



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of January 27, 2007

**DATE:** January 19, 2007

- SUBJECT:**
- A. SP #106 SITE PLAN AMENDMENT for a final site plan on Parcel 3 consisting of approximately 142 hotel rooms, Lot 7- Street Retail, Inc. Addition at Shirlington (RPC #29-014-021).
  - B. SP #106 SITE PLAN AMENDMENT: Shirlington HHG Hotel Development, LP, request for rooftop signage; Lot 7- Street Retail, Inc. Addition at Shirlington (RPC #29-014-021).

**Applicant:**

Shirlington HHG Hotel Development, LP

**By:**

Timothy S. Sampson  
Walsh, Colucci, Lubeley, Emrich & Walsh  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, Virginia 22201

**C.M. RECOMMENDATION:**

- A. Approve the site plan amendment for a final site plan on Parcel 3 consisting of approximately 142 hotel rooms, subject to all previous conditions and the conditions in the staff report.
- B. Approve the site plan amendment for two (2) rooftop signs, subject to all previous conditions and the conditions in the staff report.

**ISSUE:** None.

**SUMMARY:** The applicant has proposed to build a new hotel in Shirlington pursuant to the approved Phased Development Site Plan (PDSP), amended in October 2000, and has proposed two (2) rooftop signs on the hotel. This is the final portion of the site plan #106, approved

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

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

Staff: Lorrie Pearson, Planning Division, DCPHD  
David Robinson, Transportation Division, DES

PLA - 4596

through the PDSP. The proposal meets the requirements for the conceptually approved hotel project, in terms of uses, density, building footprint and height, and parking. The applicant has revised the plans to reflect many of the comments received from the community and staff. The proposed rooftop signs meet the requirements in the *Sign Guidelines for Site Plan Buildings* and the *Shirlington Village Comprehensive Sign Plan and Sign Guidelines*. Therefore, staff recommends approval of both site plan amendments, subject to all previous conditions and the conditions in the staff report.

**BACKGROUND:** On October 7, 2000, the County Board approved a major amendment to the Village of Shirlington Phased Development Site Plan (PDSP) for parcels 2 and 3. This amendment reallocated gross floor area, incorporated additional land into parcel 3 of the PDSP, and added 52,500 square feet of additional retail use, 195,000 square feet of additional office space, 400 residential units, 150 hotel rooms, a 25,000 square foot live performance theater, an 18,000 square foot public library, and two parking garages consisting of up to 2,115 spaces on parcel 3, the Village of Shirlington parcels A-6, A-7, and parcel B Shirlington Business Center. The PDSP amendment conceptually approved the locations, bulk, densities, and height of the uses on the site, as well as several aspects of the site layout, including locations and widths of streets. A *Shirlington Design Book*, approved by the County Board at the time of the PDSP amendment approval, shows the existing conditions and approved concept for the Village of Shirlington, as well as a vision and characteristics of the streetscape, storefronts, and other public spaces in the Village.

On June 30, 2001, the County Board approved the first final site plan for Parcel 3, which consisted of four residential buildings with ground floor retail, two small one-story retail buildings along the side of the existing cinema, two parking structures, and all streets and streetscape associated with Parcel 3. On June 8, 2002, the County Board approved final site plans for the library/theater and for the library plaza. All of the buildings included in these approvals, as well as the site utilities, streets, and streetscape, are under construction and nearing completion or have been completed. On September 16, 2006, the County Board approved the final site plan for the office building with ground floor retail at the southwest corner of South Randolph Street and 28<sup>th</sup> Street South (Randolph Square). As a part of that approval, eight hotel rooms allotted to Parcel 3 were converted to 4,752 square feet of additional retail space to be located within the office building, leaving 142 hotel rooms able to be constructed within Parcel 3. This is the final site plan for the Shirlington PDSP.

#### **SITE PLAN PROPOSAL:**

**The following provides additional information about the site and location:**

Site: This .79 acre site is on the north side of parcel 3, southeast of the intersection of Arlington Mill Drive and South Stafford Street.

To the north: Four Mile Run and the Jennie Dean Park across Arlington Mill Drive.

To the west: Two 12-story residential buildings across South Stafford Street.

To the east: Surface parking lot for retail and office uses in parcel 2, phase 1 of the

Village at Shirlington across South Randolph Street.

To the south: Existing cinema building and the newly constructed 4-story residential building with ground floor retail.

Zoning: The subject site is zoned “C-O-1.5” Commercial Office Building, Hotel and Apartment District.

Land Use: The General Land Use Plan designation of the site is “Low” Office-Apartment-Hotel.

Neighborhood: While the site is not within a civic association, nearby civic associations include the Fairlington Citizen’s Association, which lies immediately to the south of the Village at Shirlington, and the Nauck Civic Association lies across Four Mile Run to the north of the Village at Shirlington. The site is within the Fairlington-Shirlington Neighborhood Conservation Area.

**Proposed Development:** The following table sets forth the statistical summary for the proposed development:

<b>Site Area (“C-O-1.5”)</b>	<b>34,406 square feet ( .79 acres)</b>
<b>General Land Use Plan</b>	<b>“Low” Office-Apartment-Hotel</b>
<b>Density</b>	
Hotel GFA	110,000 sf
Hotel Rooms	142
<b>PDSP Permitted Hotel Rooms</b>	<b>142</b>
<b>Building Height</b>	
Average Site Elevation	57.2 ft. ASL
Main Roof Elevation	127.33 ft. ASL
Main Roof Height	70.13 ft.
Penthouse Elevation	139 ft. ASL
Penthouse Height	81.8 ft.
Number of Stories	6 stories
<b>Max. permitted height in PDSP--stories</b>	<b>6 stories</b>
<b>Max. permitted height in PDSP--feet</b>	<b>80 feet to main roof</b>
<b>Parking</b>	
Total parking spaces	145 spaces
Shared spaces	80 spaces
Hotel Use Only designated spaces	65 spaces
<b>Required Hotel Use designated spaces</b>	<b>65 spaces</b>
Hotel Use designated space parking ratio	.46 spaces/room
Total Hotel parking ratio	1.02 spaces/room

<b>Required parking ratio per PDSP</b>	<b>.54 spaces/room</b>
<b>Percent Coverage</b>	<b>52%</b>
<b>LEED Score</b>	<b>26 points</b>

Density and Uses: The proposal is for a six-story hotel building of 110,000 square feet containing 142 guest rooms and associated common areas including meeting rooms, an exercise room, and a swimming pool. The height and number of rooms complies with the PDSP approval.

Site and Design: The building is to be constructed primarily of masonry, starting with a gray precast concrete base, then graduating from a dark red/brown brick to medium tan brick to buff brick, and topped with oyster-colored, smooth Alucobond or similar durable product. Precast cornices and brick banding are proposed throughout. The windows, which originally contained the venting for the individual HVAC systems, have been revised to eliminate the through-wall venting and are proposed to contain oyster-colored spandrels to match the top floor. The only window to still contain a louver is set back 15 feet from the sidewalk along Arlington Mill Drive, is screened behind shrubs and other landscaping, and provides fresh air for the swimming pool area. Most windows are topped with buff-colored precast lintels. Windows and the front door are highlighted with green aluminum frames.

As venting is generally no longer proposed within the windows, the condenser units have been relocated to the roof of the building. These units are designed to be screened by an Alucobond parapet wall.

The entrance, proposed along South Stafford Street, is differentiated from the remainder of the building by a slight inset and by continuing the oyster-colored Alucobond down from the sixth floor, ending at a green metal canopy and aluminum and glass entrance door. The ground floor window openings along South Stafford Street and the window along Arlington Mill Road closest to South Stafford Street are proposed to have fabric awnings.

Two areas, one on the South Stafford Street elevation and one on the South Randolph Street elevation, were originally designed not to include window openings as a result of the hotel's interior layout. In place of windows, a decorative brick pattern was proposed. Staff has worked with the applicant to add windows to those areas while retaining a portion of the brick pattern.

Staff had also requested the applicant add more glass to the ground floor along the Arlington Mill Drive elevation, which the current plans reflect.

The corner of the building closest to the intersection of South Stafford Street and Arlington Mill Road is proposed to be one story and initially was proposed to contain the indoor pool. The applicant has revised the floorplan to provide a more appropriate use for this visible corner: the fitness room. Further east, set back from the sidewalk along Arlington Mill Road, is a proposed outdoor terrace seating area designed to serve as overflow for the common areas of the hotel. The terrace is bordered by an approximately two-foot high brick and precast terrace seat and is

not connected to the public sidewalk.

Between the sidewalk along Arlington Mill Road and the terrace is a proposed landscaped area consisting primarily of ornamental trees, a row of canopy trees, shrubs, groundcover, and turf. Ornamental trees are also proposed between the building and the sidewalk along South Randolph Street, while the building is proposed to meet the sidewalk along the South Stafford Street frontage. Shrubs, understory trees, and groundcover are also proposed at the rear of the site along service and emergency egress areas and to screen the existing utility yard and proposed loading area.

Additional landscaping is proposed on four separate areas of roof; two at the second floor, and two at the sixth floor. Three of those areas would be accessible by guests and overlook Four Mile Run and Jennie Dean Park. The inaccessible area would be located at the second floor in the rear of the building. These roof terraces contribute to the LEED score for the building.

Consistent with the PDSP, parking for the hotel is proposed in the shared garage attached to the new residential buildings across South Stafford Street from the proposed hotel entrance. Proposed are 65 spaces designated for hotel use only, in accordance with the approved parking management plan, and 80 additional shared spaces, for a total of 145 spaces.

Loading and trash service is accommodated from an arched entrance on South Randolph Street. The trash and utility areas are screened by an eight-foot tall privacy fence and landscaping. Access to the electrical transformer yard, as well as emergency egress, would be through a service easement from South Stafford Street.

LEED Scorecard: In the proposed project, the applicant has agreed to achieve a minimum of 26 LEED points, the minimum level for certification using the New Construction scorecard. In the scorecard, the applicant includes credits for both reflective and vegetated roofs and a Green Cleaning program. The applicant does not plan to have the building certified.

**TRANSPORTATION:** The proposed hotel has street frontage along South Stafford Street to the west, South Arlington Mill Drive to the north and South Randolph Street to the east. The Master Transportation Plan classifies both South Stafford Street and South Randolph Street as neighborhood-minor streets and South Arlington Mill Drive as a minor arterial. Other arterial streets in the area include Interstate 395 (Shirley Highway) – a controlled access facility, Quaker Lane and Shirlington Circle – principal arterials, and Shirlington Road - a minor arterial. Adjacent to the site, South Stafford and South Randolph Street are constructed to varied widths but generally provide a single travel lane in each direction, separated by a raised landscaped median with on-street parking allowed along both sides of the streets. Adjacent to the site South Arlington Mill Drive is constructed as a four-lane divided arterial and has a signalized intersection with South Randolph Street.

All-day, non-directional traffic counts for several streets near the site and the Fairlington neighborhood to the south are detailed below. As shown in the table on the next page, traffic counts in the area have been relatively stable over the past several years.

### All Day Non-Directional Traffic Volumes

Street (location)	1994	1997	2002	2004	2006
S. Abingdon St. (north of 31 <sup>st</sup> St.)	3,675	3,705	3,780	4,115	NA
S. Arlington Mill Dr. (north of 29 <sup>th</sup> St.)	12,295	11,680	NA	NA	11,039
S. Quaker Lane (north of 32 <sup>nd</sup> Rd.)	23,165	21,935	23,630	23,425	NA
S. Randolph St. (south of S. Arl. Mill Dr.)	4,190	3,850	NA	4,175	NA
S. Shirlington Rd. (at Four Mile Run)	22,790	19,125	21,645	NA	NA
S. Wakefield St. (south of 36 <sup>th</sup> St)	5,930	4,610	NA	NA	3,065
S. Wakefield St. (north of 36 <sup>th</sup> St.)	1,935	2,060	NA	NA	1,532
28 <sup>th</sup> St S. (west of S. Quincy St.)	NA	3,130	NA	2,170	NA
31 <sup>st</sup> St. S. (east of S. Abingdon St.)	4,410	4,345	4,255	4,610	5,260
31 <sup>st</sup> St. S. (west of S. Abingdon St.)	2,850	2,670	2,355	2,185	NA
34 <sup>th</sup> St. S. (west of S. Wakefield St.)	3,055	2,910	2,650	2,910	NA

NA – Not available

Trip Generation: A Traffic Impact Analysis (TIA) was prepared by a transportation consultant for the applicant to assess the impacts of the development on the adjacent street system. Future intersection Levels of Service (LOS) were evaluated for the weekday morning and evening peak hours for several intersections near the site. The proposed 142-room hotel was estimated to generate approximately 81 AM (47 in and 34 out) and 81 PM (40 in and 41 out) peak hour vehicle trips, based on Institute of Transportation Engineers (ITE) Trip Generation Manual (7<sup>th</sup> Edition). The TIA analysis found that the intersections would continue to provide an acceptable level of service in the future as shown below.

