



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of July 8, 2006**

**DATE:** July 5, 2006

**SUBJECT:** U-3148-05-1 USE PERMIT (CARRY-OVER) request for a Unified Commercial/Mixed Use Development, approximately 22 dwelling units, approximately 12,200 square feet commercial/retail, 2515, 2525 Lee Hwy. (RPC #15-007-005, -006)

**Applicant:**

WSD  
717 5<sup>th</sup> Street, NW, 3<sup>rd</sup> Floor  
Washington, DC 20001

**By:**

Jonathan C. Kinney  
Bean, Kinney & Korman  
2000 North 14<sup>th</sup> Street, Suite 100  
Arlington, Virginia 22201

**C.M. RECOMMENDATION:**

Approve the request for a Unified Commercial/Mixed Use Development containing commercial and residential uses, as recommended in the staff report, and subject to the attached conditions.

**ISSUES:** Modification requested for penthouse setback. The applicant has not agreed to Condition #32 requiring metal panels in place of the proposed fiber cement siding on the western façade.

**SUMMARY:** The request is for a Unified Commercial/Mixed Use Development (UC/MUD) at Lee Highway and North Cleveland Street. The 1.64 FAR building would contain a mix of residential and commercial uses with a contemporary design. The applicant requests a modification for penthouse setback, but meets the remaining requirements for a UC/MUD. The penthouse modification is requested in order to incorporate the penthouse into the architecture for the building. Since the last submission, the applicant has revised the plans to attempt to respond to issues raised by the Transportation and Planning Commissions. The loading entrance has been relocated to North

County Manager: \_\_\_\_\_

County Attorney: \_\_\_\_\_

Staff: Lorrie Pearson, DCPHD, Planning Division  
Robert Gibson, DES, Transportation Division

PLA-4388

Cleveland Street and the parking requirement has been met. The applicant has also agreed to pursue a future access easement with the adjacent parcel if it redevelops, and has agreed to a condition requiring LEED certification. The applicant has also agreed to a number of additional recommendations made by the Transportation Commission, including providing off-site improvements such as a contribution for a bus shelter and installation of sidewalk on North Cleveland Street west of the site. The proposed project addresses most of the issues raised by the Transportation and Planning Commissions and meets all of UC/MUD requirements except for penthouse setback. Therefore, staff recommends the County Board approve the request for a Unified Commercial/Mixed Use Development containing commercial and residential uses, as recommended in the staff report and subject to the attached conditions.

**BACKGROUND:** On November 11, 2003, the County Board adopted a Zoning Ordinance amendment permitting mixed-use development as a Special Exception within “C-2” Service Commercial – Community Business Districts called Unified Commercial/Mixed Use development. The intent of this amendment was to allow flexible, site specific solutions within existing commercial areas that would contribute to the area’s revitalization while maintaining commercial service levels. Since the adoption of the zoning ordinance amendment, only one Unified Commercial/Mixed Use Development project has been approved outside of the Nauck Village Center Special Revitalization District (standards within the Nauck Village Center Special Revitalization District are different than those for the rest of the County). This approved project was approved in February 2006 and is located on Old Dominion Drive at North Wakefield Street.

A previous proposal for a Unified Commercial/Mixed Use development on this site was withdrawn in April 2005. That project proposed 24 dwelling units, four live/work units, and 3,750 square feet of retail space.

This project was deferred in May 2006 to allow the applicant to examine the loading and garage entrances, parking deficiency, and American Disabilities Act (ADA) access, as well to allow staff to add conditions regarding green building and future easements.

Proposed Development: The site currently consists of a one-story commercial building of 4,646 square feet, containing a 7-11 convenience store and a vacant commercial space, and a parking lot with approximately 33 parking spaces. The applicant proposes to demolish the existing building and construct a 3-4 story building of approximately 37,000 square feet containing 22 residential units, 9,181 square feet of ground floor retail, and 2,700 square feet of second floor retail. The predominantly underground garage contains 71 parking spaces, plus two tandem spaces.

The contemporary design of the building proposes a mix of materials, with an emphasis on glass along the Lee Highway frontage, with a brick base and fiber cement siding vertical siding at the top and the western corner. The rear and east elevations consist of that same brick base, with other areas in lighter brick. Metal mesh accents appear throughout the building.

Site: The site contains 22,643 square feet and is located on the north side of Lee Highway immediately east of North Cleveland Street. The site contains a significant grade change with a difference in elevation of approximately 9.5 feet along Lee Highway. The site is also

constrained by a 17-foot easement for a storm sewer lying along the eastern property line. To the north of the site is Cleveland House condominiums and to the south, across Lee Highway, are commercial businesses, including a used car sales lot and single-family homes converted to service businesses. To the east is a used car sales lot and the Park Adams apartments, to the west is a landscaped portion of the right-of-way, and to the northwest is a single-family home.

Zoning: The site is zoned “C-2” Service Commercial – Community Business District.

Land Use: The site is designated on the General Land Use Plan as “Low-Medium Residential” (16-36 units per acre).

Neighborhood: The project is located within the boundaries of the North Highland Civic Association and across Lee Highway from the Lyon Village Civic Association.

LEED: The applicant proposes to provide a U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) certified green building, with a score of 26 points. Unified Commercial/Mixed Use Developments do not require certification nor provide any additional density in exchange for LEED certification.

Transportation: The Master Transportation Plan – Part 1 classifies Lee Highway as a principle arterial and North Cleveland Street as a neighborhood minor street. Along the site frontage, Lee Highway is improved as a six-lane divided street. The intersection of North Cleveland Street and Lee Highway operates under traffic signal control. Public transportation is available near the site. Metrobus Route #3 operates on Lee Highway along the site frontage and provides service to the Rosslyn Metrorail Station which is served by the Blue and Orange Metrorail Lines. The Courthouse Metrorail Station is located approximately one-half of a mile south of the site and is served by the Orange Metrorail Line.

Trip Generation: The applicant has proposed to provide a total of 71 parking spaces located on two levels of structured parking. Access to the parking garage level would be restricted to right turns in and out from Lee Highway. The trip generation ratio for the proposed scale of condominium development is about one-half of a trip per dwelling unit in the a.m. and p.m. peak hours. The proposed 22-unit development is estimated to generate approximately 11 trips in each the a.m. and p.m. peak hours. Trip generation for the commercial development is extremely dependent upon the type of business, but should have a minimal impact on adjacent streets due to the high capacity of Lee Highway. The additional traffic generated by the residential development should have a minimal impact on the adjacent streets.

Bicycle Access: The site is conveniently located near the Custis Memorial Parkway Trail (I-66) which can be accessed near Spout Run Parkway, west of the site. The Custis Memorial Parkway Trail provides an off-street trail connection to Rosslyn and the Mount Vernon Trail to the east and the Bluemont and W & OD Trails to the west near Ballston. Consistent with other developments and the Arlington Bicycle Transportation Plan, the developer would also provide secure bicycle storage facilities for residents and guests to the site. The Arlington Bicycle Transportation Plan designates on-street bike lanes to be implemented along Lee Highway between Rosslyn and Cherrydale. A bike

lane is a portion of a roadway that has been designated by striping, signing and pavement markings for the exclusive use of bicycles.

