

A Meeting of the County Board of Arlington County, Virginia, held in Room 307 of #1 Courthouse Plaza thereof on Saturday, July 10, 2004, at 8:30 a.m.

**PRESENT:** BARBARA A. FAVOLA, Chairman  
JAY FISETTE, Vice Chairman  
PAUL FERGUSON, Member  
J. WALTER TEJADA, Member  
CHRISTOPHER ZIMMERMAN, Member

**ALSO PRESENT:** RON CARLEE, County Manager  
STEPHEN A. MacISAAC, County Attorney  
LOYDA SEQUEIRA, Acting Clerk to the County Board  
and other staff

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**PUBLIC COMMENT.**

Robert Atkins spoke on a performance directive issued by the Vice President of the United States.

Kim Mills spoke about a continuing water-run off problem at 1810 North Quebec Street resulting from the construction of new homes.

Larry Mayer presented his issues with the newly redesigned County website.

Marlene Spletzer of Buyers and Renters Arlington Voice (BRAVO) asked for clarification of the Board's approval of a site plan relating to the Gables Residential development of the Oakridge Apartments, specifically relating to the affordable housing package.

Robert Platt commended the Board for its fiscal management.

Burt Bostwick spoke about the process for consideration and approval of the new location of the Madison Community Canine Area.

John Antonelli spoke in opposition to the new logo design for the County.

Wayne Kubicki spoke about the County's issuance of credit cards to County employees and possible review by the County Manager of associated policies.

Jane Wickens requested traffic calming measures for Pershing Drive at North Irving Street to improve pedestrian safety.

Bernard Berne spoke about a rat removed from a toilet in south Arlington which was then released and associated policies for rat control.

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**COUNTY BOARD REPORTS.**

The Chairman announced that the County Board and School Board will meet in a joint Work Session on July 13, 2004, at 12 noon, for an update from the Arlington Partnership for Children, Youth and Families.

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**ADOPTION OF RESOLUTION ON ACCESS TO SERVICES BY LIMITED ENGLISH PROFICIENCY PERSONS.**

**WHEREAS**, Arlington County has a diverse population and, among its residents, those for whom English is not their primary language make contributions to the community that are vital to its economy, culture, and civic character; and,

**WHEREAS**, language access has come to the forefront as an issue affecting the quality of and access to public services as the County population and languages have become increasingly diverse; and,

**WHEREAS**, Arlington County is committed to the vision of a diverse and inclusive world-class urban community in which each person is important; and,

**WHEREAS**, to achieve its vision, Arlington County is committed to improving the accessibility of its services, programs, information, and activities to persons with limited English proficiency;

**NOW, THEREFORE, BE IT RESOLVED THAT THE ARLINGTON COUNTY BOARD HEREBY:**

1. Endorses the County Manager's efforts to enhance the accessibility of County service to persons with limited English proficiency; and
2. Authorizes the County Manager to implement strategies to improve the accessibility of its programs, information and activities to person with limited English proficiency consistent with the policy guidance of the County Board.

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**APPOINTMENTS.**

On nomination by Ms. Favola, and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola - Aye, Mr. Fisetto – Aye, Mr. Ferguson – Aye, Mr. Tejada - Aye, and Mr. Zimmerman – Aye, the Board made the following appointments to advisory groups:

- Reappointed Christopher Lu to the Civil Service Commission.
- Designated Larry Withers as Chairman of the Community Development Citizens Advisory Committee.
- Reappointed Barbara Wallace to the Community Services Board.
- Appointed Susan Soroko to the Commission for the Arts.
- Reappointed John Marshall Ellis to the Equal Employment Opportunity Advisory Commission.
- Reappointed Darnell Carpenter, Jeff DiGregorio, Alfonso Lopez and Carl Modecki, and appointed Leni Gonzalez and Rachel Vecchio to the Fiscal Affairs Advisory Commission.
- Appointed Linda Fay and Thomas Connelly to the Health Systems Agency Board of Directors.
- Appointed Christer Ahl to the Park and Recreation Commission.
- To the Teen Network Board: appointed Kelly Acheson, Rudbel Alfaro, April Sheree Archer, Christopher Blank, Charlie Bright, Norma Chamma, Ranya Daher, Caroline Herrera, Sherrod Hood, Binta Jalloh, Alicia Johnston, Thomas Kargbo, Stephannie Ramirez, Tsion Sebsibe, Jessica Sok, and Vanessa Vargas.

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**REGIONAL REPORTS.**

**RESOLUTION IN OPPOSITION TO DOMINION VIRGINIA POWER'S PROPOSED 230kV TRANSMISSION LINE CORRIDOR IN THE W&OD REGIONAL TRAIL.**

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

**WHEREAS**, Dominion Virginia Power has advised the Northern Virginia Regional Park Authority that it plans to apply to the State Corporation Commission in the fall of 2004 for permission to construct a 230kV transmission line between the Pleasant View Substation, near the Town of Leesburg, and the Town of Purcellville; and

**WHEREAS**, Dominion Virginia Power's preferred route would use an existing easement to locate the transmission line in the Washington and Old Dominion Regional Trail; and

WHEREAS, the proposed transmission line will consist of three lines attached to 100 foot steel poles spaced 450 to 700 feet apart and will require clearing an easement 80 to 100 feet wide; and

WHEREAS, the Washington and Old Dominion Regional Trail is recognized as a valuable regional recreational asset; and

WHEREAS, the trail has been designated in 1987 by the Department of Interior as a National Recreational Trail; and

WHEREAS, the proposed transmission line will impinge on the natural setting of the trail with the loss of 26,000 trees and the bridle path, thereby devaluing the park and its use by Northern Virginia residents and the estimated 2 million annual visitors to the trail; and

WHEREAS, the proposed transmission line will have significant deleterious impacts on neighborhoods adjacent to the W&OD Regional Park including the Old and Historic District in the Town of Leesburg; and

WHEREAS, Dominion Virginia Power and the State Corporation Commission are required to consider alternatives to this alignment, which may have fewer impacts;

THEREFORE, BE IT RESOLVED, that the Arlington County Board opposes placement of the Dominion Virginia Power transmission lines within the boundaries of the Washington and Old Dominion Regional Park between the Pleasant View substation and the Town of Purcellville.

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**AUTHORIZATION FOR LETTER TO NATIONAL CAPITAL REGION CONGRESSIONAL DELEGATION REGARDING PURCHASE OF METRORAIL CARS AND RELATED FACILITIES.**

Mr. Zimmerman spoke on a draft letter developed by the Washington Metropolitan Area Transit Authority and addressed to members of the National Capital Region Congressional Delegation requesting assistance in securing federal funding in authorization, and eventually annual appropriations, starting in Fiscal Year 2006 and ending in Fiscal Year 2009 in the reauthorization of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) for the purchase of critically needed additional Metrorail cars and related facilities.

On motion by Mr. Zimmerman, seconded by Mr. Fisette and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola - Aye, Mr. Fisette – Aye, Mr. Ferguson – Aye, Mr. Tejada - Aye, and Mr. Zimmerman – Aye, the Board authorized the Chairman to sign the letter attached to the County Manager’s July 7, 2004 memorandum to the Board on this matter.

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Mr. Tejada reported on a June 28<sup>th</sup> **Public Forum sponsored by the Virginia Latino Advisory Commission** to educate the immigrant community on House Bill 570 and Senate Bill 493, which took effect on July 1, 2004, relating to police enforcement of immigration laws, to address concerns expressed by the community.

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**COUNTY MANAGER REPORTS.**

There were no reports by the County Manager under this agenda item.

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**CONSENT ITEMS.**

On motion by Mr. Ferguson, seconded by Mr. Tejada and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola - Aye, Mr. Fissette - Aye, Mr. Ferguson - Aye, Mr. Tejada - Aye, and Mr. Zimmerman - Aye, the Board took the following actions on consent items, except for consent agenda items number 11, 12, 29, 33 and 39 which were removed from the consent agenda and voted on separately after all other consent items; see below:

**DEFERRAL OF SITE PLAN AMENDMENT SP #346 FOR 2805 CRYSTAL DRIVE (RPC #34-027-038, -040, CRESCENT POTOMAC YARD DEVELOPMENT LLC, APPLICANT).**

After a duly advertised public hearing, the Board deferred to September 18, 2004, Site Plan Amendment SP #346 to amend condition #25 to clarify affordable dwelling unit requirement at 2805 Crystal Drive (RPC #34-027-038, -040).

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**AN ORDINANCE PURSUANT TO APPLICATION SP #362 TO GRANT AN AMENDMENT TO A SPECIAL EXCEPTION FOR A SITE PLAN ON A CERTAIN PARCEL OF LAND KNOWN AS 2900 WILSON BOULEVARD (RPC #18-011-001, -008; LA TASCA; McCAFFERY 2900 WILSON, LLC, APPLICANT).**

After a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #362 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for live entertainment for the parcel of real property known as 2900 Wilson Boulevard, approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the following conditions and review by the County Board in October 2004:

1. The applicant agrees that the live entertainment shall be limited to Thursdays, Fridays, Saturdays and Sundays between 11:00 a.m. and midnight (12:00 a.m.). The applicant agrees that there shall be no dancing by customers unless the required dance hall permit is secured.
2. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
3. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
4. The applicant agrees that the live entertainment shall be limited to acoustic music and shall be non-amplified. At times the applicant anticipates including flamenco dancers performing to the live and/or recorded music.
5. The applicant agrees to ensure that all windows and doors shall remain closed when live entertainment is being offered. The applicant agrees that no live entertainment shall be permitted outdoors, and further agrees to insure that live entertainment performances inside the restaurant will not be broadcast to the exterior of the restaurant over the restaurant's audio system.
6. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be shared with the Zoning Administrator, the Clarendon-Courthouse Civic Association, the nearby Lyon Village Citizens Association and the Clarendon Alliance.

7. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mr. Days Sports and Rock Café, Iota Bar and Restaurant, the Clarendon Ballroom, the Boulevard Woodgrill, LLC, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Citizens Association and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly to work through issues associated with the live entertainment uses.
8. The applicant agrees that the live entertainment use permit will automatically terminate at such time as the restaurant at the premises ceases to operate as "La Tasca".

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**AN ORDINANCE PURSUANT TO APPLICATION SP #263 TO GRANT AN AMENDMENT TO A SPECIAL EXCEPTION FOR A SITE PLAN ON CERTAIN PARCELS OF LAND KNOWN AS 2305, 2311, 2313, 2317, AND 2319 WILSON BOULEVARD, AND 1515 AND 1519 NORTH ADAMS STREET (RPC #15-059-001, -002, -003, -004, -005; OTTER EQUITES, DEER EQUITIES, APPLICANT).**

After a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #263 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for a restaurant, office, commercial, and parking lot for the parcels of real property known as 2305, 2311, 2313, 2317, and 2319 Wilson Boulevard, and 1515 and 1519 North Adams Street (RPC #15-059-001, -002, -003, -004, -005), approval is granted for interim use of the 2 two-story buildings for a period not to exceed 12 years (July 31, 2016) and the parcels so described shall be used according to the approval requested by the application, subject to all previous conditions.

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**AN ORDINANCE PURSUANT TO APPLICATION SP #193 TO GRANT AN AMENDMENT TO A SPECIAL EXCEPTION FOR A SITE PLAN ON A CERTAIN PARCEL OF LAND KNOWN AS 4238 WILSON BOULEVARD (RPC #14-059-035; COMEDY SPORTZ; ELISABETH DEMERY, OWNER/APPLICANT).**

After a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #193 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to expand the theatre for the parcel of real property known as 4238 Wilson Boulevard (RPC #14-059-035), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the previous condition #1 of this site plan amendment and condition #2 below, with a County Board review in two (2) years and six months (December 2006) along with the original site plan amendment:

1. The applicant shall meet the requirements of the Community Code Enforcement Office and the Fire Marshal's Office, including securing an assembly permit and complying with noise ordinances.
2. The applicant agrees to limit the public live performance hours to 7:00 p.m. to 12 a.m., Monday through Friday, and 12 p.m. to 12 a.m. on Saturdays and Sundays.

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**AN ORDINANCE PURSUANT TO APPLICATION SP #11 TO GRANT AN AMENDMENT TO A SPECIAL EXCEPTION FOR A SITE PLAN ON CERTAIN PARCELS OF LAND KNOWN AS 2001 AND 2211 JEFFERSON DAVIS HIGHWAY; 2011, 2021, 2201, AND 2211 SOUTH CLARK PLACE; 2221 SOUTH CLARK STREET; 2121 AND 2231 SOUTH CRYSTAL DRIVE, (RPC #34-020-003, -017, -018, -020, -023, -024, -030, -034, -035, -233, -234, -235, -243, -245, -248, -249, -250, -251, -253, -255; CHARLES E. SMITH COMMERCIAL REALTY, LP, APPLICANT).**

After a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #11 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to amend the comprehensive sign plan for the parcels of real property known as 2001 and 2211 Jefferson Davis Highway; 2011, 2021, 2201, and 2211 South Clark Place; 2221 South Clark Street; and 2121 and 2231 South Crystal Drive (RPC #34-020-003, -017, -018, -020, -023, -024, -030, -034, -035, -233, -234, -235, -243, -245, -248, -249, -250, -251, -253, -255), approval is granted for 1288.2 square feet of signage and the parcels so described shall be used according to the approval requested by the application, subject to all previous conditions, the following four new conditions, and to the approval of the photographic and text panels automatically expiring in five (5) years (July 2009):

1. The applicant agrees to report periodically (at least quarterly) in writing to the Aurora Highlands Civic Association any anticipated or new site plan amendments or changes. The copies of the said quarterly report shall be submitted to the Zoning Administrator. In addition, the applicant agrees to have Aurora Highlands help to choose the final selection of the photographs for the panels.
2. The applicant agrees that all signs and their size, design and locations shall be consistent with the signage described and outlined in the drawings entitled *Crystal City Submittal Package (20<sup>th</sup> & 23<sup>rd</sup> Street)* and presented to and approved by the County Board on July 10, 2004.
3. The applicant agrees that approval for the photographic and text panels will expire on July 10, 2009, without further County Board action if, prior approval to that time, the County Board has not approved their continuation.
4. The applicant agrees to maintain the signs in a clean and well-maintained condition in accordance to a maintenance plan that shall be submitted and approved by the County Manager or his designee prior to the installation of any signs.

