document](#) was accepted by the County Board, along with adoption of a resolution to advertise future public hearings to consider a GLUP amendment from "Public" to "Low-Medium" Residential.

**Commented [sm34]:** Omitted: There is specific guidance in the GLUP, the Crystal City Sector Plan, the Aurora Highlands Neighborhood Conservation Area Plan to keep the existing zoning and land use as is. See previous AHCA correspondence.

**Commented [sm35]:** One representative. Singular.

**Commented [sm36]:** "informed" does not mean anything when none of AHCA's comments were incorporated into the Study.

Through the Melwood Special GLUP Study, the County Board authorized advertisement for a change in the GLUP designation for the subject site (Parcel A only) to the "Low-Medium" Residential GLUP designation. In accepting the Special GLUP Study document for the Melwood site and authorizing advertisement to change the site's GLUP designation, the County Board considered the appropriateness of these actions for this site given the lack of adopted planning guidance in the area, the inconsistency among the existing Melwood use and the current GLUP and zoning categories, the long-standing private ownership of the property, and the extension of the uses to be primarily residential with ground floor institutional use. While the Crystal City

**Commented [sm37]:** See previous comments regarding guidance. Several documents provide guidance.

**Commented [sm38]:** There is no "inconsistency" as the existing zoning which has been in place for 40 years is intentional so that the land value / use would remain a public good. This is inaccurate.

**Commented [sm39]:** The site was intended to remain a public good even if privately owned. It is not the only site in the county that is public land use but privately owned. And this is office not institutional building use.

Sector Plan and the Pentagon City Sector Plan broadly acknowledge the Aurora Highlands neighborhood immediately adjacent to those specific planning areas, the subject site is not addressed in detail in either of these plans, as much of Aurora Highlands was outside the scopes of study for each of those sector plans.

**Commented [sm40]:** The Aurora Highlands neighborhood is mentioned 22 times specifically in the Crystal City Sector Plan - and a few times in the Pentagon City Sector Plan and nearly every mention of it is to state that the tall buildings in the sector plans shall taper to 35 ft. which is the height limit of the single family neighborhood. This is an inaccurate statement.

Currently, the subject site has a "Public" GLUP designation and is zoned "C-1" and "R-6". However, the property has been under private ownership since 1981 and has operated continuously as an institutional use. Through these applications, the applicant is requesting to construct a mixed-use building consisting primarily of residential use with ground floor institutional use. As outlined in the adopted Melwood Special GLUP Study document, "Low-Medium" Residential is an appropriate GLUP category for areas with a diversity of adjacent land uses, including mixed-use, commercial, institutional, and lower-density residential development, given opportunities for compatible building scale and effective transitions between uses. The site's location on an arterial street further strengthens the potential appropriateness of a "Low-Medium" Residential designation for this site, given this street classification's strong multimodal connectivity and frequent transit service. The site is located within a commercial/institutional node and is walkable to the nearby churches and businesses on "Restaurant Row" (the 500 block of 23<sup>rd</sup> Street South). This walkability and multimodal accessibility is compatible with higher density residential development, which may accommodate more homes without a commensurate increase the amount of potential vehicular trips.

**Commented [sm41]:** Omitted: the Aurora Highlands Neighborhood Conservation Area Plan that specifically addresses the site.

**Commented [sm42]:** Educational, not institutional.

**Commented [sm43]:** If the building is mixed use, then the land use needs to be labeled accordingly.

**Commented [sm44]:** Except this Low Density comes packaged with Bonus Density that makes it in reality the density of Medium which is completely inappropriate in this location.

**Commented [sm45]:** 23<sup>rd</sup> Street is a strained two-land road, the lowest level of arterial road except a side street and inappropriate for the level of traffic proposed.

**Commented [sm46]:** One bus line every 30 minutes is not strong multimodal connectivity and frequent transit service. Omitted: Grocery is over a mile away. The site is outside the Metro Station area (over a ½ mile to metro)

The Melwood Special GLUP Study document includes several guiding principles to inform potential future development. These guiding principles were developed through the Melwood Special GLUP Study process based on feedback from the community and LRPC, and informed by the County's adopted plans and policies, including the Affordable Housing Master Plan, the Master Transportation Plan, the Historic and Cultural Resources Plan, the Public Spaces Master Plan, and the Forestry and Natural Resources Plan. These adopted plans and policies provided important considerations, including increasing the supply of housing by encouraging construction of a variety of housing types and prices at a range of heights and densities in and near Metro Station Areas, a need for more affordable and accessible housing, the importance of open space and trees, addressing stormwater mitigation with redevelopment, enhancing transportation connectivity and safety, and the significance of historic resources. At the same time, community feedback during the Melwood Special GLUP Study process informed building height and design guidance to ensure redevelopment is compatible with the surrounding context. Based on the Melwood Special GLUP Study's findings, the following guiding principles were established:

**Commented [sm47]:** Inaccurate: *In* Metro Station Areas not *near* them. The proposal disregards the needs for public space, open space, trees, historic resources, concentration of affordable housing in one area of the county, etc. See previous AHCA correspondence.

1. Ensure building scale, massing and materials complement the surrounding area, including the adjacent Nelly Custis Park;
2. Provide for attractive and welcoming pedestrian-level conditions through landscaping, other biophilic design and underground parking;
3. Enhance access, connectivity, and safety for all modes of travel in and around the site;
4. Prioritize sustainability through compact building design that conserves on-site open space, and trees and stormwater mitigation measures that contribute to improving stormwater conveyance systems adjacent to and downstream of the site; and
5. Prioritize affordable, accessible, equitable housing with redevelopment.

As part of the Melwood Special GLUP Study, staff prepared 3-D computer models to illustrate a range of potential building height and massing options that may enable redevelopment of the site to be compatible with the surrounding context and consistent with the proposed zoning and land use designations. Considering the surrounding context, the analysis evaluated maximum building heights of up to 60 feet, which aligns with the permitted building height in the "RA8-18" zoning district for low- and moderate-income housing projects pursuant to ACZO Section 12.3.7. Although the provisions of 12.3.7 allow additional building height above 60 feet for low- and moderate-income housing projects through ACZO Section 15.5.9, maximum building heights above 60 feet were deemed not appropriate for the surrounding context. Overall, the 3-D computer models illustrated the possibility of a multifamily building comporting with the "Low-Medium" Residential designation and being designed to include setbacks and stepbacks to ensure compatibility with the surrounding context. Although both the 45 feet and 60 feet building height scenarios are responsive to the guiding principles, the 60 feet building height scenario allows for a smaller building footprint, concentrating the greatest building height in the center of the site, and a more sculpted building form, which increases the opportunity to ensure appropriate transitions with Nelly Custis Park, maintain pedestrian-friendly street frontages, as well as maximize open space, landscaping and the green buffer with the park.

Additional recommendations were also included in the Melwood Special GLUP Study document to advance the established guiding principles, as summarized below:

<p><i>GLUP Designation:</i></p> <ul style="list-style-type: none"> <li>• "Low-Medium" Residential is appropriate for Parcel A</li> <li>• Ensure compatibility with the surrounding context, including gradual transitions within comparable heights</li> </ul>	<p><b>Commented [sm48]:</b> The study showed significant tapering which is not in the proposal.</p>
<p><i>Building Height &amp; Design:</i></p> <ul style="list-style-type: none"> <li>• Minimize building footprint to meet environmental goals, including a reduction of impervious surface area and a green buffer with the park</li> <li>• Maximum height of 60 feet centrally located within the site, provided guiding principles are achieved</li> <li>• Provide transitions to 2-3 stories along the park and adjacent streets to foster a pedestrian-friendly frontage</li> <li>• Incorporate tapers, setbacks, and stepbacks, and consider biophilic roof/wall designs and landscaped screening to minimize visual impact on the park</li> <li>• Consider a more urban edge along the western portion of the 23<sup>rd</sup> Street South frontage before transitioning to the current building setback to increase the potential to conserve trees and greenspace, interpret the school building façade, and create symmetry with setbacks on the opposite side of 23<sup>rd</sup> Street South</li> </ul>	<p><b>Commented [sm49]:</b> The "green buffer" to the park is insufficient. The proposal includes two party decks adjacent to existing single family homes, very little green buffer, and loading / transformers / garage exhaust next to a children's playground.</p>
<p><i>Transportation:</i></p> <ul style="list-style-type: none"> <li>• Improve adjacent sidewalks and streetscapes to meet County standards</li> <li>• Consider upgrades to nearby crosswalks and bus stops to improve safety</li> </ul>	<p><b>Commented [sm50]:</b> This may be appropriate but not with the bonus density.</p>
	<p><b>Commented [sm51]:</b> Did not happen.</p>
	<p><b>Commented [sm52]:</b> Insufficient</p>
	<p><b>Commented [sm53]:</b> 60 ft is all across the site</p>
	<p><b>Commented [sm54]:</b> Tapering doesn't help given the wide site lines and limited green buffer.</p>

<ul style="list-style-type: none"> <li>Locate parking underground with parking and loading entrances designed and/or screened to minimize noise and light disturbances</li> <li>Conduct a multimodal traffic assessment to study potential impacts to existing traffic and parking on adjacent streets</li> </ul>
<p><i>Affordable Housing:</i></p> <ul style="list-style-type: none"> <li>Provide the base contribution towards affordable housing and require additional on-site committed affordable units to support the County's housing goals</li> </ul>
<p><i>The Environment:</i></p> <ul style="list-style-type: none"> <li>Encourage participation in the County's Green Building Incentive Program</li> <li>Prioritize biophilia, sustainability, and tree canopy (25% canopy coverage goal) in site design</li> <li>To the extent possible, conserve existing mature trees (particularly in the northeast corner) and existing street trees</li> <li>Provide a vegetated green buffer with the park and adjacent properties</li> <li>Employ stormwater management practices to minimize stormwater discharge off-site</li> </ul>
<p><i>Historic Preservation:</i></p> <ul style="list-style-type: none"> <li>Consider retention or interpretation of the original 1923 façade and/or portion of the building in situ, or if necessary, closer to the sidewalk to create a more human-scale pedestrian experience</li> </ul>

**Commented [sm55]:** There are serious flaws in the assumptions in the traffic assessment. See AHCA SPRC comments.

**Commented [sm56]:** Last iteration only got to 22% canopy coverage.

**Commented [sm57]:** Did not happen.

**Commented [sm58]:** Insufficient

**Commented [sm59]:** "In situ" excludes demolition.

Based on the guidance provided in the County Board-accepted Melwood Special GLUP Study document, redevelopment of the subject site may occur provided new development ensures compatibility with the surrounding context and advances the affordability, transportation, sustainability, environmental, and historic preservations goals for the site. While the Melwood Special GLUP Study document does not prescribe a maximum number of units per acre, residential density is effectively regulated by the maximum building height and building form recommendations. Therefore, redevelopment is subject to a maximum building height of 60 feet that is centrally located within the site and includes height transitions to 2-3 stories along Nelly Custis Park and adjacent streets. However, additional density above the base density of 36 du/ac may be requested for low- or moderate-income housing developments through the provisions of ACZO Sections 12.3.7 and 15.5.9. As outlined throughout the Discussion section below, the applicant's proposal has been reviewed for conformance to the guiding principles and recommendations of the Melwood Special GLUP Study document.

Affordable Housing Master Plan: The applicant is required to meet the base affordable housing requirements of the ACZO, and may choose among a cash contribution of \$640,523 to the Affordable Housing Investment Fund (AHIF), or approximately three (3) on-site units, four (4) off-site nearby units, or five (5) off-site units. Since the applicant is proposing a 100% affordable housing development at 30-80% AMI, staff anticipates this requirement to be met through on-site units. Additionally, the Melwood Special GLUP Study document recommends that 20% of the base density (eight (8) units) be provided as on-site CAFs. Pursuant to ACZO Section 12.3.7, and 15.5.9, the applicant is requesting additional density for the provision of 105 on-site CAFs

for a term of at least 30 years at 30-80% AMI.

The proposed development meets several of the County’s goals, objectives and policies of the Affordable Housing Master Plan (AHMP), including:

- Policy 1.1.1 – Project will construct 105 units of committed affordable rental housing.
- Policy 1.1.8 – Project will include 60 two-bedroom and 22 three-bedroom affordable units.
- Policy 2.4.2 – Project will incorporate universal design principles and disability-forward and inclusive design to address the diverse needs of people with disabilities.
- Policy 2.5.1 – Project will designate up to 30% of units as priority preference for people with disabilities and include 17,033 sf of institutional space for Melwood, which provides workforce development and support programs for people with disabilities.
- Policy 2.5.3 – All units will be accessible units, thereby helping to maintain a sufficient supply of affordable units accessible for persons with physical disabilities.
- Policy 3.2.2 – Project is located on the Secondary Transit Network identified in the MTP and has high levels of access to transportation options.
- Policy 3.3.1 & 3.3.2 – Project will achieve NGBS Silver certification with ENERGY STAR and WaterSense appliances and fixtures, furthering the goals of the Community Energy Plan.

**Development Proposal:** The applicant is proposing to redevelop the existing building and surface parking lot and construct a new 5-story mixed-use building consisting of 100% affordable housing and 17,033 sf of ground floor institutional space for Melwood to continue to provide job training and support programs for people with disabilities. The project will consist of 105 CAFs and approximately 131,736 sf of residential GFA. The project includes 94 total parking spaces located in a below-grade parking garage, including 74 residential spaces (0.7 spaces per unit) and 20 spaces for Melwood.

**Commented [sm60]:** Omitted Policy citations from the AHMP that are in conflict with the proposed development which is inappropriate in this location because it is not in a transit corridor, does not maintain neighborhood character and concentrates affordable housing in one area of the county already saturated with it:  
1.1.4: “The County will use its financing and land use tools to encourage and incentivize the **geographic distribution** of committed affordable housing units.  
1.1.10: “The County’s land use policy **to limit high density development to transit corridors means that affordable rental housing is located in these areas** that support multi-family housing.”  
1.2.3 “The County will explore zoning policies that allow and promote a wider diversity of housing types in single-family neighborhoods that help meet the need for changing definitions of families and households **while maintaining neighborhood character and underlying zoning.**”

**Figure 10. Rendering of Proposed Development from 23<sup>rd</sup> Street South.**



Source: Applicant.

**Proposed Development Statistics:** The following provides a statistical summary for the proposed site plan and comparison to applicable Zoning requirements.

SPLN24-00002 – Melwood Site		
	Base Zoning/ Requirement	Proposed
<b>Site Area</b>		
Total Site Area		75,496 sf (1.73 ac)
Allocated to Residential		70,496 sf (1.62 ac)
Allocated to Institutional		5,000 sf (0.11 ac)
<b>Density</b>		
Residential Units		105 units
Average Unit Size <sup>1</sup>		1,255 sf
Total GFA		148,769 sf
Residential GFA		131,736 sf
Institutional GFA		17,033 sf
Density Exclusions		2,376 sf
Residential Density		105 units (65 du/ac)
<b>Base Density</b>		
Residential	max. 36 du/ac	58 units (36 du/ac)
Institutional	N/A	N/A
<b>Additional Density<sup>2</sup></b>		
Residential		47 units (29 du/ac)
<b>Building Height</b>		

Commented [sm61]: Office

Main Roof Height (from ASE)	60 ft	60 ft
Mechanical Penthouse Height		9.5 ft
Stories		5 stories
<b>Parking</b>		
Total Parking Spaces	139 spaces	94 spaces
Overall Residential Parking Spaces	119 spaces	74 spaces
Overall Residential Parking Ratio	1.125 spaces/unit	0.7 spaces/unit <sup>2</sup>
Institutional Use Parking Spaces	20 spaces	20 spaces
Institutional Use Parking Ratio	1 space per 3 seats	1 space per 3 seats
Loading Spaces	1 space	1 space
Notes:		
<sup>1</sup> Average unit size is calculated based on the gross residential GFA, inclusive of residential amenities and common areas.		
<sup>2</sup> Additional density is permitted in the "RA8-18" zoning district for special exception low- or moderate-income housing projects through the provisions of ACZO Sections 12.3.7 and 15.5.9.		

**Commented [sm62]:** 1.125 is for standard apartments. The Applicant is proposing a unit mix that averages 2 bedrooms, nearly the size of townhouses, which require 2 parking spaces per apartment. AHCA cited (2) studies that indicate an average ratio of 1.41 – 1.5 is appropriate for this location, twice the number of spaces provided.

**Commented [sm63]:** There is nothing about this site that is institutional (aka hospital or prison). This is an office. 1 space per 250 square feet. See AHCA previous correspondence. 72 spaces needed total

**DISCUSSION:**

**Land Use & Density:** The mixed-use building includes 148,769 sf of total GFA, including 131,736 sf of residential GFA and 17,033 sf of institutional GFA. The residential component consists of 105 CAFs comprised of one-bedroom, two-bedroom and three-bedroom units. Approximately 21% of units will be family-sized, three-bedroom units. In addition, up to 30% of all units will be prioritized for people with disabilities. Meanwhile, the institutional component consists of ground floor space that will be occupied by Melwood. Subject to a separate use permit for a community service use, the institutional space will be utilized by Melwood to continue providing on-site job training and support programs for people with disabilities. Overall, the co-location of affordable housing and Melwood’s workforce development and support programs creates a fully integrated and inclusive redevelopment project.

**Commented [sm64]:** Offices & training rooms per floor plan.

While the proposed residential density of approximately 65 du/ac exceeds the "RA8-18" zoning district’s maximum density, pursuant to ACZO Section 12.3.7 and 15.5.9, the County Board may approve additional density through the provision of features and amenities that benefit the community, including affordable housing. The Melwood Special GLUP Study document supports additional density requested through the provisions of ACZO Section 12.3.7 and 15.5.9, provided it can be accommodated within the recommended 60-foot maximum building height. The Melwood Special GLUP Study further recommends providing the base affordable housing contribution in addition to requiring on-site CAFs equivalent to 20% of the base density. The applicant is exceeding this recommendation by providing a 100% committed affordable building with 105 CAFs.

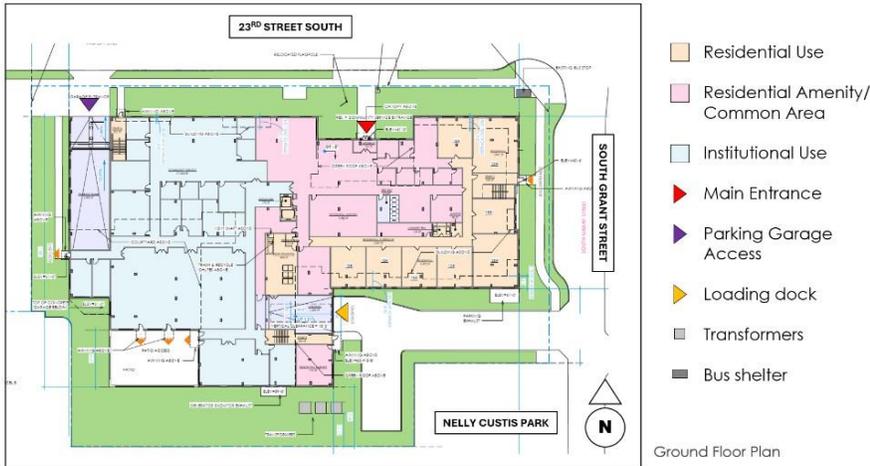
**Figure 11: Proposed Unit Mix**

	Units	Percentage
1-bedroom	23	22%
2-bedroom	60	57%

3-bedroom	22	21%
Total	105	100%

**Proposed Site Design & Layout:** The main building entrance is located on 23<sup>rd</sup> Street South and provides access to both the residential and institutional uses. The building’s ground floor street frontages are lined with the Melwood space, the residential amenity and common area, as well as residential units. The 23<sup>rd</sup> Street South frontage also features access to the below-grade parking garage, with the parking ramp located on the western end of the building. A single loading dock is embedded within the site and located at the end of a driveway off South Grant Street, which will be primarily utilized by resident move-ins and trash/recycling. The building is set back approximately 20 feet from the sidewalk on 23<sup>rd</sup> Street South, 10 feet from the sidewalk on South Grant Street, 40-50 feet from Nelly Custis Park, and 25 feet from the western property line. While the northern half of the site is relatively flat, the southern half of the site slopes down slightly by 6-8 feet toward Nelly Custis Park. The area between the building and Nelly Custis Park includes a vehicular turn-around area, above-grade transformers with vegetated screening, and a green buffer with trees and shrubs.

**Figure 12. Proposed Site and Ground Floor Layout.**



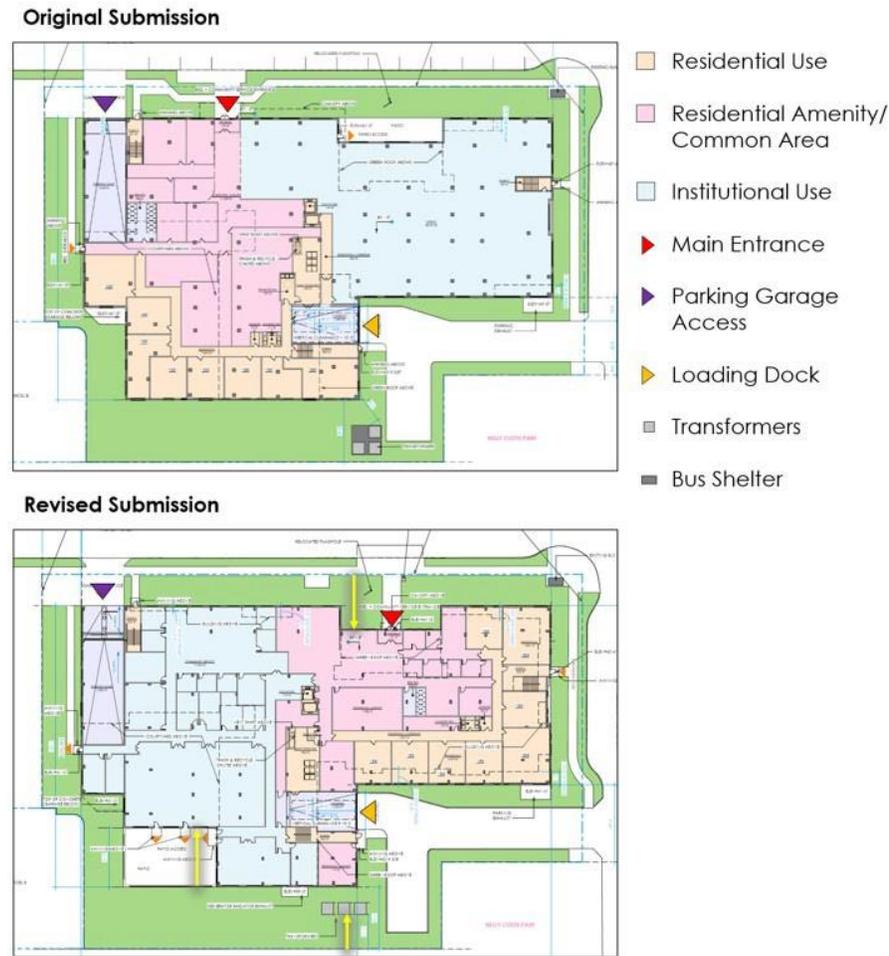
Source: Applicant.

The entire building will also achieve certification under [The Kelsey Inclusive Design Standards](#). These design standards provide a framework for disability-forward design that addresses the diverse accessibility and inclusion needs of people with disabilities. The applicant proposes to incorporate elements including wider corridors and unit entrances for improved accessibility, larger rooms and units for increased maneuverability, adaptable kitchen design, and low-glare wall and surface materials.

Working with staff and the SPRC, the applicant made numerous changes to the site layout to better align with the building design recommendations of the Melwood Special GLUP Study. In the original submission, the main building entrance was located on the western end of the building near the parking garage entrance and adjacent to a passenger loading zone which necessitated a jog in the sidewalk to accommodate an accessible curb ramp. The institutional component occupied the eastern portion of the ground floor, with private access to a 1,000 sf paved patio for use by Melwood participants. Meanwhile, the residential amenity and common area occupied the western portion of the ground floor, with residential units located in the rear. The site also featured a 5 foot sidewalk along the eastern portion of 23<sup>rd</sup> Street South and above-grade transformers located approximately 10 feet from Nelly Custis Park.

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**Figure 13. Ground Floor - Original Submission (top) and Revised Submission (bottom).**



Source: Applicant.

**Figure 14. Rendering from 23<sup>rd</sup> Street South: Original Submission (top) and Revised**

Submission (bottom).



Source: Applicant.

DRP

**Figure 15. Rendering from 23<sup>rd</sup> Street South: Original Submission (top) and Revised Submission (bottom).**



Source: Applicant.