Pedestrian Access: The applicant has proposed to replace the existing sidewalk along the Lee Highway and North Cleveland Street frontages of the site (which varies from four to six feet in width). Staff supports the applicant's proposed streetscape improvements. Along the Lee Highway frontage improvements consist of a 4-foot wide planting strip and a minimum 10-foot wide clear sidewalk. Improvements along the North Cleveland Street frontage include a 4-foot wide planting strip and a 6-foot wide clear sidewalk.

Utilities: Adequate water and sanitary sewer system capacity is available to serve the proposed development. Local improvements will be required to provide service to the development. The developer agrees to make those improvements, as they may be determined through review of the final site engineering plan. The developer is not required to submit the final site engineering plan prior to County Board approval and request for building permits. The developer will be required to comply with both the Stormwater Detention Ordinance and the Chesapeake Bay Preservation Ordinance before construction commences. Staff will review the final site engineering plan to ensure that the storm water runoff does not unduly impact the adjacent residential property to the rear of the site. Located long the eastern property line of the site is a county maintained 48" storm sewer main. The developer is required to maintain a 17' setback from the center line of the storm sewer to allow for continued maintenance of the line.

**DISCUSSION:** According to Section 31.A.17 of the Zoning Ordinance the purposes of Unified Commercial/ Mixed Use Developments are to:

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

Unified Commercial/Mixed Use developments are guided by the standards outlined in Section 31.A.17.a. of the Zoning Ordinance. A table summarizing these requirements and the statistics for the proposed project is below. A more detailed explanation follows the chart.

Para-graph	Brief Description	Requirement	Previous Proposal (May 2006)	Current Proposal	Compliant?
(1)	Ground Floor Commercial	.4 FAR (9,057 SF)	.51 FAR (11,500 s.f..)	.41 FAR (9,181 s.f.)	Y
(2)	Placement and Orientation	75% of façade at back of sidewalk along arterial	95% of façade at back of sidewalk, when exterior arcade and wheelchair ramp considered part of sidewalk or the building façade.	95% of façade at back of sidewalk, when exterior arcade and wheelchair ramp considered part of sidewalk or the building façade.	Y/N <sup>1</sup>
(3)	Streetscape	14' (10' clear) on arterials 10' (6' clear) on neighborhood streets	14' (10' clear) on arterial 10' (6' clear) on neighborhood street	14' (10' clear) on arterial 10' (6' clear) on neighborhood street	Y
(4)	Parking and Loading	Parking and Loading to be placed underground; or to rear or side of building and screened. # of spaces per Sec.33 (70 spaces)	77 required, 71 provided, plus 2 tandem. Loading at side but not fully screened.	71 spaces, plus 2 tandem in underground garage. Loading at side and fully enclosed.	Y
(5)	Trash Collection & Storage	Areas should be inside building or screened.	Located within the building	Located within the building	Y
(6)	Building Height	Building - 45' Penthouse - 12' (w/equal setback)	Building height is 43 ft. Penthouse is not setback from east building wall.	Building height is 43 ft. Penthouse is not setback from east building wall.	Y/N <sup>2</sup>
(7)	Ground Floor Height	12' for 75% of GFA of ground floor along arterial	12' provided throughout ground floor	12' provided throughout ground floor	Y
(8)	First Floor Windows	70% of façade (2'-10') along arterial shall be transparent	78% transparent along first/ground floor	78% transparent along first/ground floor	Y/N <sup>3</sup>
(9)	Building Entrances	Should be along arterials and no more than 100' apart. Corner entrances are encouraged and retail entrances should be transparent.	Entrances located less than 100' apart. Entrances at corners.	Entrances located less than 100' apart. Entrances at corners.	Y
(10)	Landscaping	10% up to 20,000 s.f. plus 20% above 20,000 s.f. (2,529 s.f.)	3,018 s.f.	3,133 s.f.	Y
(11)	Density	Mixed Use Total = 2.0 Residential Max. = 1.1	Residential FAR = 1.1, Commercial FAR = .58, Total FAR = 1.68	Residential FAR = 1.1, Commercial FAR = .53, Total FAR = 1.64	Y

Notes:

- 1) For a portion of the building, the façade that lies immediately adjacent to the sidewalk is the screening for the parking garage with a walkway above to reach the commercial units. This arrangement is a result of the change in grade at the site and provides handicapped access to the tenant spaces. If the exterior arcade is considered the building façade, then the building meets the requirement for façade at back of sidewalk.
- 2) The penthouse could be set back from the building edge, but the current design incorporates the penthouse into the design and becomes an architectural feature.
- 3) The first or ground floor is being defined as the floor that lies a full floor's height above grade. Due to the grade of the site, portions of the basement (garage) level project above grade and influence the calculation for transparency if measured from the sidewalk level rather than from the arcade level.

Ground Floor Commercial: The significant grade change at the site requires a definition of "ground floor." For the purposes of this analysis, only areas that are a full floor's height above grade are considered the ground floor. Areas above the full ground floor are considered second floor commercial. On this site, there are areas along the Lee Highway façade that are less than a full floor's height above grade. These areas are considered the basement level. The current proposal includes 9,181 square feet (.41 FAR) of commercial/retail space on the ground floor. The requirements for UC/MUD call for 9,057 square feet (.4 FAR) of commercial uses located

on the ground floor. Therefore, the project meets the requirement for ground floor commercial. The applicant has proposed an additional 2,700 square feet of commercial space above and behind a portion of the ground floor commercial, on the eastern side of the building. The total amount of commercial space for the project including accessory commercial spaces such as utility rooms is 11,950 square feet (.53 FAR), more than double the existing retail at the site.

The applicant has not secured leases with tenants at this time, but is expecting to attract some neighborhood-serving retail as well as service commercial businesses.

Placement, Orientation and Streetscape: The standards for UC/MUDs require that 75% of a building’s façade be placed at the back of the sidewalk along any arterial frontage. Because of the site’s grade, a portion of the ground floor commercial is actually elevated and accessed from an open arcade above grade, which could be considered an extension of the sidewalk. If this exterior arcade and the associated wheelchair ramp are considered part of the building’s façade, then the project conforms to the standard. If the arcade and ramp are not considered the part of the façade, then only 60% of the façade is along the back of sidewalk. As proposed, the building meets the intent of the standards by providing a building at the sidewalk edge rather than a parking lot or other setback.

The standard further states that the periphery of the site fronting a public right-of-way shall be improved through the provision of streetscape elements. The project, as proposed, provides a 14-foot wide streetscape including 10 feet of sidewalk unobstructed by tree grates, light poles, or similar obstructions. Street trees are to be placed in a continuous planting strip measuring 4 feet wide. The requirements for UC/MUDs call for a 14-foot streetscape (10 feet of sidewalk and a 4-foot planting/utility strip) along arterials. Lee Highway is classified as a “Principal Arterial” on the Master Transportation Plan – Part 1. Therefore, the proposed 14-foot streetscape meets the requirement. The area currently has sidewalks that are 6 feet wide with no other streetscape elements.

The applicant had originally proposed a narrower streetscape in the area of the front entry stairs along Lee Highway. The applicant has since agreed to revise the streetscape at that location, as shown in Option B on the Plot and Location Plan and required by Condition #33. The revised streetscape will then consistently meet the 14-foot requirement.

The applicant proposes a 6-foot wide clear sidewalk along North Cleveland Street with a 4-foot wide planting/utility strip, consistent with the requirements. A comparison of the existing and proposed streetscapes appears in the table below.