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**DEFERRAL OF GENERAL LAND USE PLAN AMENDMENT GP-297-04-1 AND REZONING Z-2514-04-1 ON PREMISES KNOWN AS 5510 LEE HIGHWAY (RPC #10-001-007; TUCKAHOE APARTMENTS, L.L.C., APPLICANT).**

After duly advertised public hearings, the Board deferred the following related items to the September 7, 2004 Planning Commission meeting and the September 18, 2004 County Board meeting, as recommended in the County Manager's June 17, 2004 report:

- A. GP-297-04-1 GENERAL LAND USE PLAN AMENDMENT from "Service Commercial" (Personal and business services. Generally one to four stories. Maximum 1.5 FAR) to "Low-Medium" Residential (16-36 units per acre).
- B. Z-2514-04-1 REZONING from "C-1" Local Commercial Districts to "RA8-18" Apartment Dwelling Districts; premises known as 5510 Lee Highway (RPC #10-001-007).

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**DEFERRAL OF GENERAL LAND USE PLAN AMENDMENT GP-294-04-1, REZONING Z-2511-03-1, AND SITE PLAN SP #382 FOR 1836 AND 1840 WILSON BOULEVARD, AND 1801 AND 1805 CLARENDON BOULEVARD (RPC# 17-011-019, -021, -023; NATIONAL SCIENCE TEACHERS ASSOCIATION, APPLICANT).**

After duly advertised public hearings, the Board deferred the following related items to the September 7, 2004 Planning Commission meeting and the September 18, 2004 County Board meeting, as recommended in the County Manager's June 30, 2004 report:

- A. GP-294-04-1 GENERAL LAND USE PLAN AMENDMENT from "Service Commercial" (Personal and business services. Generally one to four stories. Maximum 1.5 FAR) to "Medium" Office-Apartment-Hotel (Office up to 2.5 FAR; Apartment up to 115 units/acre; Hotel up to 180 units/acre) 1836 and 1840 Wilson Boulevard, and 1801 and 1805 Clarendon Boulevard (SP #382).
- B. Z-2511-03-1 REZONING from "C-2" Service Commercial – Community Business Districts to "C-O-2.5" Commercial Office Building, Hotel and Apartment Districts; premises known as 1836 and 1840 Wilson Boulevard, and 1801 and 1805 Clarendon Boulevard (RPC# 17-011-019, -021, -023).
- C. SP #382 SITE PLAN to retain approximately 46,080 square foot office structure and construct approximately 70,245 square foot office structure, ground floor retail/restaurant, with modifications of use regulations for parking, loading bays, and the exclusion from GFA of conference facility; premises known as 1801 and 1805 Clarendon Boulevard, and 1836 and 1840 Wilson Boulevard (RPC# 17-011-019, -021, -023).

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**AN ORDINANCE PURSUANT TO APPLICATION U-3054-03-1 TO GRANT AN AMENDMENT TO A SPECIAL EXCEPTION FOR A USE PERMIT ON A CERTAIN PARCEL OF LAND KNOWN AS 4681 SOUTH KING STREET (RPC-#28-019-031; TACO BELL OF AMERICA, INC., APPLICANT).**

After a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3054-03-1 on file in the Office of the Zoning Administrator for an amendment to a special exception for a use permit to revise site layout, façade, signage location, number of drive-through windows, and landscaping for the parcel of real property known as 4681 South King Street (RPC #28-019-031), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the previously approved conditions with the following revisions to conditions #1, #4.g. and #16, and with County Board review in two years (July 2006):

- 1. The developer agrees to comply with plans as revised by these conditions and reviewed and approved by the County Board at its July 10, 2004 meeting and made a part of the public record, together with any modifications proposed by the developer and accepted by the County Board or vice versa. The approval of this use permit expires two years after the date of County Board approval if the approved plan is not under construction.
- 4. g. The applicant agrees that the architectural and streetscape details shall be consistent with the urban design recommendations of the Arlington County Planning Division. Materials for the building facades shall be predominantly brick (no less than 60% of all exterior wall surfaces). Final design of the building and screening of rooftop equipment shall be subject to the approval of the County Manager or his designee. Streetscape shall include six (6)-foot wide landscaped strip and six (6)-foot wide walkway with a combination of concrete with brick or decorative pavers accent banding.
- 16. Mechanical equipment, including the equipment installed on the roof or around the building, shall be screened so as not to be visible from public rights-of-way.

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**AN ORDINANCE PURSUANT TO APPLICATION U-3087-04-3 TO GRANT A SPECIAL EXCEPTION FOR A USE PERMIT ON A CERTAIN PARCEL OF LAND KNOWN AS 4704 COLUMBIA PIKE (RPC #27-004-002; NOBLE ROMAN'S PIZZA AND SUBS, APPLICANT).**

After a duly advertised hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3087-04-3 on file in the Office of the Zoning Administrator for a special exception for a use permit for live entertainment for the parcel of real property known as 4704 Columbia Pike (RPC #27-004-002), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions and with an administrative review in six (6) months (January 2005) and a review by the County Board in one (1) year (July 2005):

1. The applicant agrees to limit live entertainment to between the hours of 5:00 p.m. and 11:00 p.m., Sunday through Saturday.
2. The applicant agrees that the live entertainment shall be limited to DJ, radio, CD player, acoustic music or primarily acoustic music, individual musicians or small bands of their choosing.
3. The applicant agrees that, if not terminated earlier for some other reason, this permit shall run with the business under the current ownership, and shall terminate automatically upon either the sale of a majority interest in the business by the current owners or at such time as the business ceases to operate as the Noble Roman's Pizza and Sub Restaurant, whichever occurs sooner.
4. The applicant agrees that music resulting from live entertainment shall comply with the limits established in the County Noise Ordinance.
5. The applicant agrees that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board shall be met.
6. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be provided in writing to the Zoning Administrator, the nearby civic associations of Douglas Park, and Barcroft School & Civic League and the Columbia Pike Revitalization Organization (CPRO) prior to the issuance of a certificate of occupancy.

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**DEFERRAL OF USE PERMIT REVIEW U-3066-03-1 FOR 3538 WILSON BOULEVARD (PIZZA PLACE) (RPC #19-016-005; SIDNEY WHEELER AND GREGORY ROMEROSA, DBA: PIZZA PLACE, APPLICANT).**

After a duly advertised public hearing, the Board deferred to the October 2, 2004 County Board meeting, Use Permit U-3066-03-1 for a pizza delivery at 3538 Wilson Boulevard (RPC #19-016-005).

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**AN ORDINANCE PURSUANT TO APPLICATION U-3088-04-1 TO GRANT A SPECIAL EXCEPTION FOR A USE PERMIT ON A CERTAIN PARCEL OF LAND KNOWN AS 3811 LEE HIGHWAY (RPC #05-051-001; JANET GORMLEY, OWNER; SUN AND MOON YOGA STUDIO, APPLICANT).**

After a duly advertised hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3088-04-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for a yoga school and retail sales for the parcel of real property known as 3811 Lee Highway (RPC #05-051-001), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions and administrative review in one year (July 2005) and County Board review in three (3) years (July 2007):

The applicant shall meet the requirements of the Child Care Office, the Community Code Enforcement Office, the Environmental Health Bureau, and the Fire Marshal's Office, including the installation of smoke detectors. The applicant agrees to obtain a certificate of occupancy on or before August 9, 2004.



1. The applicant shall require that all parents escort their children into and out of the studio at all times.
2. The applicant agrees that the hours of operation of the studios shall be 6:30 a.m. to 10:00 p.m., Sunday through Saturday, seven days a week.

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**AN ORDINANCE PURSUANT TO APPLICATION U-2664-90-5 TO GRANT AN AMENDMENT TO A SPECIAL EXCEPTION FOR A USE PERMIT ON A CERTAIN PARCEL OF LAND KNOWN AS 3313 ARLINGTON BOULEVARD (RPC #19-039-067; FRITS GEURTSSEN, PRESIDENT, FAITH LUTHERAN CHURCH COUNCIL, APPLICANT).**

After a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-2664-90-5 on file in the Office of the Zoning Administrator for an amendment to a special exception for a use permit for the Faith Lutheran Church Council for a half-day preschool for the parcel of real property known as 3313 Arlington Boulevard (RPC #19-039-067), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to previous conditions #1 through #3, the following revised condition #4 and new condition #5, and administrative review in one year (July 2005) and a County Board review in three (3) years (July 2007):

1. The applicant shall meet the requirements of the Child Care Ordinance, Community Code Enforcement Office, Environmental Health Bureau, and Fire Marshal's Office, including the installation of smoke detectors.
2. The applicant shall encourage all participants to use alternative routes to the site in order to avoid access to the site from Arlington Boulevard and North Jackson Street during rush hours.
3. The applicant shall provide adequate fencing around the outdoor play space at all times when the children are at play.
4. Enrollment shall be limited to a maximum of 98 children.
5. The applicant agrees to limit the hours of operation to 8:30 a.m. to 1:30 p.m., Tuesday through Friday.

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**AN ORDINANCE PURSUANT TO APPLICATION U-3091-04-1 TO GRANT A SPECIAL EXCEPTION FOR A USE PERMIT ON A CERTAIN PARCEL OF LAND KNOWN AS 3701 LORCOM LANE (RPC #04-022-019; CHERRYDALE UNITED METHODIST CHURCH; EARLY YEARS ENHANCEMENT SERVICES, APPLICANT).**

After a duly advertised hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3091-04-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for a parent's day out program and pre-school for the parcel of real property known as 3701 Lorcom Lane (RPC #04-022-019), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions and with an administrative review in one (1) year (July 2005) and County Board review in three (3) years (July 2007):

1. The applicant agrees to meet the requirements of the Child Care Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a certificate of occupancy.
2. The applicant agrees that parents of students attending the program shall escort their students to and from the center at all times.
3. The applicant agrees that the hours of operation would be Monday through Friday between 9:30 a.m. and 2:30 p.m. With a maximum capacity of 42 children.

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**AN ORDINANCE PURSUANT TO APPLICATION U-3092-04-2 TO GRANT A SPECIAL EXCEPTION FOR A USE PERMIT ON CERTAIN PARCELS OF LAND KNOWN AS 2425, 2499, 2503, AND 2509 NORTH HARRISON STREET (RPC #02-073-084; FIT KIDS, INC., APPLICANT).**

After a duly advertised hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3092-04-2 on file in the Office of the Zoning Administrator for a special exception for a use permit for a children's tumbling, fitness, and activity center for the parcels of real property known as 2425, 2499, 2503, and 2509 North Harrison Street (RPC #02-073-084), approval is granted and the parcels so described shall be used according to the use permit approval requested by the application, subject to the following conditions and with an administrative review in one (1) year (July 2005) and County Board review in three (3) years (July 2007):

1. The applicant agrees to meet the requirements of the Child Care Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a certificate of occupancy.
2. The applicant agrees that parents of students attending the program shall escort their students to and from the center at all times.
3. The applicant agrees that the hours of operation of the program would be Sunday through Saturday between the hours of 8:00 a.m. and 8:00 p.m.

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**DEFERRAL OF USE PERMIT REVIEW U-2985-00-1 FOR 2847 WILSON BOULEVARD (RPC #15-065-019; ROBERT G. SMITH, SUPERINTENDENT, ARLINGTON COUNTY SCHOOLS, APPLICANT).**

After a duly advertised public hearing, the Board deferred to the September 18, 2004 County Board meeting, Use Permit Review U-2985-00-1 for an educational program at 2847 Wilson Boulevard (Arlington Public Schools) (RPC #15-065-019).

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**AN ORDINANCE PURSUANT TO APPLICATION U-3093-04-1 TO GRANT A SPECIAL EXCEPTION FOR A USE PERMIT ON A CERTAIN PARCEL OF LAND KNOWN AS AT 2238 NORTH ILLINOIS STREET (RPC #10-011-035; JULIA BAER, APPLICANT).**

After a duly advertised hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3093-04-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for a one-story screened porch on an existing pipe-stem lot for the parcel of real property known as 2238 North Illinois Street (RPC #10-011-035) approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following condition:

1. The applicant agrees that the screened porch located at 2238 North Illinois Street shall be at the location, design, height and size as shown on the drawings submitted to the County and presented to the County Board on July 10, 2004, from Thomas J. O'Neil and dated 5/14/04. The applicant agrees that no portion of the screened porch can extend any closer to the interior property line than 17.51 feet.

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**AUTHORIZATION TO ACCEPT DEED OF DEDICATION, DEED OF EASEMENT, AND DEED OF TEMPORARY EASEMENT AND CONSTRUCTION AGREEMENT ("DEEDS") FOR DEPARTMENT OF ENVIRONMENTAL SERVICES PROJECT ON PROPERTY LOCATED AT 1628 NORTH OAK STREET.**

The Board adopted the following motion, dated June 22, 2004, designated as Exhibit 1 attached to the County Manager's June 22, 2004 report, approving Deed of Dedication, Deed of Easement, and Deed of Temporary Easement and Construction Agreement and authorizing execution thereof:

I move that the County Board of Arlington County, Virginia:

- A. Approve a Deed of Dedication for Public Purposes, a Deed of Easement for Public Sidewalk, Utilities and Drainage Purposes, and a Deed of Temporary Easement and Construction Agreement ("Deeds") on property located at 1628 N Oak Street, Arlington, Virginia (Project: #OR07); and,
- B. Authorize the Engineering Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, for nominal consideration the Deeds in accordance with their respective Plan and Plat outlined in the staff report of June 22, 2004. The execution of such deeds indicates the County Board's acceptance of the Deed of Dedication and the easements over the subject property, as described in the Department of Public Works Plat and Plan listed in the report. The Deeds shall be acceptable to the Director of the Department of Environmental Services or his/her designee and approved as to form by the County Attorney.