#### Peak Hour Intersection Level of Service

Intersection	AM Peak Hour	PM Peak Hour
Randolph St. & Arlington Mill Drive – Signal	A	B
Randolph St. & 28 <sup>th</sup> St. - 4-way Stop	C or better	C or better
Stafford St. & Arlington Mill Drive – Stop	C or better	C or better

Stafford St. & Site Driveway B – Stop	A	A
Stafford Street & Driveway C. - Stop	A	A
Arlington Mill Drive & Driveway A. - Signal	B	B

Parking and Loading: A total of 145 parking spaces are allocated from the parking management plan for the Village at Shirlington for the proposed hotel, including 65 parking spaces reserved exclusively for hotel use only and 80 shared parking spaces within the garage. The proposed hotel parking ratio at 1.02 spaces per room exceeds the PDSP-required parking ratio of 0.54 spaces per room. The parking spaces are located in the shared parking garage located behind the new residential building across South Stafford Street. Access to the parking garage is available from the signalized driveway entrance off of Arlington Mill Drive, and two driveway entrances off of South Stafford Street. An off-street loading space is provided to the rear of the hotel adjacent to the movie theater with access from South Randolph Street for deliveries and refuse service. A loading and delivery management plan is also required to be developed (Condition #72) defining the procedures and policies for utilization of the loading area by delivery/service vehicles, monitoring of the facility for noise and litter by hotel management and a contact name of a management staff person to serve as a liaison with residents and businesses to address loading/delivery service issues.

Streetscape: The proposed hotel has street frontage along Arlington Mill Drive, South Stafford Street and South Randolph Street. All three streets were recently constructed by FRIT in conformance with the Street and Utility Infrastructure Plan approved by the County Board in 2000. The applicant is not proposing any changes to the street cross-sections which are consistent with the urban design guidelines contained in the *Shirlington Design Book* and the approved PDSP.

Improvements to the public sidewalks adjacent to the site are proposed along all four sides of the building and are generally consistent with the urban design guidelines contained in the *Shirlington Design Book*.

*South Stafford Street* – The main entrance to the hotel lobby is accessed from the 20-foot wide streetscape section that includes street trees in six-foot wide circular tree pits located adjacent to the back of curb and a minimum 11-foot wide clear, unobstructed concrete sidewalk.

*South Randolph Street* - A 13-foot wide streetscape section that includes street trees in five-foot wide by fifteen-foot long tree pits located adjacent to the back of curb and a minimum eight foot-wide clear, unobstructed concrete sidewalk. An additional five-foot wide landscape strip is located between the back of sidewalk and the building, resulting in a building setback of 18 feet.

*Arlington Mill Drive* - A 14-foot wide streetscape section that includes street trees in five-foot wide by fifteen-foot long tree pits located adjacent to the back of curb and a minimum nine foot-wide clear, unobstructed concrete sidewalk. There is an additional landscape buffer that varies in width from five to twenty-five feet in width located between the back of sidewalk and the hotel’s outdoor patio.

*Mid-block pedestrian path* - A mid-block pedestrian pathway would be provided linking the sidewalk between South Stafford Street and South Randolph Street along the north side of the movie theater and the new residential building. From South Stafford Street adjacent to the residential building a minimum eight-foot-wide clear, unobstructed concrete sidewalk would be constructed with landscaping adjacent to each side of the walkway. From there to South Randolph Street a minimum six-foot wide clear, unobstructed sidewalk would be constructed adjacent to the movie theater and the loading area service lane.

Street Lighting: The redevelopment of the Village at Shirlington, first begun in the early 1980s, has resulted in installation of a variety of street light styles over the years. The original developers installed the thoroughfare style "Cobra" street light poles along the Arlington Mill Drive frontages of their site. The adopted *Shirlington Design Book* details a special Victorian style double globe street light through the interior streets of the development which are maintained by the developer. The final site plan approvals for parcels 2 (Alexan Shirlington/IO Piazza) and parcel 3 (Residential/Retail/Streetscape) required installation of the County's standard "Carlyle" street light poles along the Arlington Mill Drive frontages of the respective sites. This final site plan for the hotel will upgrade the street lights along Arlington Mill Drive between South Randolph and South Stafford Streets with the VaPower standard "Carlyle" light and the Shirlington Victorian style double-globe street light along the South Randolph and Stafford Street frontages of the site.

Public Transit: Public Transit: Shirlington is an outstanding location for Metrobus service for travel within the County. Three cross-county and two radial bus lines converge, to provide very frequent service to a variety of destinations within nearby Virginia. Several Metrobus routes provide service through Shirlington to the Ballston Metrorail Station including Routes 10, 22, 23 and 25. Metrobus Routes 7, 22, and 25 provide service to the Pentagon Metrorail Station. Metrobus Route 23 provides service to the Crystal City Metrorail Station. On weekdays, 424 buses provide service through Shirlington from many destinations and corridors with additional destinations available with transfers between routes either within Shirlington or at major transfer centers, such as the Ballston and Pentagon Metrorail Stations. Approximately 1,000 boardings and alightings occur in Shirlington at the bus stops located in the 2700 block of South Quincy Street (adjacent to the WETA office Building) making it the third busiest bus hub in Arlington County.

ART Route 82 service is available across South Randolph Street from the site and provides service between Shirlington, the Nauck neighborhood and the Pentagon City Metrorail Station. Metrobus and ART route service changes are being planned at this time for the opening of the Shirlington Bus Transfer Center (described below).

Shirlington Bus Transfer Center: To encourage increased transit usage, visibility, safety and comfort for residents, employees and retail customers in the Village at Shirlington, an off-street bus transfer facility is planned to be constructed nearby at the intersection of South Randolph Street and 31<sup>st</sup> Street South. The bus transfer facility (currently in final design) has been developed to provide an attractive, functional off-street center with a weather-protected exterior and climate-controlled interior waiting areas, a transit store/retail site, facility office, community service and passenger information systems, landscaping and public art site opportunities.

Construction is anticipated to begin in the summer of 2007, and to take approximately one year.

**Bicycle Access:** The Shirlington area is conveniently located in south Arlington with access to the County's bike trail system. The Four Mile Run Bike Trail is an off-street trail located across Arlington Mill Drive that connects with the Mount Vernon Trail to the east and the Custis Memorial Parkway, Washington and Old Dominion and Bluemont Trails to the west. Several other bike routes and bike lanes are located nearby. An on-street bike lane was recently painted on South Randolph Street between 31<sup>st</sup> Street South and Arlington Mill Drive. An on-street bike route is signed along 31<sup>st</sup> Street and connects the Fairlington residential neighborhood with Shirlington and the City of Alexandria via the Wayne Anderson Trail connection over Shirley Highway. A new off-street trail connection is planned to link the Four Mile Run Trail at South Glebe Road and West Glebe Road with the Shirlington area trails using grade separated crossings under I-395 and West Glebe Road. Secure bicycle storage will be provided for employees in the shared parking garage across South Stafford Street as well as visitor bicycle racks along the site street periphery for retail visitors to the hotel and the Shirlington area.

**Transportation Demand Management (TDM) Program:** Consistent with site plan development and the County's adopted TDM Policy, staff recommends that the developer implement a TDM program to discourage single occupant vehicle travel to the site and to lessen the impact of the development on the local transportation system. Staff recommends that the applicant implement the standard TDM strategies that are briefly summarized below and specified in Condition #51:

- **Transportation Coordinator:** The applicant would designate a member of the building management team who would be responsible for implementing the traffic mitigation and parking management program for the employees and act as a liaison to the County's transportation planning staff and the Commuter Assistance Program (CAP). In addition, the developer would contribute \$5,000 per year for 10 years to the commuter assistance program for ridesharing promotion and administrative activities in the Shirlington area.
- **Rideshare Strategies:** Several strategies would be implemented to encourage group riding. Building management and CAP would promote ridesharing and transit use to employees and tenants by displaying ridesharing promotional material in the building and providing computerized ridematching services to the employees. The material would include, but not be limited to, transit information, routes, schedules, fare media, and ridesharing brochures.
- **Shuttle Van-** The applicant would operate an ADA-compliant shuttle van between the hotel and the Pentagon City Metrorail Station and Reagan National Airport.
- **Transit Subsidy:** Transit subsidies would be provided to employees, promoting a public transit alternative for commuting to the site. Staff recommends that a promotional subsidy of \$65 per month per employee for the life of the project.

**UTILITIES:** Adequate water and sanitary sewer system capacity is available to serve the proposed development. A "Master Utility Plan" was developed and approved for the Shirlington PDSP, detailing specific water and sanitary sewer main, and storm sewer improvements to be

constructed by the developer to provide adequate infrastructure for the development. The adopted Master Utility Plan was constructed with previous phases of the development and is complete.

The Master Utility Plan also recommended the removal of all aerial utility lines within the Shirlington PDSP boundaries. All aerial utilities within Parcel 3 of the subject site area (Shirlington west of South Randolph Street) have previously been removed. Consistent with site plan development and the Underground Utility Policy, new site plans and major amendments have included a contribution to the Underground Utility Fund of \$50,000 per acre of site area. These funds are utilized to enable the County to fund underground utility projects along other undeveloped properties in the area. Staff recommends in Condition #5, and the applicant agrees, that this approval be subject to a contribution of \$39,500 (\$50,000 x 0.79 acres.)

### **DISCUSSION:**

**Adopted Plans and Policies:** As described above, the site is subject to an approved Phased Development Site Plan, as well as more detailed concepts set forth in the *Shirlington Design Book*. The application meets the PDSP requirements for use, density, height, parking, and building footprint.

**Design and Site Layout:** The proposed site layout is consistent with that approved with the PDSP and that shown in the *Shirlington Design Book*. The *Design Book* encourages pedestrian scale at the street level, which the hotel achieves by providing windows at the street level, and providing awnings on some of the windows.

**Density and Height:** The proposed hotel would have 142 rooms and would be six stories high, as approved in the PDSP in 2000.

**Landscaping:** The project proposes landscaping between the building and the sidewalk along Arlington Mill Drive, and behind the building, both consistent with the *Design Book*. The PDSP sought a double row of street trees along the Arlington Mill frontage, which the applicant has provided as one row within the sidewalk, and an offset row in the landscaped area to the south of the sidewalk. In addition to the canopy trees adjacent to the sidewalk, the landscaped area would include ornamental trees, shrubs, groundcover, and turf. As shown in the *Design Book*, trees are also provided behind the building, in the area of the existing utility yard. The applicant has also added an area of landscaping between the building and the sidewalk along South Randolph Street, which was not required by the PDSP or the *Design Book*.

### **Community Benefit:**

**Public Art:** The PDSP provides for each final site plan to contribute to public art consistent with the Shirlington Public Art Master Plan. Staff recommends that the applicant make a monetary contribution to be used for completing public art located in the main plaza in front of the new library and Signature Theater. The applicant has agreed to make a public art contribution for this purpose, in the amount of \$75,000, which staff supports as being appropriate for this project. Condition #64 provides for this contribution.

**Affordable Housing:** Condition #22 of the 2000 PDSP amendment provided for an affordable

housing contribution to be made with each final site plan, in the amount of one percent of above ground construction costs for commercial development. This amount is less than the amount that would be required, if applicable, for this site plan under the County's more recent affordable housing ordinance. The applicant has proposed to make a contribution of \$233,093, which is an amount between what was provided for in the PDSP and what would be required if this site plan were not subject to the existing PDSP. This was the method used to calculate the affordable housing contribution for the most recent final site plan in Shirlington, Randolph Square. Staff supports this intermediate contribution amount, which is reflected in Condition #65.

**LEED Score:** The applicant proposes to achieve a minimum of 26 points on the LEED-NC scorecard, which is the minimum for certification. Conditions #13 and #68 addresses the applicant's LEED scorecard and implementation of "green building" measures in the proposed project.

**Modification of Use Regulations:** The applicant has not requested any modifications of use regulations for the construction of the hotel, but has requested two rooftop signs, which is technically a modification of use regulations.