	<b>Existing Conditions</b>	<b>Proposed Conditions</b>
<b>Lee Highway</b>	5’ clear s/w, 2’ landscape strip	10’ clear s/w, 4’ landscape strip
<b>N. Cleveland Street</b>	4’ clear s/w, no landscape strip	6’ clear s/w, 4’ landscape strip

Parking & Loading: Per Section 33 of the Zoning Ordinance, the project as proposed requires 70 parking spaces, including 45 spaces for commercial uses (1 space/250 or 300 square feet,

depending on location of the commercial space within the building) and 25 spaces for residential uses (1.125 spaces/unit). Proposed are 71 spaces plus two tandem spaces, thus meeting and slightly exceeding the requirement. The applicant has proposed a shared parking arrangement between the residents and commercial tenants in order to ensure adequate parking is available. Included in the arrangement is unassigned parking (except for the two tandem spaces) open to residents, guests, and commercial users. The lower level of the garage would be closed off in the evenings to provide security for the residents and commercial employees. The remainder of the garage would be available for commercial parking, residential visitors, and overflow residential parking. The site is within ½ mile of the Courthouse Metro station and is on the Metrobus route to Rosslyn Metro. The applicant has also agreed to implement a Transportation Demand Management (TDM) plan, detailed in Condition #28.

Access to the underground parking garage is provided from a 23-foot wide driveway entrance on the east side of the building, off of Lee Highway. Part of the reason behind siting the entrance at the eastern end is the 17-foot wide easement required over the storm sewer line that generally runs along the eastern property line. Structures cannot be built within that easement.

Currently, there are two curbcuts along the Lee Highway frontage. This project would close those curbcuts and instead create one curbcut along Lee Highway. Since Lee Highway is a Virginia Department of Transportation (VDOT) maintained road, the applicant will be required to obtain an entrance permit from VDOT. This entrance does not meet VDOT minimum standard for a commercial entrance and will require review and approval from VDOT. Should VDOT require the entrance to be widened, modifications to the building design will be required.

UC/MUDs are required to provide all parking either behind the building, underground or to the side of the building and shielded with a masonry wall. The current proposal locates the parking predominantly below grade. One level of garage is fully below grade, while the other level is accessed at grade and contains 16 at-grade parking spaces screened within the building and 11 other spaces below grade. The above-grade portion of the garage is screened by both storefront and mesh screening.

The loading area for the proposed development is accessed off of North Cleveland Street, on the north side of the building. Off-street loading facilities are intended to provide a location for the collection and disposal of refuse, commercial delivery for the office/retail tenants, and for residents loading/unloading. The loading area is convenient to the trash area, most of the commercial spaces, and residents.

Per the standards for UC/MUDs, all loading areas are to be provided to the rear or side of the building and shielded from view. The loading area is located at the western side of the building, completely enclosed and connected to the north façade, in compliance with the standards.

The loading area is required to be 25 feet in length. The applicant has proposed a longer loading area in order to accommodate larger, tractor-trailer trucks. A 55-foot truck can be accommodated without encroaching upon the street or sidewalk.

Trash Collection and Storage: The project as proposed provides trash collection and storage within the enclosed loading area, in accordance with the standards for UC/MUDs.

Building Height and First Floor Height: The building height as proposed (43 feet) does not exceed 45 feet and is therefore in compliance with the standards for UC/MUDs. These standards further require that commercial frontage located along an arterial shall have a minimum clear height of 12 feet on the first floor. With ceiling heights of 12 feet, the project as proposed also conforms to this standard.

The proposed 10-foot tall penthouse is shorter than the maximum height restriction of 12 feet but is not set back from the building edge 10 feet on all sides, as required by the UC/MUD standards (the penthouse is to be set back one foot from the building edge for every foot of penthouse height). The intention of the setback requirement is to minimize the impact of the penthouse and overall building height. The proposed penthouse is not setback from the main roof edge, but is set back up to seven feet from other portions of the eastern façade. The penthouse is adequately set back on the other elevations, including those along Lee Highway (setback of 29 feet) and North Cleveland Street (setback of 113 feet). The penthouse modification would therefore not have a negative impact on the pedestrian along those frontages. In addition, the penthouse has been designed to be an integral part of the building design rather than solely screening for mechanical units. As proposed, the penthouse will share the same material as other materials on the building and will appear as part of the building. Therefore, although a modification of ten feet is required, the design and setbacks from the streets justify the modification.

First Floor Fenestration: The standards for UC/MUDs require that a minimum 70% of the building façade on the ground floor (between 2 feet and 10 feet above grade) be transparent. Due to the grade of the site, individual commercial spaces at the level of the sloping grade would be inflexible space, as each individual tenant would be at a different level. The proposed solution to maintain the central commercial spaces level with one another, but elevated in areas, may not provide an ideal level of activity to enliven the streetscape, but is an effective way to provide flexible, ADA-compliant tenant spaces. The corner commercial spaces are at the level of the grade. When the first floor is defined as the floor that is a full floor's height above grade, 78% of the project's first floor façade is transparent. Therefore, the project exceeds the required minimum level of fenestration.

Building Entrances: UC/MUDs are to place main entrances along arterials. The proposed project places the main pedestrian entrances for both the commercial and residential uses along Lee Highway. The proposed project conforms to the building entrance requirement.

Landscaping: The project provides approximately 13.8 percent of its site area as landscaping (3,133 s.f.). UC/MUDs are required to provide 10 percent landscaping for sites less than 20,000 square feet in area, plus 20 percent of the area exceeding 20,000 square feet. The subject site has an area of 22,643 square feet. Therefore, the amount of proposed landscaping (3,133 s.f.) exceeds the minimum requirement (2,529 s.f.).

The landscaped area includes an area north of the parking entrance driveway and proposed as

grass porous paving. This area would allow a utility vehicle access to the proposed transformer behind the building while minimizing the amount of pavement on this side of the building. The particular type of grass paver proposed in this area can be considered part of the landscaped area, as the use would be limited to maintenance of the transformer.

Total Project Density: UC/MUDs are limited to 2.0 FAR. The project as proposed contains 1.64 FAR. Additionally, UC/MUDs may not exceed 1.1 FAR for residential uses. The project as proposed contains 1.1 FAR residential uses. Therefore the project complies with the standards for Unified Commercial/Mixed Use developments relative to overall and residential density.

Neighborhood Participation: The proposed project is adjacent to the Cleveland House Condominiums and is within the North Highland Civic Association. The project has been presented to both of these groups as well as to the adjacent Lyon Village Civic Association. Some citizens stated that they felt retail customers would prefer to park on the neighborhood street or in the adjacent condominium parking lot as opposed to the structure. In response, the applicant has provided the required number of parking spaces and intends to provide directional signage on the building and inside the garage. Landscaping between the site and the adjacent condominium parking lot, as well as not providing access to the commercial or residential spaces from the rear, will discourage users of the site from parking in the adjacent lot. Additionally, as some of the garage parking spaces are not completely below grade and therefore more open to light and air, patrons may be more inclined to use the garage.

The Lyon Village Civic Association raised the issue of the conflict between the General Land Use Plan designation (Low-Medium Residential) and the zoning (C-2, Service Commercial – Service Business District). This proposal retains the historic commercial presence on the site while adding a residential component to come closer to the residential nature of the GLUP designation.