With respect to the building design guiding principles and recommendations, the Melwood Special GLUP Study document calls for incorporating adequate setbacks and landscaping to enhance the pedestrian experience and minimize visual impacts on Nelly Custis Park. The Melwood Special GLUP Study document also recommends minimizing the building footprint to meet environmental goals, including a reduction of impervious areas and provision of a green buffer with the park. As a result, the applicant reconfigured the layout of the ground floor uses which facilitated key design changes that improved the pedestrian environment, reduced the amount of impervious area, and allowed for a more generous landscaped buffer with Nelly Custis Park. By rearranging the institutional space to the western portion of the ground floor and the residential amenity, common area, and residential units to the eastern portion, the applicant was able to relocate the main building entrance to a more prominent location within the historic interpretation of the original 1923 façade and repurpose the paved patio into a celebrated main entry with an expanded planting area. The applicant then relocated and reconfigured the passenger loading zone which eliminated the jog in the sidewalk and allows for a 6 foot sidewalk for the entire street frontage. The consistent sidewalk alignment, distinguished main building entrance, and additional landscaping opportunities help foster a more pedestrian-friendly frontage. Within the existing building footprint, the proposal also provides private patio space in the rear of the building for Melwood's use. This ground floor patio area not only creates an increased setback with Nelly Custis Park to further minimize visual impact on the park, but is

also designed to include bioretention planters to capture stormwater runoff and garden tables for Melwood participants. Lastly, the applicant shifted the above-grade transformers an additional 12 feet from Nelly Custis Park, which allows for additional vegetated screening and an expanded green buffer.

**Commented [sm65]:** There are two party decks adjacent to residential houses on the same block of Hayes Street with no buffer. This is completely inappropriate in a residential neighborhood. The transformers should be below grade.

The Melwood Special GLUP Study document also encourages a more urban edge along the western portion of the 23<sup>rd</sup> Street South frontage before transitioning to the current building setback to increase the potential to conserve existing trees, interpret the school building façade proximate to its original location, and create symmetry with setbacks on the opposite side of 23<sup>rd</sup> Street South. Although staff and the applicant explored opportunities that increased the building setback along the eastern portion of 23<sup>rd</sup> Street South, these design alternatives affected the applicant's ability to achieve other important aspects of the project. Locating the building closer to 23<sup>rd</sup> Street South (as proposed) allows the applicant to provide greater building setbacks and stepbacks facing Nelly Custis Park and a more generous green buffer to further minimize visual impacts on the park. The proposed building setback on 23<sup>rd</sup> Street South also ensures an adequate building footprint and envelope in order to support a greater percentage of family-sized units and achieve disability-forward design standards, which necessitate wider corridors and larger rooms for accessibility. Lastly, the proposed location of the below-grade parking garage provides for an efficient parking layout and supports the proposed number of parking spaces for the development. Given these additional considerations and overall guidance of the Melwood Special GLUP Study document, staff finds that, on balance, the proposed building setback along the eastern portion of 23<sup>rd</sup> Street South is acceptable.

**Commented [sm66]:** See AHCA SPRC comments on the building. None of the material comments were incorporated.

**Building Height, Form & Architecture:** As part of the Melwood Special GLUP Study, staff analyzed several building height and massing options that generally could be considered appropriate with the site's surrounding context and developed 3-D computer models of development scenarios potentially appropriate under a "Low-Medium" Residential GLUP designation. As outlined in the Melwood Special GLUP Study:

*"The 3-D models illustrate that a multifamily building can comport with the "Low-Medium" Residential designation and be designed in such a way that it is compatible with the surrounding context. Compatible, in this case, is not intended to strictly replicate or match surrounding building heights but rather ensure gradual transitions within comparable heights are achieved, while a pedestrian scale is maintained along the public sidewalk. Such an approach, as further outlined in these recommendations, should successfully maintain the neighborhood experience along this segment of 23<sup>rd</sup> Street South. As a result, the recommended GLUP designation for Parcel A should include a building height maximum of no more than 60', tapering down to approximately 2-3 stories towards the neighboring park (to the south), South Grant Street (to the east) and 23<sup>rd</sup> Street South (to the north)."*

**Commented [sm67]:** Yet, there is no tapering to Grant or Hayes Street. This is because the building is too big.

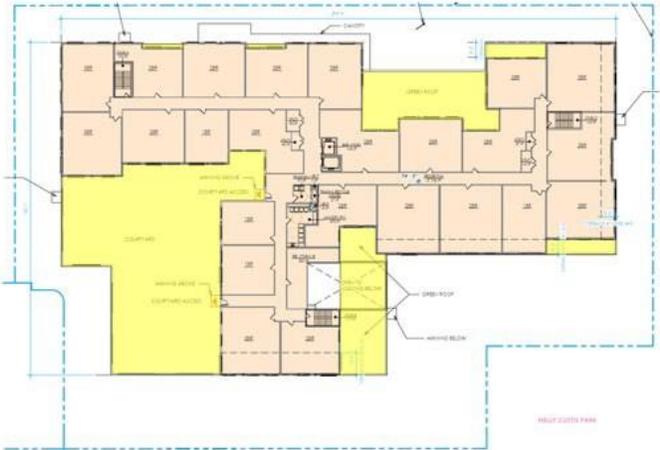
The proposed 5-story building has a main roof height of 60 feet as measured from the average site elevation, exclusive of the 9.5-foot mechanical penthouse which consists of an elevator overrun and stair access to the roof. To ensure the building scale and massing is compatible with the surrounding area, the building incorporates multiple stepbacks along the north, east, and south sides of the building. Consistent with the Melwood Special GLUP Study

recommendations, the setbacks on the second and fourth floors provide appropriate height transitions to ensure compatibility with adjacent 1-3 story commercial and church buildings, foster pedestrian-friendly street frontages, and minimize the building's visual impact on Nelly Custis Park. During the public review process, in response to feedback from staff and the community, through revisions to the second floor the applicant incorporated additional setbacks facing Nelly Custis Park and adjacent streets. As proposed, on the second floor the building features setbacks of approximately 3-32 feet on 23<sup>rd</sup> Street South, 8 feet on South Grant Street, 25 feet above the loading dock area, and 6-10 feet adjacent to Nelly Custis Park. In addition, a second-floor courtyard effectively serves as a generous building setback with the park. Meanwhile on the fourth floor, the building features additional setbacks of approximately 6-8 feet on South Grant Street and 12 feet on Nelly Custis Park.

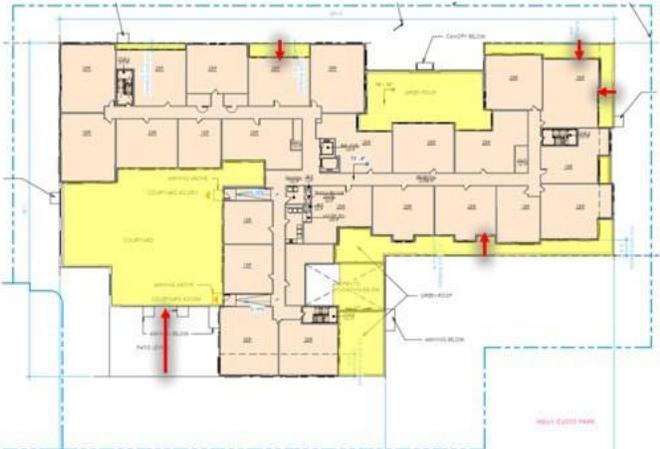
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**Figure 16. Second Floor Stepbacks (Yellow) – Original Submission (top) and Revised Submission (bottom).**

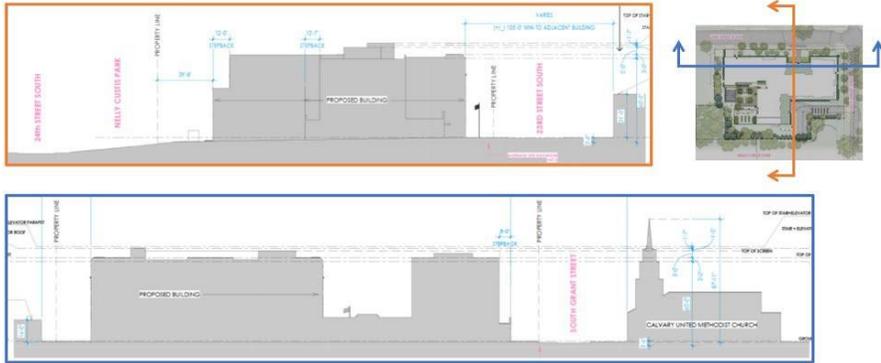
**Original Submission**



**Revised Submission**



Source: Applicant.  
**Figure 17. Building Sections and Surrounding Context.**



Source: Applicant.

**Figure 18. Building Stepbacks.**

**2<sup>nd</sup> Floor Stepbacks (Yellow)**

**4<sup>th</sup> Floor Stepbacks (Purple)**



Source: Applicant.

**Figure 19. Rendering from 23<sup>rd</sup> Street South.**



Source: Applicant.

**Figure 20. Rendering from South Grant Street.**



Source: Applicant.

**Figure 21. Rendering from Nelly Custis Park.**



Source: Applicant.

Architecturally, the building consists of an orange-red and tan brick base with brickwork details and a gray cast stone cornice. The façade is comprised of the same orange-red and tan brick, as well as dark gray, light gray and white fiber cement siding. The top floor consists of dark gray, light gray and white fiber cement siding and a flat roofline. Based on feedback from staff and the community, during the public review process the applicant incorporated a mansard roof along 23<sup>rd</sup> Street South and light-colored materials on the top floor to reduce its bulky appearance.

**Figure 22. North Elevation (23<sup>rd</sup> Street South).**



Source: Applicant.

**Figure 23. East Elevation (South Grant Street).**



Source: Applicant.

**Figure 24. South Elevation (Nelly Custis Park).**



Source: Applicant.

**Historic Preservation:** The original 1923 portion and 1931 addition of the existing building façade is classically inspired and features detailed brickwork, limestone accents, and a flat roof with metal coping. The symmetry and horizontal nature of the façade is reinforced through the use of brick, mirrored window configuration, and limestone belt courses. The stepped parapet over the central bay once highlighted a central main entrance, which has since been infilled with brick and a window. The original windows and sills have also been removed and replaced with window openings made smaller with brick piers.

**Figure 25. View of Existing Building Façade from 23<sup>rd</sup> Street South.**



Source: Applicant.

**Figure 26. Historic Photograph of Nelly Custis School (1932).**



Source: Applicant.

**Figure 27. Rendering of Historic Interpretation.**



Source: Applicant.

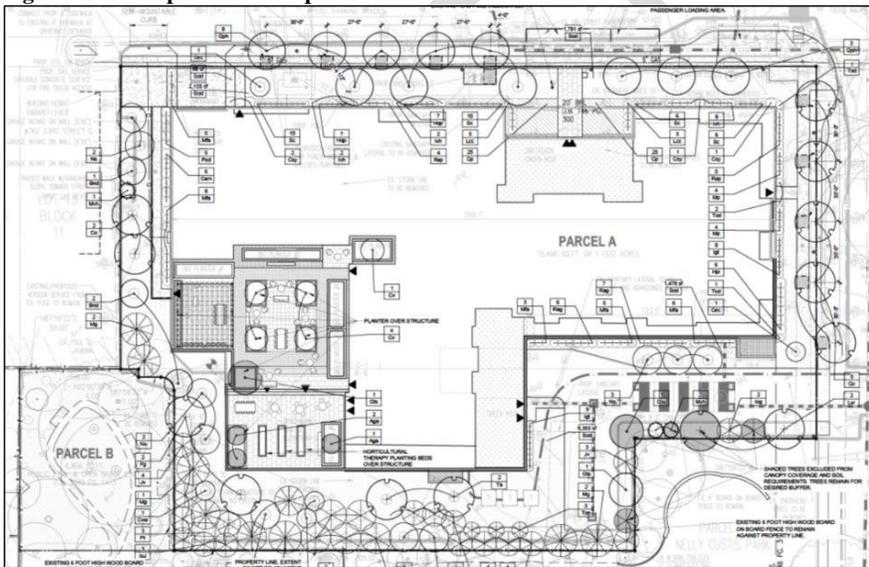
The Melwood Special GLUP Study document recommends consideration of either retention or interpretation of the original 1923 façade in situ, or if necessary, relocated closer to the sidewalk on 23<sup>rd</sup> Street South. Although the proposal does not retain the existing building façade in situ, the applicant proposes an interpretation located closer to the sidewalk on 23<sup>rd</sup> Street South. As previously discussed, the applicant is not proposing to locate the interpreted façade proximate to the existing building setback in order to ensure appropriate transitions with Nelly Custis Park, an adequate building footprint to support inclusive building design and a greater share of family-sized units, and an optimal below-grade parking garage layout. In addition, the applicant is not proposing to salvage and re-use existing building materials such as the brick and limestone belt courses in order to maximize construction cost efficiency as an affordable housing project. However, in response to staff and community feedback, the applicant revised the design of the interpreted façade to better evoke the spirit and sense of place of the former school building and surrounding trees and greenspace, as well as recreate previously altered features with modern interpretations. The applicant proposes to replicate the original façade on 23<sup>rd</sup> Street South with similar materials, brickwork and belt courses, fenestration pattern, a 1.5 story façade scale, a stepped parapet, and central entry with a decorative awning. The applicant will also install a historic marker describing the history of the site and the historical and architectural significance of the former Nelly Custis School building in coordination with the HALRB.

**Commented [sm68]:** This is a description of demolition.

**Open Space, Landscaping and Biophilic Design:** Along the 23<sup>rd</sup> Street South frontage, the applicant proposes new trees and shrubs located between the building and sidewalk to foster a pedestrian-friendly environment. Within the building setbacks facing Nelly Custis Park and the western property line, the applicant proposes a generous vegetated green buffer, as recommended by the Melwood Special GLUP Study. The Melwood Special GLUP Study also encourages employing stormwater management practices to minimize stormwater discharge off-site. As

such, the project features a stormwater detention vault, 4,000 sf of green roofs, a 6,000 sf second floor courtyard with bioretention planters, and a 2,300 sf ground floor patio with bioretention planters and garden tables for use by Melwood participants. New street trees will be planted along the South Grant Street and 23<sup>rd</sup> Street South streetscapes. Within the limits of disturbance, approximately 38 trees are proposed to be removed and replaced per the County’s tree replacement standards. This includes the existing mature trees located in the northeast corner of the site. As previously discussed, in order to ensure appropriate setbacks and tapers with Nelly Custis Park, maintain affordable and accessible family-sized units, and plan for an optimal below-grade parking garage, the applicant proposes to maintain a consistent building setback on 23<sup>rd</sup> Street South which prevents conservation of the existing trees in the northeast corner of the site. Overall, there will be approximately 80 new trees planted on the subject site, which contributes to a proposed tree canopy coverage of 25%, as recommended by the Melwood Special GLUP Study.

**Figure 28. Conceptual Landscape Plan.**



Source: Applicant.

**Transportation Network:** The site is bounded by 23<sup>rd</sup> Street South to the north and South Grant Street to the east. Existing and proposed transportation facilities are further discussed in detail below.

**Figure 29. Master Transportation Plan.**



**Commented [sm69]:** 23<sup>rd</sup> Street is a Type E Arterial = the lowest type except sidestreets. Inappropriate for high density.

Transportation	Existing Condition	Proposed Condition
Bike Parking	-	47 Class I Bike Spaces 6 Class III Bike Spaces
<b>23<sup>rd</sup> Street South</b>		
Street	39 ft	39 ft
Streetscape	9.5 ft (with planting strip)	11 ft (with planting strip)
Access Management	2 Driveways	1 Driveway
Curbside Management	3 parking spaces	5 parking spaces 2 short-term parking spaces 1 accessible passenger loading zone
<b>South Grant Street</b>		
Street	24 ft	34 ft
Streetscape	11.6 ft (with planting strip)	12 ft (with planting strip)
Access Management	No Driveway	1 Driveway
Curbside Management	4 parking spaces (east side) 7 Sunday-only parking spaces (west side)	4 parking spaces (west side)

Streets and Sidewalks:

**23<sup>rd</sup> Street South:** 23<sup>rd</sup> Street South is classified on the Master Transportation Plan (MTP) as a Type E – Primarily Single-Family Residential Neighborhoods arterial road, with a posted speed limit of 25 miles per hour (mph) adjacent to the site. The MTP describes a Type E arterial as a road that serves primarily single-family-home neighborhoods and is fronted by residential, park, or institutional property. The MTP plans for a Type E arterial to contain 2 to 4 travel lanes, no restrictions on driveway access, medium on-street parking priority, a 4-6 ft wide landscape strip, and a 5-6 ft wide sidewalk. If necessary, the Melwood Special GLUP Study document further recommends consideration of intersection improvements at the intersection of 23<sup>rd</sup> Street South and South Grant Street to ensure pedestrian safety at the intersection. This intersection currently contains crosswalks, curb ramps, and curb extensions which serve to reduce the pedestrian street crossing distances.

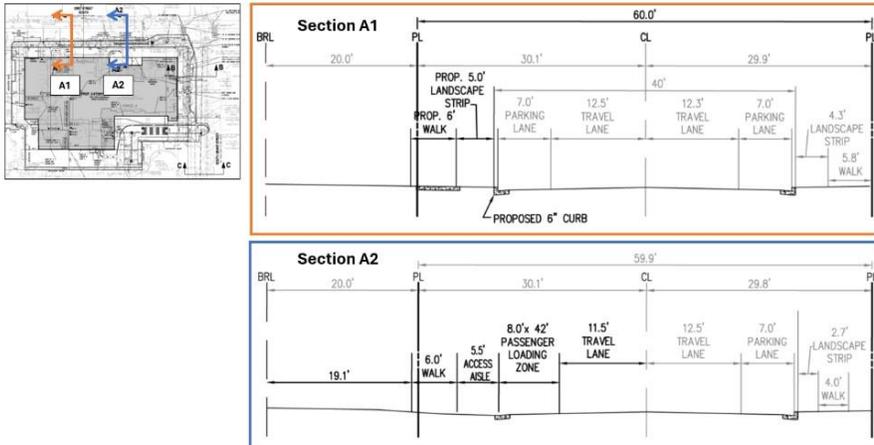
The adjacent segment of 23<sup>rd</sup> Street South consists of an existing 39 ft wide street section, including two 12.5 ft wide travel lanes (one in either direction) and two 7 ft wide parking lanes. Currently the site contains two driveway entrances which provide access to the surface parking lot and a 9.5 ft wide streetscape consisting of a 4.5 ft wide planting strip and 5 ft wide sidewalk. The applicant proposes to retain the existing curbline along the site's 23<sup>rd</sup> Street South frontage, replace one of the existing driveway entrances with the below-grade parking entrance, and close the other driveway entrance. The applicant proposes to expand the streetscape from 9.5 ft to 11 ft in width, including a 5 ft wide planting strip and a 6 ft wide sidewalk, therefore meeting the Melwood Special GLUP Study recommendations. The applicant proposes to expand on-street parking from 3 to 5 spaces, provide 2 short-term (15-minute) parking spaces, and provide an 8 ft wide accessible passenger loading zone with a 5.5 ft wide access aisle. The on-street parking spaces include an Americans with Disabilities Act (ADA)-compliant parking space sharing the access aisle with the passenger loading zone. To meet current ADA standards, the applicant proposes to replace an existing curb ramp for the crosswalk across 23<sup>rd</sup> Street South at its intersection with South Grant Street. The applicant also proposes to extend the curbline to accommodate an existing bus stop (see Transit discussion below). Staff finds these proposed changes are consistent with the MTP standards and Melwood Special GLUP Study recommendations.

**Commented [sm70]:** Type E = Single family home neighborhoods.

**Commented [sm71]:** 23<sup>rd</sup> Street has only 2 lanes. The smallest Type E

**Commented [sm72]:** Omitted: who decides this is necessary and why. Who requires it? Who pays for it? There are groups of day cares that cross this street daily to go to the park whose safety is being jeopardized.

**Figure 30. Proposed 23<sup>rd</sup> Street South Cross Sections (Facing West).**



Source: Applicant.

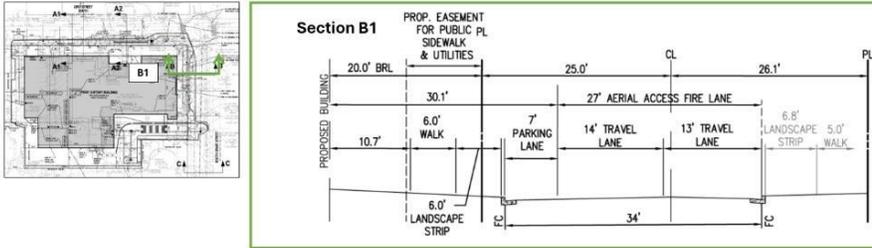
**South Grant Street:** South Grant Street is classified on the MTP as a neighborhood local street. The MTP describes a neighborhood local street to be located in low- and medium-density residential areas, providing access nearly exclusively to residential uses. The MTP plans for a neighborhood local street to contain 1.5 lanes (yield street condition) or 2 travel lanes, no restrictions on driveway access, a 2-4 ft wide planting strip, and a 4-6 ft wide sidewalk. The Melwood Special GLUP Study recommends that the streetscape along South Grant Street be upgraded to meet the MTP standards.

The adjacent segment of South Grant Street consists of 1.5 lanes (yield lane condition), on-street parking on the opposite (east) side of the street, and Sunday-only parking on the west side of the street. Along the site's frontage, there is currently a 11.6 ft wide streetscape consisting of a 6.6 ft wide planting strip and a 5 ft wide sidewalk. Along the majority of the site's frontage, the applicant proposes to increase the street width from 24 ft to 34 ft in order to provide adequate space for required fire aerial access. The new street section will include two travel lanes and a 7 ft wide inset parking lane along the site's frontage which can accommodate 4 parking spaces. The new street section will no longer include parking on the opposite (east) side of the street. The applicant will also expand the streetscape to 12 ft in width, including a 6 ft wide planting strip and 6 ft wide sidewalk. Staff finds the proposed street and streetscape conditions are consistent with the MTP standards and Melwood Special GLUP Study recommendations.

**Commented [sm73]:** There is no plan to replace this lost parking.

**Commented [sm74]:** Omitted: this will encourage speeding and is a safety hazard per PC Weir.

**Figure 31. Proposed South Grant Street Cross Section (Facing North).**



Source: Applicant.

**Bicycle Facilities:**

The MTP does not identify dedicated on-street bicycle facilities for either 23<sup>rd</sup> Street South or South Grant Street. The MTP Bicycle Element recommends supporting bicycling through the provision of bicycle parking as part of site plan developments. A Capital BikeShare station is located less than 500 feet to the west of the site on South Hayes Street. The applicant proposes 47 Class I (long-term, secured) bicycle parking spaces, located in two bicycle storage rooms: one on the ground floor and one in the below-grade parking garage. The applicant proposes six (6) Class III (short-term, unsecured) bicycle parking for visitors, located near the main building entrance on 23<sup>rd</sup> Street South. The applicant proposes no additional bicycle facilities. Staff finds the proposal is consistent with the MTP which does not identify planned on-street bicycle facilities at this location and recommends the provision of bicycle parking.

**Transit Service:**

The Crystal City and Pentagon City Metro Stations are each located within one mile of the site, providing access to the Blue and Yellow Metro Lines, and Virginia Railway Express. The MTP identifies the adjacent segment of 23<sup>rd</sup> Street South to serve the secondary transit network which offers localized transit services. Metrobus routes 10A, 23A, and 23B directly serve the site with a bus stop located on the site’s frontage on 23<sup>rd</sup> Street South, and a matching bus stop on the opposite side of 23<sup>rd</sup> Street South and South Grant Street. As part of Metro’s recently adopted [2025 Better Bus Network](#), Metro will consolidate these routes into new route A11, which will serve the site with 30-minute service frequency and earlier Saturday morning service compared to existing routes. The final 2025 Better Bus Network bus stop consolidation list retains the existing bus stop. The Melwood Special GLUP Study recommends the applicant upgrade the existing bus stop to be fully ADA-accessible, including a landing area for a bus’s rear door. The applicant proposes to upgrade the existing bus stop on the site’s frontage, consistent with the Melwood Special GLUP Study document guidance.

**Parking and Loading:** The Melwood Special GLUP Study recommends that parking be provided below-grade, loading occur on-site and be screened, and driveway location(s) be considered based on the impact to the residential portion of the neighborhood. The MTP recommends placing driveway locations where pedestrian traffic is lowest, and to minimize driveways on arterial streets such as 23<sup>rd</sup> Street South.

The applicant proposes 94 total parking spaces, located in a one-level below-grade garage with access from 23<sup>rd</sup> Street South. The applicant allocates the parking spaces as 74 residential parking spaces at a parking ratio of 0.7 spaces per unit, and 20 parking spaces for Melwood at a parking ratio of 1 space per 3 seats. The applicant proposes a single loading dock located at the rear of the building for use primarily by resident move-ins, trash, and recycling. The loading dock will be accessed from South Grant Street by a private driveway which also serves as a fire aerial access lane. The applicant proposes the loading dock entrance include a driveway with turnaround space, which will allow vehicles to maneuver onsite without impeding the right-of-way.