**Exhibit "2"**  
**Vicinity Map**



**N Oak Street – 16<sup>th</sup> Road N to Clarendon Boulevard**

Boldface line on this schematic indicates the location of local improvements

**Deed of Dedication, Deed of Easement, and Deed of Temporary Easement and Construction Agreement**

July 10, 2004

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**APPROVAL OF THREE LEASES/AMENDMENTS BETWEEN C.E. SMITH REAL ESTATE SERVICES L.P. AND COUNTY BOARD: (1) DEED OF LEASE FOR SECOND FLOOR OFFICE SPACE AT 2300 CLARENDON BOULEVARD, ARLINGTON, VIRGINIA; (2) FIRST AMENDMENT TO THE AMENDED AND RESTATED OFFICE BUILDING DEED OF LEASE FOR 2100 CLARENDON BOULEVARD, ARLINGTON, VIRGINIA; AND, (3) FIRST AMENDMENT TO OFFICE BUILDING STORAGE SPACE LEASE AT 2100 CLARENDON BOULEVARD, ARLINGTON, VIRGINIA.**

The Board took the following actions:

1. Approved the following documents attached to the County Manager's undated report:
  - A. Deed of Lease for Second Floor Office Space at 2300 Clarendon Boulevard, Arlington, Virginia, between Charles E. Smith Real Estate Services L.P. and the County Board of Arlington County, Virginia;
  - B. First Amendment to the Amended and Restated Office Building Deed of Lease for 2100 Clarendon Boulevard, Arlington, Virginia, between Charles E. Smith Real Estate Services L.P. and the County Board of Arlington County, Virginia; and,
  - C. First Amendment to Office Building Storage Space Lease for 2100 Clarendon Boulevard, Arlington, Virginia, between Charles E. Smith Real Estate Services L.P. and the County Board of Arlington County, Virginia.
2. Authorized the County Manager, or his designee to execute, on behalf of the County Board, the above referenced lease and amendments, and all related documents, subject to approval as to form by the County Attorney.

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**APPROVAL OF FIRST AMENDMENT TO LICENSE AGREEMENT BETWEEN COUNTY BOARD AND FOREST CITY COMMERCIAL MANAGEMENT, INC., ACTING AS DULY AUTHORIZED AGENT FOR BALLSTON COMMONS ASSOCIATES, LP, TO CHANGE CERTAIN PROVISIONS OF LICENSE AGREEMENT BETWEEN COUNTY AND FOREST CITY COMMERCIAL MANAGEMENT, INC. DATED SEPTEMBER 5, 2002 (STORE NO. 3072, BALLSTON COMMON MALL).**

The Board took the following actions:

1. Approved the First Amendment to License Agreement attached to the County Manager's July 1, 2004 report between The County Board of Arlington County, Virginia, and Forest City Commercial Management, Inc., acting as duly authorized agent for Ballston Commons Associates, LP.
2. Authorized the Director of Engineering and Capital Projects, or his designee, to execute the First Amendment to License Agreement, subject to approval as to form by the County Attorney.

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**ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 27 (MISCELLANEOUS ORDINANCES) OF ARLINGTON COUNTY CODE, SECTION 27-11.1, TO CHANGE TIME PERIOD FOR FILING PERSONAL PROPERTY TAX AND IMPOSE LATE FILING PENALTY.**

After a duly advertised public hearing, the Board adopted the following ordinance:

**BE IT ORDAINED** By the County Board of Arlington, Virginia, that Chapter 27, Section 27-11.1 of the Arlington County Code is amended, reenacted and recodified to read in pertinent part as follows:

**§ 27-11.1. Personal property tax on motor vehicles, trailers and boats**

\* \* \*

(c) *Filing dates*

(1) The owner of every motor vehicle, trailer, or boat taxable in the county shall file a tax return for the vehicle with the commissioner of the revenue sixty (60) days of the vehicle first acquiring situs or becoming taxable in the county. This tax return shall be the basis for the assessment of the motor vehicle, trailer, or boat in all subsequent years in which the commissioner of the revenue has not been informed of a change in the address or name of the owner of the motor vehicle, trailer, or boat or of a change in the situs or ownership of the motor vehicle, trailer, or boat. Such owners are required to file a new personal property tax return with the commissioner of the revenue within sixty (60) days of any (i) change in the name or address of the person or persons owning the vehicle; (ii) a change in the situs of the vehicle; (iii) any other change affecting the assessment of the personal property tax on the vehicle for which a tax return was previously filed; or (iv) any change in which a person acquires one (1) or more vehicles for which no personal property tax return has been filed with the county.

(2) Returns of all taxable semi-trailers with a situs within the county on January 1 shall be filed on or before May 1 of each tax year. Returns of all taxable semi-trailers which acquire a situs in the county or which have title transferred after January 1 shall be filed within sixty (60) days of the date on which situs is acquired or title transferred.

\* \* \*

(f) *Late filing and payment penalties and interest.* Any person who fails to timely file a required personal property tax return pursuant to subsection (c), above, shall incur a late filing penalty of ten (10) percent of the amount of tax assessed or ten dollars (\$10.00) whichever is greater, but not to exceed the amount of the tax, which penalty shall become part of the tax. Any person that fails to pay personal property tax on or before the date due, as provided above, shall incur a penalty of ten (10) percent of the tax assessed or ten dollars (\$10.00), whichever shall be greater, but not to exceed the amount of the tax, which penalty shall become part of the tax due. If, after forty (40) days from the payment due date the taxes remain unpaid in whole or in part, there shall be added to the amount an additional penalty of five (5) percent of the unpaid tax assessed. Interest at the rate specified in section 27-3 from the first day of the month following the month in which taxes are due shall be paid upon the principal and penalties of such taxes remaining unpaid.

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**ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 11 (LICENSES) OF ARLINGTON COUNTY CODE TO ALLOW WITHHOLDING OF BUSINESS LICENSES UNTIL ALL DELINQUENT TAXES ARE PAID IN FULL.**

After a duly advertised public hearing, the Board adopted the following ordinance:

**BE IT ORDAINED** by the County Board of Arlington, Virginia, that Chapter 11, Section 11-5 of the Arlington County Code is amended, reenacted and recodified to read in pertinent part as follows:

**§ 11-5. Procedure for filing business license tax returns; reconciliation of records and monthly reports.**

\* \* \*

(b) No business license under this chapter shall be issued until the applicant has produced satisfactory evidence that all delinquent business license, personal property, meals, transient occupancy, severance and admissions taxes owed by the business to Arlington County have been paid which have been properly assessed against the applicant by Arlington County.

[Reletter subsection (b) to (c)]

**§ 11-6. Applicants for licenses to give certain information.**

\* \* \*

(c) No business license under this chapter shall be issued until the applicant has produced satisfactory evidence that all delinquent business license, personal property, meals, transient occupancy, severance and admissions taxes owed by the business to Arlington County have been paid which have been properly assessed against the applicant by Arlington County.

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**ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 27 (MISCELLANEOUS ORDINANCES) OF ARLINGTON COUNTY CODE TO ALLOW FOR ADMINISTRATIVE FEES ON DELINQUENT CHARGES.**

After a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED by the County Board of Arlington, Virginia, that Chapter 27 of the Arlington County Code is amended, reenacted and recodified to read in pertinent part as follows:

**§ 27-21. Payment of administrative fees, attorney's fees, and collection agency's fees to cover the costs associated with the collection of delinquent taxes or other delinquent charges.**

Any person liable for local taxes or other delinquent charges who fails to pay the taxes or other charges on or before the due date shall, in addition to all penalties and interest, as authorized in sections 27-3 and 27-11.1 of the Arlington Code, pay a fee to cover the administrative costs associated with the collection of delinquent taxes or other delinquent charges. Such fee shall be added to all penalties and interest authorized and shall be equal to the maximum amounts allowed by Section 58.1-3958 of the Virginia Code, as amended, or such other Virginia statute regulating the amount of such fees or covering the subject of fees in such cases. Additionally, collection agency's fees or attorney's fees actually contracted for not to exceed twenty (20) percent of the delinquent tax bill or other delinquent charges bill, may be recovered from any such person whose taxes or other delinquent charges are thereafter collected by a private collection agent or attorney. For purposes of this section, local taxes shall mean any tax which falls on a taxpayer as a result of action by the Arlington County Board or whose rate is determined by action of the Arlington County Board or both.

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**INCREASED AUTHORIZATION FOR CONSTRUCTION OF NEW FIRE STATION #5 AT 1750 SOUTH HAYES STREET.**

The Board authorized an increase of \$500,000 in the project contingency for the construction of the new Fire Station #5, for a total authorization of \$4,875,000.

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**APPROPRIATION OF ADDITIONAL STATE AND FEDERAL FUNDS FROM VIRGINIA DEPARTMENT FOR THE AGING TO DEPARTMENT OF HUMAN SERVICES.**

The Board appropriated to \$25,096 in federal and state funds from the Virginia Department for the Aging (001.725) to the Department of Human Services (001.421) for the Agency on Aging to expand its general public education efforts with a focus on existing transportation services, Medicare education, and home modifications and assistive technologies, and authorized a 0.2 FTE permanent grant funded position to conduct the public education.

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**APPROVAL OF AGREEMENT WITH COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION (VDOT) FOR DEVELOPMENT AND ADMINISTRATION OF SOUTH GLEBE ROAD SIGNAL MODIFICATIONS AND CROSSWALK IMPROVEMENTS AT WEST GLEBE ROAD AND 26<sup>TH</sup> ROAD SOUTH.**

The Board took the following actions:

1. Approved the agreement between the County Board of Arlington County, Virginia, and the Commonwealth of Virginia, Department of Transportation (VDOT) for the development and administration of the Glebe Road Signal Modifications and Crosswalks Improvement for Arlington County, Virginia.
2. Authorized the County Manager to execute the contract documents, subject to legal review by the County Attorney.
3. Appropriated \$65,000 in the Hazard Elimination and Safety Fund and allocated to the Department of Environmental Services General Capital Improvement Fund (PAYG) revenue account #013.319/0660.12 for the Glebe Road Signal Modifications and Crosswalk Improvements.

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**MEMORANDUM OF UNDERSTANDING CONCERNING INITIAL INTERCONNECTION OF ARLINGTON COUNTY AND CITY OF ALEXANDRIA INSTITUTIONAL NETWORK SYSTEMS.**

The Board approved the Memorandum of Understanding ("MOU") attached to the County Manager's June 22, 2004 report concerning the initial interconnection of the Arlington County ("County") and City of Alexandria ("City") Institutional Network Systems ("I-Nets"), and authorized the County Manager to execute the MOU, following approval of all such documents as to form by the County Attorney. Approval of the MOU would allow the construction of a fiber optic interconnection between the Alexandria Institutional Network ("I-Net") and the Arlington County I-Net. The endpoints of the interconnection will be at Fairlington Community Center at 3308 South Stafford Street in Arlington, and Fire Station 203 at 2801 Cameron Mills Road in Alexandria. The estimated cost for the Interconnection fiber is \$42,457. The County is responsible for half of this cost, or \$21,228.50. In addition, the County will be responsible for acquiring and paying for the equipment located within the County, including all network interface equipment, digital video encoders, network monitoring systems and facility cabling. The cost for this equipment is estimated to be \$17,000. This interconnection will be used for the purpose of conducting governmental business that affects both jurisdictions. For a 120 day pilot period, the interconnection will be used to support a video arraignment connection between the Arlington County Sheriff's Office and the Northern Virginia Juvenile Detention Center, and to provide for the operation of the City's Payroll system, which the County currently supports.

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**AWARD OF CONTRACT TO RECONSTRUCT HAYES PARK, 1516 NORTH LINCOLN STREET, INVITATION TO BID NUMBER 226-04.**

The Board took the following actions:

1. Approved the Award of Contract No. 226-04 in the amount of \$449,800 to Fort Myer Construction Corporation and approved an allocation of \$44,980 as a contingency for change orders for a total contract authorization of \$494,780.
2. Authorized the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

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**APPROVAL OF NEIGHBORHOOD TRAFFIC CALMING PROJECTS.**

The Board took the following actions:

1. Approved the following neighborhood traffic calming projects, as recommended by the Neighborhood Traffic Calming Committee (NTCC) on the following streets:
  - South Monroe Street from 8<sup>th</sup> Street South to Columbia Pike in the Alcova Heights Civic Association.
  - North Irving Street from Arlington Boulevard to Pershing Drive in the Ashton Heights and Lyon Park Citizens Associations.
  - 10<sup>th</sup> Road North from Patrick Henry Drive to McKinley Road in the Dominion Hills Civic Association.
  - 25<sup>th</sup> Street North from North Glebe Road to North George Mason Drive in the Old Dominion and Yorktown Civic Associations.
  - 26<sup>th</sup> Street North from North Glebe Road to North George Mason Drive in the Old Dominion and Yorktown Civic Associations.

2. Approved three speed hump/speed cushion projects, as recommended by the NTCC on the following streets which qualify for speed humps or cushions, and where speed humps or cushions are the most appropriate measure to address speeding problems:
  - South Cleveland Street from Columbia Pike to 13<sup>th</sup> Road South in the Columbia Heights Civic Association.
  - 18<sup>th</sup> Street South from South Quincy Street to Walter Reed Drive in the Douglas Park Civic Association.
  - 27<sup>th</sup> Street North from North Ohio Street to North Lexington Street in the Williamsburg, Arlington-East Falls Church and Leeway Overlee neighborhoods.

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**DHS/FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) HAZARDOUS MITIGATION GRANTS.**

The Board appropriated to \$2,182,805 for Fiscal Year 2005 from the Virginia Department of Emergency Management (001.649) to the Arlington County Office of Emergency Management (001.0232) as part of the FEMA hazardous mitigation grant program.

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**AUTHORIZATION TO ADVERTISE AMENDMENTS TO COMPREHENSIVE PLAN - MASTER TRANSPORTATION PLAN - PART I TO REFLECT THE ADDITION OF A PREAMBLE.**

The Board authorized the advertisement of public hearings on an amendment to the Comprehensive Plan - Master Transportation Plan – Part I as proposed in the preamble attached to the County Manager’s June 21, 2004 report, with the Planning Commission on September 7, 2004 and the County Board on September 18, 2004.

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**RESOLUTION TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS ON ZONING ORDINANCE AMENDMENTS TO SECTION 15. [A.] “RA6-15” APARTMENT DWELLING DISTRICT, TO ALLOW COUNTY BOARD TO MODIFY DENSITY PROVISIONS WHERE NEW DEVELOPMENT IS PROPOSED USING FORM BASED CODE ON SITE THAT HAS EXISTING SITE PLAN.**

The Board adopted the following resolution:

The County Board of Arlington hereby resolves that the following amendment to Section 15. [A.] “RA6-15” Apartment Dwelling District of the Zoning Ordinance be advertised for public hearings by the Planning Commission on September 7, 2004 and the County Board on September 18, 2004 to allow the County Board to modify density provisions in accordance with the Form Based Code to promote the health, safety and general welfare of the public and for other reasons required by the public necessity, convenience and general welfare, and good zoning practice:

**SECTION 15. “RA6-15” APARTMENT DWELLING DISTRICT**

\* \* \*

- A. Uses Permitted.