Another Lyon Village concern was that the proposed building would not be setback from the sidewalk as many of the surrounding buildings are. The standards for a UC/MUD require most of the building to be adjacent to the sidewalk. The building would be setback from the street 14 feet, which is the required minimum streetscape dimension.

Other residents indicated that they would be opposed to an entrance from North Cleveland Street. In response, the applicant initially proposed both the garage and loading entrances from Lee Highway. Transportation Commission recommended the applicant to examine relocating the entrances. The current proposal relocates the loading area to North Cleveland Street and completely encloses it within the building. The proposed parking garage entrance remains off of Lee Highway.

Recent correspondence notes that Lyon Village does not support the current proposed parking garage entrance from Lee Highway and has requested the project relocate the parking garage entrance to North Cleveland Street. The adjacent neighbors at Cleveland House Condominium and other residents of North Cleveland Street do not support either loading or parking garage

entrances from North Cleveland Street. The current configuration of loading from North Cleveland Street and garage access from Lee Highway presents a compromise solution.

Transportation Commission: The Transportation Commission heard the previous proposal at its May 4, 2006, meeting and unanimously (8-0) recommended that the County Board defer consideration of this item until such time as the project conforms to established County policies. The Commission found that the project did not conform with regard to several issues: 1) To the extent feasible, the location of the parking and loading entrances should be along the side street, rather than along Lee Highway, 2) The design did not meet its parking requirements (77 spaces required and 71 proposed), 3) ADA access needed further examination.

In response, the applicant has revised the project to provide the loading entrance from the side street and the required number of parking spaces. Additionally, the applicant further examined relocating the parking garage access to the side street. Adding a garage entrance on the narrowest side of the site would severely limit the amount of retail space available at the corner of the building at Lee Highway and North Cleveland Street, whereas the corner retail should be the anchoring and largest retail space. Examination of the ADA access shows that ADA requirements can be met at the building permit stage. The handicapped parking spaces are immediately adjacent to the elevator. The two corner commercial spaces are accessed at grade, the ramp or the elevator provides access to the remainder of the commercial spaces located off the exterior arcade, and the elevator provides access to the residential units.

The Transportation Commission considered the revised plan at its June 22, 2006 meeting. The central issue that was discussed was the location of loading and garage access. The commission was in agreement that as a county goal loading and garage access should be from a side street to the extent possible. The commission did not come to consensus whether or not this site warranted an exception to this goal due to the development constraints associated with the site. The Transportation Commission did not take a vote to recommend approval or denial of the project. However the commission did make five (5) motions in order to provide guidance to the Arlington County Board. The following four (4) motions did not pass:

- The commission rejected a motion (by a vote of 4 in favor and 6 against) to recommend to the County Board that both the loading and the garage entrance should be located off of Cleveland Street.
- The commission rejected a motion (by a vote of 4 in favor and 6 against) to recommend to the County Board that the loading and garage access should be separated, with loading from Cleveland Street and garage access should be permitted from Lee Highway as proposed.
- The commission rejected a motion (by a vote of 4 in favor and 6 against) to recommend to the County Board that the loading dock should be removed from the project and loading should be relocated to the curb lane of Lee Highway.
- The commission rejected a motion (by a vote of 2 in favor and 7 against) to recommend deferral of the project.

With a unanimous vote in favor (10-0), the Transportation Commission approved a motion to recommend to the County Board that should the County Board approve the project the following issues should be addressed.

- Either the developer or the County, whichever starts construction first on North Cleveland Street, should improve the sidewalk on the west side of North Cleveland Street between Lee Highway and Lee Highway Service Road.  
*Staff Response:* Both staff and the applicant agree that this provision is appropriate. Language has been added to Condition #10 reflecting construction of this off-site sidewalk improvement.
- The main entrance stairs along Lee Highway should be removed from clear sidewalk area.  
*Staff Response:* The applicant has agreed to eliminate the stairs in the sidewalk area, as required by Condition #33 and as shown in Option B of the Plot and Location Plan.
- In association with this project the applicant should make a contribution to provide a bus shelter along westbound Lee Highway between North Cleveland Street and North Calvert Street.  
*Staff Response:* Staff agrees that this location is used by Metro Buses, Art Buses, Arlington Public School buses along with other transportation services for pick-ups and drop-offs and it represents an excellent location for bus shelter. The applicant has agreed to make an \$8,000 contribution for construction of a shelter at this location by Arlington County and condition #28.J reflects this commitment.
- The applicant should provide shared parking at the site by making excess parking in the garage available to the public when retail parking is not being used to support retail operations.  
*Staff response:* The applicant has agreed to provide public parking if the condominium association for the property determines the site has excess parking that could be provided to the public. This parking would be offered to Cleveland House and [Calvert Court](#) residents. This agreement is reflected in Condition #28.I.
- A portion of the commercial space available at the site should be used for convenience retail similar to the 7-11 or a Euro Market.  
*Staff Response:* Staff recognizes the impact that providing convenience retail can have by improving the quality of life in a neighborhood by reducing the number vehicle trips residents in the neighborhood need to take. Throughout the planning process the applicant has indicated that is their goal to provide convenience retail in association with the project. However, staff and the applicant have not been able to agree on condition language requiring convenience retail in association with the project.
- The applicant should develop a plan for construction worker parking.  
*Staff Response:* The applicant has agreed to this provision as outlined in Condition #4.b.

- Construction vehicles associated with construction at the site should be prohibited from North Cleveland Street north of the site.  
*Staff Response:* The applicant has agreed to this provision as outlined in Condition #4.b.
- The applicant should develop a loading plan to reduce the impact of the loading garage being located on North Cleveland Street.  
*Staff response:* Staff recommends loading be limited to the hours on Monday through Saturday from 8:00 a.m. to 6:00 p.m., and on Sunday from 10 a.m. to 6 p.m. The applicant has agreed and language has been added in Condition #31 reflecting loading hours.
- Safe pedestrian paths should be identified during construction for pedestrians on both North Cleveland Street and Lee Highway including temporary crosswalks.  
*Staff Response:* The applicant has agreed to this provision as outlined in Condition #4.b.
- The developer should maintain the street surface adjacent to the site in a clean and smooth condition during the construction period.  
*Staff Response:* The applicant has agreed to this provision as outlined in Condition #4.g.

Planning Commission: The Planning Commission considered the item initially on May 8, 2006. The applicant agreed to a two (2) month deferral at the meeting. The Planning Commission voted 8-1 to recommend deferral of the item to the July 8, 2006, County Board meeting. The Commission recommended the applicant examine the loading and parking entrance, the number of parking spaces provided, a future easement over the driveway for possible future redevelopment of the adjacent parcel, adding changing rooms for bicycle riders, and making a final determination on materials. Staff was directed to add a condition to ensure the proposed LEED score is implemented and to continue working with VDOT to determine if parking along Lee Highway is possible. The Commission generally agreed that the modifications to the penthouse setback and full screening of the loading area were acceptable for this project if treated as proposed.

In response, the applicant has revised the project to provide the loading entrance from the side street and the required number of parking spaces, agreed to conditions regarding a future shared access easement and LEED, has added changing rooms for bicycle riders, and has made a final selection for proposed materials.