**Commented [sm75]:** See previous comments. Parking is insufficient.

**Commented [sm76]:** The loading dock is unscreened which is not per the SPRC co-chair Lantelme comments or PC Peterson's comments for a "forest" separating the park from the building.

**Figure 32. Parking and Loading: Ground Floor Plan (left) and Below-grade Parking Garage Plan (right).**



Source: Applicant.

In addition, the applicant proposes a total of nine (9) on-street parking spaces, two (2) short-term (15-minute) parking spaces, and one (1) accessible passenger loading zone, as described above. On 23<sup>rd</sup> Street South, the on-street parking will include five (5) on-street parking spaces (including an ADA-accessible space), two (2) short-term (15-minute) parking spaces, and one (1) passenger loading zone. Along the site's frontage with South Grant Street, the applicant proposes to remove seven (7) Sunday-only parking spaces and provide four (4) two-hour parking spaces (including an ADA-accessible space). These combined changes increase the total unrestricted on-street parking along the site's frontage from seven (7) to nine (9) parking spaces. Staff finds the proposal is generally consistent with the Melwood Special GLUP Study and MTP guidance.

**Multimodal Transportation Analysis and Trip Generation:** The applicant submitted a Multimodal Transportation Assessment (MMTA) which was prepared by Gorove Slade, dated June 20, 2024, and revised through August 29, 2024. The analysis assumes that approximately 68 percent of the residential-related trips and 70 percent of the institutional-related trips will not use a personal vehicle. During the AM peak period, the analysis anticipates 21 vehicle trips, 46 transit trips, three (3) bicycle trips, and seven (7) pedestrian trips. During the PM peak period, the analysis anticipates 23 vehicle trips, 51 transit trips, four (4) bicycle trips, and six (6) pedestrian trips. Compared to the current development's AM peak period trip generation, this results in eight (8) new vehicle trips, 18 new transit trips, no change in bicycle trips, and two (2) new pedestrian trips. Compared to the current development's PM peak period trip generation, this results in 11 new vehicle trips, 26 new transit trips, one (1) new bicycle trip, and one (1) new

**Commented [sm77]:** This is inconsistent with the County's own statistics and the analysis offered no back up for its assumption. See AHCA SPRC comments November, 2024.

pedestrian trip. The analysis assessed five intersections within the vicinity of the site. The analysis concluded that all intersections operate at an acceptable level of service and will continue to do so with or without the proposed development. Staff finds that the surrounding street network will be able to support these anticipated trips.

**Commented [sm78]:** The traffic analysis does not include the impact of 1) return to office 2) development approvals. There are thousands of units approved in the area causing school overcrowding which is accounted for in the County's school statistics, yet the County does not require traffic analysis to take the thousands of units approved into account. This is poor planning. AHCA recommended the County have a peer review done of the analysis for this reason. Further, the analysis is under counting parking which will likely end up on sidestreets. AHCA requested 24x7 parking restrictions but these are not included in the report.

**Figure 33. Anticipated Transportation Trips.**

Mode of Travel	AM Peak Trips	PM Peak Trips
<b>Proposed Trips</b>		
Private Automobile	21	23
Transit	46	51
Bicycle	3	4
Pedestrian	7	6
<b>Net New Trips (Compared to Existing Use)</b>		
Private Automobile	8	11
Transit	18	26
Bicycle	0	1
Pedestrian	2	1

**Utilities and Stormwater Management:** The project includes necessary storm sewer, sanitary sewer, and water main improvements to support the proposed development. The project will meet all required stormwater management requirements as specified in Virginia's Chesapeake Bay Preservation Ordinance. On-site stormwater is to be treated for both quantity and quality via bioretention planters and a stormwater filtration system.

**Sustainable Design:** The building is designed to achieve a National Green Building Standard (NGBS) Silver certification and the applicant is not seeking additional density under the [Green Building Incentive Policy](#) (GBIP). For site plan projects not participating in the GBIP's incentive program, the standard site plan condition requires LEED Silver certification. However, since the applicant is pursuing green building certification under NGBS, which is an eligible rating system per the Virginia Housing LIHTC program, the project will be required to achieve NGBS Silver certification, which is comparable to LEED Silver certification. In addition, the project will be required to meet the minimum energy optimization performance, include ENERGY STAR appliances and WaterSense fixtures, as well as provide 10 years of energy reporting. In addition to NGBS Silver certification, the applicant intends to pursue additional green building certifications, including Zero Energy Ready Home Multifamily, Indoor airPLUS, and ENERGY STAR Multifamily New Construction. Although the Melwood Special GLUP Study encourages participation in the GBIP's incentive program, the applicant is achieving green building commitments comparable to the standard site plan condition for projects not participating in the GBIP's incentive program.

**APS Student Generation Estimates<sup>1</sup>:** Based on analysis prepared by Arlington Public Schools (APS), the proposed development is estimated to generate the following number of students:

<sup>1</sup> Student generation estimates are developed using recent historical student generation factors. Should these housing unit characteristics or the student generation factors change, then the student generation estimates would also

Proposed Affordable Apartment (Elevator) Units: 105 new units.

- Number of Elementary School Students (K-5) generated: 33 students.
- Number of Middle School Students (6-8) generated: 14 students.
- Number of High School Students (9-12) generated: 20 students.
- Total: 67 students.

The subject site is zoned for the following school districts: Oakridge Elementary School, Gunston Middle School, and Wakefield High School attendance area. No students currently reside at the site. The above estimates are generated using the housing characteristics presented prior to County Board approval and using the 2024 student generation factors in the 2024 Student Generation Rates.

**Modifications of Use Regulations:** The following provides a summary of the applicant's requested zoning modifications, and staff's analysis thereof:

**Additional Density (ACZO §6.3, §12.3.7, and §15.5.9):** The applicant is requesting 47 additional residential units above the site plan base density. To achieve the additional density, the applicant is providing 105 CAFs (100% of the total units) at 30-80% AMI for a period of at least 30 years, advancing the goals of the Affordable Housing Master Plan. As outlined in ACZO Section 6.3, additional density is permitted in the "RA8-18" zoning district for special exception low- or moderate-income housing projects through the provisions of ACZO Sections 12.3.7 and 15.5.9. ACZO Section 12.3.7 permits site plan approval in the "RA8-18" zoning district for a building with a maximum height of 60 feet and a base density of 36 du/ac. In addition, the County Board may approve additional density in accordance with ACZO Section 15.5.9, which permits additional density through the provision of features and amenities that benefit the community, including affordable housing. The Melwood Special GLUP Study supports additional density requested through the provisions of ACZO Section 12.3.7 and 15.5.9, provided it can be accommodated within the recommended 60-foot maximum building height. Staff supports this modification as it is consistent with ACZO Sections 6.3, 12.3.7, and 15.5.9, as well as Melwood Special GLUP Study guidance.

**Required Residential Parking Ratio (ACZO §14.3.7.A):** The applicant is requesting a reduced residential parking ratio of 0.7 spaces per unit, for a total of 74 residential parking spaces. The ACZO requires 1.125 spaces for each of the first 200 units and one (1) space for each additional unit above 200 units, for a total of 119 residential parking spaces. The Crystal City and Pentagon

change. The completion and occupancy of an approved residential development may occur within a variable timeframe depending on developer interest, market conditions, and construction timelines. Some projects, like Phased Development Site Plans, may yield completed buildings over decades rather than years. The County does not regulate the bedroom distribution of market rate residential projects. Given the relevant zoning district within the site plan and use permit process, the County regulates residential density according to the Gross Floor Area or the Units per Acre of the project. Bedroom distribution is a market driven decision within the constraints of the relevant zoning district. Form Based Code projects are subject to density restrictions based on form based regulating characteristics (height, setbacks, etc.) and do not regulate based on Gross Floor Area or Units per Acre. Housing Unit characteristics of all types of projects may change after County Board approval through either site plan amendments or administrative changes. Information provided by CPHD is the 'best available' within these constraints. APS provides no guarantee that any proposed residential development will continually be served by the same elementary, middle and high school(s).

**Commented [sm79]:** Omitted: PRIOR TO THIS PROJECT, APS is over capacity by 458 students in 2027 at Oakridge/Gunston/Wakefield. This brings the number up to +525 - after including trailer seats. In addition to nearby Hoffman Boston over by 93. Where are these children going to sit exactly? AHCA requested that the County perform an analysis to confirm the existing site is not needed for schools with APS / School Board but that was never done. This is not comprehensive planning.

<https://www.apsva.us/wp-content/uploads/2023/04/Capacity-Utilization-Table-2023-to-2032.pdf>

**Commented [sm80]:** See previous comments.

**Commented [sm81]:** See previous comments.

**Commented [sm82]:** See previous comments

City Metro Stations are each located within one mile of the site and two (2) existing bus stops are located adjacent to the site on 23<sup>rd</sup> Street South, serving local MetroBus routes. To mitigate the reduced residential parking ratio, the applicant is implementing a transportation demand management (TDM) plan to further mitigate single occupancy vehicle trips (Condition #40). In addition, Policy 11 of the Parking and Curb Space Management Element of the MTP recommends reducing parking requirements for affordable housing near transit nodes when adequate TDM measures are provided. Given the project's access to transit facilities, proposed TDM measures, and consistency with MTP parking recommendations for affordable housing near transit, staff supports this modification.

**Density Exclusions:** The applicant is requesting a total of 2,376 sf in density exclusions for below-grade mechanical space and above-grade vertical shafts. Since these areas do not affect the bulk, mass or height of the building, consistent with the Zoning Administrator advice on density exclusions for site plans, staff supports this modification.

**Site Plan Features and Improvements:** The applicant agrees to provide certain features, improvements, and amenities to mitigate the impacts of the proposed development on adjacent properties and the neighborhood. This includes but is not limited to:

- New pavement, sidewalk, curb and gutter on street frontages;
- Streetscape and landscape improvements on-site to current County MTP standards;
- Public art contribution;
- Installation of a historic marker;
- Utility undergrounding fund contribution;
- Transportation demand management program;
- Installation of an in-building wireless first responders' network;
- Availability as a public polling location; and
- General conformance with the Melwood Special GLUP Study document guiding principles and recommendations.

In addition to these standard site plan improvements, this project furthers the County's goals and objectives by providing:

**Affordable Housing:** The applicant is providing 105 units of committed affordable housing (100% of the total units) at 30-80% AMI. The units include 60 2-bedroom and 22 3-bedroom (family-sized) units. The entire building and units will incorporate universal design principles and up to 30% of the units prioritized for people with disabilities. Since the applicant is not currently requesting funding from the County's AHIF, the project will be financed through other state sources. Staff supports this component of the project as it advances the recommendations of the Melwood Special GLUP Study and Affordable Housing Master Plan.

**Transportation:** In addition to street and streetscape improvements on 23<sup>rd</sup> Street South and South Grant Street consistent with MTP standards, the applicant is upgrading the bus

**Commented [sm83]:** Are these considered to be community benefits? They are not.

**Commented [sm84]:** The County / Applicant have not disclosed the funding source. If the source is 14.811 HUD funding, that is one of the grant programs under review by the current administration. The Applicant has made claims about what they can and cannot do based on their financing but they have not disclosed or confirmed their ability to finance.

stop on the site’s frontage to be fully ADA-accessible with a landing area for a bus’s front and rear doors, as recommended by the Melwood Special GLUP Study.

*Sustainable Design:* The applicant is committed to achieving a NGBS Silver certification. As noted above, the proposal will also achieve minimum energy optimization performance, include ENERGY STAR appliances and WaterSense fixtures, and provide 10 years of energy reporting. In addition to NGBS Silver certification, the applicant intends to pursue additional green building certifications, including Zero Energy Ready Home Multifamily, Indoor airPLUS, and ENERGY STAR Multifamily New Construction. Staff supports this component of the project as it furthers the sustainability goals of the Community Energy Plan.

**Equity Principles:** In September 2019, the County Board adopted an [Equity Resolution](#), which defines equity as “all populations having access to community conditions and opportunities needed to reach their full potential and to experience optimal well-being.” It also acknowledges “community conditions that affect individual opportunity and well-being including the economy, environment, housing, land use policy, public facilities and infrastructure, healthcare, neighborhoods, education, and social connectedness.” The Equity Resolution references the April 2019 report [Destination 2027](#), an Arlington-based plan which calls for expanding access to the resources and opportunities needed for optimal health and wellbeing, including “affordable (but not substandard) housing, transportation, food, child care, education, financial services, among others.” The County Board also adopted a [Resolution for Equitable Development](#) in April 2024 that furthers equitable principles and goals in Arlington County. Together, these initiatives suggest redevelopment activities may present specific opportunities to advance the County’s equity goals in a variety of ways, including but not limited to:

- Affordable housing;
- Education and workforce development;
- Accessible and inclusive design; and
- Transportation improvements.

The applicant is making significant commitments towards advancing the County’s equity objectives in each of these areas. Overall, the proposal integrates affordable and accessible housing with job training and support programs for people with disabilities. The project will provide 105 units of committed affordable housing at 30-80% AMI, with up to 30% of the units prioritized for people with disabilities. The project will also provide space for Melwood to continue to support people with disabilities through workforce development and day services programs. In addition, the entire building will incorporate disability-forward and inclusive design standards to promote accessibility for residents, employees, and Melwood participants. Lastly, the proposal will improve adjacent streetscapes with wider sidewalks and upgrade an existing bus stop with an ADA-compliant bus boarding area to create a safer, more accessible, and more comfortable environment for all users.

**PUBLIC ENGAGEMENT:**

**Commented [sm85]:** Has the Applicant stated they are using anything other than taxpayer funds to build affordable housing. Taxpayer funded via HUD or LIHTC perhaps also with AHIF. Is Melwood providing any funding?

Omitted: affordable housing being concentrated in 22202 which already has the highest concentration of affordable housing approved in the county. That is the opposite of Equity.

*Level of Engagement:*

**Communicate, Consult, and Involve**

This level of engagement is appropriate because the applicant proposes a GLUP amendment, rezoning, and a new site plan.

*Outreach Methods:*

- Public notice was given in accordance with the Code of Virginia §15.2-2204. Notices of the February 10, 2025, Planning Commission Meeting were placed in the January 28, 2025, and February 3, 2025, issues of the Washington Times.
- Public notice was given in accordance with the Code of Virginia §15.2-2204. Notices of the February 22, 2025, County Board Meeting were placed in the February 7, 2025, and February 14, 2025, issues of the Washington Times.
- Public notice was given in accordance with the Code of Virginia §15.2-2204 for a proposed change in zoning map classification which involves any parcel of land located within 3,000 feet of a boundary of a licensed public-use airport. Notice of the proposed GLUP amendment, rezoning, site plan, and associated applications were provided to the Director of Operations for Metropolitan Washington Airports Authority at least 30 days before the Planning Commission hearing.
- Public notice was provided to adjacent property owners in accordance with the Code of Virginia §15.2-2204 for the proposed change in zoning map classification within five (5) days of the public hearings.
- Placards were placed in various locations surrounding the property indicating the subject of this rezoning and site plan application and the time and place of the public hearing in accordance with Arlington County Zoning Ordinance §15.1.3.B.

In addition to the above legal requirements:

- Representatives from the host civic association, Aurora Highlands Civic Association, and adjacent civic associations, including Crystal City and Arlington Ridge, were invited to participate in the SPRC meetings for this project.
- The SPRC reviewed the proposal through an online engagement opportunity in October/November 2024, an in-person walking tour in November 2024, and at two (2) hybrid SPRC meetings in November and December 2024. In addition to the standing Planning Commission membership, adopted membership for this SPRC Sub-Group included representatives from the:
  - Transportation Commission;

- Housing Commission;
- Park and Recreation Commission;
- Forestry and Natural Resources Commission;
- Historical Affairs and Landmark Review Board;
- Disability Advisory Commission;
- Economic Development Commission;
- Climate Change, Energy and Environment Commission;
- Pedestrian Advisory Committee;
- Aurora Highlands Civic Association;
- Crystal City Civic Association;
- Arlington Ridge Civic Association;
- Calvary United Methodist Church;
- Church of Jesus Christ of Latter-day Saints; and
- Our Lady of Lourdes Catholic Church.

The SPRC project chairs also provided time at the end of each meeting for public comments.

- County staff created and maintained a [project webpage](#) for the proposed development on the County website with project information and meeting materials, which is standard practice for site plan projects. A virtual site walking tour was also provided on the project webpage.

*Community Feedback:*

Online Engagement Opportunity: Staff conducted an online engagement opportunity from October 21 to November 4, 2024, which garnered 219 participants and over 1,100 comments. A [summary of responses](#) has been posted to the project webpage. Overall, many respondents expressed strong opposition to the proposed density and building height as they believe it will overwhelm the community and negatively impact neighborhood character and local infrastructure. At the same time, some expressed belief that the building height and incorporation of stepbacks are consistent with the Melwood Special GLUP Study recommendations. Many believe the site layout is generally appropriate as the building footprint provides a reduced setback on 23<sup>rd</sup> Street South and a more generous setback with the park. Many also feel the proposal will significantly impact traffic and on-street parking availability on surrounding streets. While some believe the amount of parking being provided is appropriate given the proposed use and nearby transit options, many feel it is insufficient. In addition, many expressed strong dissatisfaction about the removal of existing trees and greenspace. While some support the pursuit of NGBS Silver Certification, others advocate for higher green building standards, such as LEED Gold or higher.

Site Plan Review Committee: On November 18, 2024, and December 19, 2024, the SPRC discussed the following topics which were informed by feedback received during the online engagement opportunity and issues raised by staff:

**Commented [sm86]:** Omitted: In the non-scientific exercise, the comments were 2:1 opposed to the project. In a real vote by AHCA of people impacted by the density with over 100 attendees the project was opposed nearly unanimously.

**Commented [sm87]:** But no one know who those people are and if they are the ones impacted by the density, which makes the survey useless.

**Commented [sm88]:** This is a meaningless term when there was no identification of respondents. They could have been bots.

- Land Use & Density
- Site Design & Layout
- Building Height, Form & Architecture
- Historic Preservation
- Transportation
- Open Space, Landscaping, & Biophilic Design
- Green Building & Sustainability

Generally, the project was well received by the SPRC who were supportive of the 105 CAF units, high percentage of family-sized units, and inclusive design for the entire building. SPRC members appreciated changes made by the applicant based on SPRC feedback such as the relocation of the main building entrance, architectural improvements to the interpreted façade, and streetscape and bus stop upgrades. The SPRC discussed strategies to further mitigate the building’s visual impact on Nelly Custis Park through additional stepbacks and a more generous green buffer. SPRC members representing Aurora Highlands Civic Association, the Calvary United Methodist Church, and the Church of Jesus Christ of Latter-day Saints expressed concerns about impacts to off-street and on-street parking for churchgoers since nearby churches currently utilize Melwood’s existing 46-space surface parking lot and Sunday-only parking on South Grant Street. The SPRC also encouraged the applicant to explore additional short-term parking spaces for deliveries and pick-up/drop-off, increasing tree canopy coverage, improving pedestrian safety at the loading dock driveway, and potential salvage and re-use of existing building materials on-site or off-site.

Aurora Highlands Civic Association: A representative from the Aurora Highlands Civic Association (AHCA) participated in the SPRC process. During the Online Engagement Opportunity, SPRC meetings, and in letters dated November 12, 2024, December 18, 2024, and January 4, 2025, the AHCA expressed opposition to the project as proposed. Overall, AHCA contends the proposed density and building form is inappropriate given the surrounding low-density residential neighborhood, and will overshadow Nelly Custis Park and generate noise and light pollution for park users and nearby residents. With respect to transportation, ACHA expressed concerns the proposal will negatively impact on-street parking availability and lead to increased traffic on local streets creating pedestrian safety concerns. In addition, AHCA opposes the lack of preservation of the Nelly Custis School building and conservation of existing mature trees in the northeast corner of the site given their significance to the community.

Staff response: The central issues raised by AHCA have been evaluated by staff and the applicant throughout the site plan’s public review process with feedback incorporated in revised application materials. Several of the concerns raised by AHCA were also similarly raised during the Melwood Special GLUP Study process, prior to the County Board’s acceptance of the document and recommendations resulting from that study. For additional background, the [May 2024 County Board report](#) for the acceptance of the

**Commented [sm89]:** This is the problem with this process– here we have a committee of people who will not be negatively impacted by the density deciding for and outnumbering others that are impacted by the density. This is not in keeping with the 2008 GLUP Policy which prioritized impacted neighborhood concerns. It is not in keeping with County policy to not intrude on single family neighborhoods with inappropriate density.

**Commented [sm90]:** “SPRC encouragement” is meaningless when the applicant has stated they are not going to do any of this.

**Commented [sm91]:** Typo. The AHCA representative conveyed the concerns of AHCA who voted nearly unanimously to oppose the proposal.

**Commented [sm92]:** This word was not used. The correct statement would be “be a nuisance with exhaust fumes, transformers, and party decks.”

**Commented [sm93]:** Building is being demolished. Height and density is the same. Etc etc. No material comments were incorporated.

Melwood Special GLUP Study document includes a review of AHCA and other community concerns raised at that time, and the corresponding staff responses.

During the review of the proposed site plan, staff have met with representatives of AHCA to review their suggested design alternatives that address their concerns related to minimizing the building visual impact on the park. The applicant has also met with representatives of AHCA and presented to the AHCA at three (3) community meetings during the public review process. In response to concerns raised by AHCA, the applicant has incorporated greater building setbacks and stepbacks facing Nelly Custis Park, expanded the landscaped screening and green buffer with the park, and will be maintaining the site as a public polling location. As an involved member of the SPRC and host civic association, AHCA was provided the opportunity to present their main concerns at an SPRC meeting, which was followed by broader SPRC discussion on these topics. Although staff acknowledges that the proposed redevelopment would replace the existing development with a larger and taller building on the Melwood site, staff finds the proposal is in general conformance with the Melwood Special GLUP Study document guidance to inform future development, as well as advances several key County goals and policies related to affordable and accessible housing, transportation, and sustainable design. As outlined in the Discussion section above, the proposed building height, setbacks, and stepbacks are responsive to the Melwood Special GLUP Study recommendations and the project includes a generous green buffer with Nelly Custis Park to ensure appropriate transitions. The proposal also includes expanded streetscapes, bus stop upgrades, and a historic interpretation of the existing building façade to evoke its original character. In addition to the staff analysis in the Discussion section above, below are additional staff considerations regarding impacts to on-street parking availability:

- **Parking:** The applicant is proposing a residential parking ratio of 0.7 spaces per unit, resulting in 74 residential parking spaces, plus 20 institutional use parking spaces, for a total of 94 parking spaces. As previously discussed, the proposed residential parking ratio would be mitigated by the implementation of TDM strategies and is consistent with MTP parking recommendations for affordable housing near transit. AHCA representatives expressed concerns that the proposed number of on-site parking spaces is inadequate and will lead to spillover parking by residents and visitors on adjacent public streets. There is [metered on-street public parking](#) available nearby to support non-residential uses on 23<sup>rd</sup> Street South, located on the north (opposite) side of the street and to the west of the site. In the vicinity of the site, on-street parking on neighborhood local streets is within Residential Permit Parking (RPP) Program zones 1, 1A, 1B, and 1C. These [RPP Program zones](#) restrict on-street parking to permit parking only from 8:00 a.m. to 5:00 p.m. Monday to Friday. Residents on blocks within a RPP Program zone are typically eligible for permit parking. However, residents that are part of site plans are ineligible to apply for RPP permit parking, though anyone may utilize these public spaces outside of these daytime restrictions.

In addition, AHCA expressed concerns regarding on-street parking impacts on neighborhood local streets resulting from the removal of the existing 46-space

**Commented [sm94]:** The Applicant did not incorporate any of AHCA's feedback for if it did, AHCA would have noted it.

**Commented [sm95]:** The Applicant moved the building and instead demolished the historic school. AHCA never suggested that. This is completely inaccurate and also, false. AHCA had a specific "Alternative Envelope" it voted on which is a SMALLER project which was ignored by the Applicant.

**Commented [sm96]:** Correction: the SPRC was conducted "round robin" and there was no "discussion" only noting comments this was acknowledged by cochair Berkey

**Commented [sm97]:** See all previous comments. Nothing about this proposal is appropriate.

**Commented [sm98]:** See previous comments and correspondence sent November 12, 2024. There is not enough parking being provided which will lead to overflow onto streets and not enough parking

**Commented [sm99]:** This is shared by the adjacent retail, offices and churches. Not available.

**Commented [sm100]:** Omitted: Here is the overflow problem. The applicant is not providing enough parking so visitors and residents will of course park overnight on existing sidestreets that already share parking with churches, the park, retail, etc. This recommendation is the result of prioritizing the desire of one landowner over the impacted community.

surface parking lot. Currently, Melwood informally allows congregation members of the neighboring Calvary United Methodist Church and the Church of Jesus Christ of Latter-day Saints to park in the existing surface lot on Sundays. However, since the proposed below-grade parking garage requires gate access and is comprised primarily of spaces for residents, from a security and logistical standpoint the proposal is no longer conducive to support parking for off-site users on Sundays. As a private property owner, the applicant is proposing a parking program that meets the needs of the proposed on-site uses. However, in the site's vicinity, there is free on-street public parking on 23<sup>rd</sup> Street South on Saturdays and Sundays, and additional parking resources in the area.