*The Sign Guidelines for Site Plan Buildings and the Shirlington Village Comprehensive Sign Plan and Sign Guidelines* classify a rooftop sign as a sign which is located above 35 feet and states that such signs require a site plan amendment. The applicant is requesting two rooftop signs. One sign would be located on the South Stafford Street elevation and one would be located on the South Randolph Street elevation. Each sign would be affixed to the façade, would be approximately 91 square feet in area, and would consist of channel letters that would be red during the day and illuminated from behind by a white halo at night. Both sets of sign guidelines encourage subdued illumination colors, such as white, which is the light color proposed. The total sign area of both signs (182 square feet) is within the total permitted sign area of 417 square feet (the total of all linear building frontages). The proposed 4.58-foot height of the sign is within the 6 feet permitted by the *Sign Guidelines for Site Plan Buildings* and the *Shirlington Village Sign Guidelines*. The proposal also meets the maximum permitted number of two signs per building.

The sign proposed along the South Stafford Street elevation would be located on the sixth floor, or approximately 65 feet high, to the left of the entrance. The second sign, proposed along the South Randolph Street elevation, would be located on the fifth floor, approximately 55 feet high, on the corner of the building nearest the intersection of South Randolph Street and Arlington Mill Drive.

The sign proposed along South Stafford Street would face the new residential building located across the street, which is within a mixed-use zone. The applicant has agreed to restrict the time of illumination of the sign along South Stafford Street, which will minimize its impact on the residential building. The sign proposed along South Randolph Street would overlook the existing surface parking lot associated with the retail and office uses in parcel 2, phase 1 of the Village at Shirlington. The size, location, and illumination of the signs are outlined in Condition #73.

**COMMUNITY PROCESS:** The applicant has attended two meetings of the Site Plan Review Committee, on November 6, 2006, and November 20, 2006. The applicant has also held meetings with community members, as well as with the Fairlington Citizen's Association, Nauck Civic Association, and a Fairlington/Shirlington group.

Transportation Commission: The Transportation Commission reviewed the site plan (subject item A) on January 11, 2007, and unanimously recommended approval of the site plan, with the following amendments:

1. Identify off-site tour bus parking locations.  
**Staff Response:** The applicant agrees to develop a tour bus parking operations management plan, as an element of the Transportation Management Plan (Condition #51.g.) to address loading/unloading and overnight parking (if applicable) for tour bus operations.
2. Develop wayfinding directional signage along westbound Arlington Mill Drive for guiding taxis and guests to the hotel and parking garage.  
**Staff Response:** The applicant agrees to provide additional information for routing and access to the hotel and parking garage (Condition #50).
3. Increase the visitor bicycle parking ratio to one space per 25 rooms.  
**Staff Response:** The applicant agrees to provide a total of six bicycle parking spaces for visitors parking along South Stafford Street at a ratio of one space per 25 rooms (Condition #43).
4. Widen the sidewalk along South Randolph Street to 10 feet. Eliminate the landscape strip along the South Randolph Street building wall.  
**Staff Response:** The applicant prefers to maintain the clear sidewalk at a width of eight feet in order to provide a five-foot wide landscape buffer along the South Randolph Street façade at the back of sidewalk. The applicant has revised the elevation to remove some of the landscape buffer in order to accommodate a door, steps, and a ramp from the hotel to the sidewalk. Elimination of the remainder of the landscape buffer would create 13-foot clear sidewalk along a portion of the building that would narrow to eight feet to accommodate the ramp and steps. Retention of the landscape buffer aligns the edge of the ramp and the edge of the buffer and creates a consistent sidewalk width along the building frontage. A sidewalk width of eight feet is adequate as the PDSP did not locate retail along this portion of South Randolph Street in order to concentrate activity along the other retail frontages. In addition, since retail is not permitted along this frontage, there would be no opportunity for outdoor dining, door swings, or other obstructions into the sidewalk at this location.
5. Require window transparency for the ground floor windows along South Randolph Street.  
**Staff Response:** Transparency is required for windows of retail establishments. A hotel, although commercial, functions more as a residential building and often cannot meet the retail transparency requirements. In addition, this hotel is required to be sited with three street frontages. The frontage along South Randolph Street is the required location for the service/loading area. The applicant has proposed some of the back-of-house functions (such as electrical and engineering rooms) along the South Randolph Street frontage, nearest the service/loading area. The other two frontages are designed with

transparency, but transparency at this location would reveal back-of-house functions necessary along South Randolph Street due to site constraints. In place of transparency found in retail uses, the applicant proposes a landscape strip planted with ornamental trees along a portion of the building wall to add interest to this elevation. The applicant has also revised the plans to provide a door along the South Randolph Street elevation, which will contribute to the transparency along that elevation. Condition #34 has been revised to address transparency along the South Stafford Street and Arlington Mill Drive elevations.

6. Provide pedestrian access from the northeast corner of the building to the public sidewalk at the corner of South Randolph Street and Arlington Mill Drive.

**Staff Response:** The applicant has revised the plans to provide access from the building to the sidewalk along South Randolph Street. This access would have less of an impact on landscaping than access to the sidewalk along Arlington Mill Drive, while adding activity to the corner of the building.

7. Require the applicant to seek a site plan amendment if the handicapped parking spaces located in the shared use parking garage located across South Stafford Street are found to be in violation of the ADA regulations with respect to being located too far and inconvenient to the hotel for persons with disabilities.

**Staff Response:** ADA does not require accessible parking spaces to be located on site. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. Staff is working with the applicant to ensure ADA requirements will be met.

**Planning Commission:** The Planning Commission considered the site plan (subject item A) on January 16, 2007, and unanimously recommended approval of the site plan, with the amendments listed below. The Planning Commission also discussed the adequacy of handicapped parking spaces.

1. Revise Condition #21 to reference the Shirlington streetscape standards.  
Revise Condition #30 to reference the color of streetlights.  
Revise Condition #33 to reference the *Shirlington Design Book* and the Shirlington Comprehensive Sign Plan.  
Revise Condition #50 to reference the *Shirlington Design Book*.

**Staff Response:** Staff and the applicant concur. Conditions #21, #30, #33, and #50 have all been revised.

**CONCLUSION:** The applicant has followed the basic requirements of the PDSP approval for the proposed hotel building. The applicant has agreed to an appropriate package of community benefits that mitigate the impact of the proposed building both in the immediate neighborhood as well as the County as a whole. The applicant has also made several revisions based on staff and community input. For all of these reasons among others, the proposed site plan meets the standards set forth in Section 36.H.3 of the Arlington County Zoning Ordinance and would promote and protect the public health, safety, and welfare. The proposed rooftop signs meet the intent of the *Sign Guidelines for Site Plan Buildings* and the *Shirlington Village Comprehensive Sign Plan and Sign Guidelines*. Therefore, staff recommends approval of both site plan amendments, subject to all previous conditions and the conditions in the staff report.

## **CONDITIONS for Subject Item A: Final Site Plan:**

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's designee. Whenever, under these conditions, anything is required to be done or approved by the County Manager, the language is understood to include the County Manager or his or her designee.

- **The following Conditions of site plan approval (#1 through #14) are valid for the life of the site plan and must be met by the developer before issuance of the Clearing, Grading and Demolition Permit.**

### **1. Site Plan Term**

The developer (as used in these conditions, the term "developer" shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1 and the revised plans dated January 18, 2007, and January 25, 2007, and reviewed and approved by the County Board and made a part of the public record on January 27, 2007, including all renderings, drawings, and presentation boards presented during public hearings, together with any modifications proposed by the developer and accepted by the County Board or vice versa.

This site plan approval expires three (3) years after the date of County Board approval if 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 owner 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.

### **2. Pre-Construction Meeting**

The developer agrees to coordinate and conduct a pre-construction meeting in a County office building prior to the issuance of any permits for the site plan. The meeting participants shall include the developer and its construction team, and relevant County staff. Relevant County staff will include the following personnel and division representatives: DCPHD Site Planner, Arlington County Police, Code Enforcement, Department of Environmental Services (DES) Transportation Planner, Department of Parks, Recreation and Community Resources (DPRCR) site plan liaison, Landscape Plan team, Arlington Economic Development (AED), green building staff contact, WalkArlington staff, Housing Division, and other departments as determined by the County Manager. The developer agrees to notify the above meeting participants of the meeting time and location at least two weeks in advance. The purpose of the pre-

construction meeting is to discuss the requirements of the site plan conditions.

### 3. **Tree Protection and Replacement**

- a. The developer agrees to complete a tree survey, which shows existing conditions of the site and locates and identifies all trees which are four (4) inches in diameter or greater. The survey shall include any tree on adjacent sites whose dripline extends onto the subject site.
- b. The developer agrees to file and implement a tree protection plan which will designate any trees proposed to be saved by the developer. Trees designated to be saved on the tree protection plan, or those specified to be saved by the approved site plan and shown on any filing in connection with this case, will be protected. This plan shall include any tree on adjacent sites whose dripline 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 and shall be submitted and approved, and found by the County Manager to meet the requirements of this site plan, before the issuance of the Clearing, Grading and Demolition Permit.
- c. Upon approval of the tree protection plan the developer agrees to submit to the Department of Parks, Recreation, and Cultural Resources (DPRCR) a performance bond estimate for the trees to be saved. Upon approval of the performance bond estimate by the DPRCR, the developer agrees to submit to the DPRCR a performance bond, in the approved amount of the estimate, and the approved tree protection plan, which bond shall be executed by the developer in favor of the County before the issuance of the Final Building Permit. Prior to the release of the public improvement bond, the developer agrees to submit to the DPRCR as-built drawings showing the location of all saved trees.
- d. The Developer agrees that any tree proposed to be saved on the tree protection plan or other filing shall be saved. At a minimum, this plan shall include:
  - (1) A site grading plan at two (2) foot intervals, including the location of all proposed improvements and utilities.
  - (2) Detailed specifications for any tree walls or wells proposed.
  - (3) A description of how and where building materials and equipment will be stored during construction to ensure that no compaction occurs within the critical root zone of the trees to be saved.
  - (4) Identification of tree protection measures and delineation of placement of tree protection.

(5) Any tree required to be saved pursuant to this condition, which dies (any tree which is 30% or more dead as determined by the County's Urban Forester shall be considered to have died) prior to, or within ten (10) 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 and which meet the minimum size and other requirements of Condition #16 below, provided, however, that replacement as specified in this subparagraph (3.b.5) does not relieve the developer of any violation resulting from the failure to save identified trees.

e. In addition to saving 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 in accordance with the Arlington County Tree Replacement Guidelines. The developer agrees to submit tree replacement calculations and a tree replacement plan in accordance with the Arlington County Tree Replacement Guidelines. The tree replacement calculations shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in assessing the condition of trees. Any replacement trees shall conform to the standards and specifications set forth in Condition #16a below and shall be installed on the project site or on County-owned land, determined by the County Manager. The developer agrees to submit and obtain approval of this plan by the County Manager as part of the final site development and landscape plan.

4. **Photographic Record of Development**

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. These photographs shall comply with the following specifications:

All photographic records shall be taken using black and white film. Submission of a photo contact sheet and 8" x 10" prints on photographic paper shall be the minimum acceptable standard. Color photographs on compact disc must be submitted in addition to black and white photographs and the photo contact sheet at the end of the project prior to the issuance of the Master Certificate of Occupancy.

The photographic record shall include photos taken at the following points in construction, and photos shall be submitted as taken:

a. Before Clearing, Grading and Demolition of the site (shall be submitted before issuance of the Clearing, Grading and Demolition Permit)—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 #54 below.

- b. Site Clearance (shall be submitted before issuance of the Footing to Grade Permit)–Views of cleared site facing north, south, east and west, as location permits, with adjacent buildings and streets included.
- c. Construction Phase (shall be submitted before issuance of the Shell and Core Certificate of Occupancy Permit)–At a minimum, views of the site: during excavation, upon completion of the first floor above grade, at topping out, and during the exterior cladding phase.
- d. Site Completion (shall be submitted before issuance of the Master Certificate of Occupancy)–North, south, east and west facades of completed building or buildings, as well as at least one view of completed project in context of adjacent buildings and streets.

The photographic records for which no time is specified above, including the completed compact disc with the entire photographic history, shall be delivered to the Zoning Administrator, before the issuance of a Master Certificate of Occupancy for placement in the County archives.