The Planning Commission considered the revised plan on June 26, 2006. The Planning Commission voted 5-3 to recommend approval of the project. In its recommendation, the Planning Commission suggested a modification to one condition and direction for the applicant to work with the neighbors on another condition, as follows:

- Modify Condition #29 to include a statement that that County Manager would determine the final width of any combined curbcut on Lee Highway.

*Staff Response:* Staff concurs and the applicant agrees to the change in the language. The condition has been modified.

- The applicant should work with the neighbors to come to some agreement on delivery hours.

*Staff Response:* Staff concurs and the applicant agrees to discuss the issue with the neighbors. Condition #31 is included and contains the standard delivery hours, with further restrictions on Sunday.

Building Materials: Staff has examined the proposed materials and is concerned with the proposed use of fiber cement siding on this building as it requires frequent maintenance. Staff would prefer metal panels for the western façade in place of the fiber cement siding. Staff has added Condition #32 to require the applicant to use metal in place of the proposed fiber cement siding, unless an alternate material deemed appropriate to the County Manager is proposed, although the applicant has not agreed to that condition. The Planning Commission did not express a preference for either material.

**CONCLUSION:** The project has been redesigned in response to comments provided by the Transportation and Planning Commissions. The modification requested for penthouse setback is relatively minor and enhances the project's architecture. The remainder of the proposed project meets the requirements of the UC/MUD. Therefore, staff recommends the County Board approve the request for a Unified Commercial/Mixed Use Development containing commercial and residential uses, as recommended in the staff report and subject to the attached conditions.

1. The developer (as used herein, the term developer includes the owner, the applicant and their agents, employees, and all successors and assigns) agrees to comply with the plans dated June 19, 2006, as reviewed and approved by the County Board at the County Board meeting of July 8, 2006, together with any modifications proposed by the developer and accepted by the County Board or vice versa. This Unified Commercial/Mixed Use Special Exception Use Permit approval expires three (3) years after the date of County Board approval if a building permit has not been issued for the first building to be constructed pursuant to the approved plan. Extension of this approval shall be at the sole discretion of the County Board. The developer agrees that this discretion shall include a review of this use permit for a Unified Commercial/Mixed Use and its conditions for their compliance with County policies for land use, zoning, and special exception uses current at that time.
2. The developer agrees to develop and implement a plan for temporary pedestrian and vehicular circulation during construction. This plan shall identify temporary sidewalks, interim lighting, fencing along the roadways and construction vehicle routes, and any other feature necessary to ensure safe pedestrian and vehicular travel around the site during construction. Throughout construction, the developer agrees to ensure that safe pedestrian access is maintained along Cleveland Street; exceptions may be made only during an actual emergency, during actual demolition, and for such limited periods as are unavoidable for utility upgrades and relocation. The developer agrees to submit this plan to, and obtain approval of the plan from, the County Manager as meeting these standards, before the issuance of the Clearing, Grading and Demolition Permit. The developer agrees to provide a copy of the approved plan to the Cleveland House Condominium and the Lyon Village Citizens Association. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.
3. The developer agrees to comply with all federal, state and local laws and regulations not modified by the County Board's action on this Unified Commercial/Mixed Use Permit and to obtain all necessary permits. In addition, the developer agrees to comply with all of the agreed-upon conditions approved by the County Board as a part of this use permit approval. The developer agrees that the County has the authority to take actions to include issuance of a stop work order when the developer is not in full compliance with any of the agreed-upon conditions. Further, temporary Certificates of Occupancy will not be issued without approval by the Zoning Administrator.
4. The developer agrees to comply with the following before issuance of the Clearing, Grading and Demolition Permit and to remain in compliance with this condition until the Master Certificate of Occupancy is issued.
  - a. The developer agrees to identify a person who will serve as liaison to the community throughout the duration of construction. This individual shall be on the construction site throughout the hours of construction, including weekends. The name and telephone number of this individual shall be provided in writing to residents, the presidents of the North Highland and Lyon Village Civic Association and Cleveland House Condominium Association, property managers and business owners whose

property abuts the site, and to the Zoning Administrator, and shall be posted at the entrance of the project.

- b. Before commencing any clearing or grading of the site, the developer shall hold a meeting with those whose property abuts the project to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. Safe pedestrian paths should be identified during construction to maintain pedestrian flow on both North Cleveland Street and Lee Highway including temporary crosswalks. The developer agrees to prohibit construction vehicles associated with construction of his project from using Cleveland Street North of the site. The developer agrees to provide documentation to the Zoning Administrator of the date, location and attendance of the meeting before a Clearing, Grading and Demolition Permit is issued. Copies of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation shall be posted in the construction trailer and given to each subcontractor and construction vehicle operator before they commence work on the project.
- c. Throughout construction of the project, the developer agrees to advise abutting property owners in writing of the general timing of utility work in abutting streets or on-site that may affect their services or access to their property.
- d. At the end of each work day during construction of the project, the developer agrees to ensure that any streets used for hauling construction materials and entrance to the construction site are free of mud, dirt, trash, allaying dust, and debris and that all streets and sidewalks adjacent to the construction site are free of trash and debris.
- e. The developer agrees that construction activity, except for construction worker arrival to the construction site and indoor construction activity, will commence no earlier than 7 a.m. and end by 6:30 p.m. on weekdays and will commence no earlier than 10 a.m. and end by 6:30 p.m. on Saturdays, Sundays, and holidays. "Holidays" are defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas. Indoor construction activity defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors shall end at midnight each day, and any such activity that occurs after 6:30 p.m. shall not annoy or disturb reasonable persons of normal sensitivities. The developer agrees to place a minimum of one sign per street front around the construction site, indicating the permissible hours of construction, to place one additional sign within the construction trailer containing the same information, to provide a written copy of the permissible hours of construction to all subcontractors, and to require its subcontractors to observe such hours.
- f. Storage of construction materials, equipment and vehicles shall occur on the site or an approved off-site location, or as approved by the County Manager.

- g. The developer agrees to maintain street surfaces adjacent to the site in a clean and paved, condition at all times during the construction period. Whenever any significant portion of an adjacent road surface (in excess of 10' by 10') is disturbed for reasons relating to the construction, including utility work, the developer agrees to repair promptly the disturbed portion(s) of pavement with hot patching to return the road surface to a clean paved condition. The developer agrees to insure that the road surface is promptly repaired regardless of whether the excavation work or other damage to the road surface was done by the developer, the developer's contractors, or private utility companies.
  - h. The developer will also notify the presidents of the Cleveland House Condominium and the Lyon Village Citizens Association in writing (or, by mutual agreement, by e-mail) at least five calendar days in advance of any street closure, except in the case of an actual emergency, of more that two hours duration on any street. Where county street lighting has been removed due to construction and not yet replaced, the developer agrees to provide lighting at the perimeter of the site between the start of construction and completion of the project.
- 5. The developer agrees to install address indicator signs, which comply with Section 27-12 of the Arlington County Code or successor provision, in a location visible from the street and as shown on the final engineering plan, prior to issuance of a Certificate of Occupancy for the uses approved by the County Board on July 8, 2006.
  - 6. The developer agrees that, except as otherwise specifically provided in these conditions, all required easements and right-of-way agreements shall be submitted to the County Manager or designee for approval and be recorded by the developer before the issuance of a certificate of occupancy for uses approved by the County Board on July 8, 2006.
  - 7. The developer agrees to submit to the Zoning Administrator and obtain approval from the County Manager a detailed final site development plan and a landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final site development plan and landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final site engineering plan as required in Condition #9 below, as well as a vicinity map with major streets labeled. The developer agrees that all landscaping on the site shall be established and maintained in accordance with the final Landscape Plan, and these conditions. The developer further agrees that all landscaping called for in the final landscape plan for any lot shall be installed for the specific lot before the issuance of a certificate of occupancy for any structure or use on that lot unless another timing arrangement is approved by the Zoning Administrator because of the impractical or impossible nature of such timing. The developer agrees that no Certificate of Occupancy for space in any of the last eleven (11) residential units for which a Certificate of Occupancy is issued shall be issued until all landscape called for in the final landscape plan has been installed.