\* \* \*

8. Properties that are in the Columbia Pike Special Revitalization District may be developed in accordance with Section 20. “CP-FBC” Form Based Code Districts. After such development all uses permitted in Section 20 shall be permitted on the property, subject to all regulations in Section 20. For property in “RA6-15” districts in the Columbia Pike Special Revitalization District, that is developed in accordance with an approved site plan, the County Board may approve a site plan amendment to modify the density beyond that otherwise permitted by site plan to allow development in accordance with Section 20 “CP-FBC” Form Based Code District, where the County Board finds that the amendment will further the goal of creating an urban village.

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**AUTHORIZATION TO ADVERTISE AMENDMENT TO CHAPTER 15 (NOISE ORDINANCE) OF ARLINGTON COUNTY CODE, SECTION 15-6 RELATING TO MAXIMUM PERMISSIBLE NOISE LEVEL FOR SHORT-TERM OR SEASONAL ACTIVITIES SPONSORED BY COUNTY AGENCY OR ANY ORGANIZATION WITH EVENT THAT HAS BEEN REVIEWED AND APPROVED THROUGH SPECIAL EVENT TASK FORCE.**

The Board authorized advertisement of a public hearing on September 18, 2004, on the proposed amendment attached to the County Manager's June 30, 2004 report to Section 15-6 of the Arlington County Code to change the maximum permissible noise level for short-term or seasonal activities sponsored by a County agency or any organization with an event that has been reviewed and approved through the Special Event Task Force process.

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**TEMPORARY SUSPENSION OF SPECIAL DAILY RATE FOR BALLSTON PUBLIC PARKING GARAGE.**

The Board authorized the temporary suspension of the Special Daily Rate for the Ballston Public Parking Garage by the County Manager or his designee. Upcoming construction at the Ballston Public Parking Garage will require temporarily removing small blocks of parking spaces from service. In order to make spaces available to accommodate these construction activities, the Special Daily Rate (also known as the Early Bird Rate) must be temporarily suspended until construction activities are completed.

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**RENAMING "NORTH 13<sup>TH</sup> STREET AND NORTH VERMONT STREET PARK" AS "CLARENFORD STATION PARK."**

The Board approved the renaming of the "North 13<sup>th</sup> Street & North Vermont Street Park" as "Clarenford Station Park" as recommended by the Park and Recreation Commission. The name is historically and geographically significant due to the site's relationship to the Washington and Old Dominion (W&OD) Railroad line and the neighborhood that was known as Clarenford and its associated rail station.

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**DEDICATION OF PLAQUE AND SIGN AT POWHATAN SPRINGS PARK IN RECOGNITION OF KIWANIS CLUB OF ARLINGTON, INC.'S DONATION TO CHILDREN'S RAIN GARDEN.**

The Board approved the dedication of a recognition plaque and recognized on or below the main sign at Powhatan Springs Park the Kiwanis Club of Arlington, Inc.'s donation to the Children's Rain Garden, and authorized the County Manager to approve the final language of the plaque and sign.

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**APPROVAL OF MINUTES.**

The Board approved the minutes of the June 26, 2004 Regular Meeting as presented.

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**CONTINUANCE OF SITE PLAN AMENDMENT SP #50 FOR 5301 LEE HIGHWAY (RPC #02-073-092; ADAGIO BALLET, INC., APPLICANT).**

After a duly advertised public hearing, without objection, the Board continued to a recessed session of this meeting (July 14, 2004), Site Plan Amendment SP #50 for a private ballet school at 5301 Lee Highway (RPC #02-073-092).

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**DEFERRAL OF SITE PLAN AMENDMENT SP #83 AND USE PERMIT U-3071-03-1 FOR 2112 AND 2200 COLUMBIA PIKE (RPC #32 -001-026, -027; GRAHAM ASSOCIATES, APPLICANT).**

After duly advertised public hearings at which the public spoke, on motion by Mr. Zimmerman, seconded by Mr. Ferguson and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola - Aye, Mr. Fisetete - Aye, Mr. Ferguson - Aye, Mr. Tejada - Aye, and Mr. Zimmerman - Aye, the Board deferred the following related items to the September 7, 2004 Planning Commission and September 18, 2004 County Board meetings, as recommended in the County Manager's July 1, 2004 report:

- A. SP #83 SITE PLAN AMENDMENT to permit the development of 26 additional units using the Form Based Code with modifications of use regulations for additional density; premises known as 2112 and 2200 Columbia Pike (RPC #32-001-026, -027).
- B. U-3071-03-01 USE PERMIT REQUEST for approval under the Columbia Pike Form Based Code, with appropriate modifications for building placement, first floor elevation, and streetscape details.

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**ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 39 (CIGARETTE TAX) OF ARLINGTON COUNTY CODE RELATING TO INCREASE IN LOCAL TAX FOR CIGARETTES.**

After a duly advertised public hearing at which the public spoke, on motion by Mr. Ferguson, seconded by Mr. Fisetete and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola - Aye, Mr. Fisetete - Aye, Mr. Ferguson - Aye, Mr. Tejada - Aye, and Mr. Zimmerman - Aye, the Board took the following actions:

- (1) Adopted the ordinance below changing Chapter 39 of the Arlington County Code increasing the County's local cigarette tax rate commensurate with the State's effective rate.
- (2) Designated any proceeds from the cigarette tax change to a reserve for a real estate tax rate reduction in CY 2005.

**BE IT ORDAINED** that Chapter 39 of the Arlington County Code is amended, reenacted, and recodified as follows.

**§ 39-3. Levy and rate.**

In addition to all other taxes of every kind now or hereinafter imposed by law, there is hereby levied and imposed by the county upon every person who sells or uses cigarettes within the county from and after the effective date of this chapter an excise tax equivalent to twenty cents (\$0.20) for each package containing twenty (20) cigarettes and ten (10) mills for each cigarette contained in packages of fewer or more than twenty (20) cigarettes sold or used within the county effective September 1, 2004; and an excise tax equivalent to thirty cents (\$0.30) for each package containing twenty (20) cigarettes and fifteen (15) mills for each cigarette contained in packages of fewer or more than twenty (20) cigarettes sold or used within the county effective July 1, 2005. The tax shall be paid and collected in the manner and at the time hereinafter prescribed; provided, that the tax payable for each cigarette or cigarette package sold or used within the county shall be paid but once. The tax hereby levied shall not apply to free distribution of sample cigarettes in packages containing five (5) or fewer cigarettes.

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**AWARD OF CONTRACT BETWEEN COUNTY BOARD AND SIGAL CONSTRUCTION CORPORATION FOR CONSTRUCTION OF SHIRLINGTON LIBRARY/SIGNATURE THEATRE AT 2800 SOUTH STAFFORD STREET.**

On motion by Mr. Zimmerman, seconded by Mr. Fisette and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola - Aye, Mr. Fisette – Aye, Mr. Ferguson – Aye, Mr. Tejada - Aye, and Mr. Zimmerman – Aye, the Board took the following actions:

1. Approved the award of Contract No. 257-04, in the amount of \$13,195,000 to Sigal Construction Corporation, plus a County contingency of \$1,500,000 and Signature contingency of \$3,000,000, for a total contract authorization of \$17,695,000, to construct the Shirlington Library/Signature Theatre at 2800 South Stafford Street.
2. Authorized the Purchasing Agent to execute the contract documents, subject to value engineering changes and legal review by the County Attorney.

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**2004 BOND REFERENDA.**

On motion by Mr. Fisette, seconded by Mr. Zimmerman and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola - Aye, Mr. Fisette – Aye, Mr. Ferguson – Aye, Mr. Tejada - Aye, and Mr. Zimmerman – Aye, the Board adopted the following resolutions, by roll call vote, and the explanation of the referendum questions to appear in publications, at voter registration sites, and polling places in order to initiate and facilitate the November bond referenda:

**LOCAL PARKS & RECREATION**

By roll call vote recorded as follows, the Board adopted the Local Parks & Recreation Resolution included below:

<u>Member</u>	<u>Vote</u>
Ms. Favola	Aye
Mr. Fisette	Aye
Mr. Ferguson	Aye
Mr. Tejada	Aye
Mr. Zimmerman	Aye

**WHEREAS**, the County Board of Arlington County, Virginia, has determined that it is advisable to undertake local parks & recreation projects at an estimated cost of \$75,395,000; and

**WHEREAS**, it appears that such improvements cannot be financed from current revenues;

**BE IT RESOLVED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA:**

1. It is hereby determined that it is advisable for Arlington County to contract a debt and issue its general obligation capital improvement bonds in the maximum amount of \$75,395,000 pursuant to the Public Finance Act of 1991, as amended, to finance, together with other available funds, the cost of public improvements for Arlington County Local Parks & Recreation.
2. The Circuit Court of Arlington County is hereby requested to order an election to be held on November 2, 2004, provided that such date is at least 60 days after the date on which the Court enters its order upon the question of contracting such debt and issuing bonds for such purposes.
3. The Clerk of this Board is hereby authorized and directed to cause a certified copy of this resolution to be presented to the Circuit Court of Arlington County.
4. This resolution shall take effect immediately.

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**TRANSPORTATION AND COMMUNITY INFRASTRUCTURE**

By roll call vote recorded as follows, the Board adopted the Transportation and Community Infrastructure Resolution included below:

<u>Member</u>	<u>Vote</u>
Ms. Favola	Aye
Mr. Fisette	Aye
Mr. Ferguson	Aye
Mr. Tejada	Aye
Mr. Zimmerman	Aye

**WHEREAS**, the County Board of Arlington County, Virginia, has determined that it is advisable to undertake community conservation projects, transportation and pedestrian initiatives, public facility projects, and storm drainage projects at an estimated cost of \$35,944,000; and

**WHEREAS**, it appears that such improvements cannot be financed from current revenues;

**BE IT RESOLVED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA:**

1. It is hereby determined that it is advisable for Arlington County to contract a debt and issue its general obligation capital improvement bonds in the maximum amount of \$35,944,000 pursuant to the Public Finance Act of 1991, as amended, to finance, together with other available funds, the cost of public improvements for Arlington County, including Community Conservation, Transportation & Pedestrian Initiatives, Public Facilities, and Storm Drainage.
2. The Circuit Court of Arlington County is hereby requested to order an election to be held on November 2, 2004, provided that such date is at least 60 days after the date on which the Court enters its order upon the question of contracting such debt and issuing bonds for such purposes.
3. The Clerk of this Board is hereby authorized and directed to cause a certified copy of this resolution to be presented to the Circuit Court of Arlington County.
4. This resolution shall take effect immediately.

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**METRO**

By roll call vote recorded as follows, the Board adopted the Metro Resolution included below:

<u>Member</u>	<u>Vote</u>
Ms. Favola	Aye
Mr. Fisette	Aye
Mr. Ferguson	Aye
Mr. Tejada	Aye
Mr. Zimmerman	Aye

**WHEREAS**, the County Board of Arlington County, Virginia, has determined that it is advisable to support construction, acquisition, and rehabilitation of Metro facilities by the Washington Metropolitan Area Transit Authority at an estimated cost of \$18,536,000; and

**WHEREAS**, it appears that such improvements cannot be financed from current revenues;

**BE IT RESOLVED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA:**

1. It is hereby determined that it is advisable for Arlington County to contract a debt and issue its general obligation capital improvement bonds in the maximum amount of \$18,536,000 pursuant to the Public Finance Act of 1991, as amended, to finance, together with other available funds, the cost of construction, acquisition, and rehabilitation of Metro facilities by the Washington Metropolitan Area Transit Authority.
2. The Circuit Court of Arlington County is hereby requested to order an election to be held on November 2, 2004, provided that such date is at least 60 days after the date on which the Court enters its order upon the question of contracting such debt and issuing bonds for such purposes.
3. The Clerk of this Board is hereby authorized and directed to cause a certified copy of this resolution to be presented to the Circuit Court of Arlington County.
4. This resolution shall take effect immediately.

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**ARLINGTON COUNTY PUBLIC SCHOOL PROJECTS**

By roll call vote recorded as follows, the Board adopted the Arlington County Public School Projects Resolution included below:

<u>Member</u>	<u>Vote</u>
Ms. Favola	Aye
Mr. Fisetto	Aye
Mr. Ferguson	Aye
Mr. Tejada	Aye
Mr. Zimmerman	Aye

**WHEREAS**, the County Board of Arlington County, Virginia, has determined that it is advisable to undertake certain capital projects for Arlington County public school and community purposes at an estimated cost of \$90,541,900.

**WHEREAS**, it appears that \$78,128,000 of such improvements cannot be financed from current revenues; and

**WHEREAS**, the Arlington County School Board has requested by resolution adopted June 3, 2004, that the County Board request the Circuit Court of Arlington County to order an election on the question of the proposed issuance of bonds to finance such projects;

**BE IT RESOLVED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA:**

1. It is hereby determined that it is advisable for Arlington County to contract a debt and issue its general obligation bonds in the maximum amount of \$78,128,000 pursuant to the Public Finance Act of 1991, as amended, to finance, together with other available funds, the costs of various capital projects for Arlington County public school and community purposes.

2. The Circuit Court of Arlington County is hereby requested to order an election to be held on November 2, 2004, provided that such date is at least 60 days after the date on which the Court enters its order, upon the question of contracting such debt and issuing bonds for such purposes.

3. The Clerk of this Board is hereby authorized and directed to cause a certified copy of this resolution to be presented to the Circuit Court of Arlington County.

4. This resolution shall take effect immediately.

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On motion by Mr. Zimmerman, seconded by Mr. Ferguson and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola - Aye, Mr. Fisetto – Aye, Mr. Ferguson – Aye, Mr. Tejada - Aye, and Mr. Zimmerman – Aye, the Board adopted the following explanation of the referendum questions to appear in publications, at voter registration sites, and polling places in order to initiate and facilitate the November bond referenda:

**1. Local Parks & Recreation**

**QUESTION: Shall Arlington County contract a debt and issue its general obligation bonds in the maximum amount of \$75,395,000 to finance, together with other available funds, the cost of various capital projects for Local Parks & Recreation?**

**EXPLANATION:**

Local Parks & Recreation

The proposed Local Park & Recreation program would fund park land and facility acquisition, recreation center improvements and open space development. The major portion of this issue is \$61.75 million Parks and Open Space Development which includes \$50.0 million for the North Tract – phase I project. This 28-acre tract of land represents a once-in-a-generation opportunity to develop a comprehensive recreational plan on one of the few remaining large areas of open space in Arlington County. The proposed Local Parks & Recreation program includes proposed funding for new opportunities, such as the North Tract, Greenbrier Park, and replacement or renovation of existing facilities, such as Fairlington Community Center.