If the developer uses the "Fast Track" Permit Process, the Site Clearance and Construction Phase photographs shall be submitted before the issuance of the Footing to Grade Structure Permit, or the first Building Permit, whichever comes first. The Construction Phase photographs, showing any construction to grade, shall be submitted before the Final Building Permit. The Construction Phase photographs showing all construction above grade and the Site Completion Photographs and completed compact disc showing the entire photographic history of the site shall be submitted before issuance of the Master Certificate of Occupancy.

#### **Utility Fund Contribution**

- 5. In addition to funding and constructing the utility undergrounding work, the developer agrees to contribute in the amount specified in Site Plan conditions to the County utility fund before the issuance of the Building Permit or prorated consistent with an approved phasing plan for the development. The total utility fund contribution for this site is \$39,500 (\$50,000 x .79 acres). These funds may, but need not, be used by the County for the purpose of providing the undergrounding of utilities along the properties which are not redeveloping in this undergrounding district. If the area of the site plan is subdivided, the contribution to be made by each owner shall be based 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 without any accrued interest to the development owners of record at the time of any refund.

### **Plan for Temporary Circulation During Construction**

6. The developer agrees to develop and implement (after approval) a plan for temporary pedestrian and vehicular circulation during construction. This plan shall identify temporary sidewalks, interim lighting, fencing around the site, construction vehicle routes, and any other feature necessary to ensure safe pedestrian and vehicular travel around the site during construction. Exceptions may be made only during an emergency as defined below, during actual demolition, and for such limited periods as are unavoidable for utility upgrades. 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 appropriate civic associations. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

The developer agrees, during the hours of construction, to provide “flagmen” to assist in the direction of traffic along or around a street any time that any driving lane of such a street is partially or fully blocked due to temporary construction activities. In addition, the developer agrees to notify the appropriate civic associations and all abutting property owners in writing (or, by mutual agreement, by 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, insecure 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, or utilities work, or similar situations.

Where county street lighting has been removed or disconnected due to construction and not yet replaced or reconnected, the developer agrees to maintain lighting around the perimeter of the site between the start of construction and completion of the project. The lighting shall be designed to illuminate the temporary pedestrian walkways and roads around the perimeter of the site. The developer may do this by means of overhead lights (e.g. “cobra head” lights) that meet the lighting standards for Arlington County streets, or by stringing lamps of the kind used in “used car” lots or similar along sidewalks and streets along the perimeter of the site. If lighting is accomplished by the latter, such lighting shall be with 75 watt bulbs (or approximate equivalent) placed no more than 25 feet apart and 6 to 10 feet high. 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 except any lighting provided to meet FAA requirements), and shall be placed so as not to directly illuminate residential dwellings or be a nuisance to neighboring property owners. For purposes of this condition, “completion of the project” shall mean the time when the County standard lighting fixtures are in place and operational around the perimeter of the site.

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 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 doing work related to the project. 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. However, if the road surface is disturbed during the winter months, the developer may temporarily restore the road surface using cold patching and then hot patch the disturbed surface at the earliest opportunity when weather conditions permit. If cold patching is used, it shall be properly maintained and resurfaced as necessary to maintain a clean, smooth road condition. 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.

### **Residential Relocation**

7. Intentionally Omitted.

~~The developer agrees to coordinate with the Arlington County Relocation Program Coordinator in order to provide each rental household living in either an apartment unit or a single family dwelling which is displaced by the construction of this site plan, except those who sign initial leases for a unit in the project after the date of this site plan approval, with at least the following:~~

- ~~a. — A minimum of 120 days written notice to vacate.~~
- ~~b. — Relocation payments, in accordance with the *Arlington County Tenant Relocation Guidelines* adopted by the County Board and in effect on the County Board date identified in Condition #1.~~
- ~~c. — Relocation services in accordance with the *Arlington County Tenant Relocation Guidelines* adopted by the County Board and in effect on the County Board date identified in Condition #1.~~

~~If the developer decides to limit relocation benefits to persons who executed initial leases before adoption of the site plan, the developer agrees to notify, in writing, any tenant moving in after the date that the site plan is approved of his/her ineligibility for relocation payments and services. Any tenant who has not signed a waiver of rights to relocation assistance must receive the assistance. In cases where State law requires 120-day notice to vacate (displacement from multi-family buildings containing four or more units), notice cannot be waived, but the lead time for such notice may be reduced by mutual agreement in writing. Evidence of compliance with this condition shall be provided to the Zoning Administrator before the issuance of the Clearing, Grading and Demolition Permit.~~

### **Retail Relocation**

8. Intentionally Omitted.

~~The developer agrees to coordinate with the Department of Economic Development in order to provide the following relocation assistance to all retail tenants under lease as of the date of the approval of the proposed site plan:~~

- ~~a. — The developer agrees to keep all retail tenants informed of the redevelopment schedule by providing periodic updates with regard to material changes in the development program for the site, including the phasing of the project, anticipated schedules for eviction, construction and occupancy, and any anticipated material impacts on the tenants while they remain on the site, such as test borings, construction signs and fencing, asbestos removal, disruptions to customer parking and pedestrian paths, and the like.~~
- ~~b. — The developer will assist the County to make available to all retail tenants, either directly or through the developer, information on available commercial space in the County, business counseling services and appropriate business courses.~~
- ~~c. — The developer agrees to cooperate with the retail tenants by referring tenants who so request to private sources of professional assistance in regard to lease negotiation (i.e., understanding lease terms, trends and negotiation strategy), space planning and other related sources of help.~~
- ~~d. — Except for provisions in any lease to the contrary, the developer agrees to maintain the site, structures and systems in good repair and in a businesslike appearance until the last retail tenant vacates or until the notice to vacate expires, whichever comes first.~~
- ~~e. — The developer agrees to show compliance with the terms of this condition to the Zoning Administrator before the issuance of the Clearing, Grading and Demolition Permit.~~

### **Compliance with Federal, State and Local Laws**

9. The developer agrees to comply with all federal, state and local laws and regulations not modified by the County Board's action on this plan 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 site plan approval. The developer specifically agrees that the County has the authority to take such actions as may be necessary, to include the issuance of a stop work order for the entire project, when the developer is not in compliance with the agreed-upon conditions. Further, temporary Certificates of Occupancy will not be issued without approval by the Zoning Administrator.

### **Post-County Board 4.1 Filing**

10. The developer agrees to file three copies of a site plan and the tabular information form, and digital copies on compact disc in JPEG, PDF, and DXF formats, which complies with the final approval of the County Board and with Administrative Regulation 4.1, with the Zoning Administrator within 90 days of the County Board approval and before the issuance of the Clearing, Grading and Demolition Permit.

The developer agrees to paste to the permit drawings the approved minutes of the County Board meeting wherein the site plan was approved. This is to be done whenever the developer needs and applies for a permit for the site plan.

The developer agrees to include on the post-4.1 plans details regarding existing traffic signal system infrastructure, e.g., poles, meters, controller cabinets, and to indicate on the plans if any part of the system will be moved and to where it is proposed to be moved.

~~The developer agrees to convene and participate in a meeting with pertinent County staff to address requirements of the site plan approval.~~

~~The developer also agrees that no changes to the approved post-4.1 plans can take place in the field. All post-4.1 plan changes must be approved by the lead DCPHD contact for the site plan.~~

### **Community Liaison and Activities During Construction**

11. The developer agrees to comply with the following before issuance of the Clearing, Grading and Demolition Permit and to remain in compliance with this condition until the Master Certificate of Occupancy is issued.
- a. The developer agrees to identify a person who will serve as liaison to the community throughout the duration of construction. This individual shall be on the construction site throughout the hours of construction, including weekends. The name and telephone number of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site, and to the Zoning Administrator, and shall be posted at the entrance of the project.
  - b. Before commencing any clearing or grading of the site, the developer shall hold a community 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. The Zoning Administrator and the Arlington County Police representative must be notified 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 before a Clearing, Grading and Demolition Permit is issued. The developer agrees to submit to the Zoning Administrator two (2) sets of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation (one set of which will be forwarded to the Police).

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. The location of all construction trailers shall be approved either by Administrative Change approval or to be shown on the Tree Protection Plan, with the construction staging's location and travel routes shown on a map approved as part of that plan. All trailers located in the public right-of-way shall require approval by DES staff, and the site plan's Arlington County Police representative shall receive a copy of the aforementioned map.

- 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 7:00 a.m. and end by 6:30 p.m. on weekdays and will commence no earlier than 10:00 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.

### **C & D Waste**

- 12. 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. Compliance with this condition may contribute to achieving LEED credits MR 2.1 and 2.2 (Construction Waste Management.)

**Green Building Fund Contribution**

13. The developer agrees to make a contribution to the County's Green Building Fund of \$3,300 (\$0.03 X 110,000 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 evidence of 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 evidencing approval of LEED certification, by the applicant.

14. **Vacations and Encroachments**

The developer agrees to submit Vacation and Encroachment application(s) or waiver form(s) to DES prior to the issuance of any permits for the site plan. Any vacations and encroachments ~~should~~ shall be recorded before the Final Building Permit is issued.

- **The following Conditions of site plan approval (#15 through #35) are valid for the life of the site plan and must be met by the developer before issuance of the Excavation/Sheeting and Shoring Permit, unless otherwise noted.**

**Coordination of these plans: final site development, landscape and site engineering**

15. The developer agrees to attach the County Board meeting minutes outlining the approved conditions and the conditions themselves to each set of Building Permit drawings that they submit to the County. 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~~ Footing to Grade Structure 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 #18 below, as well as a vicinity map with major streets labeled. The landscape plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in the Commonwealth of Virginia. The developer further agrees that the final site development plan, the landscape plan, and the site engineering plan shall verify, by means of survey, that there are no conflicts between the street trees and utilities. The developer shall obtain approval by the County Manager for both plans as meeting all requirements of the County Board's site plan approval and all applicable county laws and plans before the issuance of the ~~Excavation/Sheeting and Shoring~~ Footing to Grade Structure Permit. The plan shall be consistent with the conceptual landscape plan approved as a part of the site plan, and, at a minimum, shall

conform to: the landscaping requirements in Condition #16 below; the *Rosslyn-Ballston Corridor Streetscape Standards* if applicable; the Sector Plans if applicable; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the final site engineering plan, the landscape plan shall be at a scale of 1 inch = 25 feet; the County may require more detailed plans appropriate to landscape installation at a larger scale to also be submitted. The County may permit minor changes in building, street and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance governing administrative approval and with the intent of the site plan approval. The landscape plan shall include a Street Tree Plan which shall be reviewed by DPRCR and DCPHD, and shall be accompanied by the site engineering plan. The installation of all plant materials shown on the final landscape plan shall take place before the issuance of the first Certificate of Occupancy for the respective phase of construction. The final site development and landscape plan shall include the following details:

- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final site engineering plan and placed so as not to obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets shall not be located in the public sidewalk. Transformers shall not be placed above grade in the setback area between the building and the street.
- 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 post-County Board Administrative Regulation 4.1 drawings required in Condition #10 above. 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, materials, and pavement pattern, where applicable, for driveways and access drives, automobile drop-off areas, driveway aprons, service drives, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Brick or a concrete unit paver shall be used on the access drives, automobile drop-off areas, plaza areas, and interior walkways and roadways. Interior walkways shall have a minimum width of four (4) feet. All plaza areas shall contain special paver treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager

according to adopted Sector Plans or other urban design standards approved by the County Board as a part of review and approval of the final site development and landscape plan.

- d. The location and types of light fixtures for streets, parking, walkway and plaza areas, and associated utilities, as contained in the lighting plan required in Condition #53 below.
- e. Topography at two (2) foot intervals, ~~and~~ the finished first floor elevation of all structures, and top-of-slab elevation for any proposed underground structures.
- f. Landscaping for open space areas, plaza areas, courtyards, raised planters (including cross-sections of raised planters), surface parking areas, and service drives, including a listing of plant materials; details of planting, irrigation and drainage; and details of proposed furnishings for all areas, including but not limited to dimensions, size, style(s), materials(s), finish(s) and manufacturer(s) of seating, bollards, trash receptacles, bike racks, arbors, trellises, and water features, and other landscape elements or structures, including public art.
- g. The location and planting details for street trees in accordance with Division of Transportation Standards and Specifications for planting in public rights-of-way and as shown on the approved final site engineering plan.
- h. The limits of demolition and construction.
- i. Once approved, the final site development and 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.
- j. The developer agrees to provide vegetated rooftop terraces and vegetated roof areas as shown on the plans dated January 18, 2007, and January 25, 2007, or a system of equal or better quality as may be approved by the County Manager. Vegetated rooftop terraces that are accessible to hotel guests shall consist of a roof-top paver system in combination with a raised vegetated rooftop and planters. Pavers shall define small outdoor guest terraces and surround the vegetated roof for maintenance. The vegetated roof shall consist of a 3-layer system with growth medium and drainage layers over a granular media that forms the water storage layer. The vegetated roof plantings shall consist of a combination of ornamental meadow grasses, sedums and perennials. Ornamental pots of varying sizes shall contain small to medium sized shrubs, trees and seasonal flowering plantings.