**Commented [sm101]:** Inaccurate. There is a contract.

**Commented [sm102]:** Omitted: what is the impact on the churches ability to operate without the required parking? Nothing will prevent overflow onto residential side streets. This recommendation is the result of prioritizing the desire of one landowner over the impacted community.

**Historical Affairs and Landmark Review Board (HALRB):** A representative from the HALRB participated in the SPRC process. The applicant provided an informational presentation to the HALRB at its January 15, 2025, meeting. The HALRB commented whether the building height along 23<sup>rd</sup> Street South can be lower than the maximum building height recommended by the Melwood Special GLUP Study, if there are opportunities to preserve the northeast building corner, and whether the scale of the interpreted façade could be taller to more closely replicate the existing building. The applicant responded that the 23<sup>rd</sup> Street South frontage includes setbacks and stepbacks as recommended by the Melwood Special GLUP Study, the location of the proposed below-grade parking garage prevents preservation of the northeast building corner in situ, and increasing the scale of the interpreted façade would create structural conflicts with the residential unit windows on the second floor. Members of the HALRB also expressed concerns about the absence of an LHD designation report of the former Nelly Custis School building's historical context at the January 15, 2025, meeting. Opportunity for public comment was provided, where a representative of AHCA expressed opposition to the project and raised issues with consideration of the proposed development prior to the conclusion of the LHD designation process. The AHCA also expressed opposition to the applicant's proposal to interpret the existing Nelly Custis School in conformance with the Melwood Special GLUP Study guidance for the site rather than through building preservation. As previously discussed in this report, the pending LHD nomination is being reviewed by the HALRB separately from this site plan. Finally, as noted earlier in the report, if the County Board approves the proposed site plan, according to the Code of Virginia, the County may not issue any building or demolition permit for the site until 30 days after the County Board's future action related to LHD nomination, should such an action come before the County Board based on a vote by HALRB supporting the nomination.

**Commented [sm103]:** Letter from HALRB 2/3/25. The process that includes demolition needs to stop until HALRB acts.

**Disability Advisory Commission (DAC):** A representative from the DAC participated in the SPRC process. The applicant provided an informational presentation to the DAC at its January 27, 2025, meeting. Members of the DAC were encouraged by the building's certification under the Kelsey Inclusive Design Standards and overall commitment to accessibility. The DAC commented whether the individual units and residential common areas include automatic doors and if the matching bus stop on the opposite side of 23<sup>rd</sup> Street South and South Grant Street will also be upgraded to be fully ADA-accessible. The applicant responded that while some units will have push button door openers pre-

**Commented [sm104]:** Omitted: the DAC's concern at the SPRC meeting that there is not enough parking for caretakers of residents and there is not enough handicapped and /or van parking. Omitted: the DAC concern at the SPRC meeting that there is no improvement planned for the westbound busstop.

installed, the intent is for all units to include power outlets to accommodate future installation by tenants. Meanwhile, entrances to residential common areas will include push button door openers at a minimum. In addition, since the matching bus stop across the street is located outside of the project's street frontage, ADA-accessible upgrades to the matching bus stop have not been proposed by the applicant.

Transportation Commission: A representative from the Transportation Commission participated in the SPRC process. The Transportation Commission will consider this project at its February 6, 2025, meeting.

Planning Commission: The Planning Commission will consider this project at its February 10, 2025, meeting.

Housing Commission: A representative from the Housing Commission participated in the SPRC process. The Housing Commission will consider this project at its February 13, 2025, meeting.

**CONCLUSION:** The subject GLUP amendment from "Public" to "Low-Medium" Residential, rezoning from "C-1" Local Commercial District and "R-6" One-Family Dwelling District to "RA8-18" Multiple-family Dwelling District, and new site plan are consistent with adopted County plans, including the County Board-accepted Melwood Special GLUP Study document, and applicable provisions of the ACZO. In replacing the site's existing conditions, the proposed site plan would further many County's goals and objectives by providing 105 CAFs at 30-80% AMI for 30 years within a building that includes inclusive and sustainable design elements, and components of interpretive preservation. In addition, the applicants will construct streetscape and transit infrastructure improvements on 23<sup>rd</sup> Street South and South Grant Street and provide space on-site for Melwood to continue to provide job training and support programs for people with disabilities. The applicants have been responsive to staff and community feedback during the review process, revising their plans to improve the overall site design, historic interpretation, and streetscapes elements of the proposal. However, the host civic association (Aurora Highlands) remains opposed to the project, and views the scale of the project as inappropriate for the site and its context. Whereas staff acknowledges these expressed concerns, overall, staff finds that the project, as has been revised through the public review process: a) is consistent with the Arlington County Comprehensive Plan and any applicable and relevant adopted or accepted County Board plans and policies, and with the uses permitted and use regulations of the district as set forth in the ACZO or as the same may be modified by the County Board as provided herein; b) functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and c) is so designed and located that the public health, safety and welfare will be promoted and protected. Therefore, staff recommends County Board approval of the GLUP amendment (GP-365-24-1), rezoning (REZN24-00002), and site plan (SPLN24-00002) to construct a 5-story mixed-use building with approximately 131,736 sf of residential GFA and 17,033 sf of institutional GFA, with modifications for additional density, reduced residential parking ratio, density exclusions, and other modifications necessary to achieve the proposed development, subject to the conditions of the attached ordinance.

**Commented [sm105]:** See previous comments.

**Commented [sm106]:** Excluding AHCA and the adjacent impacted neighbors.

**Commented [sm107]:** This report omits primary County Board plans and policies to come to an incorrect conclusion. Nothing about this project is appropriate for the location.

~~**RESOLUTION TO CHANGE THE LAND USE DESIGNATION FOR THE NORTHEAST PORTION OF THE BLOCK BOUNDED BY 23RD STREET SOUTH, SOUTH GRANT STREET, SOUTH HAYES STREET AND 24TH STREET SOUTH, TO INCLUDE PARCEL A (RPC #36-039-015) EXCLUDING PARCEL B (RPC #36-039-016), WHICH IS AND SHALL REMAIN ENVISIONED AS A PORTION OF NELLY CUSTIS PARK, FROM “PUBLIC” TO “LOW-MEDIUM” RESIDENTIAL.**~~

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:

- ~~Amend the General Land Use Plan map to change the land use designation for the northeast portion of the block bounded by 23<sup>rd</sup> Street South, South Grant Street, South Hayes Street and 24<sup>th</sup> Street South, to include Parcel A (RPC #36-039-015) excluding Parcel B (RPC #36-039-016) from “Public” to “Low-Medium” Residential as shown on the General Land Use Plan Amendment GP-365-24-1, 750 23<sup>rd</sup> Street South, dated January 2025 and attached to the County Board report for the February 22, 2025 meeting.~~

WHEREAS, the County staff has, pursuant to County policy, studied the area, and the County’s policies and goals that apply to this area; and

WHEREAS, the proposed General Land Use Plan amendment would be consistent with the County’s development and growth goals stated in the General Land Use Plan, would accomplish the harmonious development of the County or promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants as set forth in the General Land Use Plan Booklet; and be responsive to the following guiding principles:

- ~~Ensure building scale, massing and materials complement the surrounding area, including the adjacent Nelly Custis Park;~~
- ~~Provide for attractive and welcoming pedestrian-level conditions through landscaping, other biophilic design and underground parking;~~
- ~~Enhance access, connectivity, and safety for all modes of travel in and around the site;~~
- ~~Prioritize sustainability through compact building design that conserves on-site open space, and trees and stormwater mitigation measures that contribute to improving stormwater conveyance systems adjacent to and downstream of the site;~~
- ~~Prioritize affordable, accessible, equitable housing with redevelopment; and~~

WHEREAS, the County Board adopted the *750 23<sup>rd</sup> Street South (Melwood) Special General Land Use Plan Study Document* on May 21, 2024; and

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

~~WHEREAS, the County Board of Arlington County held a duly advertised public hearing on the proposed amendment to the GLUP on February 22, 2025.~~

~~NOW, THEREFORE, be it resolved that, based on the aforementioned considerations, deliberations and all public comments, the County Board of Arlington County finds that the aforementioned proposed amendment to the GLUP should be, and hereby is, approved.~~

DRAFT

**REZONING ORDINANCE (REZN24-00002)**

WHEREAS, the County Board of Arlington County (“County Board”) finds that 23<sup>rd</sup>-Redevelopment Owner LLC has requested a rezoning from “C-1” Local Commercial District and “R-6” One Family Dwelling District to “RA8-18” Multiple family Dwelling District for the property located 750 23<sup>rd</sup> Street South (RPC# 36-039-015) (“Property”); and

WHEREAS, the County Board finds that the rezoning to “RA8-18” Multiple family Dwelling District will be consistent with the General Land Use Plan designation for the Property; and

WHEREAS, the County Board finds that the rezoning to “RA8-18” Multiple family Dwelling District is supported by public necessity, convenience, general welfare, and good zoning practice; and

WHEREAS, the Planning Commission recommended the County Board                      the rezoning to “RA8-18” Multiple family Dwelling District at its meeting on February 10, 2025; and

WHEREAS, the County Manager recommends approval of the rezoning to “RA8-18” Multiple family Dwelling District; and

WHEREAS, the County Board of Arlington County held a duly advertised public hearing on the proposed rezoning on February 22, 2025.

NOW THEREFORE, BE IT ORDAINED that the Property located 750 23<sup>rd</sup> Street South (RPC# 36-039-015), shown on the Rezoning Exhibit (Sheet C-0303 of the 4.1 plans, entitled “Rezoning Plat”, prepared by Walter L. Phillips, Inc, dated January 10, 2025, attached to this Board Report prepared for the February 22, 2025, Arlington County Board meeting is hereby rezoned from “C-1” Local Commercial District and “R-6” One Family Dwelling District to “RA8-18” Multiple family Dwelling District.

**SITE PLAN ORDINANCE (SPLN24-00002) (SP #478)**

~~WHEREAS, an application for a Site Plan dated June 21, 2024, for SPLN24-00002 (SP #478), was filed with the Office of the Zoning Administrator; and~~

~~WHEREAS, the Planning Commission held a duly advertised public hearing on the Site Plan on February 10, 2025, and recommended that the County Board                      it; and~~

~~WHEREAS, as indicated in the Staff Report prepared for the February 22, 2025, County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan subject to conditions as set forth in the Staff Report; and~~

~~WHEREAS, the County Board held a duly advertised public hearing on that Site Plan on February 22, 2025, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan:~~

- ~~• Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
  - ~~○ Allow additional density above 36 dwelling units per acre (ACZO §6.3, §12.3.7, and §15.5.9);~~
  - ~~○ Reduce the residential parking ratio to a minimum of 0.7 spaces per dwelling unit (ACZO §14.3.7.A);~~
  - ~~○ Exclude 2,376 sf of gross floor area dedicated to below grade mechanical space and above grade vertical shafts; and~~
  - ~~○ Other modifications necessary to achieve the proposed development project.~~~~
- ~~• Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and~~
- ~~• Is so designed and located that the public health, safety and welfare will be promoted and protected.~~

~~NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated June 21, 2024, for SPLN24-00002 (SP #478), and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 below and dated January 10, 2025, (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan to construct a 5-story mixed-use building with approximately 131,736 square feet (sf) of residential gross~~

floor area (GFA) and 17,033 sf of institutional GFA, with modifications of zoning ordinance requirements described above, for the parcel of real property known as RPC# 36 039 015 located at 750 23<sup>rd</sup> Street South, approval is granted and the parcels so described shall be used according to the conditions of this Site Plan Ordinance provided below.

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

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

**1. Overall Compliance Requirements**

The Developer agrees that nothing in these conditions relieves the Developer from complying with all Federal, State and/or local laws and regulations. The Developer agrees that these conditions are valid for the life of the Site Plan. The Developer also agrees that no changes to the approved post 4.1 plans (referred to in Condition #3) shall be made in the field. The Developer agrees to obtain the Zoning Administrator's review and approval of all post 4.1 plan changes, who will determine whether the changes are acceptable, need an administrative change, or require site plan amendment approval. Unless otherwise stated in the conditions below, all required submissions shall be filed through the PermitArlington (or any successor) system, or by electronic submission with the Zoning Administrator.

**2. Site Plan Compliance and Expiration**

**A. Compliance (Life of the Site Plan)** The Developer agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1, and the revised plans dated January 10, 2025 and reviewed and approved by the County Board as part of the Site Plan approval (as used in these conditions, the term "Site Plan" shall refer to the approved special exception SP #478) and made a part of the public record on February 22, 2025, including all renderings, drawings, and presentation boards presented during public hearings, together with any modifications proposed by the Developer and accepted by the County Board or vice versa, except as specified in the conditions below.

~~B. **Expiration (Footing to Grade Permit)** If a Footing to Grade Permit, has not been issued for the first building to be constructed pursuant to the approved Site Plan, then this Site Plan approval expires on February 29, 2028, unless otherwise extended by the County Board. Extension of this approval shall be at the sole discretion of the County Board. The Developer agrees that this discretion shall include a review of this Site Plan and its conditions for their compliance with then current County policies for land use, zoning and special exception uses. Extension of the Site Plan is subject to, among other things, inclusion of amended or additional Site Plan conditions necessary to bring the plan into compliance with then current County policies and standards together with any modifications proposed by the owner and accepted by the County Board or vice versa.~~

~~C. The Zoning Administrator is authorized to administer and interpret the conditions of this Site Plan in the same manner as she administers and interprets the Arlington County Zoning Ordinance, but in no event shall such administration and interpretation allow the Zoning Administrator to alter, amend, waive, delete, or add any condition(s) to this Site Plan, except to the extent allowed under Section 15.5.3.C (“Administrative Change”) of the Arlington County Zoning Ordinance, as amended, or as provided for in the specific conditions of this Site Plan. The Zoning Administrator is authorized to enforce violations of the conditions of this Site Plan in the same manner as violations of the Arlington County Zoning Ordinance.~~

~~3. **Post County Board 4.1 Filing (Demolition and Land Disturbing Activity Permits)**~~

~~A. The Developer agrees to submit Site Plan drawings and the Site Plan Specification Form called for in Administrative Regulation 4.1 within 90 days of the County Board approval, and before issuance of the Land Disturbing Activity Permit or Demolition Permit. The Developer also agrees to submit, color images of all renderings and photos of presentation boards, and PowerPoint presentations shown to the County Board, including any changes made during the County Board meeting, of the approved 4.1 plans. The submittal shall comply with the final approval of the County Board and with Administrative Regulation 4.1. No permits shall be issued for this Site Plan until the post County Board 4.1 filings have been approved by the County Manager or his/her/their designee.~~

~~B. The Developer agrees to submit to the Planning Division, digital files by way of an electronic submission, copies of the approved Post County Board 4.1 drawings and color images of all renderings in the following formats: JPEG, PDF, DWF, and DXF.~~

~~4. **Site Plan Conditions Review Meeting (Demolition and Land Disturbing Activity Permits)**~~

~~The Developer agrees to request and attend, along with its construction team, a Site Plan Conditions Review Meeting coordinated by the Zoning Office prior to the issuance of any permits for the Site Plan. The meeting is intended to inform the Developer of the following: 1) requirements of each of the Site Plan conditions that apply to the approved Site Plan; 2) the general process and contacts for obtaining permits, including plan review~~

and approval and overview of associated Site Plan compliance requirements; and 3) the potential need to attend additional pre permit and pre construction meetings coordinated by the Inspection Services Division (ISD) and the Department of Environmental Services (DES).

**5. ~~Multi-Building Phasing Plan (Demolition and Land Disturbing Activity Permits)~~**

~~The developer agrees that improvements shown on the Civil Engineering Plan and Final Landscape Plan (“Improvements”) shall be provided and operational prior to any tenant occupancy of site plan buildings, unless otherwise stated in these conditions. For purposes of this condition, one stick of townhouses is the equivalent of one building. Prior to the issuance of any Demolition or Land Disturbing Activity Permits, for site plans having more than one building, the developer may submit a phasing plan (“Phasing Plan”) to the County Manager, for his review and approval, that permits phasing of construction of Improvements reasonably associated with one or more buildings (for example streetscape along the frontages of each building and landscape surrounding each building) in separate phases (“Phases”). The developer agrees that the County Manager will require certain Improvements to be constructed in certain phases in order to support the associated buildings and provide or maintain, during construction and between phases, good design and proper functioning of infrastructure (for example water and sewer, streetlight, or stormwater management facilities). The developer further agrees that no Phase of such Phasing Plan may consist of Improvements without an associated building. The developer agrees that installation and construction of such Improvements, and satisfaction of all requirements concerning property vacations and encroachments, in each associated Phase, shall be: a) constructed consistent with the approved Phasing Plan; and b) be completed per the timing for the applicable Phase pursuant to the applicable condition. The developer agrees to obtain approval from the County Manager or his/her/their designee for any revisions to the approved Phasing Plan prior to the issuance of any subsequent permits for the project.~~

**6. ~~Vacations and Encroachments (Demolition and Land Disturbing Activity Permits)~~**

**~~A. Approval of Ordinance (Demolition and Land Disturbing Activity Permits)~~** ~~The Developer agrees to obtain approval of, and fulfill all required conditions of, all ordinances of vacation and/or ordinances of encroachment associated with and/or required to build the site plan project, or any portion thereof, as shown on the plans referenced in Condition #2, prior to the issuance of Demolition and Land Disturbing Activity Permits, with the exception of demolition or Land Disturbing Activity Permits solely for buildings and structures not owned by the County and not located on property within which the County has an interest.~~

**~~B. Obtain Ordinance (Excavation, Sheet piling and Shoring Permit)~~** ~~Further, the Developer agrees that, in addition to vacations and encroachments shown on the plans referenced in Condition #2, no building, structure or utility of any type shall encroach upon, or interfere with, the use of any County property or the exercise by the County of any property right or interest, unless the Developer has first, before any Excavation, Sheet piling and Shoring Permit is issued:~~

a) Obtained an ordinance of vacation or an ordinance of encroachment, enacted by the County Board, permitting such use, encroachment or interference; and,

b) Met all of the conditions of such ordinance(s).

For any encroachments, including but not limited to utility vaults, within a new easement area required to be conveyed pursuant to Condition #23, the Developer shall apply for and obtain approval of an ordinance of encroachment prior to the issuance of the First Certificate of Occupancy for Tenant Occupancy.

~~C. Phasing of Vacation(s) and/or Encroachment(s).~~ Completion of the requirements and conditions of Vacation and/or Encroachment Ordinance(s) associated with and/or required to build the site plan project may be phased pursuant to a Phasing Plan approved per Condition #5, provided that:

i. ~~Density from the vacated area is not required to support the density approved by the site plan;~~

ii. ~~Each pertinent phase is limited to construction of a separate structure or facility located on a discrete physical area of the site plan property for which separate building permits can be issued; and~~

iii. ~~The County Board has enacted separate Ordinance(s) of Vacation and/or Encroachment applicable solely to such approved phase; and~~

a. ~~Each such Ordinance has its own separate conditions, including any designated compensation; and~~

b. ~~The conditions of each such Ordinance can be satisfied without negatively affecting the existing utilities or public infrastructure serving the site plan property or any surrounding properties.~~

Any phased completion of the requirements of a Vacation and/or Encroachment Ordinance shall not affect or change the timing of completion of all conditions set forth in the Ordinance, or the timing of completion of all conditions set forth in any other Vacation and/or Encroachment Ordinance required to build the site plan project.

#### ~~7. Tree Conservation and Replacement (Demolition and Land Disturbing Activity Permits)~~

~~A. (Demolition and Land Disturbing Activity Permits) The Developer agrees to do the following prior to the issuance of the Demolition and Land Disturbing Activity Permits, as part of the Civil Engineering Plan:~~

1) ~~Tree Survey.~~ Complete a tree survey which meets the standards set forth below in subparagraph C, and consistent with the Chesapeake Bay Preservation Ordinance (County Code 61).

2) ~~Tree Protection Plan.~~ Submit to and obtain the County Manager's review and approval of a tree protection plan for those trees identified on the tree protection plan to be saved according to the standards set forth below in paragraph C, and consistent with the Chesapeake Bay Preservation Ordinance (County Code 61).

3) ~~Bond Estimate.~~ Upon approval of the tree protection plan, the Developer agrees to submit to and obtain the Department of Parks and Recreation's (DPR) Urban

Forester review and approval of, a bond estimate for the trees to be saved based upon Arlington County's Tree Replacement Formula or an amount approved by the County Manager. The Developer agrees to protect all trees designated to be saved on the tree protection plan, and those specified to be saved by the approved Site Plan and shown on any filing in connection with this Site Plan.

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

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

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

**~~C. Submission of Tree Replacement Plan and Calculations (Land Disturbing Activity Permit)~~**

- 1) In addition to conserving identified trees, the Developer also agrees to replace all trees shown on the Tree Survey that are removed as a result of the new construction. Such replacement shall be completed in accordance with the Arlington County Tree Replacement Guidelines. The Developer agrees to submit a Tree Replacement Plan, and Tree Replacement Calculations, as part of the Final Landscape Plan per Condition #21.
- 2) **~~Approval of Tree Replacement Plan and Calculations, and Tree Canopy Fund Donation (Final Building Permit)~~** The Developer agrees that any replacement trees that cannot be accommodated on site shall be provided in a monetary amount to the Tree Canopy Fund prior to the issuance of the Final Building Permit. The Developer agrees to make a contribution to the County's Tree Canopy Fund of at least \$2,400.00 per tree, or a greater amount specified by the County Board, for every tree that cannot be planted on site. The contribution shall be required when tree planting requirements cannot be met on the property.

If the Developer fulfills the requirements through a monetary contribution, the Developer shall make the check payable to the Arlington County Treasurer, and deliver the check to the Arlington County Urban Forest Manager, accompanied with a letter outlining the tree replacement calculations and referencing the project / site plan number. The Developer shall also provide evidence of compliance with this condition to the Zoning Administrator in the form of a letter at the time of payment.

**D. Tree Protection and Tree Protection Plan Standards**

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

**8. ~~Construction Trailers Located in Whole or In Part on Private Property within the Site Plan Site Area (Demolition and Land Disturbing Activity Permits)~~**

~~The Developer agrees, if there are to be construction trailers located on private property either in whole or in part, to submit and obtain the approval of the Zoning Administrator of a construction trailer plan, which shall show the location of construction trailers, prior to the issuance of the Demolition and Land Disturbing Activity Permits, and prior to locating any trailers on the site, for each applicable phase of the project consistent with the provisions of Condition #5. Construction trailers may not be located above public utilities, within public easements for said utilities or within 10 feet of each actual utility when easements do not provide such minimum clearances, unless otherwise approved by the County Manager or his/her/their designee as providing sufficient protection for structural and maintenance purposes. The plan may show construction trailers located within the setback area as long as they are not located in the vision obstruction area or tree protection area. If all construction trailers for the project are shown on the Tree Protection Plan (Condition #7.A), then that Plan can be used to satisfy this condition's~~

submittal requirements, provided it has been reviewed and approved as set forth herein. Construction trailers and field offices may be permitted above the covered walk structure, subject to review, approval, and permitting through Inspection Services Division.

**9. ~~Photographic Record of Development (Demolition and Land Disturbing Activity Permits)~~**

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

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

- ~~1) (Demolition and Land Disturbing Activity Permits) Before issuance of the Demolition and Land Disturbing Activity Permits for the site—Views of north, south, east and west facades, as location permits, of buildings to be demolished, as well as at least one photo of the site before any clearing or grading including the existing physical relationship with adjacent buildings and streets. The photographic record shall also include all historic aspects of the facades of the building to be demolished, consistent with the requirements described in Condition #33 below.~~
- ~~2) (Prior to Commencement of Construction Beyond Excavation Footing to Grade Permit) Before commencement of construction beyond excavation issuance of the Footing to Grade Permit—Photos of Site Clearance: Views of cleared site facing north, south, east and west, as location permits, with adjacent buildings and streets included.~~
- ~~3) (Shell and Core Certificate of Occupancy) Before issuance of the Shell and Core Certificate of Occupancy—Photos of Construction Phase: At a minimum, views of the site during excavation, upon construction of the first floor above grade, at topping out, and during the exterior cladding phase.~~
- ~~4) (Master Certificate of Occupancy) Before issuance of the Master Certificate of Occupancy—Photos of Site Completion: north, south, east and west facades of completed building or buildings, as well as at least one view of completed project in context of adjacent buildings and streets.~~

**~~B. Photographic Record of Development Submittal Standards~~**

All photographic records shall be submitted as high resolution photographs in a digital format via an electronic submission as approved by the Zoning Administrator and must be date stamped.