**2. Transportation and Community Infrastructure**

**QUESTION: Shall Arlington County contract a debt and issue its general obligation bonds in the maximum amount of \$35,944,000 to finance, together with other available funds, the cost of various capital projects for:**

- **Community Conservation, \$13,025,000**
- **Transportation & Pedestrian Initiatives, \$10,195,000**
- **Public Facilities, \$9,769,000**
- **Storm Drainage, \$2,955,000**

EXPLANATION:

A. Community Conservation

This proposal would make funds available for Arlington County's ongoing community conservation efforts. Since the beginning of the Neighborhood Conservation Program in 1964, the County has promoted joining private funds with public funds and resources to improve, upgrade, and conserve older residential and commercial areas of Arlington. The Commercial Revitalization Program provides a greater focus on the revitalization efforts in Arlington's commercial sectors. Construction and improvements for community conservation programs could include all or some of the following: construction of roadways, curbs, gutters, and pedestrian ways; lighting; drainage improvements; landscaping; acquisition of land; and relocating utilities above or underground. Projects would include those in commercial and multi-family areas as well as single-family neighborhoods.

B. Transportation & Pedestrian Initiatives

Transportation projects and Pedestrian initiatives programs are intended to include the construction, rehabilitation or replacement of, and improvements to, pedestrian systems, streets, highways, transit, bridges, curbs and gutters, bikeways, sidewalks, and other pedestrian ways including residential traffic management efforts. The funds could also be used for the installation of traffic controls, street lights, acquiring land, landscaping, and for other improvements to the transportation system.

C. Public Facilities

Arlington County is in the process of improving many of its fire station facilities. Funding in the CY 2004 referenda includes proposed funding for capital renovation and/or relocation of the County's fire stations and renovation to the fire training academy. These funds will be used to continue with the design, renovation, relocation, and replacement of the Arlington's ten fire stations. In the early nineties the County committed to improve fire facilities to enhance emergency response and better serve the community.

D. Storm Drainage

Projects include improving or replacing storm drainage systems

**3. Metro**

**QUESTION: Shall Arlington County contract a debt and issue its general obligation bonds in the maximum amount of \$18,536,000 to finance, together with other available funds, the cost of construction, acquisition, and rehabilitation of Metro facilities by the Washington Metropolitan Area Transit Authority?**

EXPLANATION:

These funds would be used to continue the cost of Arlington's portion of the construction, acquisition, and rehabilitation of Metro facilities. The proposed bond issue would provide funding for Metro Capital Improvement Program, which includes the Infrastructure Renewal Program (IRP), the System Access/Capacity Program (SAP), and the System Expansion Program (SEP).

**4. Arlington Public Schools**

**QUESTION: Shall Arlington County contract a debt and issue its general obligation bonds in the maximum amount of \$78,128,000 to finance, together with other available funds, the costs of various capital projects and land for Arlington County public school and community purposes?**

EXPLANATION:

This proposal would make funds available for the Arlington Public Schools' ongoing capital improvement program. This funding would be a primary part of the next major phase of the Public Schools' multi-year capital program initiatives.

The Schools' capital proposal was developed after a review of the physical conditions at school facilities, an analysis of existing and future facility needs of the public school system, and debt affordability analysis. The 2004 bond is intended to finance the following components of the Schools' capital program: (1) reconstruction of Washington-Lee High School; (2) design of Phase II reconstruction at Yorktown High School; (3) completion of reconstruction at Kenmore Middle School; (4) design of renewal and rehabilitation of existing space to preserve the capital assets, meet changing program requirements, and provide for future sustainability at the Arlington Mill and Reed facilities.

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- 2. Requested that the Electoral Board list the referenda on the ballot in the order detailed in this report on page 6.
- 3. Directed the County Manager to take all the steps necessary to ensure that the information provided to voters by the County is printed in both English and Spanish.

**ADOPTION OF NAUCK VILLAGE CENTER ACTION PLAN AND RELATED GENERAL LAND USE PLAN AMENDMENTS.**

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

- A. On motion by Mr. Ferguson, seconded by Ms. Favola and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola - Aye, Mr. Fisette – Aye, Mr. Ferguson – Aye, Mr. Tejada - Aye, and Mr. Zimmerman – Aye, the Board **adopted the Nauck Village Center Action Plan**, included as Attachment A to the County Manager’s June 28, 2004 report and the changes discussed in the Manager’s July 7, 2004 supplemental report relating to corrections to pages 30 and 36 of the Plan.
  
- B. On motion by Ms. Favola, seconded by Mr. Tejada and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola - Aye, Mr. Fisette – Aye, Mr. Ferguson – Aye, Mr. Tejada - Aye, and Mr. Zimmerman – Aye, the Board **adopted the following General Land Use Plan amendments:**
  - 1. Added Note 21 designating the “Nauck Village Center Special Revitalization District” to include the area generally bordered by Glebe Road to the north, the Shirlington Road bend to the south and approximately one block east and west of Shirlington Road; and a paragraph under Special Planning Areas on the General Land Use Plan describing the vision and goals for the proposed district.
  - 2. Changed from “Low” Residential (11-15 u/a) to “Service Commercial” for the northwest corner of Shirlington Road and 22nd Street South to encourage a commercial “node” for this location.
  - 3. Changed from “Service Commercial” to “Low-Medium” Residential for the northeast corner of Shirlington Road and 22nd Street South to reflect the existing newer residential townhouse development for this location.
  - 4. Changed from “Service Commercial” to “Low” Office-Apartment-Hotel for the southeast corner of Shirlington Road and 24th Road South to encourage greater flexibility of an achieving mixed-use project for this location.
  - 5. Changed from “Service Industry” to “Medium” Office-Apartment-Hotel along the eastern edge of Shirlington Road south of 25th Street South to encourage larger-scale mixed-use developments (including residential).
  - 6. Changed from “Service Commercial” to “Low” Office-Apartment-Hotel along the western edge of Shirlington Road south of 25th Street South to encourage greater flexibility of achieving mixed-use projects for this location.
  - 7. Added an Open Space symbol (triangle) to the block bounded by Shirlington Road, Kenmore Street and 24th Street South (Town Square site) to encourage an open space feature for this location; and
  
- C. On motion by Mr. Zimmerman, seconded by Mr. Fisette and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola - Aye, Mr. Fisette – Aye, Mr. Ferguson – Aye, Mr. Tejada - Aye, and Mr. Zimmerman – Aye, the Board adopted the following ordinance:

**ORDINANCE TO AMEND, REENACT, AND RECODIFY ZONING ORDINANCE, SECTION 31. SPECIAL PROVISIONS, SUBSECTION 31.A.17 UNIFIED COMMERCIAL/MIXED USE DEVELOPMENT IN ORDER TO ENCOURAGE ECONOMIC DEVELOPMENT, PROMOTE CREATION OF AFFORDABLE HOUSING AND FACILITATE CREATION OF CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY WITHIN NAUCK VILLAGE CENTER SPECIAL REVITALIZATION DISTRICT.**

BE IT ORDAINED THAT, Section 31. Special Provisions subsection 31.A.17 Unified Commercial/Mixed Use Development of the Zoning Ordinance, is amended, reenacted, and rectafied as follows in order to encourage economic development, promote the creation of affordable housing and to facilitate the creation of a convenient, attractive and harmonious community within the Nauck Village Center Special Revitalization District; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

**SECTION 31. SPECIAL PROVISIONS**

The regulations specified in this ordinance shall be subject to the following special provisions, except as permitted by site plan approval or otherwise specified in the district classifications:

\* \* \*

17. *Unified Commercial/Mixed Use Development:* The purposes of this subsection are to: 1) provide for flexible, site-specific solutions for the revitalization of existing shopping areas while preserving commercial service levels, including, in certain circumstances, new construction in "C-2" Districts to implement the purposes of the General Land Use Plan and Zoning Ordinance; 2) promote the compatibility of commercial developments within the commercial district and surrounding properties by coordinating building placement, orientation, scale, bulk, parking, signage, landscaping, streetscape, pedestrian facilities, and historical features where applicable; (3) provide for creative opportunities which encourage and retain local and small business; and (4) promote opportunities for affordable housing. Additionally, this subsection will provide for the construction of residential units within C-2 Districts as part of a mixed use development, according to specific guidelines. Where there is a sector plan or similar document that is at variance with or in conflict with these requirements the County Board can modify the requirements as set forth in 31.A.17. to achieve a development that is more consistent with such plans.

a. Unified Commercial/Mixed Use Development Limitations: The County Board may, by use permit approval, approve Unified Commercial/Mixed Use developments in the "C-2" district where such a development is not within the Nauck Village Center Special Revitalization District, the Columbia Pike Special Revitalization District, the Lee Highway-Cherrydale Special Revitalization District or the Clarendon Revitalization District and where the development meets the following requirements:

- (1) Unified Commercial/Mixed Use Developments shall not include residential dwelling units, unless a project contains a minimum of .4 FAR of commercial or retail uses located on the first (ground) floor. Commercial or retail uses above .4 FAR may be located on any floor.
- (2) Placement and Orientation: Buildings shall be sited to "build to" lines at the back of the sidewalk. At least 75% of a building's façade must be immediately adjacent to the back of the sidewalk along any street designated as an arterial in the Master Transportation Plan. Retail uses shall be oriented to streets designated as either principal arterials or minor arterials in the Arlington County Master Transportation Plan. Where a development parcel is located adjacent to an "R" district, all buildings must be setback a minimum of twenty feet (20') from the "R" district.
- (3) Streetscape: The periphery of any site fronting on a public right-of-way shall be landscaped by the provision of curb, gutter, sidewalk, street light, street furniture, street trees and other elements, covering the entire area from face of curb to face of building. Sites within the area of an applicable Sector Plan, Station Area Plan or Special Revitalization District Plan shall have all streetscape improvements constructed in a manner consistent with such plan, except as otherwise specifically approved. Except as otherwise approved, sites outside such areas and located along streets designated as arterials under the Master Transportation Plan shall be constructed with a minimum 14' distance from face of curb to face of building and sidewalks of 10' minimum unobstructed width (such width shall not contain tree grates, light poles, or similar obstructions). Sites on all other street fronts shall include a minimum 10' distance from face of curb to face of building and sidewalks of 6' minimum unobstructed width. Outdoor restaurant seating may be allowed by the County Manager, so long as a straight 6' minimum sidewalk unobstructed width is maintained.
- (4) Parking and Loading: Surface and structured parking as well as all loading areas shall be placed to the rear or to the side of buildings. All surface parking and loading areas shall be screened from public areas, public sidewalks, and adjacent residentially zoned properties by landscaping and a four (4) foot high solid wall; except that where parking areas abut an "R" District that is also designated "Low" residential on the General Land Use Plan, the wall shall be at a height of six (6) feet. When parking is provided at or above grade within a structure, a façade treatment which is consistent (in terms of materials and design) with the building façade shall be provided for the parking area. Parking structures shall be constructed so that commercial uses occupy the ground level floor on all street fronts. Automobile parking space is to be provided as required in Section 33, unless otherwise approved by the County Board.
- (5) Trash collection and storage areas shall be provided inside the main building or in a designated area outside the structure. Any such designated area shall be screened by a solid wall of materials similar to those used in the construction of the main building and which is a minimum of six (6) feet in height.
- (6) Building Height: Building heights shall be limited to forty-five (45) feet. Penthouses may be permitted above the forty-five (45) feet height limit, provided that they are set back a distance equal to their height from the building edge and that the penthouse height does not exceed twelve (12) feet.
- (7) First Floor Height: Along any commercial frontage, where a building fronts on a street that is designated as an arterial in the Master Transportation Plan, the First Floor shall have a minimum clear height of twelve (12) feet for at least 75% of its gross floor area.
- (8) First Floor Fenestration: Where a building fronts on a street that is designated as an arterial in the Master Transportation Plan, the First Floor shall have a façade which is at least 70% transparent (i.e., 70% glass and 30% solid walls) for the area of the façade that is between two (2) feet and ten (10) feet above the adjacent sidewalk. "Transparent" shall mean using glass or other exterior material offering a view into an area of the commercial 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.



- (9) Building Entrances: Where possible, primary building entrances shall be located on streets designated as arterials in the Master Transportation Plan. Secondary entrances and entrances to individual residential units may be placed on any street type. Entrances on streets that are designated as arterials in the Master Transportation Plan shall be placed no more than 100 feet apart. When possible, retail entrances should be placed at street corners. Retail entrances shall have transparent doors.
  - (10) Landscaping: Any Unified Commercial/Mixed Use Development which is proposed on a site of 20,000 square feet of land area or less shall have a minimum landscaped area of 10% of the total development site. Any development which is proposed on a site with a land area greater than 20,000 square feet shall provide a minimum landscaped area equivalent to 2,000 square feet plus 20% of the land area in excess of 20,000 square feet.
  - (11) Density: Unified Commercial/Mixed Use developments may include both residential units and commercial uses up to a total FAR of 2.0, where the developments contain a minimum of .1 FAR and maximum of 1.1 FAR of residential uses. Any development that contains only commercial uses may develop at a density of up to 1.5 FAR.
- b. Any proposed Unified Commercial/Mixed Use Development shall comply with the above standards and any zoning requirements that are not inconsistent with the above standards, unless through the use permit process, the County Board modifies such standards or requirements after finding that such modifications will better accomplish the purposes and intent of subsection 31.A.17. Provided, however, that in no event shall the County Board modify the above standards (in section 31.A.17.a) that pertain to the amount of residential density, building height or overall density, except for projects within the Nauck Village Center Special Revitalization District, which can be approved pursuant to the requirements of Section 31.A.17.c. below.
- c. Unified Commercial/Mixed Use Development in Nauck Village Center Special Revitalization District: The County Board may, by use permit approval, approve Unified Commercial/Mixed Use Developments in the Nauck Village Center Special Revitalization District where a proposal meets the following minimum requirements:
- (1) Density and Use: Unified Commercial/Mixed Use developments may include both residential units and commercial uses up to a total FAR of 2.0, where the development fronts on a block face identified as "Retail Required" or "Retail Optional" within the Nauck Village Center Action Plan. On block faces specifying "Retail Required" within the Nauck Village Center Action Plan, the project must include retail uses totaling at least .4 FAR located on the ground floor along the frontages shown in the Nauck Village Center Action Plan. Commercial or retail uses above .4 FAR may be located on any floor. On block faces specifying "Retail Optional", residential density of up to 1.5 FAR shall be permitted, provided the total FAR for all uses on the site does not exceed 2.0. On block faces which are not identified as either "Retail Required" or "Retail Optional", projects eligible for approval through this use permit process shall contain only residential uses, with allowances made for management and tenant amenity space, and shall be limited to 1.5 FAR, except as provided for in Section 31.A.17.c. (12) below relating to Affordable Housing.
  - (2) Placement and Orientation: Buildings shall be sited to "build to" lines at the back of the sidewalk, which "build to" line shall be determined through Use Permit approval. At least 75% of a building's façade must be immediately adjacent to the back of the sidewalk along any street designated as an arterial in the Master Transportation Plan and along Shirlington Road. Retail uses shall be oriented to the block face locations shown as "Retail Required" or "Retail Optional" within the Nauck Village Center Action Plan, as relevant. Where a development parcel is located adjacent to an "R" district, all buildings must be setback a minimum of twenty feet (20') from the "R" district.
  - (3) Streetscape: The periphery of any site fronting on a public right-of-way shall be landscaped by the provision of curb, gutter, sidewalk, street light, street furniture, street trees and other elements, covering the entire area from face of curb to face of building and conforming to the Streetspace and Streetscape Standards set forth in the Nauck Village Center Action Plan for the relevant block frontages. All streetscape improvements shall be constructed in a manner consistent with such plan, except as otherwise specifically approved. Outdoor restaurant seating may be allowed by the County Manager, so long as a clear and unobstructed 6' minimum sidewalk width is maintained.