Vegetated roofs that are not accessible to guests shall consist of a raised vegetated rooftop system in conjunction with roof-top pavers around the roof perimeter and the roof-top equipment for maintenance. The vegetated roof shall consist of a 2-layer system with a lightweight growth medium over a granular drainage

layer. The vegetated roof plantings shall consist of a combination of ornamental meadow grasses, sedums and perennials.

### **Landscape Standards**

16. 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 #21 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. The developer agrees to coordinate with the DPRCR urban Forester to determine an appropriate and acceptable season in which to conduct planting. Planting is to occur during a season so as to best ensure the viability of the plantings. In addition, the developer agrees to plant trees prior to issuance of the first Certificate of Occupancy Permit unless the planting season determined as above would require planting at a different time.
  - c. 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.
  - d. 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.
  - e. 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.

- f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
- g. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process. Further, the developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well-maintained condition 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.
- h. 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.

#### **Utility Company Contacts**

- 17. The developer agrees to contact all utility companies, including the electric, telephone and cable television companies, and offer them access to the site at the time of utility installation to install their underground cables. In order to comply with this condition the developer agrees to submit to the Zoning Administrator copies of letters from the developer to the utility companies offering them access as stated above. Alternatively, the developer agrees to submit to the Zoning Administrator a letter demonstrating to the Zoning Administrator's satisfaction that all required utility installation has been completed.

#### **Final site engineering plan approval by DOT**

- 18. The developer agrees to submit final site engineering plans to the Division of Transportation. The plans shall include a receipt from the Zoning Office that the landscape plan has been accepted. Staff comments on the final engineering plans will not be provided to the developer without submission of the landscape plan to the Zoning Office. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. Neither the Footing to Grade Structure Excavation/Sheeting and Shoring permit nor the first Building Permit shall be issued until final site engineering plans that agree with the approved final site development and landscape plans, and the sequence of construction, has been approved by the Division of Transportation and the CPHD Site Planner, as consistent with all site plan approval requirements and all County laws. To ensure final sign-off, the plans shall include CPHD Site Planner review and signature blocks. 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 Division of Transportation for recording.

**Pavement, Curb and Gutter Along All Frontages**

19. 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. Construct a nub at the southwest corner of the intersection of South Randolph Street and South Arlington Mill Drive as shown on the final engineering plan approved by the County manager.
  - b. Extend the median nose through the proposed crosswalk on the west side of South Arlington Mill Drive at South Randolph Street.
  - c. The driveway apron from South Randolph Street shall not extend beyond the depth of the tree planting strip into the clear sidewalk width.

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 Rosslyn-Ballston Corridor Streetscape Standards or other 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 January 18, 2007, and January 25, 2007, unless the County provides additional funding to offset such increased cost.

20. **Survey Monuments**

The developer shall submit a boundary survey of the site, with an error of closure within the limit of one (1) in twenty thousand (20,000), related to the Virginia Coordinate System of 1983 (VCS 83). Two (2) adjacent corners or two points on every plan sheet shall be referenced to the VCS 83 with coordinate values shown in feet. If a conversion from meters to feet is necessary, the foot definition used for conversion is the U.S. Survey Foot of 1 ft = 1200/3937 E+00 meters. If the development is located more than one-half mile from an Arlington County Survey Control Network (ACSCN) monument, the developer shall utilize a Virginia Licensed Land Surveyor to establish a permanent second order accuracy (or higher) survey control monument. The surveyor shall comply with standards and specifications contained in the current VDOT Survey Manual. The surveyor will be required to submit his or her computations to the Office of the County Surveyor for inclusion into the ACSCN. Plans referenced to the VCS 83 shall be annotated as follows: "The site shown hereon is referenced to the Virginia Coordinate

System of 1983 as computed from a field survey which ties this boundary to the Arlington County Survey Control Network.”

### **Sidewalk Design and Improvements**

21. 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 the ~~Rosslyn-Ballston Streetscape Standards~~ streetscape standards outlined in the Shirlington Design Book ~~or other 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 sidewalks along the street frontages of this development shall be consistent with the streetscape standards outlined in the Shirlington Design Book ~~County's R-B Corridor Streetscape Standards or other applicable urban design standards approved by the County Board and in effect at the time of the final landscape plan approval~~ and shall be placed on a properly-engineered base approved as such by the Division of Transportation. 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 site plan. The sidewalk sections and street tree species shall be as follows:

**S. Stafford Street:** A minimum 20-foot wide streetscape section as measured from the back of curb, including a minimum 11-foot wide clear, unobstructed sidewalk and six-foot wide circular tree pits and circular grates planted with minimum 4 to 4 ½ inch caliper pin oak trees placed approximately 35 feet apart on center and approximately 2 feet behind the back of curb, to match existing streetscape.

**South Arlington Mill Drive:** A minimum 14-foot wide streetscape section as measured from the back of curb, including a minimum nine-foot wide clear, unobstructed concrete sidewalk and tree pits 5 feet wide by 15 feet long planted with minimum 4 to 4 ½ inch caliper willow oak trees placed approximately 30 feet apart on center and immediately adjacent to the back of curb.

**South Randolph Street:** A minimum 13-foot wide streetscape section as measured from the back of curb, including a minimum 8-foot wide clear, unobstructed concrete sidewalk with brick banding, and tree pits 5 feet wide by 15 feet long planted with minimum 4 to 4 ½ inch caliper willow oak trees placed approximately 30 feet apart on center and immediately adjacent to the back of curb, to match paving pattern adjacent to the existing

cinema building.

**Mid-block Pedestrian Path:** A minimum six-foot wide clear, unobstructed sidewalk between south Randolph and South Stafford Street.

**Subsurface Structure-free Zone for Utilities and Streetscape**

22. The developer agrees that in order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the final design of the project shall provide a structure-free zone under the public sidewalk along all street frontages, as required in the *Standards for Planting and Preservation of Trees in Site Plan Projects*. Notwithstanding the foregoing, it is understood that an existing stormwater vault is currently located within such “structure-free zone” and shall be allowed to remain with redevelopment pursuant to this site plan. This zone shall be a minimum of five (5) feet deep and shall extend from the back of the street curb to the far edge of the public sidewalk. No new subterranean structures (such as parking garages) shall intrude into this five foot deep zone. Within the zone, new underground utilities and new utility vaults shall not be located in a manner that interferes with the appropriate spacing and replacement of street trees, consistent with the approved final site and development and landscape plan. Utility lines shall not be located beneath street trees. The location of all existing and proposed utility lines shall be shown on both the final landscape plan and the final site engineering plan.

**Water Service Requirements**

23. The developer agrees that the location of the water services will be determined at the time of the review of the final engineering plan in accordance with the following standards: water meter installations shall be located behind and adjacent to the curb line in an area clear of driveways, a minimum of five (5) feet clear of other utilities and a minimum of 10 feet clear of structures; a clear space 15 feet wide by 20 feet long by 10 feet deep shall be provided for three (3) inch and four (4) inch meter installations, and 20 feet wide by 25 feet long by 10 feet deep for six (6) inch and larger meter installations; and the building walls shall be adjusted as necessary to provide these clearances.

**Sanitary Sewer and Water Main Requirements**

24. 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.

**Existing Water Main or Fire Hydrant Service**

25. The developer agrees that no existing water main or fire hydrant shall be taken out of service or made inaccessible without the prior approval of the Division of Transportation. This approval shall be obtained before the issuance of the Excavation/Sheeting and Shoring Permit.

**Water Main Improvements**

26. 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 ~~Final Building Permit~~ for the respective phases of construction.

No additional water main improvements are necessary.

**Sanitary Sewer Main Improvements**

27. 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 ~~Final Building Permit~~.

No additional sewer main improvements are necessary.

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.

**Horizontal Standpipe or Fire Hydrant Requirements**

28. The developer agrees to show, on the final engineering plan, horizontal standpipes or fire hydrants at intervals of not more than 300 feet in order to provide adequate fire protection. The County shall specify kind of service and locations at the time of the final site engineering plan approval based on applicable safety standards. The fire hydrants ~~shall be installed prior to the issuance of the Final Building Permit~~, and horizontal standpipes shall be installed prior to the issuance of the first Certificate of Occupancy.

The developer agrees to provide calculations to demonstrate the needed fire flow as defined in the Arlington County Department of Environmental Services Construction Standards and Specifications Manual. This information shall be clearly shown on the cover sheet of each plan set submitted.

### **Replacement of Damaged Existing Curb, Gutter and Sidewalk**

29. The developer agrees to remove and replace, according to the Arlington County Department of Environmental Services Construction Standards and Specifications Manual, any existing curb, gutter and sidewalk along the street frontages of this site which is in poor condition or damaged by the developer, prior to the issuance of the first Certificate of Occupancy.

### **Street Lighting Requirements**

30. The developer agrees to show on the final engineering plans street lighting along all frontages of the site prior to the issuance of the Footing to Grade Structure Excavation/Sheeting and Shoring Permit. The plans shall include the height and color of the street light poles. The developer agrees, at its cost, to purchase and install approved Arlington County street lighting along the frontages of the site prior to the issuance of the Shell and Core Certificate of Occupancy. 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 purchase and install Virginia Power "Carlyle" standard street lights along the Arlington Mill all frontages of the site and the Shirlington standard streetlight along the South Randolph Street and South Stafford Street frontages of the site in accordance with adopted County Street Lighting Policy. The developer agrees to pay the cost for the installation of street lights to match style and color of those in the existing Shirlington Village, along the Stafford and Randolph Street frontages of the site and as shown on the final engineering plan approved by the County Manager. The developer agrees to maintain, for the life of the project, all of the Shirlington Village-style street lights installed on the site. The height of the street lights shall be as shown on the approved final engineering and landscape plans. ~~— feet, measured from the sidewalk to the base of the luminaire.~~ The developer agrees to remove all standard thoroughfare lights from the site, unless the County decides that one or more are required to provide adequate lighting for street safety purposes at intersections. The developer agrees to pay the cost of moving existing or installing additional standard thoroughfare lights if required above.

### **Underground Existing Aerial Utilities**

31. The developer agrees to remove or place underground all existing aerial utilities, if any, within or along the periphery of the entire site plan site as shown on the final site development and landscape plan and the final engineering plan approved by the County Manager. Any utility improvements necessary to provide adequate utility services to this development or utility work necessary to provide a terminus to the underground facilities shall be paid for by the developer and shall not result in the installation of any additional utility poles, or aerial devices. All utility relocation shall be completed prior to the issuance of the Shell and Core Certificate of Occupancy.

### **Off-street Parking for Construction Workers**

32. The developer agrees to provide off-street parking for all construction workers without charge to the workers. In lieu of providing parking, the developer may provide a subsidy for the construction workers in order that they may use Metro, provide a van for van pooling, or use another established method of transportation to provide for construction workers to arrive at the site. Compliance with this condition shall be determined based on a plan which shall be submitted to the Zoning Administrator, and for which the developer has obtained the Zoning Administrator's approval, before the issuance of the Excavation/Sheeting, and Shoring Permit. This plan shall set forth the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of Metro, carpooling, vanpooling, and other similar efforts. The plan shall also provide for a location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes, and carpooling and vanpooling information. If the plan is found to be either not implemented or violated during the course of construction, a correction notice will be forwarded to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, and construction halted until the violation has been corrected.

### **Address Indicator Signs**

33. The developer agrees to install address indicator signs on the site which comply with Section 27-12 of the Arlington County Code and to the extent applicable, the Shirlington Design Book and the Shirlington Village Comprehensive Sign Plan and Sign Guidelines or successor provision in a location visible from the street and as shown on the final site development and landscape plan.

### **Façade Treatment of Buildings**

34. The developer agrees that the design of the facade treatment for the buildings and the materials to be used on the facades shall be as specified and shown on the submitted drawings 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 for each elevation of the building, including interior elevations (e.g. elevations adjacent to interior courtyards, plazas and access drives), and material samples, for review by the County Manager for consistency with this site plan approval prior to the issuance 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. As part of that approval, the developer agrees to provide the final design of the decorative brick pattern to the Fairlington-Shirlington Neighborhood Conservation Advisory Committee representative for review prior to final approval by the County Manager.