**10. Construction Related Measures (Demolition and Land Disturbing Activity Permits)**

**A. Maintenance of Traffic Plans**

- 1) ~~All Maintenance of Traffic Plans (MOT) for this site plan shall include the hours permitted for construction activities in the public right of way. Construction activity within the public right of way may occur between 9:00 a.m. and 3:30 p.m., Monday through Friday and/or between 10:00 a.m. and 6:00 p.m. on weekends and holidays. Construction activity within the public right of way shall not occur between 6:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:30 p.m., Monday through Friday. The foregoing construction hours may be modified by the County Manager if he/she/they find that, 1) for right of way improvements required by the site plan, construction activity must be conducted outside the hours stated above in order to avoid disruption of traffic or other transportation systems; or 2) the construction activity requires certain utility work and/or street closures outside the hours stated above. "Holidays" are defined as New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day. The Developer agrees to place a minimum of one sign per street front around the site indicating the permissible hours of construction within the right of way, to provide a written copy of such hours of construction to all subcontractors, and to require its subcontractors to observe such hours.~~
- 2) ~~The Developer agrees to maintain a 5-foot minimum clear width pedestrian access along 23<sup>rd</sup> Street South and South Grant Street adjacent to the site throughout construction. However, if the Developer is unable to maintain a 5-foot minimum clear width pedestrian access adjacent to the site, an alternative pedestrian access route may be approved with the Maintenance of Traffic Plan review process. The alternative pedestrian access route will be reviewed to balance: a) safety; b) use of the public sidewalk/right of way for construction activities; and c) operation of the transportation network in a safe, efficient, and accessible manner. Exceptions may be made during an emergency as defined in condition #13.C, when the County Manager or his/her/their designee has determined that pedestrian access adjacent to the site should be limited for safety reasons, and/or for such limited periods as are unavoidable for utility upgrades or construction of the sidewalk along 23<sup>rd</sup> Street South and South Grant Street.~~
- 3) ~~The Developer agrees to: a) submit documentation to the Zoning Administrator that the Developer has provided each approved Construction Hauling Route Plan to the Aurora Highlands Civic Association and to the Arlington County Police Department. Plans or maps shall also be posted in the construction trailer and given to each subcontractor and construction vehicle operator before they commence work on the project.~~

~~**B. On-Site Construction Activity Hours (Demolition and Land Disturbing Activity Permits to Throughout Construction of the Site Plan)** On-site construction activity, including, by way of illustration and not limitation, delivery of materials and equipment, except for construction worker arrival to the construction site and indoor construction activity, shall commence no earlier than 7:00 a.m. and end by 9:00 p.m. on weekdays, and shall commence no earlier than 9:00 a.m. and end by 9:00 p.m. on weekends and holidays. Indoor construction activity defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors shall end at midnight each day. The Developer may submit to the Zoning Administrator, through the 4.1 administrative change process, a request to permit on-site construction activity during hours other than those identified above. The Zoning Administrator may approve such request only if the Developer can show that the on-site construction activity requires certain utility work and/or street closures outside the hours stated above. "Holidays" are defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, and Christmas Day. The Developer agrees to place a minimum of one sign per street front around the construction site, indicating the permissible hours of on-site construction, to place one additional sign within the construction trailer containing the same information, to provide a written copy of the permissible hours of on-site construction to all subcontractors, and to require its subcontractors to observe such hours.~~

~~**C. Maintenance of Street Surfaces.** The Developer agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period. Whenever a significant portion of an adjacent road surface is disturbed for reasons relating to the construction, including utility work, the Developer agrees to repair promptly the disturbed portion(s) of pavement with hot patching to return the road surface to a clean, smooth condition. The Developer agrees to ensure that the road surface is promptly repaired regardless of whether the excavation work or other damage to the road surface was done by the Developer, the Developer's contractors, or private utility companies for work associated with this Site Plan. The Developer agrees to make reasonable efforts to schedule construction work so that digging in the street surfaces will not occur during the winter months. The term "significant portion of a road" is understood to include, but not be limited to, a cut in the road surface that exceeds 10 feet in length or 100 square feet in size. This condition is in addition to any other conditions in this Site Plan and any County requirements relating to reconstruction and repaving of streets at the completion of construction. All temporary street patching shall be performed per Arlington County Construction Standards and Specifications~~

~~**D. Temporary Lighting Plan.** During construction the Developer agrees to provide adequate temporary lighting for roadway users, including pedestrian and vehicular traffic, along all frontages of the site, including the interiors of covered pedestrian walkways. Lighting levels shall conform to minimum luminance levels approved by the County, based on the Arlington County Lighting Specifications. The Developer agrees to submit and obtain approval of, a temporary lighting plan prior to issuance of~~

~~the Demolition and Land Disturbing Activity Permits. Lighting shall be turned on between dusk and dawn 7 days a week. Any high intensity overhead lighting, such as lighting placed on construction cranes, shall be used only during construction hours (except lower levels after hours for safety and security reasons), and shall be placed so as not to directly illuminate residential dwellings or be a nuisance to neighboring property owners. The approved temporary lighting plan shall be implemented prior to issuance of the Excavation Sheeting and Shoring Permit and prior to the shut down or removal of any existing lighting and operated from implementation until lighting fixtures as approved in Condition #19 are in place and operational around the perimeter of the site.~~

~~**E. Off Street Parking for Construction Workers (Demolition and Land Disturbing Activity Permits).** The Developer agrees to develop and submit to the Zoning Administrator a plan for off street parking for construction workers prior to the issuance of the Demolition and Land Disturbing Activity Permits. The Developer agrees to obtain the review and approval by the Zoning Administrator of such plan prior to the issuance of the Excavation, Sheeting and Shoring Permit. The Developer agrees that the plan shall provide for off street parking and shall be provided for all construction workers, including sub-contractors, without charge to the workers. In lieu of providing parking, the Developer may provide a subsidy for the construction workers in order that they may use Metro or another form of public transportation, provide a van for van pooling, or use another established method of transportation to provide for construction workers to arrive at the site. The Developer agrees to implement the approved plan throughout all phases of construction on the project. If the plan is found to be either not implemented or violated during the course of construction, a notice to correct the violation will be issued to the Developer. If the violation is not corrected within ten (10) days, appropriate enforcement actions will be taken in accordance with Article 17 of the Zoning Ordinance. The Developer agrees that the plan shall include the following:~~

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

~~6) The contact person responsible for communicating parking and transportation options to workers.~~

~~11. Residential Relocation (Demolition and Land Disturbing Activity Permits)  
Intentionally omitted.~~

~~12. Retail Relocation (Demolition and Land Disturbing Activity Permits)  
Intentionally omitted.~~

~~13. Community Outreach During Construction (Demolition and Land Disturbing Activity Permits)~~

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

~~A. Community Liaison. The Developer agrees to identify a person(s) who will serve as liaison to the community throughout the duration of construction. This individual shall be on the construction site or readily accessible throughout the hours of construction, including weekends. The name, e-mail address and telephone number of the individual(s) shall be provided in writing to residents, property managers and business owners whose property abuts the site (including the Aurora Highlands Civic Association), and to the Zoning Administrator, and shall be posted at the entrance of the project.~~

~~B. Community Meeting. Before commencing any clearing or grading of the site, the Developer agrees to hold a community meeting with those whose property abuts the project to review the Construction Hauling Route Plan, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, temporary lighting plan, and hours and overall schedule for construction. The Zoning Administrator and the Arlington County Police representative shall be notified in advance of the meeting date once the community meeting dates/times are established. The Developer agrees to provide documentation to the Zoning Administrator of the date, location and attendance of the meeting.~~

~~C. Temporary Closures of Any Traffic Lanes (Demolition and Land Disturbing Activity Permits—7 days in advance of street closures) The Developer agrees to notify the appropriate civic associations and all abutting property owners in writing (or, by mutual agreement, e-mail) at least seven calendar days in advance of any street closure, except in the case of an emergency, of more than one hour duration on any street. "Emergency" street closures may include, but not be limited to, those relating to rupture or potential rupture of a water or gas main, unsecured building façade, or similar unforeseeable public danger. "Emergency" street closures shall not include closures for setting up or dismantling of a crane, exterior building construction, materials deliveries, utilities work, or similar situations.~~

~~D. Throughout construction of the project, the Developer agrees to advise abutting property owners in writing (or, by mutual agreement, email) of the general timing of utility work in abutting streets or on site that may affect their services or access to their property.~~

**14. ~~Construction Site Maintenance Requirements (Demolition and Land Disturbing Activity Permits to Throughout Construction of the Site Plan)~~**

~~A. The Developer agrees to the following site maintenance requirements during construction of the site plan:~~

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

**~~B. Storage of Construction Materials (Throughout Construction of the Site Plan)~~**

~~The Developer agrees that storage of construction materials, equipment and vehicles shall occur only on the site, unless otherwise approved by the County Board at an off-site location.~~

**15. ~~Historic Sites (Demolition and Land Disturbing Activity Permits)~~**

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

~~A. Develop, submit, and obtain review and approval by the County Manager or his/her/their designee of a plan for the salvage and re-use or recycling of building~~

elements and materials from the existing building(s) proposed to be demolished, prior to the issuance of the Land Disturbance or Demolition Permits.

~~B. Implement such plan throughout the respective phases of construction.~~

~~C. Contact by written notice and permit the staff of the Historic Preservation Program to inspect the property and the existing building(s) to identify those historic building elements and materials to be salvaged and/or re-used. Provisions for such salvage and/or re-use shall be incorporated into the plan.~~

~~D. Contact local firms/organizations that may be interested in removing these materials without expense to the Developer prior to demolition of the buildings, and submit evidence of compliance with the terms of this condition to the County's Historic Preservation Program staff before any demolition is initiated. If, as a result of the Developer's efforts, there is little or no interest by local firms/organizations to remove these materials, then the Developer agrees to pay for a recycling contractor or other licensed contractor to have the identified building elements and materials that are marked for salvage and/or re-use to be removed from the building and the site.~~

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

~~E. **Historic Marker (First Certificate of Occupancy for Tenant Occupancy)**  
Prior to issuance of the First Certificate of Occupancy for Tenant Occupancy, the Developer agrees to collaborate with the County's Historic Preservation Program staff and to obtain approval from the Historical Affairs and Landmark Review Board (HALRB) on all the content (text and images), overall design, and location of a historic marker, at a cost not to exceed \$25,000, with the final content and siting shown on the Final Landscape Plan. The historic marker shall be funded and installed by the Developer in a publicly accessible location and have content describing the history of the site and the historical and architectural significance of the former Nelly Custis School building.~~

~~16. **Green Building Fund Contribution (Demolition and Land Disturbing Activity Permits)**  
Intentionally omitted.~~

~~17. **Public Art (Demolition and Land Disturbing Activity Permits)**  
The Developer agrees to either commission public art or provide a public art fund contribution as set forth below.~~

~~A. **Commissioning Public Art (Demolition and Land Disturbing Activity Permits) - Commission Professional Artist.** The Developer agrees to follow the *Public Art Program Guidelines for Site Plan/Developer Projects* for commissioning art on site.~~

~~The Developer agrees to commission a professional artist to create public art for a minimum cost of \$75,000, inclusive of artist fees, artist travel/expenses, fabrication, transportation, and installation, but exclusive of art consultant fees, fees for coordinating with artist or with other design professionals on the project (architect, landscape architect, engineer, etc.), and other in-house costs or fees. If the commission is made more than 12 months after Site Plan approval, the minimum cost will be increased by the same percentage as the percentage change in the Consumer Price Index (CPI-U) from the date of initial County Board approval of the Site Plan to the first day of the month on which the contribution is made. The public art shall support the themes and priorities discussed in the Public Art Master Plan (adopted November 2021) and the goals of the Public Art Policy (adopted September 2000). The developer retains ownership of the work of art and is responsible for its maintenance in perpetuity. The developer agrees that the artwork cannot be relocated or removed without approval by the County Manager. Should the owner desire to permanently remove the artwork from the site, the removal must go through a formal de-accessioning process, per the *Public Art Program Guidelines*, as may be amended from time to time. Should an artwork be permanently removed from the site, it should be replaced by (a) a new artwork of equivalent or greater cost increased by the same percentage as the percentage change in the CPI-U since issuance of the Partial Certificate of occupancy for any part of the top floor of the building, and, approved through the standard approval process for site plan negotiated on site public art projects, or; (b) a contribution to the Public Art Fund of \$75,000 or the original required contribution amount in Condition #17.B., increased by the same percentage as the percentage change in the CPI-U since issuance of the Partial Certificate of occupancy for any part of the top floor of the building.~~

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

- ~~1) **Artist Approval (Demolition and Land Disturbing Activity Permits)** The Developer agrees to obtain approval of its choice of artist from the Arlington Commission for the Arts/Public Art Committee (ACA/PAC) prior to issuance of the Demolition and Land Disturbing Activity Permits.~~
- ~~2) **Art Proposal Approval (Excavation, Sheet piling and Shoring)** The Developer agrees to obtain approval of the art proposal from the ACA/PAC prior to issuance of the Excavation, Sheet piling and Shoring Permit.~~
- ~~3) **Re-submit Art Proposal if necessary (Footings to Grade)** The Developer agrees to resubmit to the County Manager or his/her/their designee if necessary, the art proposal, which shall reflect any revisions made in response to recommendations made by ACA/PAC, prior to issuance of the Footings to Grade Permit.~~
- ~~4) **Installation (Partial Certificate of Occupancy for top floor of building)** The Developer agrees that installation of the public art shall be completed prior to the~~

issuance of the Partial Certificate of Occupancy that permits occupancy of any part of the top floor of the building.

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

**B. Public Art Fund Contribution (Final Building Permit)**

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

**Commented [sm108]:** Why is the public art being installed in Crystal City?

**18. National Green Building Standard LEED Credits and Sustainable Design Elements (Demolition and Land Disturbing Activity Permits)**

The Developer agrees to obtain the ICC 700 2020 National Green Building Standard Silver Certification per Virginia Housing requirements LEED credits and implement sustainable design elements as described and required below:

**A. For Development without Bonus Density:**

1) **National Green Building Standard LEED Certification.** The Developer agrees to include a National Green Building Standard (NGBS) Green Verifier LEED<sup>®</sup>-Accredited Professional (LEED AP) as a member of the design and construction team. The team will incorporate sustainable design elements and innovative technologies into the project so that numerous project components will earn the Developer points under the ICC 700 2020 NGBS U.S. Green Building Council's LEED green building rating system. Specifically, the Developer agrees to meet the requirements for all NGBS Mandatory Items LEED Prerequisites and achieve at least the number of NGBS points LEED credits necessary to achieve NGBS LEED certification at the Silver level using the ICC 700 2020 NGBS LEED version 4 or 4.1 green building rating system or a more recent version as approved by the County Manager. As part of the LEED Silver certification, ~~The Developer agrees to achieve the following:~~

The project will be designed to meet minimum energy optimization performance as follows

- ~~At least 50 performance points under the ICC 700-2020 NGBS 702 Performance Path. Neither the Prescriptive Path nor the Energy Rating Index (ERI) Target Path should be used for compliance.~~
- ~~At least 10% performance improvement for LEED version 4.1 EA credit Optimize Energy Performance~~
- ~~At least 20% performance improvement for LEED version 4 EA credit Optimize Energy Performance/Annual Energy Use~~
- ~~HERS index of 65 or lower if pursuing LEED version 4.1 Multifamily EA credit Optimize Energy Performance Option 3 HERS index rating~~
- ~~HERS index of 65 or lower if pursuing Earthcraft Multifamily certification~~

The Developer also agrees to submit all appropriate documentation to the ~~Home Innovation Research Lab USGBC~~ (or their designee) for review and evaluation for ~~NGBS LEED certification.~~

- a. ~~(Shell & Core Certificate of Occupancy) The Developer agrees that for residential/hotel development:~~
- (1) ~~**ENERGY STAR appliances.** All of the following types of appliances, fixtures, and/or building components initially installed in residential/hotel units in the project shall have earned the U.S. EPA's ENERGY STAR label (or an equivalent as approved by the County Manager): clothes washers, clothes dryers, dishwashers, refrigerators, and ceiling fans. At least 90% of the light fixtures in residential/hotel units will be LED or ENERGY STAR-labeled. The Developer shall submit to the County Manager or his/her/their designee documentation sufficient to confirm that such components are ENERGY STAR qualified (or equivalent as approved by the County Manager) prior to issuance of the Shell and Core Certificate of Occupancy.~~
  - (2) ~~**WaterSense fixtures.** All the following fixtures initially installed in residential/hotel units in the project shall have earned the U.S. EPA's WaterSense label (or equivalent as approved by the County Manager): toilets, showerheads, and bathroom sink faucets. The Developer agrees to submit to the County Manager or his/her/their designee documentation sufficient to confirm that such components are WaterSense qualified (or equivalent as approved by the County Manager) prior to issuance of the Shell and Core Certificate of Occupancy.~~

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

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

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

~~D. **NGBS Green Verifier LEED AP Verification (Partial Certificate of Occupancy for space on last floor)** The Developer agrees to provide a verification letter by a NGBS Green Verifier LEED AP prior to issuance of the Partial Certificate of Occupancy for any space on the last floor of space for which a Certificate of Occupancy is issued. The verification shall state that all the prerequisites and the minimum number of NGBS points LEED credits, as set forth above in the reporting mechanisms, have been incorporated into the building for which the Certificate of Occupancy permit has been issued, and that, in the professional's opinion, the project will qualify for at least a ICC 700 2020 NGBS LEED version 4 or 4.1 Silver Certification or a more recent version as approved by the County Manager.~~

~~E. **Bond or Letter of Credit (Partial Certificate of Occupancy for space on last floor)** The Developer agrees to provide to the County financial security (in the form of a bond or letter of credit or other form approved by the County Attorney) in the amount of \$148,769 [(\$1 per s.f.) x (148,769 s.f. building GFA)] prior to the issuance of the Partial Certificate of Occupancy for any space on the last floor of space for which a Certificate of Occupancy is issued guaranteeing that, within twenty four (24) months from the date of the issuance of the Partial Certificate of Occupancy for any space on the last floor of space for which a Certificate of Occupancy is issued, the Developer will have received from the Home Innovation Research Lab U.S. Green Building Council its NGBS LEED Silver certification. If the total number of NGBS LEED points earned by that date through certification is less than the number of points required to achieve the agreed upon NGBS LEED certification level, or if the Developer misses any "Arlington Priority" credits listed above, the Developer shall automatically forfeit a 100 percent (100%) percentage of the financial security, as follows:~~

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

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

- ~~2) **Energy Reporting (March 31<sup>st</sup> of year after issuance of Partial Certificate of Occupancy of last floor)** The Developer agrees to provide a complete ENERGY STAR Portfolio Manager report (or equivalent as approved by the County Manager), as outlined in County guidelines entitled "Submission Requirements for Development with Portfolio Manager Conditions," for the project each year for a period of ten (10) years. The first report shall be due on or before March 31 of the year following issuance of the Partial Certificate of Occupancy of the last floor of space. The Developer agrees to install energy monitoring equipment capable of tracking whole building energy use data.~~
- ~~3) All sustainable design elements and innovative technologies incorporated into the project for which the Developer earned points under the ICC 700 2020 NGBS U.S. Green Building Council's LEED green building rating system shall remain as part of the Site Plan for the life of the Site Plan. No part of the NGBS LEED related building elements for which NGBS LEED points were earned may be eliminated from the building unless the Developer obtains administrative change approval for such elimination. The Zoning Administrator may approve such change if the Zoning Administrator finds that the NGBS LEED points associated with the change are equivalent to or greater than the points for the eliminated elements.~~
- ~~4) The Developer agrees that the NGBS LEED points referenced in this condition refer to the ICC 700 2020 NGBS LEED version 4 or 4.1 rating system. If the Developer requests to use an updated version of NGBS LEED, then any point valuations incorporated into future updates to the ICC 700 2020 NGBS LEED Green Building Rating System must be equal to or exceed the requirements outlined in the ICC 700 2020 NGBS LEED version 4 or 4.1.~~

~~**B. For Townhouse Development or Single Family Dwellings: Green Home Choice (Final Building Permit)**  
Intentionally omitted.~~

~~**C. For Development with Additional Density for LEED Design and Construction and Energy Star Post Occupancy Building Certification**  
Intentionally omitted.~~

**19. Civil Engineering Plan (Land Disturbing Activity Permits)**

**A. Submission and Approval (Land Disturbing Activity Permits)**

**1) Submission (Land Disturbing Activity Permits)** The Developer agrees to submit a complete set, as determined by the Department of Environmental Services, of a Civil Engineering Plan for each applicable phase of the project consistent with the approved Phasing Plan for the development, pursuant to Condition #5 above, based on the Minimum Acceptance Criteria and Guidelines dated December 17, 2020 or subsequent amended acceptance criteria document, prior to the issuance of the Land Disturbing Activity Permit for that phase.

**2) (Excavation, Sheet piling and Shoring Permit)** The Developer agrees that in the event it seeks an Excavation Sheet piling and Shoring Permit prior to approval of the Civil Engineering Plan, such permit may only be issued if the following requirement has been met for the applicable phase pursuant to Condition #5:

**a. Finding of no substantial risk to County.** A minimum of one complete County staff review of the Civil Engineering Plan has been completed that results in a finding by the County Manager or his/her/their designee that the limits and method of Excavation, Sheet piling and Shoring proposed on the plan will not interfere with, limit, damage, or pose a substantial risk of damage, to existing and proposed public infrastructure and adjacent public or private property.

**3) Approval of Plan (Footing to Grade Permit)** The Developer agrees to obtain approval of the Civil Engineering Plan by the County Manager or his/her/their designee prior to the issuance of the Footing to Grade Permit, for any phase of the project (approved pursuant to Condition #5). The Developer further agrees that the approved Civil Engineering Plan shall conform to this Site Plan approval, the approved Final Landscape Plan, and the sequence of construction, and shall be consistent with all site plan approval requirements and all County codes, standards and specifications, and policies. The Developer further agrees that any changes to the approved Civil Engineering Plan shall be subject to the same conformance requirements. The Developer agrees to obtain approval from the County Manager or his/her/their designee of a revised Civil Engineering Plan for such changes, and if such changes are also features shown on the Final Landscape Plan, shall also obtain approval from the County Manager or his/her/their designee of a revised Final Landscape Plan per Condition #21.