- (4) **Parking and Loading:** Surface and structured parking as well as all loading areas shall be placed to the rear or to the side of buildings. However, structured parking above a level of ground floor retail may extend to the "build to" line, provided that it has facade treatments as further described below. All surface parking and loading areas shall be screened from public areas, public sidewalks, and adjacent residentially zoned properties by landscaping and a four (4) foot high solid wall; except that where parking areas abut an "R" District that is also designated "Low" residential on the General Land Use Plan, the wall shall be at a height of six (6) feet. When parking is provided at or above grade within a structure, a façade treatment which is consistent (in terms of materials and design) with the building façades of the larger structures of which it is a part shall be provided for the parking area. Automobile parking space is to be provided as required in Section 33 with the following exceptions:
  - i. Where a project has less than 8,000 square feet of retail space, at least one (1) parking space shall be provided for each 500 square feet of retail space above the first 1,000 square feet. No parking is required for the first 1,000 square feet of retail space in such projects.
  - ii. Residential projects or portions of projects shall provide at least 1 1/8 parking spaces per residential unit.
  - iii. When it finds that such approval will not have an adverse affect on the surrounding neighborhood and will contribute to a better overall transportation system in the area, the County Board may allow some or all of a project's parking requirement to be provided through the use of off-site committed parking, on-street parking, cash contributions for public parking purposes, or other similar mechanisms.
- (5) **Trash collection and storage areas** shall be provided inside the main building or in a designated area outside the structure. Any such designated area shall be screened by a solid wall that is of materials similar to those used in the construction of the main building and at least six (6) feet in height.
- (6) **Building Height:** Building heights shall be limited to forty-five (45) feet. Penthouses may be permitted above the forty-five (45) feet height limit, provided that they are set back a distance equal to their height from the building edge and that the penthouse height does not exceed twelve (12) feet. The County Board may accommodate the various topographical conditions prevalent in Nauck by modifying the locations on a frontage from which building height is measured. However, such modifications shall not result in a building height of more than 48 feet, arrived at through the calculation method required by the zoning ordinance, except as provided for in 31.A.17.c(7). Provided further that in no event shall any portion of a structure located at the street frontage or build-to line, be taller than 45 feet from the adjoining curb grade, except as provided for in 31.A.17.c(7).
- (7) **Number of Stories:** Notwithstanding the above provisions on Building Height at Section 31. A.17.c (6), projects north of 22<sup>nd</sup> Street South shall not exceed three stories, with allowances made for half-story attics with eaves. Unified Commercial/Mixed Use development projects south of 24<sup>th</sup> Street South applying under these use permit provisions may include five stories, provided the total height of the building does not exceed 56 feet as measured from the adjoining curb grade along Shirlington Road.
- (8) **Ground Floor Height:** Along any frontage identified in the Nauck Village Center Action Plan as "Retail Required", the Ground Floor of any building shall have a minimum clear height of twelve (12) feet for at least 75% of the gross floor area of the ground floor that is retail uses.
- (9) **Ground Floor Fenestration:** Along any frontage identified in the Nauck Village Center Action Plan as "Retail Required", the Ground Floor shall have a façade which is at least 70% transparent (i.e., 70% glass and 30% solid walls) for the area of the façade that is between two (2) feet and ten (10) feet above the adjacent sidewalk grade. "Transparent" shall mean using glass or other exterior material offering a view into an area of the commercial 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 any other material that could block a view.
- (10) **Building Entrances:** Where possible, primary building entrances for pedestrians and guests shall be located on Shirlington Road. Secondary entrances and entrances to individual residential units may be placed on any street type. Primary entrances shall be placed no more than 100 feet apart. When possible, retail entrances should be placed at street corners. Retail entrances shall have doors that are at least eighty percent (80%) transparent.
- (11) **Landscaping:** Any development on a site of 20,000 square feet of land area or less shall have a minimum landscaped area of 10% of the total development site. Any development on a site with a land area greater than 20,000 square feet shall provide a minimum landscaped area equivalent to 2,000 square feet plus 20% of the land area in excess of 20,000 square feet.

- (12) Affordable Housing Bonus: For projects with at least 1.0 FAR of housing, up to an additional .5 FAR of density shall be allowed if the project contains a total of 10% or more of its total housing units as affordable dwelling units, pursuant to the definition of affordable dwelling units in use by the County at the time of the application. However, in no case may the total FAR of all uses on the site exceed 2.0.

d. Procedures for Unified Commercial/Mixed Use Development Approval.

- (1) Unified Commercial/Mixed Use Developments shall be permitted by use permit approval, as specified in Section 36. G
- (2) An approved use permit for a Commercial/Mixed Use Development Plan may be Modified or amended as specified in Subsection 36.G
- (3) Fee(s): As specified in Section 36.G.4.e

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**APPROVAL OF ROSSLYN RIDGE DEVELOPMENT PROPOSAL.**

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

**CONSENT TO INCLUDE HILLSIDE PARK WITHIN SITE PLAN AREA OF SITE PLAN #369, IN CONJUNCTION WITH CONSIDERATION OF SITE PLAN #369; PREMISES KNOWN AS HILLSIDE PARK LOCATED ON CORNER OF NORTH PIERCE STREET AND NORTH 16<sup>TH</sup> ROAD (RPC #17-003-010, -012, -299, -011, -300, 298).**

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

- A. Consented to the inclusion of Hillside Park within the site plan area of Site Plan #369, and directed the County Manager to allocate funds required to be paid to Arlington County for the value of the Hillside Park density, pursuant to Condition #72 of Site Plan #369, as follows:
  - 1. Fifty percent of the funds will be paid to the Department of Parks, Recreation and Cultural Resources' Greater Rosslyn Parks Trust in Agency Account (099-682-0599) and shall be utilized for the future acquisition, development, and redevelopment of parks which support the greater Rosslyn neighborhood.
  - 2. Fifty percent of the funds will be paid to the Arlington County Housing Reserve Fund.

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**ADOPTION OF RESOLUTION APPROVING GENERAL LAND USE PLAN GP-289-03-1.**

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

WHEREAS, the County Board of Arlington County has been presented with proposed amendments to the General Land Use Plan ("GLUP"), a part of the County's Comprehensive Plan, to designate a "Special Affordable Housing Protection District" and apply Note 13 to the property located at 1531 North Pierce Street as shown on the attached map entitled GP-289-03-1 ("Property"); and

WHEREAS, the County Manager has recommended that the proposed amendments be approved; and

WHEREAS, the Planning Commission has recommended that the proposed amendments be approved; and

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

WHEREAS, the County Board of Arlington County held a duly advertised public hearing on the proposed amendments to the GLUP on July 10, 2004;

NOW, THEREFORE, be it resolved that, based on the aforementioned considerations, deliberations and all public comments, the County Board of Arlington County finds that the proposed amendments to the GLUP should be, and hereby are, approved, designating the Property as a "Special Affordable Housing Protection District" and applying Note 13 to the Property.

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**AN ORDINANCE PURSUANT TO APPLICATION SP #369 TO GRANT A SPECIAL EXCEPTION FOR A SITE PLAN ON A CERTAIN PARCEL OF LAND KNOWN AS 1531 NORTH PIERCE STREET, HILLSIDE PARK BOUNDED BY NORTH 16<sup>TH</sup> ROAD AND NORTH PIERCE STREET, AND PORTION OF VACATION NORTH 16<sup>TH</sup> STREET (RPC #17-003-001, -002, -010, -011, -012, -298, -299, -300; ARLINGTON PARTNERSHIP FOR AFFORDABLE HOUSING, APPLICANT).**

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

BE IT ORDAINED that, pursuant to application SP #369 on file in the Office of the Zoning Administrator for a special exception for a site plan for approximately 238 dwelling units with modification of use regulations for exclusion of HVAC rooms, below grade storage from gross floor area, and parking for the parcel of real property known as 1531 North Pierce Street, Hillside Park, bounded by North 16<sup>th</sup> Road and North Pierce Street, and a portion of vacated North 16<sup>th</sup> Street (RPC #17-003-001, -002, -010, -011, -012, -298, -299, -300), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the following conditions and modifications:

- **The following Conditions of site plan approval (#1 through #12) 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. The developer (as used in these conditions, the term developer shall mean the owner, the applicant and all successors and assigns, but not Arlington County, the County Board of Arlington County, the County Manager, or any of its employees or agents) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1 and the revised plans dated May 20 and 24, 2004 and reviewed and approved by the County Board and made a part of the public record on July 10, 2004, 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 developer agrees that this discretion shall include a review of this site plan and its conditions for their compliance with then current County policies for land use, zoning and special exception uses. Extension of the site plan is subject to, among other things, inclusion of amended or additional site plan conditions necessary to bring the plan into compliance with then current County policies and standards together with any modifications proposed by the owner and accepted by the County Board or vice versa.
- 2. The developer agrees to conduct a pre-construction meeting, and to coordinate participation in the pre-construction meeting by relevant County staff, including staff from the Departments of Community Planning, Housing and Development (DCPHD) Planning, Zoning, Inspection Services; Environmental Services (DES); Parks, Recreation and Community Resources (DPRCR); Environmental Services (DES) and others as necessary, prior to the issuance of any permits for the site plan. 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 consistent with the Tree Replacement Guidelines. 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 for any trees proposed to be saved by the developer or specified to be saved by the approved site plan and shown on any filing in connection with this case. 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 or his designee to meet the requirements of this site plan, before the issuance of the Clearing, Grading and Demolition Permit. 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 which is 30% or more dead as determined by the County's Urban Forrester 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 #14 below.
  - c. The developer also agrees to replace all trees, as 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 #14a below and shall be installed on the project site or on County-owned land, determined by the County Manager or his designee. The developer agrees to submit and obtain approval of this plan by the County Manager or his designee as part of the final site development and landscape plan.
4. The developer agrees to produce a photographic record of development, starting with a record of the site as it appears before demolition is begun, including photographic records during construction, and ending with a photographic record of the development as it appears after completion of construction. These photographs shall comply with the following specifications:
- All photographic records shall be taken using black and white film. Submission of 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 the following:
- 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 #51 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 record of the site as it appears before demolition shall be delivered to the Zoning Administrator prior to the issuance of a clearing, grading or demolition permit. The remaining records, 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.

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 \$63,180 (\$50,000 x 2.106 acres x 60% market rate units). 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.
6. The developer agrees to develop 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. The developer agrees to submit this plan to, and obtain approval of the plan from, the County Manager or his designee as meeting these standards, before the issuance of the Clearing, Grading and Demolition Permit. The County Manager may approve amendments to the plan, if consistent with this approval.
7. 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 July 10, 2004, a copy of which are attached to the report of the County Manager for this site plan approval.
  - c. Relocation services in accordance with the *Arlington County Tenant Relocation Guidelines* adopted by the County Board and in effect on July 10, 2004.

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

8. **Intentionally Omitted**
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 County has the authority to take actions to include issuance of a stop work order 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.

10. The developer agrees to file three copies of a site plan that includes the total site 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.
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 or his designee shall be on the construction site throughout the hours of construction, including weekends. The name and telephone number of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site, and to the Zoning Administrator, and shall be posted at the entrance of the project.
  - b. Before commencing any clearing or grading of the site, the developer shall hold a meeting inviting 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 developer agrees to provide documentation to the Zoning Administrator of the date, location and attendance of the meeting before a Clearing, Grading and Demolition Permit is issued. Copies of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation shall be posted in the construction trailer and given to each subcontractor and construction vehicle operator before they commence work on the project.
  - c. Throughout construction of the project, the developer agrees to advise abutting property owners in writing of the general timing of utility work in abutting streets or on-site that may affect their services or access to their property.
  - d. At the end of each work day during construction of the project, the developer agrees to ensure that any streets used for hauling construction materials and entrance to the construction site are free of mud, dirt, trash, allaying dust, and debris and that all streets and sidewalks adjacent to the construction site are free of trash and debris.
  - e. The developer agrees that construction activity, except for construction worker arrival to the construction site and indoor construction activity, will commence no earlier than 7:00 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 indicating the permissible hours of construction around the construction site, to place one additional sign within the construction trailer containing the same information, and to provide a written copy of the permissible hours of construction to all subcontractors.
  - 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 or his designee. The developer agrees to submit for review and approval by the County Manager or his designee a Construction Management Plan, which shall be reviewed by the Transportation Commission prior to approval by the County Manager or his designee.