The developer agrees that all retail storefronts along public rights-of-way the elevations along South Stafford Street and Arlington Mill Drive, except the areas containing the

pool, pool equipment room, and stairway located at the southwest corner of the building, are required to have an overall minimum transparency, which includes the storefront system, 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 site plan amendment to grant an exception to this condition for a specified duration.

### **Recordation of Public Easements and Dedications**

35. All required public deeds of easement and deeds of dedication shall be submitted to the Division of Transportation prior to the issuance of the Footing to Grade Structure 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.
- **The following conditions of site plan approval (#36 through #44) are valid for the life of the site plan and must be met by the developer before issuance of the Footing to Grade Structure Permit.**

### **Plat of Excavated Area**

36. The developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the building's ground floor elevation(s) at the building's lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #1 and #10 above.

### **Public Improvements Bond**

37. Upon approval of the final site engineering plan the developer agrees to submit a performance bond estimate for the construction or installation of all facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the Division of Transportation for review and approval. Upon approval of the performance bond estimate by the Division of Transportation, the developer agrees to submit to the Division of Transportation a performance bond, in the approved amount of the estimate, and an agreement for the construction or installation of all these facilities (to

include street trees and all landscape materials) within the public rights-of-way or easements, which shall be executed by the developer in favor of the County before the issuance of the Final Building Permit.

Prior to the release of the public improvement bond, the developer agrees to submit as-built drawings showing the location and facilities for all underground utilities (water, sanitary sewer, and storm sewer) that will be maintained by Arlington County.

### **Underground Electrical Transformers**

38. The developer agrees that all new electrical transformers shall be located as shown on the plans dated January 18, 2007, and January 25, 2007, and screened with landscaping and/or fencing materials so as not to be visible from public streets. The transformer locations and screening shall be approved as a part of the final site engineering plan and the final site development and landscape plan before the issuance of the Footing to Grade Structure Permit. ~~placed underground in vaults which meet Virginia Power standards. These vaults may be placed in the street right of way or in driveways if approved by the County on the final site engineering plan. Ventilation grates may not be located within public sidewalks or streets, or within areas used as a walkway between the street curb and any building. The locations of the vaults shall be coordinated with other utility locations so as to have a minimum clearance of five (5) feet to conduits and manholes and a minimum clearance of 10 feet to water mains and sanitary sewers unless otherwise approved by the owner of that utility. The developer shall obtain approval from the County Manager on the location of all vault ventilation grates and utilities as part of the review of the final site engineering plan and the final site development and landscape plan before the issuance of the Footing to Grade Structure Permit.~~

### **Interior Trash Collection and Recycling Areas**

39. The developer agrees that an existing exterior service area interior space as shown on the plans dated January 18, 2007, and January 25, 2007, shall be provided and used for the collection, storage, compaction, and removal of trash, as well as appropriate facilities for the recycling of reusable materials as defined by the County. This area shall be screened with a minimum 8-foot high solid wood fence. The collection, storage, compaction, and removal of trash shall not occur outside the interior loading space. This space may not conflict with the use of a loading berth. ~~The developer agrees to obtain approval from the Zoning Administrator of drawings showing compliance with this condition before the issuance of the Footing to Grade Structure Permit.~~

### **Interior Loading Spaces**

40. The developer agrees that all loading spaces shall ~~be in the interior of the building and shall also~~ comply with the following requirements: minimum 12-foot clear width (including entrances), 30 foot-length and 14-foot height clearance. The paving material of the loading space shall be concrete. Any loading dock to be used for trash removal shall have a minimum interior height clearance of 18 feet. All loading docks shall contain roll-down doors. 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. If hotel management demonstrates the need for earlier deliveries, for

example of baked goods or other perishable items, the hours may be administratively changed by the Zoning Administrator through an Administrative Change request. 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.

#### **Parking Garage Van Access**

41. Intentionally Omitted.

~~The developer agrees that new parking garages shall be designed to allow access and use by vans. At least 1% of the total new parking supply shall be accessible to vans, shall be conveniently located on the level of the garage closest to street level, and shall have a minimum clearance of 98 inches. All other areas of the garage shall have a minimum clearance of 84 inches. Compliance with this condition shall be determined by review of the building plans by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit, which review shall not relieve the developer from constructing in accordance with this condition.~~

#### **Parking Space Compliance with Zoning Ordinance**

42. The developer agrees to provide for hotel guest and employee parking in the existing Shirlington Village Shared Use Garage as follows: (1) a minimum of 65 parking spaces shall be reserved for hotel use at all times; and (2) a minimum of 80 additional parking spaces shall be made available for hotel use on a non-exclusive, shared-use basis. ensure that all parking spaces comply with the requirements of Section 33 of the Zoning Ordinance. Unless otherwise approved by the County Board, the number of compact spaces may not exceed the Zoning Ordinance requirement. The developer shall submit documentation drawings showing that these requirements are met, and shall obtain approval by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit.

#### **Bicycle Storage Facilities**

43. The developer agrees to provide secure bicycle storage facilities in a location convenient to hotel and retail, if any, areas on the following minimum basis:

One (1) space for every 10 hotel units, or portion thereof. These facilities shall be protected from rain and snow within the existing Shirlington Village shared-use garage. These facilities shall not encroach on the sidewalk or on any area in the public right-of-way intended for use by pedestrians. These facilities for hotel users (guests and employees) must meet the acceptable standards for Class I storage space and be highly visible from an elevator entrance, a full-time parking attendant, a full-time security guard or a visitor/customer entrance.

In addition, one (1) visitor space for every 25 hotel units, or portion thereof. These facilities for visitors/customers must meet the standards for either Class II or Class III storage space and be highly visible from a main street level visitor/customer entrance. These visitor/customer bicycle spaces shall be installed at exterior locations within 50 feet of the primary entrance, and such locations shall be reviewed by the Division of

Transportation. The developer agrees to obtain approval of the location, design and details of these visitor/customer bicycle spaces as part of the final site development and landscape plan.

If retail areas are ever provided in the hotel, the number of retail visitor/customer bicycle spaces shall be calculated by the following formula:

Two (2) visitor/customer spaces for every 10,000 square feet, or portion thereof, of the first 50,000 square feet of retail floor area; one (1) space for every 12,500 square feet, or portion thereof, of additional retail floor area; and one (1) employee space for every 25,000 square feet, or portion thereof, of retail floor area. These visitor/customer bicycle spaces shall be installed at exterior locations within 50 feet of the primary entrance(s), or as approved, and such locations shall be reviewed by the Division of Transportation.

All bicycle facilities must meet the County standards for bicycle racks and be approved by the Bicycle and Pedestrian Program Manager before installation. Drawings showing that these requirements have been met shall be approved by the Bicycle and Pedestrian Program Manager before the issuance of the Footing to Grade Structure Permit.

In addition to the spaces required above, the hotel will provide adequate space (minimum 8ft x 8ft, for four bicycles, parked on the floor) in addition to normal space for luggage storage in a locked luggage storage facility, controlled by the hotel staff, inside the hotel, to accommodate guest's bicycles.

~~The developer agrees to provide, at no charge to the user, secure bicycle storage facilities in locations convenient to office, residential and retail areas on the following basis at a minimum:~~

**~~Office and Residential Bicycle Storage Facilities:~~**

~~One (1) employee bicycle parking space for every 7,500 square feet, or portion thereof, of office floor area and one (1) additional such visitor space for every 20,000 square feet, or portion thereof, of office floor area.~~

~~One (1) resident bicycle parking space for every three (3) residential units, or portion thereof, of residential units and one (1) visitor space for every 50 residential units, or portion thereof, of residential units.~~

~~Employee and resident bicycle parking facilities shall be highly visible to the intended users and protected from rain and snow within a structure shown on the site plan. The facilities shall not encroach on any area in the public right of way intended for use by pedestrians or any required fire egress. The facilities for office users and resident bicycle parking must meet the acceptable standards for Class I storage space as contained in the Arlington Bicycle Transportation Plan, dated April 1994 with Amendments through March 2003, and be highly visible from an elevator entrance, a full-time parking attendant, a full-time security guard or a visitor/customer entrance. Visitor parking must be located within 50 feet of the primary building entrance. Any bicycle parking racks~~

~~used on the site must conform to the Arlington County Standard or be approved by the Bicycle and Pedestrian Program Manager. Drawings showing that these requirements have been met shall be approved by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit. Residential condominium covenants shall not prohibit the storage of bicycles in individual condominium units.~~

~~In addition, the developer agrees that for every 50,000 square feet or fraction thereof of office Gross Floor Area (GFA), one (1) shower per gender shall be installed, up to a maximum of three (3) showers per gender. Also, a minimum of one (1) clothes storage locker per gender shall be installed for every required employee bicycle parking space. The lockers shall be installed adjacent to the showers in a safe and secured area and both showers and lockers shall be accessible to all tenants of the building. The location, layout and security of the showers and lockers shall be reviewed by the Arlington County Police Department before issuance of the Footing to Grade Structure Permit. The developer agrees that an exercise/health facility containing a maximum of 1,000 square feet shall not count as density (FAR) but shall count as GFA if this facility meets all of the following criteria: 1). The facility shall be located in the interior of the building and shall not add to the bulk or height of the project; 2). Showers and clothes lockers shall be provided as required above; 3). The lockers shall be installed adjacent to the showers in a safe and secured area within the exercise facility and both showers and lockers shall be accessible to all tenants of the project; 4). The exercise facility shall be open only to tenants of the project and shall not accept or solicit memberships from outside of the project. The exercise facility, including the showers and lockers, shall be open during normal working hours.~~

**Retail Bicycle Storage Facilities:**

~~Two (2) retail visitor/customer bicycle parking spaces for every 10,000 square feet, or portion thereof, of the first 50,000 square feet of retail floor area; one (1) additional retail visitor/customer space for every 12,500 square feet, or portion thereof, of additional retail floor area; and one (1) additional retail employee space for every 25,000 square feet, or portion thereof, of retail floor area. The retail visitor/customer bicycle spaces shall be installed at exterior locations that are convenient to the retail visitors/customers, and such locations shall be reviewed by the Division of Transportation. The developer agrees to obtain approval of the location, design and details of the retail visitor/customer bicycle spaces as part of the final site development and landscape plan. Facilities for retail visitors/customers must meet the County standards for bicycle racks, and be located close to retail visitor/customer entrances or the closest retail vehicle parking spaces.~~

**Emergency Vehicle Access/support on Parking and Plaza Areas**

44. The developer agrees to construct all plaza areas used for vehicular access and all surface parking areas to support the live load of any fire apparatus. 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. No above-grade structure shall be allowed to obstruct fire lanes. The requirements of this condition shall be incorporated in the drawings submitted for the Footing to Grade Structure Permit.

- **The following conditions of site plan approval (#45 through #49) are valid for the life of the site plan and must be met by the developer before the issuance of the Final Building Permit. If the developer uses the "Fast Track" Permit Process, then the following conditions of site plan approval (#45 through #49) are valid for the life of the site plan and must be met by the developer before the issuance of the Structure Permit.**

**Wall Check Survey**

45. The developer agrees to submit one (1) original and three (3) copies of a wall check survey to confirm its consistency with the plans approved by the County Board, as referenced in Conditions #1 and #10 above.

**Screening of Mechanical Equipment**

46. Mechanical equipment shall be screened so as not to be visible from public rights-of-way.

**Use of Penthouse**

47. The use of any penthouse shall be limited to mechanical equipment and equipment maintenance space or telecommunication transmitter and/or receiver equipment as required in Condition #58 below.

**Review by Crime Prevention Through Environmental Design (CPTED) Practitioner**

48. The developer agrees to submit to the Zoning Administrator and the Operations Division of the Arlington County Police Department documentation that a Crime Prevention Through Environmental Design (CPTED) practitioner referred by the Police Department has reviewed and accepted the site plan for meeting CPTED design requirements.