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

**1) Structure Free Zone**

**a.** In order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the Civil Engineering Plan shall

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- ~~— provide a structure free zone under the public sidewalk along all street frontages.~~
- ~~i. This zone shall be a minimum of five (5) feet in depth, as measured from the approved finished sidewalk elevation, and shall extend from the back of the final location of the street curb, to the far edge of the public sidewalk.~~
- ~~ii. No subterranean structures (such as parking garages or storm water detention facilities) shall intrude into this five (5) foot deep zone, unless otherwise approved by the County Board and as shown on the Civil Engineering Plan.~~
- ~~iii. Notwithstanding the foregoing provisions, there shall be a minimum of fifteen (15) feet in depth, as measured from the approved finished sidewalk elevation, at specific street intersections adjacent to the site, within the triangular zone formed by the Point of Intersection and fifteen (15) feet beyond the Points of Tangent and Points of Curvature of the two intersecting street curbs, as listed below:~~
  - ~~— (1) None.~~
- ~~iv. Within the structure free zone, underground utilities and/or utility vaults shall not be located in a manner that interferes with the appropriate spacing of street trees shown on the approved Final Landscape Plan nor shall utility lines be located beneath street trees.~~
- ~~2) Water Mains and Services~~
  - ~~a. Water services and public water main improvements, as listed below:~~
    - ~~i. N/A~~
  - ~~— Their exact sizes, lengths, and locations shall be determined by the County as part of the Civil Engineering Plan review, which will be based on final engineering design and on evaluation of existing conditions and capacity of the water mains to serve the subject site, while maintaining the reliability of the water system. These improvements shall be constructed in accordance with the standards set out in the DES Construction Standards and Specifications Manual.~~
- ~~3) Sanitary Sewer~~
  - ~~a. Public sanitary sewer main improvements, as listed below:~~
    - ~~i. N/A~~
    - ~~— Their exact location shall be determined as part of the Civil Engineering Plan review based on final engineering design. These improvements shall be~~

~~constructed in accordance with the standards set out in the DES Construction Standards and Specifications Manual.~~

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

~~4) Storm Sewer~~

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

~~i. N/A~~

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

~~5) Electric Service and Appurtenances~~

~~a. All new electric transformers and all associated appurtenances may be placed above grade between the building and the street as shown on Sheet C-0401 entitled "Plot and Location Plan (Layout)" of the 4.1 Plans approved by the County Board and may be shall be installed in underground utility vaults pad mounted in locations at grade so as not to be clearly visible from the public right of way and shall otherwise be screened from public view as shown on the approved Final Landscape Plan.~~

~~6) Undergrounding of Aerial Utilities~~

~~a. Removal and/or undergrounding of all existing aerial utilities located within or along the periphery of the entire site plan, to a distance of approximately five (5) feet beyond the site boundaries or the limits of disturbance/clearance, whichever is greater. If Verizon and/or other affected utility company does not permit the removal of the existing pole with Verizon wireless transmitting antenna along 23<sup>rd</sup> Street South, the applicant agrees to remove the overhead wires connected to said pole, but may otherwise leave the pole, antenna, and light in the existing location.~~

~~b. All utility improvements necessary to provide adequate utility services to the development, or utility work necessary to provide terminus facilities associated with the undergrounding of utility lines shall not result in the installation of any new or additional permanent utility poles, push braces, or aerial utility lines or devices.~~

~~7) Underground Utility Vaults~~

~~a. The location of all underground utility vaults, ventilation grates, and associated appurtenances, which shall meet the following standards:~~

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

~~8) Pavement, Curb and Gutter~~

~~a. Pavement, curb and gutter, parking spaces, and parking space sensors, along all site frontages, as listed below, and as shown on the approved Civil Engineering Plan. Additionally, the Developer will be responsible for the cost of installation of new sensors if existing sensors are damaged or paved over during construction.~~

~~i. 23<sup>rd</sup> Street South — street cross section of approximately 40 feet as shown on the civil engineering plan approved by the County Manager. The Developer agrees to construct an accessible passenger loading zone along the site's frontage of 23<sup>rd</sup> Street South, measuring 8-foot wide by 42 foot long, and an adjacent access aisle measuring 5.5 feet wide. The Developer agrees to construct an ADA ramp on the south side of 23<sup>rd</sup> Street South to support the western leg crossing of 23<sup>rd</sup> Street South and South Grant Street. If the bus stop remains, the Developer agrees to provide a curb extension at the northeast corner of the site to include sufficient space for the existing bus stop to have front and rear landing pads.~~

~~ii. South Grant Street — street cross section of approximately 34 feet as shown on the civil engineering plan approved by the County Manager.~~

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

~~9) Streetscape~~

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

~~— 23<sup>rd</sup> Street South:~~

- ~~• Minimum streetscape width measured from the back of curb: 11'~~
- ~~• Minimum clear sidewalk width: 6'~~
- ~~• Tree pits/planting strip dimensions: 5' wide and distance from back of curb: minimum eight (8) zero (0) inches~~

~~— South Grant Street:~~

- ~~• Minimum streetscape width measured from the back of curb: 12'~~
- ~~• Minimum clear sidewalk width: 6'~~
- ~~• Tree pits/planting strip dimensions: 6' and distance from back of curb: minimum eight (8) zero (0) inches~~

~~b. Public sidewalks designed in conformance with the Department of Environmental Services Construction Standards and Specifications Manual or subsequent standards as amended and as required to be shown on the Final Landscape Plan per Condition #21.B.8.~~

- ~~e. The clear sidewalk along all street frontages of the site shall be in compliance with applicable streetscape guidelines or standards, and shall be not less than six (6) feet wide at any point, including across all driveways, with no obstructions to impede the passage or flow of pedestrian traffic (clear sidewalk). However, pinch points may be permitted in conformance with the Master Transportation Plan and/or other applicable plans.~~
- ~~d. Street trees shall be spaced 28-32 to 35 feet apart on center, or as approved by the County Manager. The location and planting details for street trees shall be in compliance with the Arlington County Landscape Standards; the Standards for Planting and Preservation of Trees on Site Plan Projects, Administrative Regulation 4.3: Tree Planting on Public Land; and other applicable streetscape guidelines or standards, or urban design standards approved by the County Board.~~
- ~~e. Individual or multi-space parking meters per the County Manager's determination shall be located where parking meters are called for along the site frontages, based on County plans and policies and the operation of the street. Individual or multi-space parking meters per the County Manager's determination shall be located where parking meters are called for along the site frontages, based on County plans and policies and the operation of the street.~~

~~10) Visitor Bicycle Parking~~

~~Provide visitor bicycle parking spaces in the following amounts:~~

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

~~Visitor bicycle parking shall conform to Class II or Class III Arlington County bicycle parking standards in effect on the date of site plan approval, or as approved in the Civil Engineering Plan as substantially equal to, that shown in the standards. Such facilities shall be installed at exterior locations that are highly visible to, and within 50 feet of, the primary building entrances, unless there are physical obstructions that cannot be changed or moved to accommodate the bicycle parking within the 50 foot distance, in which case they shall be sited as~~

~~close to the 50 foot distance as physically possible. Such facilities shall not encroach on any area in the public right of way intended for use by pedestrians or any required fire egress.~~

~~11) Street Lighting~~

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

~~12) Traffic Signal Equipment~~

- ~~a. Relocation of existing traffic signal poles, traffic signal cabinets, and any other existing traffic related items and appurtenances in the public right of way along all frontages of the site, and installation of new traffic signal poles, traffic signal cabinets, and any other traffic related items and appurtenances in the public right of way as listed below, in locations as determined by the County Manager or his/her/their designee at the time of the review of the Civil Engineering Plan:~~

~~i. N/A~~

~~13) Communication Conduit~~

- ~~a. Four (4), 2 inch communication conduits (HDPE or equivalent County standard for communication conduits) and related equipment along all site frontages 23rd Street South, and two (2), 2 inch conduits from a County handhole into the communications room, all for the sole and exclusive use by Arlington County, unless the County Manager or his/her/their designee determines that less conduit is required for the purpose of providing necessary public safety and communication network access and connectivity.~~

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

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

~~a. Undergrounding of aerial utilities, including removal of all permanent and temporary poles, lines, and other devices.~~

~~b. Public water main and appurtenances, including fire hydrants and fire department connections.~~

~~c. Public sanitary sewer main and appurtenances.~~

~~d. Public storm sewer improvements.~~

~~e. Communication conduit.~~

~~The Zoning Administrator may, through the 4.1 administrative change process, allow reasonable modifications to the timing of Condition #19.C.1) a. above if the Zoning Administrator determines that: 1) the Developer has installed all necessary conduit and other infrastructure required to implement the utility undergrounding; 2) the Developer can demonstrate that it has made all reasonable efforts to implement the required undergrounding; 3) the only remaining work is the responsibility of private utility companies and related completion of streetscape; 4) the timing of these elements will unnecessarily impede progress of the project; and 5) the Developer agrees that completion of this work will occur by the time approved by the Zoning Administrator but in no case later than prior to issuance of the Master Certificate of Occupancy for the building(s) adjacent to the utility pole(s) and/or utility line(s).~~

~~2) (First Partial Certificate of Occupancy for Tenant Occupancy) The Developer agrees to construct and/or install the following improvements as shown and approved on the Civil Engineering Plan, as applicable, prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy for the respective phases of construction:~~

~~a. Public street pavement, sidewalk, curb and gutter improvements.~~

~~b. Fire Apparatus Access Roads (Fire Lanes).~~

~~c. Street lighting elements including but not limited to: poles, meters, service cabinets and power connection appurtenances, and all conduit and junction boxes necessary for the lighting system, or, at the County's option, full payment to the County to cover the cost for such improvements and relocation.~~

~~d. Traffic signal improvements and the relocation of existing traffic signal equipment or, as determined by the County Manager, pay in full to the County, the cost to cover such improvements and relocation.~~

- e. ~~Parking meters, or, as determined by the County Manager, pay in full to the County, the cost to cover such parking meters.~~
  - f. ~~Parking space sensors and space delineations, as applicable, or, as determined by the County Manager, pay in full to the County, the cost to cover such parking space sensors and space delineations.~~
  - g. ~~Transit facilities.~~
  - h. ~~Visitor bicycle facilities.~~
  - i. ~~Stormwater management facilities, (SWMF) with accepted certification letter(s) and construction inspection checklist(s) for each SWMF on the approved plan, such letters and inspection checklists to be certified by a licensed professional (licensed in Virginia), except those provided pursuant to Condition #19.C.3) below.~~
  - j. ~~All other elements shown in the approved Civil Engineering Plan.~~
    - ~~The Developer agrees to remove and replace, in accordance with the Arlington County Department of Environmental Services Construction Standards and Specifications Manual, any existing curb, gutter and sidewalk along the street frontages of this site plan which is in poor condition or damaged by the Developer, prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy.~~
    - ~~The Zoning Administrator may, through the 4.1 administrative change process, allow reasonable modifications to the timing of Condition #19.C.2) above, requiring construction or installation of public improvements, if the Zoning Administrator determines that: 1) the Developer is diligently pursuing the work;~~
    - ~~2) timing of improvements as approved above will unnecessarily impede progress of the project; 3) the installation of the public improvements during extreme weather conditions will not meet County Standards and Specifications; and 4) the Developer has provided reasonable assurances that the work will be completed in accordance with the Site Plan's approved design.~~
- 3) Final Partial Certificate of Occupancy for Tenant Occupancy)** The Developer agrees to construct and/or install the following improvements as shown and approved on the Civil Engineering Plan, as applicable, prior to the issuance of the Final Partial Certificate of Occupancy for Tenant Occupancy for the respective phases of construction:
- a. ~~Vegetated stormwater management facilities (SWMF) on private amenity levels, defined as any private spaces elevated above grade on podiums, terraces, or roof levels and not accessible from the exterior of the building with accepted certification letter(s) and construction inspection checklist(s) for~~

~~each SWMF on the approved plan, such letters and inspection checklists to be certified by a licensed professional (licensed in Virginia).~~

~~The Zoning Administrator may, through the 4.1 administrative change process, allow reasonable modifications to the timing of Condition #19.C.2) above, requiring construction or installation of public improvements, if the Zoning Administrator determines that: 1) the Developer is diligently pursuing the work;~~

~~2) timing of improvements as approved above will unnecessarily impede progress of the project; 3) the installation of the public improvements during extreme weather conditions will not meet County Standards and Specifications; and 4) the Developer has provided reasonable assurances that the work will be completed in accordance with the Site Plan's approved design.~~

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

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

~~**20. Utility Company Notification (Land Disturbing Activity Permit)**~~

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

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~~to submit to the Zoning Administrator copies of communication from the Developer to the utility companies providing such notifications.~~

~~21. Final Landscape Plan (Land Disturbing Activity/ Footing to Grade)~~

~~A. Submission (Land Disturbing Activity)~~

~~1) The Developer agrees to submit a detailed Final Landscape Plan prior to issuance of the Land Disturbing Activity Permit. The plan shall conform to the approved 4.1 site plan drawings per Condition #2, and, where applicable, the following administrative guidelines. In the event there are conflicts between administrative standards and the approved drawings per Condition #2, the approved 4.1 site plan drawings shall rule.~~

- ~~a. The landscaping requirements contained herein;~~
- ~~b. The landscaping, planting, and sidewalk and driveway construction specifications and standards;~~
- ~~c. Arlington County Landscape Standards, including the Standards for Planting and Preservation of Trees on Site Plan Projects;~~
- ~~d. All applicable streetscape guidelines or standards or urban design standards approved by the County Board and in effect at the time of the Final Landscape Plan approval.~~

~~2) The Developer agrees that the Final Landscape Plan shall, at a minimum, contain the following information, in accordance with the checklist in the Arlington County Landscape Standards:~~

- ~~a. Drawings from the Civil Engineering Plan showing the location of utilities, lighting, equipment, and other elements which may impact landscape elements on the site.~~
- ~~b. Exterior building security measures for office developments only, if applicable.~~
- ~~c. The locations of all trees, showing that there are no conflicts between trees and existing or proposed utilities.~~
- ~~d. The location and depth of all existing and proposed utility meters, underground utility vaults and boxes, utility lines, transformers, and at grade mechanical equipment.~~
- ~~e. The location of all existing, proposed and relocated traffic signal poles, traffic signal cabinets, and any other traffic related items and equipment located on or in the public sidewalk contiguous to the site.~~
- ~~f. The location of all existing and proposed fire hydrants and standpipes, storm sewers and storm water management facilities, and sanitary sewers and appurtenances.~~

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- ~~g. The location of all on-street parking spaces, bus stops, bicycle rack locations, bike share stations, and other facilities as identified during the review of the plans.~~
- ~~h. The location and dimensions of all ventilation, intake, or other grates, including those for garages and transformer vaults, and screening for ventilation grates, which shall meet the requirements of the conditions contained herein.~~
- ~~i. The location of all street light fixtures, poles, meters, service cabinets and power connection appurtenances along the frontages of the site.~~
- ~~j. The location, dimensions, materials, and pavement pattern for driveways and access drives, automobile drop-off areas, curb ramps, driveway aprons, service drives, crosswalks, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Interior walkways shall have a minimum width of four (4) feet.~~
- ~~k. The final streetscape design, including sidewalks, street trees, tree pits, bicycle racks, and sidewalk pattern/design and final selection of materials and colors to be used.~~
- ~~l. The limits of clear pedestrian zones of all public sidewalks and pedestrian access.~~
- ~~m. Landscaping for open space areas, plaza areas, courtyards, private rooftop amenity spaces, raised planters (including cross-sections of raised planters), surface parking areas, and service drives, including a listing of plant materials; details of planting, irrigation and drainage; and details of proposed furnishings for all areas, including, but not limited to, dimensions, size, style(s), material(s), finish(s), and manufacturer(s) of seating, bollards, trash receptacles, lighting, arbors, trellises, water features, and other landscape elements or structures.~~
- ~~n. The location, design and details of the retail visitor/customer bicycle spaces, pursuant to Condition #19 above.~~
- ~~o. The location of public art, pursuant to Condition #17 above.~~
- ~~p. The location of public use and access easement areas, including final landscape design and installations in these areas.~~
- ~~q. Location of green or "living" walls on the façade, if any, including details of planting location, irrigation and other manufacturer details.~~

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

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

- ~~1) The plans shall be drawn to on sheets 24 inches by 36 inches in size.~~
- ~~2) The plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in the Commonwealth of Virginia.~~
- ~~3) The Tree Replacement Plan, and associated Tree Replacement Calculations, shall be in accordance with the Arlington County Tree Replacement Guidelines and Chesapeake Bay Ordinance requirements. The tree replacement calculations shall be developed by a certified arborist or a landscape architect certified to practice in the Commonwealth of Virginia. Any replacement trees shall conform to the standards and specifications set forth in subparagraph 11 below.~~
- ~~4) All existing and proposed traffic signal poles and traffic signal cabinets, and any other traffic-related items, on and around the perimeter of the site shall not obstruct pedestrian travel and shall not be located in the clear sidewalk, including, but not limited to, access areas to ADA ramps, crosswalks, building entrances, and interior walkways.~~
- ~~5) Transformers shall not may be placed above grade, per Condition 19.B.5 between the building and the street as shown on Sheet C 0401 entitled "Plot and Location Plan (Layout)" of the 4.1 Plans approved by the County Board, and shall may be pad mounted in locations at grade so as not to be clearly visible from the public right of way and shall otherwise be screened from public view as shown on the approved Final Landscape Plan.~~
- ~~6) The Developer agrees that the location of all ventilation, intake or other grates shall not be located within public sidewalks or streets, or within areas between the street curb and any building which is used as a walkway. The Developer agrees that ventilation grates shall be located and/or screened so as not to be visible from public rights of way.~~
- ~~7) All plaza areas, access drives, automobile drop-off areas, interior walkways and roadways shall contain special treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used~~

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~~are subject to approval by the County Manager or his/her/their designee for conformity with adopted Sector Plans or other urban design standards approved by the County Board as a part of review and approval of the Final Landscape Plan.~~

~~8) The final sidewalk pattern/design and final selection of materials and colors shall comply with the requirements outlined below. To the extent that the County's requirements and policies for sidewalk pattern/design and materials/colors change, subsequent to this Site Plan approval, the County Manager or his/her/their designee shall review, at the time of construction, for approval, the final treatment for compliance with the then current standards.~~

~~a. The clear sidewalk along all street frontages of the site shall be in compliance with the 4.1 site plan drawings per Condition #2 and all applicable streetscape design guidelines or standards, and shall:~~

~~(1) Continue across all driveway aprons for loading and garage entrances along all frontages of the Site Plan, and not contain any barriers that would impede the flow of pedestrian traffic.~~

~~(2) Be not less than six (6) feet wide at any point, including across all driveways, with no obstructions to impede the passage or flow of pedestrian traffic (clear sidewalk). However, pinch points may be permitted only as specifically permitted in conformance with the Master Transportation Plan and/or other applicable plans.~~

~~(3) Be designed and installed in compliance with Department of Environmental Services Construction Standards and Specifications.~~

~~(4) Use plain, un-tinted concrete or, subject to approval, an integral tint that harmonizes with its setting. Non standard materials or surface treatments may be used subject to approval by the County Manager, and under the provisions of all applicable streetscape guidelines or standards.~~

~~(5) Not contain joints or use patterns that create gaps of 1/4 inch in depth or greater at a spacing of less than 30 inches.~~

~~(6) Any garage entrance adjacent to a sidewalk shall be designed and constructed so that the location of the garage doors are recessed a minimum distance of six (6) inches from the building wall's surface.~~

~~b. The Developer agrees to design and construct all elements of the streetscape, including, but not limited to, public sidewalks and street trees within the public right of way or public easement as follows:~~

~~23<sup>rd</sup> Street South:~~

- ~~Minimum streetscape width, clear sidewalk width, and planting strip dimensions shall be as required by Civil Engineering Plan condition 19.B.9.a~~
- ~~Tree size: minimum 3½ inches caliper~~
- ~~Tree spacing: 28-32 to 35 feet apart on center, or as approved by the County Manager or his/her/their designee per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects~~

~~— South Grant Street:~~

- ~~Minimum streetscape width, clear sidewalk width, and planting strip dimensions shall be as required by Civil Engineering Plan condition 19.B.9.a~~
- ~~Tree size: minimum 3½ inches caliper~~
- ~~Tree spacing: 28-32 feet apart on center, or as approved by the County Manager or his/her/their designee per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects~~

9) ~~The sidewalks shall contain street trees placed in either tree pits with continuous soil panels or planting strips, consistent with the Standards for Planting and Preservation of Trees in Site Plan Projects, and as specified above. The location, soil volume enhancements, and planting details for street trees shall be in compliance with; the Arlington County Landscape Standards; the Standards for Planting and Preservation of Trees in Site Plan Projects; and other applicable streetscape guidelines or standards, or urban design standards approved by the County Board. Street trees shall not be placed within the vision clearance (corners), as defined in Section 3.2.6.A.4 of the Zoning Ordinance.~~

10) ~~The plan shall provide a structure free zone, except for structures used for soil expansion, per Condition #19.B.1.~~

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

- a. ~~Major deciduous trees (shade or canopy trees) other than street trees a minimum caliper of 2-2½ inches.~~
- b. ~~Evergreen trees a minimum height of 7 to 8 feet.~~
- c. ~~Ornamental deciduous trees a minimum caliper of 2 to 2½ inches for single stem trees. Multi-stem trees shall not be less than 8 feet in height.~~
- d. ~~Shrubs a minimum spread of 18-15 inches in diameter to 24 inches in height.~~

~~e. Groundcover in minimum 2 inch pots.~~

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

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

~~1) **Installation (First Partial Certificate of Occupancy for Tenant Occupancy).** The Developer agrees that all improvements shall be constructed and/or installed prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy of any space above grade for the respective Phase of construction (as "Phase" is determined pursuant to the approved Phasing Plan required in Condition #5 above).~~

~~a. The Zoning Administrator may, for good cause shown and through the administrative change process, allow modifications to the timing of installation of all improvements based on the planting season, availability of plant materials, weather, or other construction related issues, which may not permit installation of hardscape features, plant materials and/or street trees by the required timing.~~

~~b. The following standards for Installation apply:~~

~~(1) The Developer agrees to notify the DPR Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with staff of DPR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPR Urban Forester.~~

~~(2) All new lawn areas shall be sodded; however, if judged appropriate by the County Manager, based on accepted landscaping standards and approved in writing, seeding may be substituted for sod. All sod and seed shall be state certified.~~

~~(3) Exposed earth not to be sodded or seeded shall be well mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed.~~

~~(4) Continuous soil panels shall be used instead of individual street tree pits. Soil and drainage material depth shall be as specified in appropriate Arlington County tree planting standard details, and as approved by the County Manager or his/her/their designee on the landscape plan. Soil volume, depth, and drainage requirements also apply to trees in raised planters.~~

~~(5) Finished grades shall not exceed a slope of three to one, unless otherwise shown on the approved plans.~~

~~(6) The Developer agrees to install approved lighting before the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy, exclusive of the garage, for the applicable Phase of the project pursuant to the approved Phasing Plan required in Condition #5 above.~~

~~2) **Installation of Private Amenity and Roof Level Landscaping (Final Certificate of Occupancy for Tenant Occupancy).** The Developer agrees that all landscaping improvements on private amenity levels, defined as any private spaces elevated above grade on podiums, terraces, or roof levels and not accessible from the exterior of the building, shall be constructed and/or installed prior to the issuance of the Final Partial Certificate of Occupancy for Tenant Occupancy, for the respective Phase of construction (as "Phase" is determined pursuant to the approved Phasing Plan required in Condition #5 above).~~

~~3) **Maintenance and Replacement (Life of Site Plan)** The Developer agrees to maintain the site in a clean and well-maintained condition and ensure that the entirety of the site and its landscaping, including all hardscape, site furniture, and plantings, are kept in a clean and well-maintained condition for the life of the Site Plan in accordance with the approved Final Landscape Plan and the Landscape Maintenance Management Program per the Arlington County Landscape Standards.~~

~~The Developer agrees to contact the Department of Parks and Recreation to arrange for a site meeting with an Urban Forester to review and approve the scope of work prior to performing any pruning of street trees. An International Society of Arboriculture (ISA) Certified Arborist must be on site during all pruning of street trees.~~

~~D. **Administrative Changes.** The County Manager or his/her/their designee may consider minor revisions to landscape plans as long as such changes are consistent with the intent of the Site Plan approval. The Developer agrees that any change to the approved landscape plan requires approval of a revised landscape plan by the County Manager. The Final Landscape Plan shall govern construction and/or installations of elements and features shown thereon, except as amendments may be specifically approved by the County Manager. If proposed changes impact the Civil Engineering Plan, then a revision to the Civil Engineering Plan must also be reviewed and approved.~~

~~22. **FAA Documentation (Excavation, Sheet piling and Shoring Permit)**~~

~~The Developer agrees to obtain from the Federal Aviation Administration (FAA) a written statement, based on the highest points (including the penthouse) of the building, that the project is not a hazard to air navigation, or that the project does not require notice~~

to or approval by the FAA, prior to the issuance of the Excavation, Sheeting and Shoring Permit.

**23. Recordation of Deeds of Public Easements and Deeds of Dedications (Submission Footing to Grade Permit; Recordation First Partial Certificate of Occupancy for Tenant Occupancy)**

**A. Fee Interests.** Unless otherwise specifically provided for elsewhere in these Site Plan conditions, the Developer agrees to convey real estate interests called for by this Site Plan approval to the County for public street or public right of way purposes or for the conveyance of parcels or portions thereof, in fee simple ("Fee Interests"), free and clear of all liens and encumbrances. Unless otherwise deemed unnecessary by the County Attorney, for all Fee Interests, the Developer agrees to provide to the County:

i) a Phase I Environmental Site Assessment; ii) an ALTA Land Title Survey; and iii) a Title Report (collectively, "Property Documentation") acceptable to the County Attorney, demonstrating to the County's satisfaction, in its sole discretion, that the Fee Interests are in a condition suitable for the County's intended uses.

**B. Easement Interests.** Where public improvements or public uses, including, but not limited to, sidewalks, street trees or other streetscape plantings, water mains, storm sewers, sanitary sewers, and other public utilities and facilities (collectively, "Public Improvements") are not located, or to be located, in the public street or public right of way, the Developer agrees to convey to the County by deed(s) of easement, all real estate interests for such Public Improvements. The Developer further agrees that all liens and encumbrances shall be subordinated to the easement rights of the County conveyed by such deed(s) of easement.