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, disposal, 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.)
- **The following Conditions of site plan approval (#13 through #32) 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.**
13. The developer agrees to submit to the Zoning Administrator and obtain approval from the County Manager a detailed final site development plan and a landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final site development plan and landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final site engineering plan as required in Condition #16 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 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 or his designee 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 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 #14 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. 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, or as approved by the County Manager or his designee. 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 or his designee on 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, vehicular courts, 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. A decorative paver treatment shall be used on the vehicular court located in front of the building adjacent to the intersection of North Pierce and 16<sup>th</sup> Streets. Concrete with vertical and horizontal paver banding shall be used in the area in front of the entrances to the garage and loading dock and shall extend to the front of the public sidewalk. This treatment shall coordinate in design and color with the treatment of the public sidewalk. Interior walkways shall have a minimum width of four (4) feet. The developer agrees to construct an interior walkway along the northern property line for the portion of the site owned by the Arlington Partnership for Affordable Housing (APAH). Adjacent to the screening wall for the vehicular court, the walkway shall be a minimum of 11.5 feet wide, and shall be constructed with 5-foot x 12-foot tree pits planted with Scarlet Oak trees, or other tree species as approved by the County Manager or his designee, and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), consistent with the conceptual landscape plan dated May 4 and 20, 2004. Adjacent to the building wall, the walkway shall be four (4) feet wide and separated from the roadway by a 3.5-foot landscaped buffer planted with various shrubs. The street trees and landscaping shall be approved by the County Manager or his designee as part of the final site development and landscape plan. 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 for driveways and access drives, automobile drop-off areas, driveway aprons, service drives, parking areas, vehicular courts, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs are subject to approval by the County Manager or his designee 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 #50 below.
  - e. Topography at two (2) foot intervals, 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, vehicular courts, 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, water features, and other landscape elements or structures.
  - g. The location and planting details for street trees in accordance with Department of Environmental Services 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. Details of the design and treatment of the outdoor amenity area, including landscaping and landscape elements, pavement, seating and other furnishings, and railings.
  - i. Details of the landscaping and walkway treatment along the site's frontage adjacent to the townhouse units.
14. The developer agrees that all landscaping shall conform to Department of Environmental Services Standards and Specifications and to at least the following requirements:
- a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:
    - (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 4 to 4 1/2 inches, except as indicated in Condition #18 below.
    - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)—a minimum height of 7 to 8 feet.

- (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)—a minimum caliper of 3 to 3 1/2 inches. Multi-stem trees shall not be less than 10 feet in height.
  - (4) Shrubs—a minimum spread of 18 to 24 inches.
  - (5) Groundcover—in 2 inch pots.
- b. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager or his designee, based on accepted landscaping standards and approved in writing, seeding may be substituted for sod. All sod and seed shall be state certified.
  - c. Exposed earth not to be sodded or seeded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed.
  - d. Soil depth shall be a minimum of four (4) feet plus 12 inches minimum of drainage material for trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2 1/2 feet, maximum) above the adjacent finished grade.
  - e. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
  - f. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process. Further, the developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well-maintained condition for the life of the site plan and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator, as required in Section 32A of the Zoning Ordinance.
  - g. The developer agrees to notify the DPRCR Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.
15. 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.
16. The developer agrees to submit final site engineering plans to the Department of Environmental Services. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. Neither the Excavation/Sheeting and Shoring permit nor the first Building Permit shall be issued until final site engineering plans which agree with the approved final site development and landscape plans, and the sequence of construction, has been approved by the Department of Environmental Services, as consistent with all site plan approval requirements and all County laws. Upon completion of the construction of a project, the developer agrees to submit one (1) set of as-built mylar plans for sanitary, storm sewer and water main construction to the Department of Environmental Services for recording.
17. 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. The developer agrees to design and engineer sidewalk, curb and gutter improvements for the east side of North Pierce Street, extending from 16<sup>th</sup> Road North to the site's south property line. The design shall incorporate a standard driveway entrance to the vehicle travel way, as shown on the final engineering plan approved by the County Manager or his designee.

- b. The developer agrees to construct curb and gutter 10 feet to the east of the Arlington County survey centerline along the site's North Pierce Street frontage, extending from the vehicle travel way located within the easement and transitioning to the existing face of curb immediately south of the site's driveway entrance, as shown on the final engineering plan approved by the County Manager or his designee.
- c. The developer agrees to construct curb and gutter 22 feet from the face of curb on the south side of the vehicle travel way located within the easement along the APAH frontage as shown on the final engineering plan approved by the County Manager or his designee.
- d. The developer agrees to construct curb and gutter 10 feet to the east of the Arlington County survey centerline along the site's North Pierce Street frontage, extending from 16<sup>th</sup> Road to the northern property line of the APAH property, including the standard driveway entrance to the vehicle travel way, if the County Manager determines that such improvements shall be constructed concurrent with construction of improvements adjacent to the APAH property as described in Condition #17.a. above, and, if applicable, as shown on the final engineering plan approved by the County Manager or his designee. The developer shall be reimbursed by the County for constructing the improvements described in this paragraph (#17.d.) in an amount not to exceed the County's price agreement cost for the improvements.

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 or his designee 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 May 24, 2004 unless the County provides additional funding to offset such increased cost.

- 18. 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 or his designee on the final site development and landscape plan and final engineering plan, in accordance with the Rosslyn-Ballston 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. The developer further agrees to submit a temporary plan for pedestrian and public ingress and egress for review and approval by the County Manager or his designee, which shall identify the date for when permanent sidewalk improvements will be required to be constructed. The sidewalks along the street frontages of this development shall be paved with brick or an interlocking concrete paver and shall be placed on a properly-engineered base approved as such by the Department of Environmental Services. 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:

**East side of North Pierce Street along the APAH frontage (extending from the north property line of the APAH property to the site's south property line)**—A minimum 14.5-foot wide sidewalk measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4- to 4 ½-inch caliper *Gingko biloba* street trees, or other street tree species as approved by the County Manager or his designee, and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

**East side of North Pierce Street along the Hillside Park frontage (extending from 16<sup>th</sup> Road to the vehicle travel way located within the easement)**—A minimum 8-foot clear sidewalk measured from the back of curb, if the County Manager determines that such improvements shall be constructed concurrent with construction of improvements adjacent to the APAH property as described above, and, if applicable, as shown on the final engineering plan approved by the County Manager or his designee. The developer shall be reimbursed by the County for constructing the improvements described in this paragraph in an amount not to exceed the County's price agreement cost for the improvements.

19. 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 (east side of North Pierce Street, extending from the vehicle travel way located within the easement to the south property line) along all street frontages, as required in the *Standards for Planting and Preservation of Trees in Site Plan Projects*. This zone shall be a minimum of five (5) feet deep and shall extend from the back of the street curb to 9 feet into the public sidewalk. No subterranean structures (such as parking garages) shall intrude into this five foot deep zone. Within the zone, underground utilities and utility vaults shall not be located in a manner that interferes with the appropriate spacing and replacement of street trees, 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.

20. 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.

21. 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.

22. 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 Department of Environmental Services. This approval shall be obtained before the issuance of the Excavation/Sheeting and Shoring Permit.

23. 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 Final Building Permit for the respective phases of construction.

Service to the water meter shall be from the existing 12-inch water main in North Pierce Street, as shown on the final engineering plan approved by the County Manager of his designee.

24. 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 Final Building Permit.

The sanitary sewer lateral connection from the building to the sanitary sewer in North Pierce Street shall be by means of a manhole.

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 or his designee.

25. 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 Standards and Specifications. This information shall be clearly shown on the cover sheet of each plan set submitted.

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

27. The developer agrees to show on the final engineering plans street lighting along all frontages of the site prior to the issuance of the Excavation/Sheeting and Shoring Permit. The plans shall include the height and color of the street light poles. The developer agrees, at its cost, to purchase and install approved Arlington County street lighting along the frontages of the site consistent with the timing for construction of permanent public sidewalk improvements, as shown on the temporary plan for pedestrian and public ingress and egress approved by the County Manager or his designee. 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 all frontages of the site in accordance with adopted County Street Lighting Policy. The height of the street lights shall be 12 feet. The developer agrees to pay the cost of installing additional standard thoroughfare lights should the County decide that they are necessary to provide adequate lighting for street safety purposes.

28. The developer agrees to remove or place underground all existing aerial utilities 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 or his designee. 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. The existing guy pole located adjacent to North Pierce Street shall be relocated to the northern frontage of the APAH property, adjacent to the vehicle travel way located within the easement.

29. 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 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.

30. The developer agrees to install address indicator signs on the site which comply with Section 27-12 of the Arlington County Code or successor provision in a location visible from the street and as shown on the final site development and landscape plan.

31. The developer agrees that the design of the facade treatment for the buildings and the materials to be used on the facades shall be as specified and shown on the submitted drawings dated May 24, 2004 and as presented to the County Board and made a part of the public record on July 10, 2004, including all renderings, drawings, and presentation boards presented during public hearings. The developer agrees to submit colored drawings and renderings which label the materials and colors, and material samples, for review by the County Manager or his designee for consistency with this site plan approval prior to the issuance of the Footing to Grade Permit. The drawings and renderings shall also include the treatment for the exposed or blank walls at the garage and first floor levels, which shall include decorative ornamental grills and textured masonry designs. The developer further agrees to obtain the approval of the County Manager or his designee of the facade treatment as being consistent with the County Board approval before the issuance of the Final Building Permit.
32. All required public deeds of easement and deeds of dedication shall be submitted to the Department of Environmental Services prior to the issuance of the Excavation/Sheeting and Shoring Permit, and be approved and recorded among the land records of the Clerk of the Circuit Court of Arlington County, by the developer before the issuance of the Final Building Permit. The developer agrees that there shall be no building construction within the easement area without approval by the County Manager or the County Board. Dedications granted by the developer for street improvements shall be dedicated in fee simple to the County. Dedications granted by the developer for sidewalk improvements may be dedicated by easement to the County.
  - **The following conditions of site plan approval (#33 through #41) 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.**
33. 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 for the entire site, 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.
34. Upon approval of the final site engineering plan the developer agrees to submit a performance bond estimate for the construction or installation of all facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the Department of Environmental Services for review and approval. Upon approval of the performance bond estimate by the Department of Environmental Services, the developer agrees to submit a performance bond in the approved amount of the estimate and agreement for the construction or installation of all these facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the Department of Environmental Services and this 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 as-builts for all underground utilities (water, sanitary sewer, and storm sewer) that will be maintained by Arlington County.
35. The developer agrees that all new electrical transformers shall be placed underground in vaults which meet Virginia Power standards. These vaults may be placed in the street right-of-way or in driveways if approved by the County on the final site engineering plan. Ventilation grates 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 or his designee 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.
36. The developer agrees that interior space 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. 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. Drawings showing compliance with this condition shall be approved by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit.
37. 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. All loading activity, including refuse collection, shall take place within the confines of the building. The developer agrees to use rear-loaded refuse collection vehicles to accomplish this. 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. 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.

38. 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 (garage or surface) shall be accessible to vans 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.
39. The developer agrees to ensure that all parking spaces, with the exception of tandem 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 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. The developer further agrees to assign each tandem space and its associated adjacent regular parking space to a single residential unit.
40. 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:

**Residential Bicycle Storage Facilities:**

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.

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 nor 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.

41. 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 encroach in 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 (#42 through #46) are valid for the life of the site plan and must be met by the developer before the issuance of the Final Building Permit.**
42. 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.
43. Mechanical equipment shall be screened so as not to be visible from public rights-of-way.
44. 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 #56 below.
45. 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.
46. 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 (#47 through #53) 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.**

47. The developer agrees to develop and submit a comprehensive sign plan 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 comprehensive sign plan shall be approved 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.

48. The developer agrees to submit a detailed Transportation Management Plan to be approved by the County Manager or his designee before the issuance of the first Certificate of Occupancy for each respective building. The Transportation Management Plan shall include a schedule and details of implementation and continued operation of the elements in the plan, which shall include, but not be limited to, the following strategies:

A. Program Participation and Funding

1. Maintain membership in Arlington Transportation Partners (ATP), or successor entity, at no cost to the developer, on behalf of the property management company.
2. Designate a member(s) of building management as Property Transportation Coordinator to be a primary point of contact and with responsibilities for coordinating and completing TDM obligations.
3. Appropriately train the Property Transportation Coordinator and other management personnel to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.
4. Provide or administer a sustainable commute benefit program for employees of the Property, (which program shall include, at a minimum, at the developer's option, pre-tax employee contributions and/or tax-free transit or vanpool contributions of at least \$65 per month).

B. Physical Facilities and Improvements

1. Comply with requirements of Site Plan conditions to provide bicycle parking/storage facilities, a parking management plan and construction worker parking.
2. Provide for taxi passenger loading and unloading (and a means to call, such as an operator provided hotline or access to a public telephone) at the main entrance to the residential building as approved by the Site Plan.
3. Designate an accessible paratransit pickup, drop-off and passenger waiting area at the main entrance to a residential building to be designated with appropriate signage, for use by building tenants, visitors and employees. The developer shall provide an accessible pathway to the area and sufficient space for loading and unloading of wheelchairs from vans.
4. Provide effective directional signage subject to approval of a Comprehensive Sign Plan to direct residents and visitors to appropriate locations on the property, such plan to include provision for the items specified in the Parking Management Plan.
5. Maintain at least one on-site business center (including at a minimum, access to copier, fax and internet services), which shall be made available to support residents of the building who choose to work from home.

C. Parking Management Plan

In conjunction with the Department of Environmental Services, and subject to the approval by the County Manager or his designee, the developer shall prepare a plan regarding: taxi passenger loading and unloading; accessible paratransit pick-up, drop-off, access, and passenger waiting area; loading zones for short-term deliveries; bus stops; and on-and off-street parking for residents, employees, and visitors. Such plan shall include a schematic drawing depicting an area parking plan for all block faces abutting the site. Additionally, this plan will note restrictions as to times that various activities (such as deliveries and parking) are permitted in the respective spaces.



D. Promotions, Services, Policies

1. Provide in the residential lobby or business center a Transportation Kiosk or information display, the content/design/location of which shall be approved by the developer, (static display with printed materials or dynamic display with direct electronic link to CommuterPage.com™) to provide transportation-related information to residents and visitors.
2. Provide website hotlinks to CommuterPage.com™ under a "transportation information" heading from the developer and property manager's websites regarding this development.
3. Provide SmarTrip cards, at a maximum cost to the developer of \$5.00 per card, per person, during the initial lease-up, for free to tenants signing leases and employees of the property management company.
4. Distribute transit and ridesharing information to residents and visitors (and extend requirement to on-site businesses) to include the following items. (In no event shall the Transportation Management Plan require the developer to seek or obtain County approval of the developer's marketing information.)
  - a. Distribute in a new-resident package material provided that includes site-specific ridesharing and transit-related information to each person signing a lease.
  - b. Place a reference to the nearest Metro Station and bus routes in promotional materials and advertisements.
  - c. Distribute information in recruiting and employment materials regarding commute options and assistance services available.
  - d. Cooperate with Arlington County to assist the County in implementing a transit-advertising program that will distribute information four times per year to all residents, tenants, employees, and visitors.
  - e. Provide access to building or grounds at times acceptable to the developer to allow ATP to promote group riding among tenants of the building, by means acceptable to the developer
  - f. Participate in Ozone Action Days and other regionally sponsored clean air, transit and traffic mitigation promotions by posting notice of such promotions in locations within the building acceptable to the developer.
5. Towards the goal of reducing the need for resident car ownership and on-site parking, the developer shall contact a car sharing service such as Zip Car or Flex Car before the issuance of the first Certificate of Occupancy for resident occupancy of the building, in order to explore the opportunity for the development to have access to a car sharing service for its residents, employees and guests.