**FAA Documentation**

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

- **The following conditions of site plan approval (#50 through #55) are valid for the life of the site plan and must be met by the developer before the issuance of the First Certificate of Occupancy.**

**Comprehensive Sign Plan**

50. The developer agrees that all signs shall conform to the approved "Shirlington Village Comprehensive Sign Plan and Sign Guidelines", which includes drawings dated February 7, 2005, to develop and submit a comprehensive sign plan and to the extent applicable, the Shirlington Design Book, and that all exterior signs (including identification and directional signage) shall be consistent with the guidelines contained in "Sign Guidelines for Site Plan Buildings" and with Section 34 of the Zoning Ordinance. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance. ~~No sign permits will be issued until a comprehensive sign plan is approved.~~ The developer agrees to obtain approval from the Zoning Administrator of an

~~administrative change request for all signs described in the “Shirlington Village Comprehensive Sign Plan and Sign Guidelines” and for additional wayfinding information and directional signage for taxis and guests accessing the hotel from westbound Arlington Mill Drive, the comprehensive sign plan before the issuance of the first Certificate of Occupancy. All proposed rooftop signs, defined as all signs that are 35 feet or more above the ground, shall require a site plan approval or amendment.~~

### **Transportation Management Plan**

51. The developer agrees to develop and implement a transportation management (TMP) in order to achieve the desired results of the Arlington County Transportation Demand Management (TDM) Program. The developer agrees to obtain the approval of the County Manager or his designee for such plan before the issuance of the first Certificate of Occupancy for the building. The Transportation management Plan shall include a schedule and details of implementation and continued operation of the elements of the plan. The Transportation Management Plan shall include, but not be limited to, the following strategies:

### **Participation and Funding**

- a. Maintain an active 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 building management team as Property Transportation Coordinator who will be the primary point of contact and will be responsible for coordinating and completing TDM obligations on behalf of the Applicant. The owner will provide the ~~name~~ contact information of the Property Transportation Coordinator to the Commuter Assistance Program.
- c. Promote the formation of Employer Transportation Benefit Programs among employees of the hotel. Provide for a sustainable fare incentive program to provide the following:
  - Provide a transit benefit incentive of at least \$65.00 per month for each on-site ~~property management~~ employee who chooses to participate for the life of the project to encourage formation of transit-oriented community habits, ~~provided that~~ the employer ~~has~~ will set up a pre-tax employee transit benefit program. This program will be functional before the first day of operation of the hotel.
- d. Contribute to the Commuter Assistance Program (CAP) to sustain direct and indirect on-site and off-site services in support of TMP activities for this project as follows: \$ 5,000 per year for a period of ten (10) years. The first \$ 5,000 payment will be made before issuance of the first Certificate of Occupancy. Subsequent payments will be due each year on the anniversary of the issuance of that certificate of occupancy.

## Facilities and Improvements

- e. Comply with requirements of Site Plan conditions to provide bicycle parking/storage facilities, [Note: garage is already built], and construction worker parking as identified in the Shirlington Village TMP. Provide space for four bicycles as well as the normal amount of luggage storage in a locked luggage storage facility, controlled by the hotel staff, in the hotel to accommodate guest's bicycles.
- f. Pursuant to Condition # 6, provide an ADA-compliant hotel van (with lift) to provide shuttle service from the Shirlington Village Hotel to the Pentagon City Metrorail Station and Regan National Airport. The van will 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 will be parked in this space when not in service. A communication device will be provided with the hotel for on-call service.

## Parking Management Plan

- g. Comply with requirement of Site Plan conditions to develop a parking management plan that includes a description of employee and guest parking arrangements. The developer agrees to develop a tour bus parking, operations management plan to address the loading/unloading and overnight parking (if applicable) for tour buses.
- h. Depict, as part of the parking management plan, an area parking plan encompassing all block faces around the site. This plan will include a schematic drawing that designates existing and/or proposed locations for a 2-space taxi stand, an accessible paratransit pick-up/drop-off location, bus stops, loading zones for delivery vehicles, visitor bicycle racks, and on-street parking spaces. Additionally, this plan will note restrictions as to times that various activities (such as deliveries and parking) are permitted in the respective spaces.
- i. Provide directional signage for the site as approved in the Shirlington Village Comprehensive Sign Plan.

## Promotions, Services, Policies

- j. Provide website hotlinks to CommuterPage.com<sup>TM</sup> and Arlington County Transit under a "transportation information" heading from the developer and property manager's websites regarding this development.
- k. Provide SmarTrip cards, at a maximum cost to the developer of \$5.00 per card, per person, for free to new on-site employees ~~of the property management company.~~
- l. Provide in the lobby of the hotel a Transportation Kiosk, ~~the content/design/location of which shall be approved by the developer. The kiosk may include a static display with printed materials and/or a dynamic display with direct electronic link to CommuterPage.com<sup>TM</sup> to provide transportation and commuter related information~~

- ~~to guests and employees.~~ purchased from or approved by ACCS, providing printed materials related to local transportation alternatives and maintain a stock of said materials at all times, in the residential building lobby
- m. Provide marketing support to encourage ridesharing:
- Provide access to building or grounds at times acceptable to the developer to allow ATP and MWCOG's Commuter Connections to promote group riding among employees of the hotel, ~~by means acceptable to the developer~~
  - ~~Distribute rideshare marketing materials provided by Arlington County to all new employees of the property management company.~~ Distribute in a new-employees package, materials provided by Arlington County including site-specific transit-related information and SmarTrip cards to all employees in the building. Packages will be distributed to each of the employees no later than their first full day of work at the building.
  - Encourage employees of the property management company to display posters, brochures, etc. in common work areas
- n. Inform all employees ~~of the property management company~~ of the existence of the nearby Shirlington Bus Station, and encourage them to use Metrorail, Metrobus or Arlington Transit services through the following means:
- ~~Distribute materials provided by Arlington County including site-specific transit-related information to all employees of the property management company.~~  
Covered Above
  - Place a reference to the Shirlington Bus Station in promotional materials and advertisements for businesses located on the site.
  - Distribute information provided by Arlington County, ACCS, or Commuter Connections to employees of the property management company and managers for their use as part of recruiting and employment materials regarding commute options and assistance services available.
  - Distribute information and promotional materials provided by Arlington County, ACCS, or Commuter Connections, at times and by means acceptable to the developer, for transit services to employees of the property management company.
  - Participate in Ozone Action Days and other regionally sponsored clean air and traffic mitigation promotions by posting notice of such promotions in locations within the building acceptable to the developer.

- o. Encourage managers of the property management company to offer variable/flexible work hours to their employees in order to spread peak period transportation demands.
- p. Appropriately train management personnel to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.

**Performance and Monitoring**

- q. Submit an annual letter to the County Manager describing the TMP related activities of the preceding year.
- r. Conduct one transportation performance monitoring study for the site two years after issuance of the first Certificate of Occupancy. Provide a report summarizing findings to the County. All data collection for this study must occur on the same day and include average vehicle occupancy, daily vehicle-trips to and from the site, and vehicle parking demand and availability by time of day for the site.

**Residential Parking and Parking Management Plan**

52. Intentionally Omitted.

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

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

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

~~The developer agrees to submit to the Zoning Administrator a parking management plan~~

~~which outlines how guest and visitor parking for the residential building, and parking for retail tenants' employees and customers for retail located in the residential buildings, will be provided, where the parking will be located and how guests and visitors, and retail employees and customers, will be directed to the parking spaces. The developer further agrees to make a minimum of \_\_\_ residential visitor parking spaces, and \_\_\_ retail tenant parking spaces, available within the residential garage. The parking management plan shall be submitted to the Zoning Administrator, and reviewed and approved by the County Manager, prior to the issuance of the first Certificate of Occupancy for the first residential building.~~

### **Lighting Plan for Public Areas**

53. The developer agrees to include a lighting plan for all internal and external public areas, ~~including parking areas~~, as part of the final site development and landscape plan. This lighting plan shall be subject to review by the County Manager, including street lighting as described in Condition #30 above. The developer shall include in the site development and landscape plan certification that the lighting plan meets the minimum standards of the Zoning Ordinance, Section 2, Subsection H, and the Illumination Engineering Society of North America Standards. The developer agrees to obtain the approval of all lighting from the County Manager, and to install approved lighting, before the issuance of the First Certificate of Occupancy for occupancy of the applicable phase of the project.

### **Documentation of Historical Artifacts, Features and Buildings**

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

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 Arlington County Historic Preservation Program, Neighborhood Services Division before removing or disturbing the artifact or natural feature. Arlington County shall be given the opportunity to accept donation of the artifact or natural feature before the item is offered to any other organization or individual.

If historic buildings are located on the site, then photographic documentation shall be consistent with Historic American Building Survey (HABS) standards. 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 Arlington County Historic Preservation Program all written results of the level one and two archaeological study and all artifacts found on the site.

## **Availability of Site Plan Conditions to Residential Condos, Cooperatives and Homeowners Associations**

### 55. Intentionally Omitted.

~~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. Documentation that this condition has been satisfied shall be provided to the County Manager before the issuance of the First Certificate of Occupancy. 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 Certificate of Occupancy following the conversion.~~

- **The following condition of site plan approval (#56) is valid for the life of the site plan and must be met by the developer before the issuance of the Master Certificate of Occupancy.**

### **Building Height Certification**

56. The developer agrees to submit, before the issuance of the Master Certificate of Occupancy, 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.

- **The following condition of site plan approval (#57) is valid for the life of the site plan and must be met by the developer within 90 days of receipt of the partial Certificate of Occupancy for full occupancy of the building.**

### **Obtain Master Certificate of Occupancy**

57. The developer agrees to obtain a Master Certificate of Occupancy within 90 days of receipt of any partial Certificate of Occupancy for full occupancy of the building.

- **Post Certificate of Occupancy: the following Conditions of site plan approval (#58 through #63) are valid for the life of the site plan.**

### **County Installation of Telecommunications Transmitter and/or Receiver Equipment**

58. In order to maintain the effectiveness of the County's public safety systems, the developer/applicant hereby agrees to grant to the County in perpetuity the right to install telecommunications transmitter and/or receiver equipment and conducting wire in or on the penthouse or top floor, and antennae and traffic monitoring systems on the roof of the proposed buildings in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both upon request by the County. The developer agrees to provide, upon request by the County, access to electrical service separately metered, including auxiliary electrical power, and telephone radio control lines to the penthouse in the defined area. 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.

### **Structural Additions**

59. The developer agrees that any structural addition or changes to the facades or materials shall be subject to the approval of the Zoning Administrator consistent with Section 36.H.2.c. of the Zoning Ordinance ~~County Manager~~. If the ~~County Manager, in consultation with the~~ Zoning Administrator determines that any proposed improvements or changes to the facades or materials have a significant impact on the site plan, or otherwise meet Zoning Ordinance requirements for site plan amendments that go to the County Board, a site plan amendment shall be required.

### **Snow Removal**

60. The developer or owner agrees to remove snow from all interior streets and interior and exterior sidewalks, including accessibility ramps and gutter areas within crosswalks, within a reasonable time after snow has stopped falling but in no case later than snow removal provided for vehicular access to the site.

### **Maintenance of Residential Common Areas**

61. Intentionally Omitted.  
~~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 2.D.6 of the Zoning Ordinance.~~

### **Retention of Approved Parking Ratio over Subdivided Site**

62. The developer agrees to provide parking for each building according to the approved parking ratio; when this 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.

### **Retention of Approved Density over Subdivided Site**

63. The density allocated for any new construction pursuant to the site plan on any subdivided parcel of the site shall be the same as the approved density for the entire site. No additional density shall be allowed on any individual parcel formed by subdivision of the site.

- **The following unique site specific conditions (#64 through #78) are valid for the life of the site plan and must be met before the issuance of the permit specified in each Condition.**

### **64. Public art site plan condition**

The developer agrees to make a contribution to the Public Art Fund in the amount of \$75,000 to support previously commissioned public art to be located in the main plaza

(28<sup>th</sup> Street South and South Stafford Street) within Shirlington Village. Such contribution shall be made to the Public Art Fund prior to issuance of the first above grade building permit. If the contribution is made more than 12 months after site plan approval, the contribution amount will be adjusted based on the Consumer Price Index for Urban Consumers (CPI-U).