**C. General Requirements.** Unless otherwise specifically provided elsewhere in these Site Plan conditions, the Developer agrees for each Phase of the project, pursuant to the approved Phasing Plan required in Condition #5 above, all required plats, deeds of conveyance, deeds of dedication, and deeds of easement associated with, and/or required by the final approved Civil Engineering Plan for the construction of any public street, public infrastructure, public utility, public facility or public improvements, or required by these Site Plan conditions, to:

1) **Submission for Review (Footing to Grade Permit)** Submit for review by the County Manager or his/her/their designee all required plats, Property Documentation, deeds of conveyance, deeds of dedication, and deeds of easement associated with, and/or required by the final approved Civil Engineering Plan, prior to the issuance of the Footing to Grade Permit for such phase; and

2) **Approval and Recordation (First Partial Certificate of Occupancy)** Obtain approval of required Property Documentation, deeds and plats, and record such plats, deeds of conveyance, deeds of dedication, and deeds of easement associated with, and/or required by the final approved Civil Engineering Plan, among the land records of the Circuit Court of Arlington County prior to issuance of the First

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~~Partial Certificate of Occupancy for Tenant Occupancy of the building(s) or any portion thereof for such phase.~~

~~D. As long as the Developer is diligently pursuing construction of the Site Plan, or an approved Phase of the Site Plan, if the Site Plan is being phased, once the Developer records any easements required by this Condition #23, the Developer may continue construction of Site Plan improvements located within such easement area without a right of way permit provided that the Developer meets the requirements set forth in Condition #19.C.~~

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

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

~~1) The Developer agrees to obtain approval by the County Manager or his/her/their designee of the secure bicycle parking, shower and locker facilities for each building that comply with the standards below as part of the applicable architectural floor plans, prior to issuance of the Footing to Grade Permit for that building. If no secure bicycle facilities for a building are located below grade, then approval shall be obtained prior to the issuance of the Final Building Permit for that building.~~

~~2) The Developer agrees that all Class I (secure) bicycle parking shall meet Arlington County Bicycle Parking Standards, 2020/2022 Update, or subsequent revision in effect on the date of site plan approval or be approved as equal to that shown in the Standards.~~

~~3) The Developer agrees to provide the following Class I bicycle parking spaces:~~

~~a. Office Institutional uses: One (1) employee bicycle parking space for every 6,000 square feet, or portion thereof, of office institutional floor area.~~

~~b. Residential uses: One (1) resident bicycle parking space for every 2.5 residential units, or portion thereof.~~

~~c. Retail uses: One (1) employee bicycle parking space for every 25,000 square feet, or portion thereof.~~

~~d. Hotel uses: One (1) space for every 10 hotel room units, or portion thereof.~~

~~In addition, the hotel shall provide adequate space in a locked luggage storage facility, controlled by the hotel staff, inside the hotel, to accommodate guest's bicycles along with guest's luggage.~~

~~4) The Developer agrees to provide the following shower and locker facilities:~~

~~a. For office/retail/hotel buildings of up to 100,000 square feet of Gross Floor Area (GFA), one (1) shower per gender, for every 50,000 square feet or fraction thereof.~~

~~b. For office/retail/hotel buildings between 100,001 square feet of GFA and 300,000 square feet of GFA, three (3) showers per gender.~~

~~c. For office/retail/hotel buildings greater than 300,000 square feet of GFA, three (3) showers per gender, plus one (1) shower per gender for each additional 100,000 square feet of GFA or portion thereof above the first 300,000 square feet of building GFA.~~

~~d. In residential buildings, for retail uses equal to or greater than 25,000 square feet of GFA and less than 50,000 square feet of GFA, a minimum of one (1) unisex shower. For retail uses equal to or greater than 50,000 square feet of GFA, a minimum of one (1) shower per gender.~~

~~e. If retail employees will not have access to shower facilities required for office or hotel employees, shower facilities for retail employees shall be provided in accordance with the ratios specified in Condition #24.A.4).d. above.~~

~~f. For every required employee bicycle parking space, either 1) a minimum of one (1) clothes storage locker per gender if in gender specific changing rooms, or 2) a minimum of one (1) clothes locker if outside of gender specific changing rooms. Each locker shall be a minimum size of 12 inches in width, 18 inches in depth, and 36 inches in height.~~

~~The showers and lockers shall be located adjacent to one another in a safe and secure area. If there is no shower required, clothes locker(s) shall be located adjacent and convenient to the bicycle parking location itself.~~

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

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

~~The Developer agrees that prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy for each respective building or phase of construction per Condition #5, all secure bicycle parking, shower and locker facilities in approved permit drawings per Condition #24.A.1) above for that building or phase of construction, shall be fully installed and operational.~~

**25. Façade Treatment of Buildings (Footing to Grade)**

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

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

The Developer agrees to submit for review by the County Manager or his/her/their designee prior to the issuance of the Footing to Grade Permit, architectural line drawing elevations drawn to scale, which label the materials and colors for each elevation of the building, including living green walls and interior façade elevations (e.g. elevations adjacent to interior courtyards, plazas and access drives), and which identify any proposed change from the drawings identified in Condition #2, along with a written summary and explanation of the proposed changes. The Developer further agrees to submit, as part of the submission, a high resolution photograph of a material sample board documenting proposed façade materials as shown on the elevations and any other supplemental information necessary to support material description.

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

The Developer agrees to obtain the approval of the County Manager or his/her/their designee of the façade elevation drawings and material samples submitted per this Condition #25, as being consistent with the intent of the County Board's approval of the Site Plan, including any changes approved administratively or through site plan amendment, prior to the issuance of the Final Building Permit.

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

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

**E. Ground Floor and Retail Storefront Façades:**

Intentionally omitted.

**F. Standards for Façade Treatment of Buildings:**

1) **Mechanical Equipment.** The Developer agrees that all mechanical equipment, regardless of location, shall be screened so that the mechanical equipment is not visible from the public right-of-way. The screening shall have an opaque or opaque like treatment. Screening for the penthouse mechanical equipment shall consist of a solid wall treatment. Any mechanical equipment, including

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~~equipment located on the ground or at roof top, and screening for the penthouse mechanical equipment, shall be shown on all elevation drawings. The Developer agrees to obtain the County Manager's review and approval of the details of the screening treatment, including height, material and color, as meeting this standard, as part of the approval for the façade elevations and façade materials.~~

~~2) **Window Transparency.** The Developer agrees that all retail and retail equivalent (as defined in the Arlington Retail Plan adopted July 2015, or as may be further amended) storefronts and institutional use frontage along public rights-of-way are required to have an overall minimum transparency of 45% as measured between 2 and 10 ft above finished grade. The purpose of this condition is to allow pedestrians to view the activity within the retail establishment or institutional space and to allow patrons and employees of the retail establishments or institutional space to view the activity on the sidewalk and street. "Transparency" shall mean using glass or other transparent exterior material offering a view into an area of the retail establishment or institutional space where human activity normally occurs and does not include views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like.~~

~~3) **Architectural Illumination.** The Developer agrees that the illumination, up-lighting, or the like, of any architecture, including buildings, structures, sites and facades, shall not be permitted unless specifically called out on the Site Plan and approved by the County Board. Minor adjustments to architectural illumination shown on the façade elevations that were not specifically shown on the Site Plan approved by the County Board may be approved by the Zoning Administrator through the administrative change process subject to the standards of this subparagraph F.3). The Zoning Administrator may approve minor adjustments to architectural lighting located on building base or podium facades provided such changes do not result in excessive up-lighting, wall washing, hot spots, glare, obtrusive light, light pollution, light trespass, or visual nuisance, and are designed in a coordinated fashion to accentuate key architectural elements of the building. Any architectural illumination that includes lighting of roof lines of buildings at heights greater than 75 feet as defined in Section 13.2.3.D ("Architectural lighting and embellishments and lighting of rooflines") of the Arlington County Zoning Ordinance, shall require a Site Plan Amendment.~~

~~26. Plat of Excavated Area (Footing to Grade Permit)~~

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

~~B. **Spot Elevations at 50% (Footing to Grade Permit Prior to Commencement of Construction Beyond Excavation and Shell and Core Certificate of Occupancy)** The Developer agrees to provide the Zoning Administrator and obtain the Zoning Administrator's approval of spot elevations which shall, at a minimum, consist of two corners and spot elevations from 50% of the total area to be excavated, prior to commencement of construction beyond excavation and the issuance of the Shell and Core Certificate of Occupancy Footing to Grade Permit. If the excavated area will be greater than 20,000 square feet, the Zoning Administrator or her designee may agree to reduce the area for which elevations must be provided before issuance of a Footing to Grade Permit commencement of construction beyond excavation and issuance of the Shell and Core Certificate of Occupancy.~~

~~C. **Elevations Confirming Remainder of Excavation (Final Building Permit Prior to the Construction Above the Uppermost Garage Level and Shell and Core Certificate of Occupancy)** The Developer agrees to submit to the Zoning Administrator and obtain the Zoning Administrator's approval of additional elevations confirming the elevations of the remainder of the excavation upon completion of excavation and prior to the commencement of construction above the uppermost garage level and issuance of the Shell and Core Certificate of Occupancy Final Building Permit.~~

~~27. Public Improvements Bond (Footing to Grade Permit)~~

~~A. **Bond Estimate (Footing to Grade Permit)** The Developer agrees to submit to the Department of Environmental Services (DES) a performance bond estimate for the construction or installation of all facilities (to include street trees and all landscape materials) that will be located within the public rights of way or easements, erosion and sediment controls, and storm water management facilities, upon approval of the Civil Engineering Plan for each Phase of the project, consistent with the approved Phasing Plan pursuant to Condition #5 above, and prior to the issuance of the Footing to Grade permit for such Phase.~~

~~B. **Bond (Final Building Permit)** Upon approval of the performance bond estimate by DES, the Developer agrees to submit to DES a performance bond, in the approved amount of the estimate, and an agreement for the construction or installation of all facilities (to include street trees and all landscape materials) within the public rights of way or easements, erosion and sediment controls, and storm water management facilities; which bond shall be executed by the Developer in favor of the County before the issuance of the Final Building Permit.~~

~~C. **Repair/Replace Infrastructure (Release of Public Improvement Bond)** The Developer agrees to replace any curb, gutter and sidewalk in poor condition and/or existing or new infrastructure damaged during construction, at the direction of the County Manager, prior to release of the public improvement bond.~~

~~28. Interior Trash Collection and Recycling Areas (Footing to Grade Permit)~~

~~The Developer agrees to obtain approval from the Zoning Administrator of drawings showing compliance with this condition prior to the issuance of the Footing to Grade Permit. The Developer agrees to provide and use interior space for the collection, storage, compaction, and removal of trash. The space shall not be outside the interior loading space and shall not conflict with the use of a loading berth. The Developer agrees to provide and use appropriate interior facilities for the recycling of reusable materials as defined by the County. Interior spaces for trash collection shall be consistent with the loading space dimensions provided for in Condition #29.~~

~~29. Interior Loading Spaces (Footing to Grade Permit)~~

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

- ~~A. Minimum 12-foot clear width, including entrances, and minimum 14-foot clear height, however, any loading dock to be used for trash removal shall have a minimum interior height clearance of 15 feet.~~
- ~~B. At least one loading space shall have a minimum 40-foot clear length.~~
- ~~C. The loading area shall be kept clear at all times except for the temporary loading/unloading of vehicles.~~
- ~~D. All loading docks shall contain closable doors.~~
- ~~E. Use of the loading dock for deliveries or trash pick ups, excluding moving vans, shall be limited to the hours from 8:00 a.m. to 6:00 p.m., seven (7) days a week.~~
- ~~F. The loading dock door shall be closed when the loading dock is in use, except when necessary for entry or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures.~~

~~30. Emergency Vehicle Access/Support on Surface Parking and Fire Access Plaza Areas (Footing to Grade Permit)~~

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

- ~~A. The Developer agrees that all fire access plaza areas used for vehicular access and all surface parking areas shall be constructed to support the live load of any fire apparatus, and agrees to construct these elements in accordance with the approved drawings.~~

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~~B. Architecturally designed bollards or curbs shall be used on pedestrian plazas to separate the areas intended for emergency vehicle use from areas intended for pedestrian use.~~

~~C. No above grade structure shall be allowed to obstruct fire lanes.~~

### ~~31. Parking (Footing to Grade Permit)~~

#### ~~A. Site Plan Requirements~~

##### ~~1) Site Plan Parking Requirements~~

~~a. The Developer agrees that, unless specifically identified in this condition, parking shall be provided consistent with Section 14.3 of the Zoning Ordinance. The Developer agrees to submit to, and obtain review and approval from the Zoning Administrator, of drawings showing all parking spaces and drive aisles comply with the requirements of 14.3 of the Zoning Ordinance prior to the issuance of the Footing to Grade Permit.~~

~~b. The Developer agrees that the required minimum number of parking spaces for the project, "Required Spaces", equals the sum of the project/building's uses times the parking ratio for each use type. The approved parking ratios, by use type, are presented below.~~

<del>Use Type</del>	<del>Approved Parking Ratio</del>
<del>Residential</del>	<del>0.70 spaces per unit (to include residents, residential visitors, accessible spaces &amp; residential building employees)</del>
<del>Residential Visitor for projects utilizing the Residential Parking Guidelines</del>	<del>0.05 spaces per unit for the first 200 units of a building designated residential visitor parking. Visitor spaces shall be available for visitor use at all times and must be located on site within each building.</del>
<del>Office</del>	<del>1 space per _____ square feet of GFA (to include office employees, office visitors, building management employees, and accessible spaces)</del>
<del>Commercial/Retail</del>	<del>1 space per _____ square feet of GFA, after approved exclusion for proximity to Metro Station (to include retail customers, retail employees and accessible spaces)</del>
<del>Hotel</del>	<del>_____ spaces per guest room (to include hotel employees, guests, visitors, and accessible spaces)</del>
<del>Other Institutional Use</del>	<del>20 parking spaces (to include the institutional operator, institutional visitors, accessible spaces, and institutional building employees)</del>

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- e. ~~The Developer agrees that the number of compact spaces counted toward the total number of “Required Spaces”, exclusive of those spaces required for retail, shall not exceed 15% of the total number of “Required Spaces”. “Required Spaces” for retail and guest or visitor parking shall not be compact. Spaces provided in excess of the “Required Spaces” total may be either standard or compact spaces.~~
- d. ~~The Developer may use spaces not designated as retail or visitor for carshare, which shall count toward the required parking ratio for the applicable use.~~
- e. ~~The Developer agrees that the “Required Spaces” shall not be converted to storage or other non-parking use without approval of a Site Plan amendment. Parking spaces constructed in excess of the “Required Spaces” may be converted from automobile parking to parking for other modes of transportation (i.e., motorcycles, scooters, bicycles, etc.) at the discretion of the Developer.~~
- f. ~~The Developer agrees that no fewer than one (1) accessible parking space shall be provided for each the minimum “Type A” accessible dwelling units being provided consistent with the requirements of Condition #41, if applicable.~~

**B. Operation and Management Related Requirements**

**1) Residential Parking**

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

**2) Office Parking**

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

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~~3) Shared Parking~~

- ~~a. The Developer agrees to designate and make available a minimum of short-term (two hours maximum) parking spaces on the level of the parking garage for use by customers of the retail establishments or visitors to office establishments during the hours of operation of the retail or office establishments. The designated short-term parking spaces shall be shown on, and approved as a part of, the Garage Plan. Short-term parking spaces shall not be reserved for specific businesses.~~
- ~~b. The Developer agrees that in office buildings, no more than 20% of the total parking supply shall be reserved for individual persons.~~
- ~~c. In addition, for projects with office space the Developer agrees to make at a minimum      (describe number and location of spaces) in the garage available to the public for parking after standard office hours (weekday evenings after 6:00 p.m., weekends, and all legal holidays) until 12:00 midnight or until thirty minutes after the close of business of retail operations, whichever is later.~~
- ~~d. The Developer also agrees to make      office spaces available to the general public for overnight parking.~~

~~4) External Signs~~

~~Intentionally omitted.~~

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

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

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

~~b. **Parking Management Plan (First Partial Certificate of Occupancy for Tenant Occupancy)**~~

~~The Developer agrees to submit to, and obtain approval from the County Manager or his/her/their designee of a Parking Management~~

- ~~Plan prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy. The Parking Management Plan shall follow the *Guidelines and Minimum Acceptance Criteria for the Preparation and Submission of Parking Management Plans* dated February 15, 2016, or subsequent version. The Developer further agrees that the plan shall be designed to ensure that vehicle queuing for site parking shall not occur in the public right of way.~~
- ~~The Zoning Administrator may approve a parking count of 98% or more of the required number of spaces, if causes beyond the control of the Developer makes compliance impractical.~~
- ~~e. **Implementation.** If applicable, the Developer agrees to implement the approved Parking Management Plan for the life of the Site Plan. The Developer agrees to obtain the prior review and approval of any amendments to the approved Parking Management Plan by the County Manager.~~

~~32. Documentation of Historical Artifacts, Features and Buildings (Footing to Grade Permit)~~

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

~~33. Underground Utility Fund Contribution (Final Building Permit)~~

~~The Developer agrees to contribute to the County underground utility fund in the amount specified by this site plan condition, in addition to funding and constructing the utility undergrounding work required by this Site Plan approval, prior to the issuance of the Final Building Permit. The total utility fund contribution for this site is \$112,536 (\$60,23065,050 x 1.73 acres). [The Underground Utility Fund Contribution of \$50,000 per acre (2011 dollars) has been adjusted by the change in the Consumer Price Index All Urban Consumers (CPI-U) from 2011 Annual Average to 2021/2022 Annual Average, reflecting a 20.4630.10% increase. The rate shall be fixed from County Board approval until the payment is made by the Developer prior to issuance of the Final Building~~

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

~~34. Wall Check Survey~~

~~A. Submission of Wall Check Survey. The Developer agrees to submit a wall check survey to confirm its consistency with the plans approved by the County Board, as referenced in Conditions #2 and #3 above.~~

~~B. Walls/Elevations of Slab at Grade (Prior to pouring the second floor slab or at completion of the slab on grade) The Developer further agrees to submit to the Zoning Administrator and obtain the Zoning Administrator's approval as meeting the requirements of this approval, of a wall check survey showing the location of the walls, and the elevation of the slab, at grade, prior to pouring the second floor slab, or at completion of the slab on grade. This shall not prevent the developer, at its own risk, from completing construction of the concrete podium prior to approval of the wall check survey. The completion of the podium may include installation of support columns from the at grade slab to the bottom side of the second floor slab, as well as installation of the second floor cast in place framed slab. The developer agrees that all such work shall conform to current codes and building permit requirements. No additional above grade construction, beyond construction of this podium with support columns, shall be permitted prior to approval of the wall check survey. The developer acknowledges that this additional work above the at grade slab will be at its own risk should the wall check survey not be approved as submitted, and that should any changes to the podium or columns, or other construction be needed based upon review of the wall check plat, the developer shall be fully responsible for completing such changes before any further permits are issued.~~

~~35. Use of Penthouse (Final Building Permit)~~

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

~~36. Review by Crime Prevention Through Environmental Design (CPTED) Practitioner (Final Building Permit):~~

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

~~37. Developer Installation of In-Building First Responder Network (Final Building Permit)~~

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

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

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

~~In addition, the Developer agrees to submit to and obtain the County Manager's or his/her/their designee's review and approval of, reports verifying that the level of radio communications coverage in the building is sufficient to permit emergency responder communication throughout the building, according to the testing procedure outlined in Attachment A. The Developer agrees to submit and obtain review and approval of these reports at the following times: a) prior to the issuance of the first certificate of occupancy for any space in the building; b) every one year after the date of issuance of the first certificate of occupancy for any space in the building. The County Manager may waive this condition in the future if he/she/they determines that the level of radio~~

communications coverage within the building can be monitored and verified to be at an acceptable level by the County through the County's ConnectArlington fiber optic network or other mutually acceptable means. In addition, the County Manager or his/her/their designee may waive coverage requirements in secure areas as well as in cases where State and County requirements overlap.

~~38. Ground Floor Elements (Final Building Permit)~~

~~Intentionally omitted.~~

~~39. Safety Measures at Garage Exit Ramps (Final Building Permit)~~

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

~~40. Transportation Management Plan (First Partial Certificate of Occupancy for Tenant Occupancy or as specified below)~~

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

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

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

~~Unless otherwise specified, all dollar denominated rates shall be adjusted for inflation by the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index (CPI) Inflation Calculator from the date of first approval of this condition.~~

~~A. Participation and Funding~~

- 1) ~~Establish and maintain an active, ongoing relationship with Arlington Transportation Partners (ATP), or successor entity, on behalf of the property owner.~~
- 2) ~~Designate and keep current a member of building management as Property Transportation Coordinator (PTC) to be primary point of contact with the County and undertake the responsibility for coordinating and completing all Transportation Management Plan (TMP) obligations. If applicable, designate and keep current a regional manager, or equivalent, as a secondary point of contact. The PTC shall be trained, to the satisfaction of ACCS, to provide transit, bike, walk, rideshare and other information provided by Arlington County intended to assist with transportation to and from the site.~~
- 3) ~~Contribute annually to ACCS, or successor, to sustain direct and indirect on-site and off-site services in support of TMP activities. Annual contribution shall be calculated based on a rate \$0.06 per square foot of GFA for commercial (office, retail, hotel) use and \$0.035 per square foot of GFA for residential use, escalated by CPI from the year 2008, per year for 30 years. Payment on this commitment shall begin as a condition of issuance of the First Partial Certificate of Occupancy for Tenant Occupancy for each respective building or phase of construction. Subsequent payments shall be made annually.~~

**B. ~~Facilities and Improvements~~**

- 1) ~~Provide in the lobby or lobbies, a transportation information display(s), the number/content/design/location of which will be approved by ACCS prior to the issuance of the Final Building Permit. The developer agrees that the required transportation information displays shall meet the Arlington County Neighborhood Transportation Information Display Standards in effect on the date of the site plan approval, or equivalent as approved by the County Manager.~~
- 2) ~~Provide an ADA compliant hotel van (with lift) to provide shuttle service to and from designated Metro station(s) for employees and guests. The van shall be staffed by a full-time employee, with a dedicated van accessible parking space provided on the ground level of the mixed use parking garage. The van shall be parked in this space when not in service. A communication device shall be provided with the hotel for on-call service (hotel only).~~
- 3) ~~Provide, within the TMP a Bicycle Facilities Management Plan to support the infrastructure provided through Conditions #19 and #24. This plan shall include a description of how the facilities will be managed and operated, including:~~
  - a. ~~Hours of operation and availability to users. Secure bicycle storage, showers, and lockers for office/hotel/retail uses shall be available to employees during all hours in which employees may access the building. Bicycle commuters~~

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~~— shall be permitted to use the lockers for storage 24 hours per day, 7 days per week, to facilitate bicycle commuting.~~

~~b. Management of registration and access of persons and bicycles to use the facilities.~~

~~e. Management of locker assignments, and re-assignments, to bicycle commuters.~~

~~d. Methods to notify building occupants of the amenities, and the frequency of the notifications.~~

~~e. Policy for abandoned bicycles.~~

~~4) Bus stops, shelters, and bikeshare stations on the sidewalk within 50 feet of the property within the site plan or on the periphery of the site plan, shall be maintained free of snow, ice, trash, and debris. A minimum six (6) foot wide path, clear of snow and ice, to the main entrance of building(s) shall be maintained for these bus stops and bikeshare stations.~~

#### ~~C. Carpool and Vanpool Parking~~

~~— Carpools and Vanpools (for buildings with a minimum of 50,000 square feet of gross floor area of non-residential uses)~~

~~1) Operate a carpool/vanpool program with required elements including, at minimum:~~

~~a. Provide reserved, signed, spaces for carpools and vanpools conveniently located with respect to main entrances/elevators serving the building.~~

~~b. Provide two person or more carpools with a parking subsidy equal to one half the single-occupant vehicle monthly rate.~~

~~e. Provide vanpools, as recognized by the Internal Revenue Service (IRS), with free parking.~~

#### ~~D. Promotions, Services, and Policies~~

~~1) Prepare, reproduce and distribute, in digital or hard copy, materials provided by Arlington County, which includes site specific transit, bike, walk, and rideshare related information, to each new residential lessee or purchaser, and office, institutional use retail, hotel, property management, or maintenance employee, from initial occupancy through the life of the site plan. These materials shall be distributed as a part of prospective tenant marketing materials, as well as communications associated with lease signing, on-boarding, or similar activities.~~

- ~~2) Provide one time, per person, to each new residential lessee or purchaser, and each new office, institutional use retail, hotel, property management, or maintenance employee, whether employed part-time or full-time, directly employed or contracted, who moves into or begins employment in the building throughout initial occupancy, the choice of one of the following:~~
- ~~a. \$65.00 Metro fare on a SmarTrip card or successor fare medium~~
  - ~~b. A one year bikeshare membership~~
  - ~~c. A one year carshare membership~~
  - ~~— Purchase 50% of the anticipated need for such fare medium options prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy, and maintain stock on hand thereafter.~~
  - ~~— The County Manager or his/her/their designee may approve additions to, or substitution of one or more of these choices with a comparable transportation program incentive, as technology and service options change, if he/she finds that an incentive shall be designed to provide the individual with an option other than driving alone in a personal vehicle, either by removing a barrier to program entry, such as a membership cost, or by providing a similar level of subsidized access to a public or shared transportation system, program or service.~~
- ~~3) Provide, administer, or cause the provision of a sustainable commute benefit program for each on-site property management, maintenance, institutional use, and hotel employee, whether employed part-time or full-time, directly employed or contracted. This commute benefit program shall offer, at a minimum, a monthly pre-tax transit and vanpool benefit, as defined by the IRS, or a monthly subsidized/direct transit and vanpool benefit, as defined by the IRS.~~
- ~~4) Provide, under a “transportation information” heading on the Developer and property manager’s websites regarding this development:~~
- ~~a. Links to the most appropriate Arlington County Commuter Services and/or external transportation-related web page(s). Obtain confirmation of most appropriate link from ACCS.~~
  - ~~b. A description of key transportation benefits and services provided at the building, pursuant to the TMP.~~
- ~~E. Performance and Monitoring~~
- ~~1) During the first year of start-up of the TMP and on an annual basis thereafter, the Developer shall submit an annual report, which may be of an online, or e-mail~~

variety, to the County Manager, describing completely and correctly, the TDM related activities of the site and changes in commercial tenants during each year.