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

- a. The location and dimensions of utility meters, utility vaults and boxes, transformers, site and building lighting, mechanical equipment, fire hydrants, standpipes, stormwater detention facilities, the location of all existing and proposed utility lines and of all easements.
  - b. Intake and exhaust garage ventilation grates may not be located within public sidewalks or streets, or within areas between the street curb and any building which is used as a walkway. The developer agrees to provide drawings showing how the garage will be ventilated prior to submission of the final Site Development and Landscape Plan and the final Site Engineering Plan. Ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way. The developer shall obtain approval from the County Manager of the location and screening of all ventilation grates as part of the review of the final site engineering plan and the final site development and landscape plan before issuance of the Footing to Grade Permit.
  - c. The location, dimensions, and materials for driveways, driveway aprons, parking areas, interior walkways and sidewalks.
  - d. Topography at two (2) foot intervals and the finished first floor elevation of all structures.
  - e. Four (4) foot wide utility/planting strips and street tree locations.
  - f. The limits of demolition and construction.
8. The developer agrees that all landscaping shall conform to Division of Transportation Standards and Specifications and to at least the following requirements:
- a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:
    - (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 4 to 4 1/2 inches, except as indicated in Condition #18 below.
    - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)—a minimum height of 7 to 8 feet.
    - (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)—a minimum caliper of 3 to 3 1/2 inches. Multi-stem trees shall not be less than 10 feet in height.
    - (4) Shrubs—a minimum spread of 18 to 24 inches.
    - (5) Groundcover—in 2 inch pots.

- b. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager, based on accepted landscaping standards and approved in writing, seeding may be substituted for sod. All sod and seed shall be state certified.
- c. Exposed earth not to be sodded or seeded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed.
- d. Soil depth shall be a minimum of four (4) feet plus 12 inches minimum of drainage material for trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2 1/2 feet, maximum) above the adjacent finished grade.
- e. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
- f. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process. Further, the developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well-maintained condition for the life of the site plan and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator, as required in Section 32A of the Zoning Ordinance.
- g. The developer agrees to notify the DPRCR Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.
- 9. The developer agrees to submit final site engineering plans to the Division of Transportation. The plans shall be drawn at the scale of 1inch = 25 feet and be 24 inches by 36 inches in size. Neither the Excavation/Sheeting and Shoring permit nor the first Building Permit shall be issued until final site engineering plans which agree with the approved final site development and landscape plans, and the sequence of construction, has been approved by the Department of Transportation, as consistent with all site plan approval requirements and all County laws. Upon completion of the construction of a project, the developer agrees to submit one (1) set of as-built mylar plans for sanitary, storm sewer and water main construction to the Department of Transportation for recording.
- 10. The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site in accordance with the then-current Arlington County Standard for concrete curb and gutter and the then-current standards for pavement and according to the

following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project.

- a. North Cleveland Street – The developer agrees to remove and replace, according to Arlington County standards, any existing curb, gutter and sidewalk along the street frontages of this site which is in poor condition or damaged by the developer, prior to the issuance of the first Certificate of Occupancy.

The developer agrees to construct off-site sidewalk improvements along the west side North Cleveland Street between Lee Highway and Lee Highway Service Road as shown on the final engineering plans if Arlington County has not already made the same improvements during construction of the North Cleveland Street sidewalk improvement project prior to issuance of the Clearing, Grading and Demolition Permit.

- b. Lee Highway - The developer agrees to remove and replace, according to Arlington County standards, any existing curb, gutter and sidewalk along the street frontages of this site which is in poor condition or damaged by the developer, prior to the issuance of the first Certificate of Occupancy.

All improvements to curb, gutter, sidewalks and streets for pedestrian and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act (ADA) and any regulations adopted thereunder, as well as any other applicable laws and regulations. The developer further agrees that all improvements to curb, gutter, sidewalks, crosswalks, and streets for pedestrian and/or vehicular access or circulation shall be as determined by the County Manager on the final Site Development and Landscape Plan and on the final Site Engineering Plan, in accordance with the applicable urban design standards in effect at the time of final Site Engineering Plan Approval; provided, however, that the provision of such improvements shall not increase the projected cost anticipated for such improvements as shown on the site plan drawings dated July 8, 2006, unless the County provides additional funding to offset such increased cost.

11. The developer agrees that the final sidewalk pattern/design and final selection of materials and colors to be used shall be as determined by the County Manager on the final site development and landscape plan and final engineering plan, in accordance with applicable urban design standards approved by the County Board and in effect at the time of the final landscape plan approval. The developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project. The sidewalk treatments shall continue across all driveway aprons for loading and garage entrances along all frontages of the site plan, and there shall be no barriers to impede the flow of pedestrian traffic. The sidewalks shall contain street trees placed in either tree pits, tree grates or planting strips, consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Placement, planting and root enhancement options shall be consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified

below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standard. The developer agrees to maintain and replace the street trees and sidewalks for the life of the plan, including snow removal. The sidewalk sections and street tree species shall be as follows:

**Lee Highway** – A minimum 14-foot wide sidewalk measured from the back of curb, consisting of a minimum 10-foot wide, clear sidewalk and a 4-foot wide planting strip adjacent to the back of curb, planted with 4 to 4 ½ inch caliper American Elm street trees, or as approved by the County Manager, and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

**North Cleveland Street** – A minimum 10-foot wide sidewalk measured from the back of curb, consisting of a minimum 6-foot wide, clear sidewalk and 4-foot wide planting strip adjacent to the back of curb planted with 4 to 4 ½ inch caliper American Elm street trees, or as approved by the County Manager, and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

12. The developer agrees to show on the final engineering plans street lighting along all frontages of the site prior to the issuance of the Excavation/Sheeting and Shoring Permit. The plans shall include the height and color of the street light poles. The developer agrees to purchase and install Virginia Power "Carlyle" standard street lights along all frontages of the site in accordance with adopted County Street Lighting Policy, prior to the issuance of the Shell and Core Certificate of Occupancy. The height of the street lights along Lee Highway shall be 16 feet and along North Cleveland Street 12 feet, measured from the sidewalk to the base of the luminaire.

In addition, the developer agrees to furnish and install all conduit and junction boxes necessary for the lighting system. All construction shall meet Arlington County standards. The developer agrees to pay the cost of installing additional standard thoroughfare lights should the County decide that they are necessary to provide adequate lighting for street safety purposes.

13. The developer agrees that all improvements to streets for pedestrians and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act and any regulations adopted there under.
14. The developer agrees to install and maintain a minimum of three (3) designated handicap parking spaces as shown on the plans dated June 19, 2006, as approved by the County Board on July 8, 2006. The designated handicap parking space shall be installed and maintained in full compliance with the Americans with Disabilities Act and any regulations adopted there under.