#### **Affordable Housing Contribution**

65. The developer agrees to contribute \$233,093 to the Housing Reserve Fund. The developer agrees to pay one-half of the total amount prior to issuance of the final building permit for the building and one-half of the total amount prior to issuance of the first Certificate of Occupancy for the building. ~~The developer agrees to comply with Subsection 36.H.6. of the Zoning Ordinance, "Affordable Dwelling Units for Increased Density Within General Land Use Plan."~~

#### **66. Building Security Requirements**

- a. The developer agrees to coordinate with County staff on the design of exterior building security measures in order to limit or mitigate any adverse impacts that these measures may have on the project's urban design (including street and retail base) and streetscape. All exterior building security measures shall be shown on, and approved as part of, the final site development and landscape plan and the approved façade treatment plan. ~~The base of the buildings, as shown in the drawings dated \_\_\_\_\_, and consistent with Condition #64 above, have been designed to accommodate retail uses and provide interest and activate the streetscape.~~ Any change in the use and design of the base resulting from any proposal for exterior building measures shall require a site plan amendment.
- b. The developer agrees that it is the policy of the County to maintain the maximum number of on-street parking spaces around the perimeter of a site, and that it will not remove or reduce the number of on-street parking spaces around the perimeter of a site whether at the request of the developer or a tenant or otherwise. Accordingly, the developer agrees that it shall notify tenants of the aforesaid policy prior to execution of any lease with a tenant. Notwithstanding the foregoing, it is understood that the three surface parking spaces located on the S. Stafford Street frontage of the site shall be used only for short-term hotel drop off parking.

#### **Phasing Plan**

67. The developer agrees to obtain approval of the County Manager of a phasing plan prior to the issuance of any building permits for the site plan, and to implement the approved plan. During the phasing of construction, the developer further agrees to appropriately maintain the site and any buildings located within it. This shall include, but not be limited to, maintaining landscaping, keeping the grass mowed, and removing litter and debris from the site. Until the buildings are demolished, the developer agrees to maintain access on the site for fire emergency vehicles. Improvements required by these site plan conditions shall be constructed in phases, consistent with the phasing plan for

construction of the project. Any changes in the project phasing shall require a new phasing plan approved by the County Manager prior to the issuance of any permits.

### **LEED Credits and Sustainable Design Elements**

68. 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 so 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 include at least 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 the commercial lighting areas of the hotel project (lobbies, corridors, stairwells, common rooms, fitness rooms, offices, etc), the developer agrees to incorporate interior lighting in order to maximize energy efficiency. Strategies may include, but are not limited to, daylighting, efficient fixtures, bulbs, motion and light sensors, interior design (paint color), etc. The US Green Building Council's LEED for Commercial Interiors (LEED-CI) credit for *Optimizing Energy Performance: Lighting Power* should be used as a goal. For the hotel rooms, energy efficient fixtures and bulbs (fluorescent or compact fluorescent) shall be used in all areas except the bathrooms. The developer shall submit to, and obtain approval of, the County Manager, or his designee, the lighting strategies used including a listing of lighting fixtures, bulbs, and components prior to issuance of the Core and Shell Certificate of Occupancy. In addition, the developer agrees to implement a green hotel management, such as Green Planet, as part of its housekeeping services. Documentation describing the program shall be submitted to the County Manager prior to the issuance of the Certificate of Occupancy for hotel occupancy.

~~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 Department of Environmental Services (DES) and to the Zoning Office, a report prepared by the LEED consultant and documentation upon request to substantiate the report. Such reports 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 numbers of points have been included in the buildings.

#### **Refuse Delivery to County Disposal Facility**

69. 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. 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.

#### **Speed Bumps at Garage Exit Ramps**

70. Intentionally Omitted.  
~~The developer agrees to install speed bumps adjacent to the top of garage exit ramps at locations where ramps abut the pedestrian sidewalk, in order to slow vehicular traffic prior to vehicles crossing the sidewalk. The locations of the speed bumps shall be shown on the site engineering and building plans approved by the County Manager. The garage doors shall be setback from the sidewalk a minimum distance of six (6) inches.~~

#### **Public Safety Radio Communications**

71. The developer agrees to install and maintain in operable condition, in a manner acceptable to the County Manager, an internal antenna/amplifier system that permits public safety radio communications to transmit in the 806-825 MHz frequency and to receive in the 851-870 MHz frequency from all areas within the building. The developer agrees to provide documentation in the approved electrical engineering drawings that adequate accommodations have been made in the building to meet this requirement.

#### **Loading Management Plan**

72. 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 management plan to the Zoning Administrator for review and approval. This plan shall provide for service access using the site access drive (as shown on the plans dated January 18, 2007, and January 25, 2007,) ~~and for other public streets in the Village~~

at ~~Shirlington (PDSP #106)~~ for the parking of loading and delivery vehicles. This plan shall further provide for monitoring of loading and unloading/deliveries by the hotel management of the residential and commercial components of the project 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 provide a copy of the loading management plan to the management representatives of the residential and commercial components of Shirlington Village, and the Fairlington-Shirlington Neighborhood Conservation Advisory Committee representative.

**CONDITION for Subject Item B: Rooftop Signs:**

73. The developer agrees that it is permitted no more than two (2) rooftop signs, in the locations shown on the plans dated January 18, 2007, and January 25, 2007, each of which shall have a maximum area of 100 square feet and maximum dimensions of 25 feet wide by 5 feet high. The maximum height of the signs shall be 66 feet above the average site elevation. The signs should be designed to be compatible both with the architectural style of the building and with other project signs. Letter height for rooftop signs will be limited to 6 feet. The developer agrees to obtain the Zoning Administrator's approval of the signs as consistent with this approval, prior to issuance of a sign permit for the rooftop signs. The applicant agrees that the rooftop sign located on the South Stafford Street (future Campbell Avenue) elevation shall be illuminated only as shown on the drawing dated January 18, 2007, and January 25, 2007, and that the signs shall not be illuminated between the hours of 11 p.m. and 7 a.m., seven days per week. All requests for additional rooftop signage, defined as all signs that are 35 feet or more above the ground, shall require a site plan amendment.

PREVIOUS COUNTY BOARD ACTIONS:

- October 9, 1976 Approved a rezoning from “C-2” to “C-O-1.5” (Z-2086-76-3); and approved a Phased Development Site Plan. The approval expired in 1981.
- December 4, 1982 Approved a Phased Development Site Plan (PDSP) on four parcels consisting of 570,000 S.F. of office space, 428,000 s.f. of retail space, 300 hotel rooms, and 490 residential units known as the “Village at Shirlington.”
- July 9, 1983 Approved the final site plan for Phase I (SP-1) on Parcel 2, allowing 60,000 s.f. of office area and 370,000 s.f. of retail area.
- July 13, 1985 Approved PDSP amendment to increase the maximum building height on Parcel 3 from 10 stories (150 feet) to 11 stories (150 feet); and approved the final site plan for Phase II (SP-2) on Parcel 3, allowing an 11-story office building with 295,000 s.f. of office g.f.a. and 17,000 s.f. of retail g.f.a.
- December 2, 1986 Approved a site plan to “SP-1,” permitting revised signs for the Shirlington Theatre.
- June 6, 1987 Approved a PDSP amendment to establish standards by which administrative approval of subdivision can be granted.
- December 13, 1987 Approved a PDSP amendment to transfer 85,895 s.f. of office/retail area from Parcel Two to Parcel One; and approved the final site plan for Phase III (SP-3) on Parcel One, allowing a 6-story office building with 85,895 s.f. of office/retail area, and a 10-story hotel with 299 units.
- April 16, 1988 Approved a site plan amendment to allow the operation of a child care center for 79 children ages 3 to 6 years old.
- July 9, 1988 Approved a site plan amendment to extend the expiration date of the site an additional three years to July 9, 1991.

	Approved a PDSP Amendment to transfer 86 residential units from Parcel 4 to Parcel 3 or Parcel 2, and 4,485 s.f. of commercial/retail area from Parcel 1 to Parcel 2; and approved final site plan for Phase IV (SP-1) on Parcel 4, allowing an 8-story, 404 unit residential development.
October 1, 1988	Approved a PDSP amendment to install banners around the periphery of the site.
June 3, 1989	Approved a site plan amendment to permit an outdoor café in conjunction with an existing restaurant.
June 2, 1991	Continued a site plan amendment for an outdoor café with a review in three (3) years.
August 10, 1991	Approved a site plan amendment for renovation of an existing automobile service station and addition of a car wash subject to conditions.
September 18, 1991	Approved site plan amendment to permit live entertainment in conjunction with an existing restaurant.
June 13, 1992	Approved site plan amendment for an outdoor café.
September 12, 1992	Continued site plan amendment for live entertainment (Bistro, Bistro).
November 14, 1992	Approved one tenant identification sign 100.5 square feet in size on east elevation of 2775 South Quincy Street.
April 9, 1994	Approved site plan amendment to convert 4,000 s.f. of retail space to classrooms, copy facilities and shower locker room for a period not to exceed 12 years (2006) subject to two conditions and a review in five (5) years.
May 7, 1994	Approved site plan amendment to permit an outdoor café associated with California Pizza Kitchen.
May 20, 1995	Approved a site plan amendment to amend Condition #48, which restricts the use of the health

club to office tenants, and residents and to permit use by non-residents.

August 8, 1995

Deferred a PDSP amendment to amend the project's comprehensive sign plan to retain an existing free-standing sign to the December 9<sup>th</sup> County Board meeting.

Deferred a PDSP amendment to eliminate the requirement that the parking structure used by the existing office building be shared with the future hotel and to modify condition #44 and add standard subdivision conditions to the September 9, 1995 County Board meeting.

September 9, 1995

Approved a site plan amendment for live entertainment in an existing restaurant (Bistro, Bistro).

Deferred PDSP amendment to eliminate the requirement that the parking structure used by the existing office building be shared with the future hotel and to modify condition #44 and add standard subdivision language.

October 14, 1995

Approved a site plan amendment to permit exterior dining at THAI in Shirlington.

November 18, 1995

Accept withdrawal of PDSP amendment request.

December 9, 1995

Approved site plan amendment to allow outdoor café (Fresh Fare).

Deferred a PDSP to amend the comprehensive sign plan for the retention of a freestanding sign to the February 3, 1996 County Board meeting.

February 3, 1996

Deferred PDSP amendment on comprehensive sign plan to February 24<sup>th</sup> meeting.

February 24, 1996

Deferred PDSP amendment on comprehensive sign plan to May 11, 1996 meeting.

May 13, 1996

Deferred PDSP amendment on comprehensive sign plan to July 20, 1996 meeting.

July 20, 1996	Denied PDSP Amendment to amend comprehensive sign plan for the retention of a freestanding sign.
November 16, 1996	Approved site plan amendment SP #106 to permit an outdoor café Capital City Brewing Company.
January 11, 1997	Approved PDSP Amendment and final site plan approval for Parcel 1 to add 2 stories of studio/mechanical/technical support space above the existing parking garage structure, an atrium between the garage and office building, antennas, an LED sign band, subject to conditions.
July 8, 1998	Approved site plan amendment to expand outdoor café (Capitol City Brewing Co.).
February 6, 1999	Defer PDSP Amendment and Final Site Plan Approval for Parcel 2 to the March 13, 1999 County Board meeting.
March 13, 1999	Defer PDSP Amendment and final site plan Approval for Parcel 2 to the April 10, 1999 County Board meeting.
April 10, 1999	Approved PDSP Amendment to reallocate from Parcel 3 to Parcel 2 150,000 square feet of approved gross floor area and a final site plan for an 8-story office building and 7-level parking structure on Parcel 2 subject to PDSP Conditions and final site plan Conditions.
July 10, 1999	Defer GLUP Amendment to the November 13, 1999 County Board meeting.
November 13, 1999	Defer GLUP Amendment to the February 12, 2000 County Board meeting.
February 20, 2000	Defer GLUP Amendment to the July 22, 2000 County Board meeting.
July 22, 2000	Defer GLUP Amendment, Rezoning and Phased Development Site Plan Amendment to the September 9, 2000 County Board meeting.

September 9, 2000	Defer GLUP Amendment, Rezoning and Phased Development Site Plan Amendment to the October 7, 2000 County Board meeting.
October 7, 2000	Approved GLUP Amendment, Rezoning, and Phased Development Site Plan Amendment.
June 30, 2001	Approved final site plan for residential/retail/streetscape for Parcel 3.
June 8, 2002	Approved final site plan for library/theater and plaza for Parcel 3.
November 16, 2002	Approved site plan amendment for residential/retail site plan to construct addition to Building 2 and reallocate 1,200 s.f. of retail space elsewhere in Parcel 3.
April 26, 2003	Approved minor site plan amendment to modify garage and extend term of site plan.
September 13, 2003	Approved minor site plan amendment for additional commercial GFA for grocery store and modification of use regulations for density.
January 29, 2005	Approved Shirlington Village Comprehensive Sign Plan.
July 10, 2006	Deferred PDSP amendment and final site plan for new office building and parking garage.
September 16, 2006	Approved PDSP amendment and final site plan for new office building of approximately 195,000 s.f. plus approximately 15,996 s.f. of retail, and a parking garage with 762 spaces (Lot 6).