E. Performance and Monitoring

1. Submit an annual letter to the County Manager describing the TMP related activities of the preceding year.
2. Conduct a data gathering survey two years after issuance of the first Certificate of Occupancy and report findings to the County. Such report shall include a determination of mode split, average vehicle occupancy, daily person vehicle trips to and from the site, and parking availability by time of day for the site.

49. 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, unless otherwise approved by the County Board. 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, unless otherwise approved by the County Board.

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 will be provided, where the parking will be located and how guests and visitors will be directed to the parking spaces. The developer further agrees to make a minimum of 10 residential visitor 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 or his designee, prior to the issuance of the first Certificate of Occupancy for the first residential building.

50. 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 or his designee, including street lighting as described in Condition #27 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. All lighting shall be installed and approved by the County Manager or his designee before the issuance of the First Certificate of Occupancy for occupancy of the applicable phase of the project.
51. 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, if recommended by the level one study, a level 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.

52. 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 with the condominium's, cooperative's or homeowners association's bylaws or agreements. Documentation that this condition has been satisfied shall be provided to the County Manager or his designee before the issuance of the First Certificate of Occupancy. 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 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.
53. If the site plan is not certified by the US Green Building Council as a LEED Certified-rated building, then the developer agrees to make a contribution to the County's Green Building Fund of \$8,085.00 (\$0.03 X 269,489 square feet). The payment shall be made to the Department of Environmental Services prior to the issuance of the first Certificate of Occupancy, and compliance with this condition shall be provided to the Zoning Administrator in the form of a letter at the time of payment. If the site plan is certified by the US Green Building Council as a LEED Certified-rated building subsequent to and within two (2) years after issuance of the first Certificate of Occupancy, then the developer shall be reimbursed the full amount of the contribution to the Green Building Fund upon providing reliable evidence of such certification.

- **The following condition of site plan approval (#54) 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.**

54. Before the issuance of the Master Certificate of Occupancy, the developer agrees to submit drawings certifying the building height as measured from the average site elevation for the entire site to both the building roof and to the top of the penthouse roof.
- **The following condition of site plan approval (#55) 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.**
55. The developer agrees to obtain a Master Certificate of Occupancy within six (6) months of receipt of the partial Certificate of Occupancy for full occupancy of the building. The developer may request in writing to extend the timeframe for obtaining the Master Certificate of Occupancy. The request shall outline the reasons for the extension and shall be submitted to the County Manager or his designee for review of the outstanding issues one (1) month prior to the end of the six-month time frame. The County Manager or his designee may approve such extension if he finds that the developer is diligently continuing completion of the project.
- **Post Certificate of Occupancy: the following Conditions of site plan approval (#56 through #61) are valid for the life of the site plan.**
56. In order to maintain the effectiveness of the County's public safety systems, the County reserves 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 at no charge to the County in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both upon request by the County. Upon request by the County, the developer agrees to provide access to electrical service separately metered, including auxiliary electrical power, and telephone radio control lines to the penthouse in the defined area. Any radio transmitter or receiver equipment and antenna to be installed or used by others must not interfere with the emergency communication system of the County.
57. The developer agrees that any structural addition shall be subject to the approval of the Zoning Administrator consistent with Section 36.H.2.c of the Zoning Ordinance. If the Zoning Administrator determines that any proposed improvements 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.
58. 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.
59. 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.
60. 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.
61. 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 (#62 through #75) are valid for the life of the site plan and must be met before the issuance of the permit specified in each Condition.**

62. Prior to the issuance of any permit for any activity on the site, the developer agrees to execute documents requested by the County to evidence agreement to all of the terms and conditions outlined in the developer's approved final Affordable Housing Plan as such plan is set forth in a letter received on July 7, 2004, from Martha Paschal, Director of Finance & Development, APAH to Ken Aughenbaugh, County staff, and also including, but not necessarily limited to, the following conditions:

- County/Developer Agreement/Affirmative Marketing Plan:** The agreement shall include an Affirmative Marketing Plan in substantially that form as required by the U.S. Department of Housing and Urban Development (HUD) and including, at a minimum, the elements specified in the Developer's final Affordable Housing Plan and Affirmative Marketing Plan. The Affirmative Marketing Plan shall be in a form and substance acceptable to the County Manager, with the concurrence of the County Attorney, according to the County's criteria for such marketing plans. The developer agrees that the proposed marketing plan shall call for the initial advertising and marketing of the affordable units for a period of at least 45 days before projected occupancy.
- Affordable Rents/Marketing Period:** The developer agrees that the affordable rents shall be defined as rents which require a qualified household to pay no more than 30% of income for rents plus utilities. Rents shall not exceed the established affordability level for the rents, as published by HUD, minus a utility allowance (if applicable) as per the Utility Allowance Schedule annually approved by HUD for the Arlington County, VA Section 8 Housing Certificate/Voucher Program. A total of 95 units shall have rents at or below 60% of area median family income. The developer agrees to lease the affordable units to households whose incomes do not exceed these affordability levels.
- Rent Increases:** The developer agrees that rent increases for tenants continuing in occupancy shall be based on area median income increases as published by HUD, subject to a maximum cap of 5% per year for the first five (5) years for each tenant. Rents for households moving into vacated affordable units shall be set according to Condition #62.b., above. After an initial 5 year period for each tenant, annual rent adjustments shall not exceed the established affordability level for the rents minus a utility allowance as in Condition #62.b., above.
- Compliance Period:** The developer agrees that the affordable housing plan shall require units to remain affordable for a term of 60 years from the execution of the lease of the first unit of the 95 affordable units.
- Accessible Units:** The developer agrees to maintain a minimum of 5 (2 efficiencies and 3 one-bedroom units) of the affordable units as fully accessible (as Type A units in Chapter 11 of the building code) to persons with physical disabilities at rents affordable at no greater than 60% of area median family income and to market these units to households in need of such units as part of the developer's Affirmative Marketing Plan. All of the apartment units (exclusive of townhouse units) shall be fully adaptable.
- Condominium/Cooperative Option:** The developer agrees to seek approval of a minor site plan amendment to address the terms by which any of the affordable units would be available for sale in the event that the developer determines to construct or later convert the project as for-sale condominiums or as a cooperative. There can be no conversion of the affordable units from rental to for-sale units until the site plan amendment is approved. In the event of such a conversion, the developer could also retain ownership of the affordable units and continue to lease them according to the terms of the housing plan without obtaining a site plan amendment.

The developer agrees, at all times, to fully comply with the requirements of such documents and the plan.

63. The developer agrees that no balconies, other than those identified in the approved site plan, shall be enclosed. Enclosure of any additional balconies shall constitute additional gross floor area and shall require a site plan amendment.

64. 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, including a vegetated green roof, may earn the developer points under the U.S. Green Building Council's (USGBC) system for LEED certification. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for 26 LEED credits. The developer's LEED consultant shall review the developer's plans and submit a letter to the County certifying that the project has enough points (26) to be a Certified LEED building. The developer agrees to use commercially reasonable best efforts to achieve a LEED Silver certification. Upon completion of the project, the developer shall submit the project for LEED scoring to the USGBC.

The developer agrees that all of the following types of appliances, fixtures, and/or building components used in the project shall have earned the U.S. EPA's Energy Star label: clothes washers, dishwashers, refrigerators, ceiling fans, ventilation fans (including kitchen and bathroom fans), light fixtures (halls and common areas), and exit signs. To further enhance energy efficiency, the developer shall choose two of the types of components listed and all of those two types of components installed or used in the project shall be Energy Star qualified: programmable thermostats (in residential units); residential light fixtures; windows and doors; and HVAC systems. The developer shall submit to the County Manager a statement listing all Energy Star qualified components prior to issuance of the Core and Shell Certificate of Occupancy.

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

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

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

65. 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 that all tenants or property owners shall also comply with this requirement. Any facility designated by the County Manager will have competitive rates at or below other facilities in the region otherwise available to the developer.
66. The developer agrees to have, as a part of its parking management plan, provisions relating to the towing of impermissibly parked vehicles. Such provisions shall include, but not be limited to:
  - a. Requirements for signage at the developer's parking lot(s) providing notice of all applicable parking restrictions enforced by towing, the location of the towing contractor(s)' impoundment yard, and the name and telephone number of the developer's on-site representative responsible for towing-related complaints, as well as the telephone number of the Arlington County Office of Citizen and Consumer Affairs;
  - b. Disclosure by the developer and its towing contractor(s), at the developer's parking lot(s), of all fees and charges for towing; and
  - c. Evidence that the developer has a contract with the towing contractor that requires the towing contractor to clearly display all fees and charges for towing.
67. The developer agrees to install speed bumps and a stop sign adjacent to the top of garage exit ramps at locations where ramps abut the pedestrian sidewalk, in order to slow and stop vehicular traffic prior to vehicles crossing the sidewalk. The locations of the speed bumps and stop sign shall be shown on the site engineering and building plans approved by the County Manager or his designee. The garage doors shall be setback from the sidewalk a minimum distance of six (6) inches.
68. The developer agrees to develop procedures, subject to approval of the County Manager, whereby uniformed Arlington County Police will be authorized to enter the parking areas for purposes of enforcing compliance with County ordinances and state laws applicable to resident's motor vehicles.

69. The developer agrees to install and maintain in operable condition, in a manner acceptable to the County Manager or his designee, 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 cost of installing the internal antenna/amplifier system shall not exceed \$15,000. 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.
70. The developer agrees to secure written documentation from WMATA indicating that the site plan will pose no structural impact on the Metro tunnel located below the building's northern wing on vacated 16<sup>th</sup> Street. The written documentation from WMATA shall be submitted to the Zoning Administrator prior to the issuance of any permits for the site plan.
71. The developer agrees to reimburse the County for the balance of the public funds provided for improvements to, and installation of play equipment in, the Rosslyn Ridge Playground easement area consistent with the terms of the Deed of Temporary Easement made on May 27, 1997. If the Temporary Easement is terminated by the developer before May 27, 2007, then the developer shall reimburse the County for all or a portion of the amount of public funds provided for the improvements and their installation. For years four (4) through ten (10), the developer shall reimburse the County for the full amount of public funds less 15 percent per year for each full year that the Temporary Easement has been terminated up to the ten (10) year manufacturer's warranty. Partial years shall be prorated. The reimbursement shall be an amount deemed acceptable to the County Manager or his designee, pursuant to the terms of the Deed, and shall be paid to the Department of Parks, Recreation and Cultural Resources Park Enhancement Grant Program prior to the issuance of the Excavation, Sheeting and Shoring Permit.
72. By approval of this site plan, the County Board is acknowledging its support for the inclusion of Hillside Park in the site plan and the use of density from Hillside Park toward the site plan and the accomplishment of a significant affordable housing plan. Prior to the issuance of any permits for the site plan, the developer agrees to enter into written agreement with Arlington County to pay back to the County the value of the Hillside Park density minus the upfront contribution identified in Condition #73 below, in an amount equal to \$5,230,400 (\$5,730,400 minus \$500,000).
73. The developer agrees to contribute \$500,000 to the County to fund the planning and implementation of improvements to Hillside Park. The funds shall be paid to the Department of Parks, Recreation and Cultural Resources prior to the issuance of the Excavation, Sheeting and Shoring Permit.
74. The developer agrees to conduct, at its own expense, a survey and analysis of parking demand and usage for the site including the parking garage and surrounding area of the site, two (2) years after issuance of the first Certificate of Occupancy for resident occupancy. This study shall be conducted by a reputable firm with experience in parking issues and shall be submitted to the County Manager or his designee for review.
75. The developer understands and agrees that the County Board of Arlington County has consented to the use of Hillside Park for the purpose of calculating density under this site plan, but that neither the County Board, the County Manager, nor any of their employees or agents shall have any responsibility for carrying out this site plan, or fulfilling any obligation thereunder.
76. The developer agrees to include information about Arlington's bicycle transportation plan and facilities in the Rosslyn Ridge marketing brochures.

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**ALLOCATION OF FISCAL YEAR (FY) 2005 AFFORDABLE HOUSING INVESTMENT FUND (AHIF) AND THE ROSSLYN FUND FINANCIAL ASSISTANCE TO ARLINGTON PARTNERSHIP FOR AFFORDABLE HOUSING (APAH) TO ASSIST WITH REDEVELOPING THE ROSSLYN RIDGE APARTMENTS.**

On motion by Mr. Fiset, seconded by Mr. Zimmerman and carried by a vote of 4 to 1, the voting recorded as follows: Ms. Favola - Aye, Mr. Fiset - Aye, Mr. Ferguson - Nay, Mr. Tejada - Aye, and Mr. Zimmerman - Aye, the Board took the following actions:

1. Allocated up to \$1,800,000 in County funds, of which up to \$1,266,667 would come from FY 2005 AHIF funds (001.713) and up to \$533,333 would come from the Rosslyn Fund (099.616) to APAH or its designated County-approved ownership affiliate, as financing assistance for the construction of the newly redeveloped Rosslyn Ridge II Apartments. This financing assistance would be in the form of a subordinated loan subject to the terms and conditions outlined in this report

2. Authorized the County Manager to approve the ownership affiliate, if any, and to execute the required loan documents for a loan up to \$1,800,000 to APAH or its affiliate, and authorized and directed the trustees for the County's Deed of Trust to execute the required loan subordination documents, subject to approval by the County Attorney.
3. Authorized the County Manager, with the concurrence of the County Attorney, to act as the County Board's representative in approving financing or program revisions that are necessary to remove any ambiguity or inconsistency or which improves the County's financial security, financial position, or enhances the housing program and which changes do not adversely affect the County financially, prior to execution of the County's financing documents.

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**RECESS.**

Without objection, at 5:39 p.m., the meeting was recessed to Tuesday, July 13, 2004, at 4 p.m.

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BARBARA A. FAVOLA, Chairman

ATTEST:

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ANTOINETTE COPELAND, Clerk

Approved on September 18, 2004