15. The developer agrees that the design of the façade treatment for the building and the materials to be used on the façades shall be as specified and shown on the submitted drawings identified in Condition #1 and as presented to the County Board and made a part of the public record on the County Board date identified in Condition #1, including all renderings, drawings, and presentation boards presented during public hearings. The developer agrees to submit colored drawings and renderings which label the materials and colors, and material samples, for review by the County Manger for consistency with this approval prior to the issuance of the of the Footing to Grade Permit. The developer further agrees to obtain the approval of the County Manager of the façade treatment as being consistent with the County Board approval before the issuance of the Final Building Permit.

The developer agrees that all retail storefronts along public rights-of-way are required to have an overall minimum transparency of 50% as measured from floor to ceiling. In addition, the portion of the retail storefronts that is located between three and eight feet from grade is required to be at least 80% transparent. The purpose of this condition is to allow pedestrians to view the activity within the retail establishment and to allow patrons and employees of the retail establishments to view the activity on the sidewalk and street. "Transparency" shall mean using glass or other transparent exterior material offering a view into an area of the retail establishment where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like. Provided that the exterior material is glass or other transparent material, a tenant may apply to the County Board for a use permit amendment to grant an exception to this condition for a specified duration.

16. The developer agrees that all engineering design plans and subsequent construction shall be in accordance with the latest edition of the Arlington County Department of Environmental Services (Transportation Planning) Construction Standards and Specifications.
17. The developer agrees that at the time of any transfer of any part of the property, the purchaser shall be provided with a copy of the conditions of the use permit as well as with information clearly stating that all owners of property on the site and their successors and assigns are bound to the terms and conditions of this use permit.
18. Prior to the issuance of the first Certificate of Occupancy (to include temporary Certificates of Occupancy) for any building on the site, the developer agrees to submit a Loading and Delivery Management Plan to the Zoning Administrator for review and approval. This plan shall provide for service access using the loading facility as shown in the plans reviewed and approved by the County Board on July 8, 2006. This plan shall further provide for monitoring of loading and unloading/deliveries by the management of the residential and commercial components of the project, the restriction of loading and deliveries using public streets for the parking of loading and delivery vehicles and shall include a contact name of a person with authority to control loading and unloading/deliveries to whom outsiders may report violations.

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

The developer agrees to make at least twenty substantially contiguous parking spaces on the uppermost level of the garage available to the general public on an unreserved, high turnover, hourly basis for visitors and patrons during the operating hours for the commercial uses. These spaces shall be provided free of charge or at market rates. These spaces, and their availability for this use, shall be clearly labeled. Further, these twenty spaces shall also be fully accessible to the general public.

19. Site lighting shall be shielded in a manner that will limit light spillover from the subject property onto the adjacent properties. The manner of shielding shall be shown on the final engineering plan and approved by the County Manager or his designee as part of the approval of those plans.
20. The developer agrees to provide a plan for diverting from landfill disposal the demolition, construction, and land clearing debris generated by the project. The plan should outline recycling and/or reuse of waste generated during demolition and/or construction. The plan should outline specific waste streams and identify the means by which waste will be managed (reused, reprocessed on site, removed by licensed haulers for reuse/recycling, etc.). The plan must include letters from contracted haulers, reprocessors, and recyclers indicating that they are able to manage waste from the project. The developer agrees to obtain the County Manager's approval of this plan prior to the issuance of the Clearing, Grading, and Demolition permit, and to implement the plan throughout demolition and construction of the project.
21. In order to maintain the effectiveness of the County's public safety communications systems, the developer agrees to permit the County the right to install radio transmitters and receivers in the penthouse or top floor and antennae on the roof of the proposed buildings at no charge to the County in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both the developer and the County. The developer agrees to provide access to electrical service separately metered, including

auxiliary electrical power, and telephone radio control lines to the penthouse in the defined area. Any radio transmitter or receiver equipment and antenna to be installed or used by others must not interfere with the emergency communication system of the County.

22. All proposed utility services, including electrical, telephone, and cable TV, with the exception of the pad mounted transformer, shall be located underground and shall not result in the installation of any additional utility poles or aerial devices.
23. The developer agrees that all sanitary sewers and water mains, including water services, shall have a minimum of ten (10) feet horizontal clearance from each other and five (5) feet clearance from all other utilities, and shall have a minimum of 10 feet horizontal clearance from buildings and other structures. Water mains 16 inch and larger, and mains placed more than 10 feet deep shall have a minimum of 15 feet horizontal clearance from buildings and other structures; and sanitary sewers 15 inches and larger, or sewers placed more than 10 feet deep shall have 15 feet minimum clearance from buildings and other structures. All water mains and sanitary sewers shall meet County Standard design criteria.

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

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

The developer agrees to provide approximately 125' of 8-inch water main in North Cleveland Street along the proposed site frontage, connecting to the existing 12-inch water main in Lee Highway. The proposed water meter and fire line shall be connected to the new 8-inch water main. The existing 6-inch water main being replaced shall be abandoned with any existing services reconnected to the new main

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

The existing sanitary sewer along the northern boundary of the site may be relocated or abandoned as needed, but shall accommodate the current sewage outfall from the Cleveland House Condominium, located adjacent to site on the north. Any relocated sanitary sewer shall be constructed to provide a minimum of 10 feet horizontal clearance from the proposed structure, including the underground garage.

The County will TV-Inspect the sanitary sewer lines serving the site and shall identify any improvements that are necessary to adequately service the development. The developer agrees to repair or replace any sections or appurtenances of the sanitary sewer serving the development that are found to be deficient or damaged by the developer, as identified by County staff and as shown on the final engineering plan approved by the County Manager.

26. All required public deeds of easement and deeds of dedication shall be submitted to the Division of Transportation prior to the issuance of the Excavation/Sheeting and Shoring Permit, and be approved and recorded among the land records of the Clerk of the Circuit Court of Arlington County, by the developer before the issuance of the Final Building Permit. The developer agrees that there shall be no building construction within the easement area without approval by the County Manager or the County Board. Dedications granted by the developer for street and public right of way purposes and improvements shall be dedicated in fee simple to the County. Dedications granted by the developer for improvements, including, but not limited to, sidewalks, street trees, other streetscape plantings, and water, storm sewer, sanitary sewer, and other utilities, may be dedicated by easement to the County.
27. The applicant agrees that, should the Virginia Department of Transportation permit on-street parking along the Lee Highway frontage before the issuance of the first Certificate of Occupancy for any space in the building, the applicant shall obtain approval from the County Manager of a revised landscape plan showing the removal of areas of the continuous landscape strip and the installation of solid walkway materials. Upon approval, the applicant shall implement the revised landscape plan before the new parking signs are installed to allow on-street parking.
28. The developer agrees to develop and implement a Transportation Demand Management Plan to be approved by the County Manager or his designee before the issuance of the first Certificate of Occupancy. The Transportation Demand Management Plan shall describe the developer's efforts to implement, but not be limited to, the following strategies:
  - I. ***Program Participation and Funding***
    - A. Maintain membership in Arlington Transportation Partners (ATP), or successor entity, at no cost to the developer, on behalf of the property management company.
    - B. Designate a member(s) of the property management company as Property Transportation Coordinator to be primary point of contact and with responsibilities for coordinating and completing TDM obligations. The Property Transportation Coordinator shall be appropriately trained to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.
    - C. Promote the formation of Employer Transportation Benefit Programs and encourage formation of transit-oriented commuting habits among office and retail employees.