- 2) The Developer agrees to reimburse the County the full cost up to a maximum of \$16,000 (\$8,000 per land use type for multi use buildings and \$10,000 total for a single use building) for, and participate in, a transportation and parking performance monitoring study at two years, five years, and each subsequent five years (at the County's option), after issuance of the First Partial Certificate of Occupancy for Tenant Occupancy, for the life of the site plan. The County may conduct the study or ask the owner to conduct the study (in the latter case, no reimbursement payment shall be required). As part of the study, a report shall be produced as specified below by the County. The study may include:
  - a. building occupancy rates,
  - b. average vehicle occupancy,
  - c. average garage occupancy for various day of the week and times of day,
  - d. parking availability by time of day,
  - e. average duration of stay for short term parkers on various days of the week and times of day,
  - f. pedestrian traffic,
  - g. a seven day count of site generated vehicle traffic,
  - h. a voluntary mode split survey,
  - i. Hourly, monthly, and special event parking rates.

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

#### **41. Affordable Housing Contribution**

##### **A. For Development with Base Density for Affordable Housing (ACZO Section 15.5.8 (C) (Shell and Core Certificate of Occupancy))**

- 1) Prior to the issuance of the Shell and Core Certificate of Occupancy, the Developer must provide written notification to the County Manager or his/her/their designee, of how the requirements of subsection 15.5.8 (C) of the Arlington County Zoning Ordinance (ACZO) will be fulfilled (either through a monetary contribution or provision of on-site or off-site residential units).
- 2) If the Developer elects to fulfill the requirements of ACZO 15.5.8 (C) through a monetary contribution, then the Developer shall, prior to issuance of the Shell and Core Certificate of Occupancy, deliver a check or provide another form of payment acceptable to the County Manager or his/her/their designee, to the Arlington County CPHD Housing Division, made payable to the Arlington County Treasurer for the requisite amount of the monetary contribution as provided under ACZO 15.5.8(C)(4).

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~~3) If the Developer elects to fulfill the requirements of ACZO 15.5.8 (C) through the provision of either on-site or off-site committed affordable housing (CAF) units, the Developer shall, prior to the issuance of the Shell and Core Certificate of Occupancy, execute all necessary documents, as determined by the County Attorney for meeting the requirements of providing on-site or off-site CAF Units, including a CAF Agreement (“Implementation Documents”), and deliver the Implementation Documents to the County Manager and County Attorney for approval and execution.~~

~~B. For Development with Additional Density for Affordable Housing (First Partial Certificate of Occupancy for Tenant Occupancy) (ACZO 15.5.9)~~

**1) Documentation of Proposed CAF Units (Final Building Permit)**

~~The Developer agrees to submit documentation evidencing that the proposed CAF Units meet the requirements of the “CAF Units” (paragraph a) and “Accessible Units” (paragraph e) below for review and approval by the County Manager or his/her designee.~~

**2) Execution of Implementation Documents (First Partial Certificate of Occupancy for Tenant Occupancy)**

~~The Developer agrees to execute all Implementation Documents, as determined by the County Attorney, necessary to evidence agreement to all of the terms and conditions for the CAF Units, including, but not limited to, the conditions, as set forth below, prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy for the project:~~

~~a. **CAF Units:** The Developer agrees to provide 105 units, consisting of 23 one-bedroom units, 60 two-bedroom units and 22 three-bedroom units in approximately 121,641 gross square feet or 99,777 rentable square feet as CAF Units. Each bedroom in the CAF Units shall contain at least one window to the exterior of the building. Each of the twenty three (23) one-bedroom CAF Units shall meet the **Virginia Statewide Building Code and the Virginia Maintenance Code** minimum standard for occupancy by at least two (2) persons, with the bedroom size being adequate for a minimum of two (2) person occupancy. Each of the sixty (60) two-bedroom CAF Units shall meet the **Virginia Statewide Building Code and the Virginia Maintenance Code** minimum standard for occupancy by at least four (4) persons, with each bedroom size being adequate for a minimum of two (2) person occupancy. Each of the twenty two (22) three-bedroom CAF Units shall meet the **Virginia Statewide Building Code and the Virginia Maintenance Code** minimum standard for occupancy by at least six (6) persons, with the bedroom size being adequate for a minimum of two (2) person occupancy. Residents of the CAF Units shall have access to all amenities offered within the development. CAF Units shall be~~

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~~—distributed throughout the building and not concentrated in any one area or floor of the building.~~

- ~~b. **Affordable Rents:** The CAF Units shall have rents affordable to households at or below 80/60% of Area Median Income (AMI) as published by the U.S. Department of Housing and Urban Development (HUD) for the Washington, DC Metropolitan Statistical Area, adjusted for household size. The Developer further agrees that the average AMI level of all CAF units shall be at or below 60% AMI. The Developer agrees that the affordable rents of the CAF Units shall not exceed 30% of each unit's designated AMI level as published by HUD, minus a utility allowance (if applicable) as per the schedule of Allowances for Tenant Furnished Utilities provided by the Housing Division. These CAF Units shall be leased only to households whose incomes do not exceed each unit's designated AMI level as published by HUD for the Washington, DC Metropolitan Statistical Area, adjusted for household size.~~
- ~~c. **Rent Increases:** The Developer agrees that rent increases for CAF Units will be limited to increases provided by the Housing Division using AMI-based income limits published by HUD. For the first five (5) years of occupancy by each household in a CAF Unit, the Developer agrees to a cap on the increase in rent of 5% per year in years where the AMI-based income limits published by HUD exceed 5%.~~
- ~~d. **Compliance Period:** The Developer agrees that the CAF Units will remain affordable as defined in Paragraph b "Affordable Rents" and Paragraph e "Rent Increases" above for a term of 30 years from the date of issuance of the Certificate of Occupancy for the last CAF Unit that is able to be occupied for the building in which the CAF Units are located.~~
- ~~e. **Accessible Units:** The Developer agrees to maintain a minimum of 4 of the CAF Units as Type A units ("Accessible Units") under standards described in the American National Standards Institute "Accessible and Usable Buildings and Facilities" (ICC/ANSI A117.1) as adopted by the Virginia Uniform Statewide Building Code. The Developer agrees to diligently market the Accessible Units to income-qualified households with persons with physical disabilities for a period of 60 days during the initial marketing and leasing period. If after 60 days the Developer is unable to rent the Accessible Units to income-qualified households with persons with disabilities, the Developer agrees to continue to make best efforts to market and lease the Accessible Units to income-qualified households with persons with disabilities, but the Developer may market and lease the Accessible Units to any income-qualified households regardless of disability. The Developer agrees to market the Accessible Units as part of the Developer's Affirmative Marketing Plan, described below.~~
- ~~f. **Developer Affirmative Marketing Plan:** The Developer agrees to prepare and implement an Affirmative Marketing Plan in substantially the form as required by~~

- ~~the Housing Division. The Developer shall accept tenant based vouchers from the Housing Choice Voucher Program and the Arlington County Department of Human Services Housing Grants Program for the CAF Units. The Developer agrees that the Affirmative Marketing Plan shall call for the initial advertising and marketing of all the CAF Units for a period of at least sixty (60) days prior to the projected occupancy of the complex.~~
- ~~In addition, employees of the Owner, Developer and/or Property Management Company shall not submit applications for the CAF Units until the CAF Units have been openly marketed for a minimum of four (4) weeks.~~
- ~~g. **Condominium Conversion:** If at any time prior to the end of the 30-year compliance period for the CAF Units the Owner or Developer proposes to subject the property, including the CAF Units, to a condominium regime pursuant to the Virginia Condominium Act, Title 44, Chapter 4.2, Section 79.39 et seq. of the Code of Virginia, 1950 Edition, as amended, then the Developer agrees (a) to notify the County Manager or his/her/their designee of the proposed condominium conversion not less than sixty (60) days prior to recording the Declaration of Condominium, and (b) to concurrently record with the Declaration of Condominium a Deed of Declaration of Restrictive Covenants, approved by the County Manager or his/her/their designee and in a form approved by the County Attorney, identifying with specificity which of the CAF Units shall continue to be operated as CAF Unit rental units by the Developer, subject to the terms and conditions of this Affordable Housing Contribution Site Plan Condition for the remainder of the thirty (30) year compliance period. Alternatively, the CAF Units, or some equivalent portion thereof, may be offered for sale to qualifying income eligible homebuyers at an affordable price subject to an Affordable Dwelling Unit Homeownership Program Agreement to be approved by the County Board.~~
- ~~3) **Required Reduction in Number of Designated Committed Affordable Units (CAFs)** [Applicable only if Virginia Housing (“VH”) is the senior lender] Notwithstanding the foregoing, in the event of a foreclosure or deed in lieu of foreclosure pursuant to the deed of trust securing the loans made by VH to the Developer for the project which results in VH acquiring the property, the total number of designated CAFs in the project shall be reduced from one hundred and five (105) CAFs to a minimum of number of twenty one (21) CAFs. The reduced number of CAFs shall be rent restricted and solely occupied by or, if vacant, available for occupancy by low income households with annual incomes that average up to 60% AMI.~~
- ~~The affordability and occupancy restrictions for the remaining eighty four (84) residential apartment units in the project which were not initially repositioned by VH will be determined by an underwriting of the rents and expenses of the project so that VH will create as many affordable units as the project can support at a debt service coverage ratio not to exceed 1.2.~~

~~C. For Development with Additional Density for Affordable Housing (ACZO 15.5.9) [When there are on-site for sale Ownership Committed Affordable Units (Ownership CAF Units)]~~

~~— Intentionally omitted.~~

~~42. Availability of Site Plan Conditions to Residential Condos, Cooperatives and Homeowners Associations (Shell and Core Certificate of Occupancy)~~

~~— The Developer agrees to submit proof to the County Manager or his/her/their designee that it has satisfied this Site Plan Condition prior to the issuance of the Shell and Core Certificate of Occupancy for the building.~~

~~A. If the project includes a residential condominium or cooperative component, then the Developer agrees that a copy of the conditions of this Site Plan approval shall be made available to all prospective purchasers with the condominium's, cooperative's or homeowners association's bylaws or agreements.~~

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

~~43. Obtain Master Certificate of Occupancy (Within 12 months of Receipt of the Certificate of Occupancy that permits full occupancy)~~

~~— The Developer agrees to obtain a Master Certificate of Occupancy within twelve (12) months of receipt of the Certificate of Occupancy that permits full occupancy. The Developer may request in writing to extend the timeframe for obtaining the Master Certificate of Occupancy. The request shall outline the reasons for the extension and shall be submitted to the Zoning Administrator for review and approval at least one (1) month prior to the end of the twelve month time frame. The Zoning Administrator may approve such extension upon finding that the Developer is diligently and in good faith pursuing completion of the project, and will apply for and meet all requirements of a Master Certificate of Occupancy within a reasonable amount of time.~~

~~44. Building Height Certification (Master Certificate of Occupancy)~~

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

~~45. Structural Modifications and Balconies (Life of Site Plan)~~

~~A. The Developer agrees that any structural modification or changes to the facades or materials shall be subject to the approval of the County Manager. If the County Manager or his/her/their designee determines that any proposed changes to the facades or materials have a significant impact on the Site Plan, or otherwise meet~~

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~~— Zoning Ordinance requirements for Site Plan amendments that require approval by the County Board, a Site Plan amendment shall be required.~~

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

~~46. Building Security Measures (Life of Site Plan)  
— Intentionally omitted.~~

~~47. Snow Removal (Life of Site Plan)~~

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

~~48. Maintenance of Residential Common Areas (Life of Site Plan)~~

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

~~49. Retention of Approved Parking Ratio over Subdivided Site (Life of Site Plan)~~

~~— The Developer agrees to provide parking for each building according to the approved parking ratio; when parking is not located within the parcel designation of each building but located within the overall project, it shall continue to be committed to the entire project for purposes of administering the Zoning Ordinance.~~

~~50. Density and Approved Site Areas over Subdivided Site (Life of Site Plan)~~

~~A. Pursuant to the Site Plan, the total density allocated for any new construction on any subdivided parcels of the Site Plan shall not exceed the total approved density for the entire Site Plan. No additional density shall be allowed on any individual parcel formed by subdivision of the site.~~

~~B. Within multi building site plans, the applicant agrees that the site area shall be allocated as follows:~~

<del>— Building 1 [insert address]</del>	<del>— [insert proportion of site area based on GFA of building divided by total FAR, or other formula as proposed by the developer]</del>
<del>— Building 2 [insert address]</del>	<del>— [insert proportion of site area based on GFA of building divided by total FAR, or other formula as proposed by the developer]</del>

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**51. Refuse Delivery to County Disposal Facility (Life of Site Plan)**

~~The Developer agrees to deliver all refuse, as defined by the Arlington County Code, to an operating refuse disposal facility designated by the County Manager, before issuance of the Master Certificate of Occupancy. Any facility designated by the County Manager will have competitive rates at or below other facilities in the region otherwise available to the Developer. The Developer agrees that if it intends to deliver its refuse from this project to a facility other than the disposal facility designated by the County Manager, then the Developer shall submit that decision in writing to the DES Solid Waste Bureau along with a comprehensive cost analysis justifying the Developer's decision. The Developer further agrees to stipulate in any future lease or property sale agreements and deeds that all tenants or property owners shall also comply with this requirement for the life of the Site Plan.~~

**52. Canopies and Awnings (Life of the Site Plan)**

~~The Developer agrees that it will not construct or permit to be constructed any structures within areas dedicated, or to be dedicated, as public sidewalk easements and public sidewalk and utilities easements pursuant to the conditions of this site plan, except canopies, awnings and/or other similar architectural details as depicted in the final site plan or subsequent site plan amendments or administrative changes on the face of the building ("canopies and awnings"), within such easement areas, provided that all such canopies and awnings shall be consistent with the final design and site engineering plans approved by the County Manager. Such canopies and awnings shall also, among other requirements, meet the following minimum standards: each canopy or awning shall (i) be suspended from the face of a building or structure; (ii) have no ground supports; (iii) extend no more than six (6) feet into the adjoining public sidewalk easement or public sidewalk and utility easements; (iv) contain no permanent fixtures, such as, among other things, fans, heaters and sprinklers; (v) extend no more than six feet in any location from the face of the building to the outer edge of the canopy or awning; (vi) extend into the easement area no further than to a point that is five feet behind the back of the curb line;~~

~~(vii) not be located in the clear space above any utility vault; and, (viii) maintain a clearance of at least eight feet above the public sidewalk to the lowest part of the canopy or awning, provided, that if such canopy or awning incorporates a sign, the canopy or awning and the sign shall meet all applicable zoning ordinance provisions.~~

~~In the event such canopies and awnings are approved by the County Board as part of the final site plan or subsequent site plan amendments or approved by the Zoning Administrator as administrative change(s), the Developer further agrees for itself, its successors in title and interest, and assigns, to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, and agents from all claims, negligence, damages, costs and expenses arising from the canopies and awnings. The Developer agrees that, in the event of an emergency, the~~

- ~~County may remove the canopy or awning and shall not be liable for any loss or damage to the canopy, awning or building that may result from such removal. In such event, the County shall not be responsible for replacing such canopy or awning.~~
- ~~The Developer agrees that in the event of need for routine utility work in the area of a canopy or awning, or need for County infrastructure repairs in the regular course of business in the area of the canopy or awning, the County may, by written notice delivered to the Developer, require the Developer, at the Developer's sole cost and expense, to remove the canopy or awning within fourteen (14) days of delivery of said notice. The Developer further agrees that, if the canopy or awning is not removed within fourteen (14) days of delivery of said notice, the County may, at the sole cost and expense of the Developer remove the canopy or awning and the Developer agrees that the County shall not be liable for any loss or damage to the canopy, awning or building that may result from such removal, or for replacing such canopy or awning.~~
- ~~The Developer agrees that, if the County Manager or his/her/their designee determines that any canopy or awning, whether or not approved, interferes with public access or is otherwise inconsistent with the public welfare, zoning ordinance requirements, or future development, the Developer agrees to, at its sole cost and expense, to remove the canopy or awning and fully restore any affected surface areas of the canopy, building or easement. The Developer agrees to complete removal of any canopy or awning upon notice of the County Manager's determination. The Developer agrees that, if the Developer fails to remove the canopy or awning within the time specified, the County may remove the canopy or awning, at the expense of the Developer, and that the County shall not be liable for any loss or damage that may occur as a result of such removal.~~

**53. Polling Place (Life of Site Plan)**

- ~~A. **During Construction (Demolition and Land Disturbing Activity Permits)** The Developer agrees to notify the Arlington County Electoral Board of the temporary unavailability of the polling place location within the existing building during construction, prior to issuance of any Demolition and Land Disturbing Activity Permits.~~
- ~~B. **Public Polling Place (Life of Site Plan)** The Developer agrees, that upon request and demonstration of need of the Arlington County Electoral Board, to provide a location within the building that may be used as a public polling place, without use limitations for polling purposes, that meets the suitability requirements of the Arlington County Electoral Board. Once designated a polling place, the Developer shall continue to provide a polling place area for elections until the County Board votes to move, close or relocate the polling place.~~

~~Attachment A~~

~~In-Building First Responder Network Definitions and Testing Protocol Edited 10/5/2023~~

~~Definitions~~

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

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

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

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

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

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

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

~~Testing Protocol~~

~~When an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the radio system “the system” tested to ensure that two-way coverage on each floor of the building reveals a minimum signal strength of -95 dBm in 95-percent of the building’s area. In addition, the quality of radio signal should be no less than Delivered Audio Quality (DAQ) 3.4 as defined by the Telecommunications Industry Association (TIA). Critical areas, including fire command centers, fire pump rooms, exit stairs, exit passageways, elevators, elevator lobbies, standpipe cabinets, sprinkler sectional valve locations, and other areas deemed critical by the AHJ, shall be provided with 99 percent floor area radio coverage. The test procedure shall be conducted as follows:~~

- ~~1. Each floor of the building shall be divided into a grid of 20 approximately equal areas.~~
- ~~2. The test shall be conducted using a calibrated portable radio of the latest brand and model used by the County.~~

~~3. The test shall be considered failed if more than two nonadjacent grid areas do not meet the signal strength requirements.~~

~~4. In the event that three nonadjacent areas fail the test, in order to be more statistically accurate, the floor shall be divided into 40 equal areas. The test shall be considered failed if more than four nonadjacent grid areas do not meet the signal strength requirements. If the system fails the 40 area test, the system shall be modified to meet the 95 percent coverage requirement, or 99 percent coverage requirement in critical areas.~~

~~5. A test location approximately in the center of each grid area shall be selected for the test. The radio shall be enabled to verify two-way communications to and from the outside of the building through the public agency's radio communications system. Once the test location has been selected, that location shall represent the entire area. If the test fails in the selected test location, that grid area shall fail. Prospecting for a better location within the grid area shall not be allowed.~~

~~6. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file within the building so that the measurements can be verified during annual tests. In the event that the measurement results become lost, the developer shall be required to rerun the acceptance test to reestablish the gain values.~~

~~7. As part of the installation a spectrum analyzer or other suitable test equipment shall be utilized to ensure false oscillations are not being generated by the subject signal booster.~~

~~8. The antennas, cable, and other passive components of the system shall be rated to operate at least between 400MHz and 5.0 GHz.~~

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

~~1. A valid FCC issued General Radio Operators License; and~~

~~2. Certification of in-building system training issued by a nationally recognized organization or school or a certificate issued by the manufacturer of the equipment being installed.~~

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

~~A.~~

~~B.~~

~~C.~~

~~D. PREVIOUS COUNTY BOARD ACTIONS:~~

August 18, 1979

Deferred a use permit (U-2216-79-2) to operate a day care center for up to 50 children, from infants to 5 year olds, subject to conditions.

October 13, 1979

Approved a use permit (U-2216-79-2) to operate a day care center for up to 50 children, from infants to 5 year olds, subject to conditions with review in one year.

Approved a use permit (U-2215-79-1) to operate an institution of an educational or philanthropic nature (educational and occupational training work activity center for mentally, physically and emotionally handicapped individuals 16 year olds and older).

October 18, 1980

Renewed a use permit (U-2216-79-2) to operate a day care center for up to 50 children, from infants to 5 year olds, subject to conditions.

Renewed a use permit (U-2215-79-1) to operate an institution of an educational or philanthropic nature (educational and occupational training work activity center for mentally, physically and emotionally handicapped individuals 16 year olds and older) with review in one year.

October 20, 1981

Discontinued a use permit (U-2216-79-2) to operate a day care center for up to 50 children, from infants to 5 year olds.

Discontinued a use permit (U-2215-79-1) to operate an institution of an educational or philanthropic nature (educational and occupational training work activity center for mentally, physically and emotionally handicapped individuals 16 year olds and older).

Approved a use permit (U-2314-81-3) to operate an institution of an educational or

philanthropic nature (educational and occupational training work activity center for mentally, physically and emotionally handicapped individuals 16 year olds and older).

Approved a use permit (U-2315-81-1) to operate a daycare center for up to 50 children, from infants to 5 year olds, subject to conditions.

February 6, 1982

Approved a use permit amendment (U-2315-81-1) to increase the authorized enrolment for the daycare center from 50 to 75 children, from infants to 6 year olds, subject to conditions and with review in one year.

October 16, 1982

Renewed a use permit (U-2314-81-3) for an institution of an educational or philanthropic nature (educational and occupational training-work center for mentally, physically and emotionally handicapped individuals, 16 years and older), subject to all previous conditions and review in one year.

February 5, 1983

Renewed a use permit (U-2315-81-1) to operate a daycare center for up to 75 children, from infants to 6 year olds, subject to conditions with review in six months.

August 13, 1983

Renewed a use permit (U-2315-81-1) to operate a daycare center for up to 75 children, from infants to 6 year olds, subject to conditions with review in six months.

October 1, 1983

Renewed a use permit (U-2314-81-3) for an institution of an educational or philanthropic nature (educational and occupational training-work center for mentally, physically and emotionally handicapped individuals, 16 years and

older), subject to all previous conditions and review in three years.

February 4, 1984

Renewed a use permit (U-2315-81-1) to operate a daycare center for up to 75 children, from infants to 6 year olds, subject to conditions with review in three months.

May 17, 1984

Renewed a use permit (U-2315-81-1) to operate a daycare center for up to 75 children, from infants to 6 year olds, subject to conditions with review in October 1985.

October 5, 1985

Renewed a use permit (U-2315-81-1) to operate a daycare center for up to 75 children, from infants to 6 year olds, subject to conditions with review in six months.

April 15, 1986

Renewed a use permit (U-2315-81-1) to operate a daycare center for up to 75 children, from infants to 6 year olds, subject to conditions with review in six months.

October 18, 1986

Renewed a use permit (U-2314-81-3) for an institution of an educational or philanthropic nature (educational and occupational training-work center for mentally, physically and emotionally handicapped individuals, 16 years and older), subject to all previous conditions and review in three years.

Renewed a use permit (U-2315-81-1) to operate a daycare center for up to 75 children, from infants to 6 year olds, subject to conditions with review in 18 months.

April 16, 1988

Renewed a use permit (U-2315-81-1) to operate a daycare center for up to 75 children, from infants to 6 year olds, subject to conditions with review in 18

months.

October 7, 1989

Renewed a use permit (U-2314-81-3) for an institution of an educational or philanthropic nature, educational and occupational training work center for mentally, physically and emotionally handicapped individuals, ages 16 years and older, subject to all previous conditions and review in five years.

Discontinued a use permit (U-2315-81-1) for a daycare center for up to 75 children, infants to six years of age.

November 19, 1994

Renewed a use permit (U-2314-81-3) for an institution of an educational or philanthropic nature; educational and occupational training-work center for mentally, physically, and emotionally handicapped individuals, ages 16 years and older, subject to all previous conditions and no further review.

DRAFT