## ***II. Promotions, Services and Progressive Employee Policies***

- D. Provide printed materials to provide transportation-related information on a one time basis to condominium purchasers and to commercial tenants prior to lease execution.
- E. Provide SmarTrip cards on a one-time basis free to condominium purchasers during the initial sales period.
- F. Distribute transit information to residents and visitors of the project, to include the following items:
  - 1. Distribute a new resident package provided by Arlington County that includes site specific transit-related information to each person purchasing a condominium.
  - 2. Place a reference to the nearest metro stations (Courthouse and Clarendon) in promotional materials and advertisements.
  - 3. Distribute information in promotional materials regarding commute options and assistance services available.
  - 4. Participate in Ozone Action Days and other regionally sponsored clean air, transit, and traffic mitigation promotions by advertising such promotions in a manner and at such locations within the building acceptable to the developer and the condominium association.
- G. From first occupancy provide marketing support through coordination with Arlington County to encourage ridesharing and use of transit by employees of the property.

## ***III. Coordinated Parking Management***

- H. Provide effective directional signage to direct residents and visitors to appropriate locations on the property.
- I. Should the condominium association for the property vote to provide limited overnight public parking in the future, the public portion of the garage shall be made available. Users must obtain an access card in advance in order to park overnight. Access cards shall be offered to Calvert Court and Cleveland House residents. Overnight public parking shall be available after the peak hours of commercial use in the garage, subject to customary rules and restrictions. The off-peak hours shall be determined based upon the actual demand of the commercial tenants. The parking

management plan shall provide additional details regarding the process for accessing overnight public parking and periodic review shall allow for adjustment in off-peak hours based on actual tenant mix and garage use.

#### **IV. Transit Improvements**

J Contribute \$8,000 to Arlington County for the installation of bus stop improvements for the stop located on westbound Lee Highway between North Cleveland Street and North Calvert Street. Such contribution is to be made prior to issuance of the Final Building Permit.

29. In the event the adjacent parcel at 2505 Lee Highway redevelops and requests to use the proposed access for 2525 Lee Highway, the applicant agrees to grant a shared access easement if requested by the County Manager. The easement would be required only if a reciprocal shared access easement, of a size to be approved by the County Manager, (which need not be of equal size to the access easement granted by the developer) would also be granted by the then-owner of the property at 2525 Lee Highway for use by the occupants of the subject property. The easement agreement would include language requiring both parties to share the cost of maintenance of the access drive(s).
30. The developer agrees to make a contribution to the County's Green Building Fund of \$1,113.36 (\$0.03 X 37,112 square feet). The payment shall be made to the Department of Environmental Services prior to the issuance of the Clearing, Grading, and Demolition Permit, and compliance with this condition shall be provided to the Zoning Administrator in the form of a letter at the time of payment. If the project achieves formal certification as a LEED Green Building from the U.S. Green Building Council within one year of issuance of the Master Certificate of Occupancy, the Green Building fund contribution shall be refunded upon receipt of written request, and documentation of LEED certification, by the applicant.

The developer agrees to hire a LEED certified consultant as a member of the design and construction team. The consultant shall work with the team to incorporate sustainable design elements and innovative technologies into the project to that numerous building components may earn the developer points under the U.S. Green Building Council's system for LEED certification. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for seven (7) LEED Prerequisites and 26 LEED credits. The developer agrees to use commercially reasonable efforts to achieve additional LEED credits which would qualify the building for certified levels.

For residential development, the developer agrees that all of the following types of appliances, fixtures, and/or building components used in the project shall have earned the U.S. EPA's Energy Star label: clothes washers, dishwashers, refrigerators, ceiling fans, ventilation fans (including kitchen and bathroom fans), light fixtures (halls and common areas), and exit signs. To further enhance energy efficiency, the developer shall choose two of the types of components listed and all of those two types of components installed or used in the project shall be Energy Star qualified: programmable thermostats (in residential units);

residential light fixtures; windows and doors; and HVAC systems. The developer shall submit to the County Manager a statement listing all Energy Star qualified components prior to issuance of the Core and Shell Certificate of Occupancy.

The developer further agrees to submit, to the County Manager, a report prepared by the LEED consultant and documentation upon request to substantiate the report. Such report will be submitted prior to issuance of the following permits or certificates of occupancy for construction of the project and will summarize the efforts to date of the inclusion of the sustainable elements within the project:

- Demolition Permit
- Excavation, Sheeting and Shoring Permit
- Footing to Grade Permit
- First Above Grade Building Permit
- Final Building Permit
- Shell and Core Certificate of Occupancy
- Certificate of Occupancy for occupancy of the last floor of space
- Master Certificate of Occupancy

In addition, prior to issuance of the first Certificate of Occupancy after the Shell and Core Permit, the developer will have its LEED consultant submit a certification to the County Manager that the elements to earn the above specified number of points have been included in the buildings.

31. The developer agrees that use of the loading dock for deliveries or trash pick-ups, excluding moving vans, shall be limited to the hours on Monday through Saturday from 8:00 a.m. to 6:00 p.m., and on Sunday from 10 a.m. to 6 p.m. The loading dock door shall also be closed when the loading dock is in use, except when necessary for entry or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures.
32. [Staff recommendation; subject to applicant's agreement] The material proposed as fiber cement siding, located primarily on the western façade and wrapping the corners to the front and rear façades, shall be revised to metal panels, to be approved as part of the façade plan required in Condition #15, unless an alternate material is proposed and deemed acceptable by the County Manager.
33. The applicant agrees to revise the main building entrance to provide a 10-foot sidewalk and 4-foot landscape strip, as shown in Option B of the Plot and Location Plan dated June 19, 2006.

PREVIOUS COUNTY BOARD ACTIONS:

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|-------------------|---|
| October 10, 2004  | Deferred U-3102-04-1 use permit request for a Unified Commercial/Mixed Use Development, 24 dwelling units, four live/work units and approximately 3,750 square feet of retail space to December 11, 2004. |
| December 11, 2004 | Deferred U-3102-04-1 use permit request for a Unified Commercial/Mixed Use Development, 24 dwelling units, four live/work units and approximately 3,750 square feet of retail space to February 2005.     |
| February 12, 2005 | Deferred U-3102-04-1 use permit request for a Unified Commercial/Mixed Use Development, 24 dwelling units, four live/work units and approximately 3,750 square feet of retail space to March 12, 2005.    |
| March 12, 2005    | Deferred U-3102-04-1 use permit request for a Unified Commercial/Mixed Use Development, 24 dwelling units, four live/work units and approximately 3,750 square feet of retail space to April 16, 2005.    |
| April 16, 2005    | Accepted withdrawal of U-3102-04-1 use permit request for a Unified Commercial/Mixed Use Development, 24 dwelling units, four live/work units and approximately 3,750 square feet of retail space.        |
| May 20, 2006      | Deferred U-3148-05-1 use permit request for a Unified Commercial/Mixed Use Development, 22 dwelling units and approximately 14,000 square feet of commercial/retail space to July 8, 2006.                |