DATE: October 26, 2015

SUBJECT: SP #46 SITE PLAN AMENDMENT to incorporate additional site area into an existing site plan for an approximately 185,000 square foot office building and construct a 22-story, approximately 330,000 square feet of gross floor area residential building (330 units) with approximately 8,000 square feet of retail on the added site area, for the property located at 4000 and 4040 Fairfax Drive. (RPC#14-045-003, -002).

Applicant:
CFO AV, LLC (Penzance)

By:
Theodore Lunger, Esq.
McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22102

C.M. RECOMMENDATION:

Adopt the attached ordinance to approve the subject site plan amendment request to add site area to the existing site plan (SP #46) and to construct an approximately 330,000 square foot residential building that includes approximately 8,000 square feet of retail space of 22 stories of the additional site area, with 264 underground parking spaces with modifications of use regulations for number of parking spaces, compact parking ratio, height, bonus density for LEED Gold, exclusion of vertical shafts from gross floor area, and all other modifications as necessary to achieve the proposed development.

ISSUES: This is a request for a site plan amendment to add site area to an existing site plan and to construct an approximately 330-unit 22-story multifamily residential building in the Ballston sector and no issues have been identified.
SUMMARY: This is a request for a site plan amendment to incorporate additional site area (4000 Fairfax Drive, the site of the existing Carpool Restaurant) into an existing site plan (SP #46) and to construct an approximately 330,000 square foot residential building that includes approximately 8,000 square feet of retail space of 22 stories of the additional site area, with 264 underground parking spaces. The existing Webb Building, an 185,000 square foot 10-story office building at 4000 Fairfax Drive located on the other parcel will remain. The developer proposes modifications for bonus density for achieving LEED Gold, modifications for a parking ratio of .8 spaces per dwelling unit, 25% compact parking spaces, a modification to permit a maximum height of 229 feet to the top of the parapet wall concealing the mechanical equipment, and exclusion of vertical vents from the gross floor area. Staff supports the proposed .8 parking ratio, as it is within the average for parking utilization in the Metro corridors. Staff also supports the proposed modification for compact parking percentage due to the small size of the site and for the mitigating factor that the proposed drive aisles are full-width. The developer will construct a pedestrian connection with a knockout panel between the existing office garage and new residential garage to permit residents to park in the office garage, and will construct a knockout panel in the new residential parking garage for vehicular connections with a future parking garage on the Webb Building site. The developer agrees to provide a minimum of 66 parking spaces in the Webb Building garage to be available to renters in the residential building, or alternative fare media to residents who do not have a reserved parking space if fewer than 66 spaces are available at all times. Staff also supports the proposed modification for height, as it allows for a variation in the height profile of the building, and only mechanical equipment and no occupiable space will be above the “C-O-A” height limit of 216 feet.

The proposed development implements the purposes of the General Land Use Plan, specifically the “Coordinated Mixed-Use Development Area” designation, the “C-O-A” zoning regulations, and the Ballston Sector Plan. Therefore, staff recommends the County Board adopt the attached ordinance approving a site plan amendment for an approximately 330,000 square foot residential building for 4000 Fairfax Drive including approximately 8,000 square feet of ground floor retail, with modifications of use regulations for bonus density, height, number of parking spaces, percentage of compact parking spaces, and exclusion of vertical shafts, and all other modifications necessary to achieve the proposed development.

BACKGROUND: The applicant proposes to amend an existing site plan to add an additional parcel and construct a new building. The applicant in this case currently owns the Webb Building and is the contract purchaser of the Carpool site. The existing site plan is SP#46, now known as the Webb Building, and is a 10-story office building on a 56,010 square foot lot, located at the Southeast corner of Fairfax Drive and North Randolph Street. The site plan was approved in 1964 and the building constructed by 1966. The building was refurbished a few years ago after longtime federal government tenants moved out, and the largest tenant is now Marymount University, which is currently redeveloping its former Ballston location on Glebe Road. It is anticipated that Marymount will vacate the Webb Building once their new complex is finished. The Webb Building also has two retail spaces at the ground floor, one of which is occupied by a bank, the other is vacant.
Adjoining the Webb Building site to the east is a 26,300 square foot parcel currently occupied by the Carpool restaurant and associated surface parking. The property was developed by right around 1960 as a car dealership, and the parcel is not subject to any current site plan or use permit.

Between 1978 and 1980, the County Board adopted the Ballston Sector Plan, changed the General Land Use Plan (GLUP) designation for these sites (and a large part of central Ballston) to “Coordinated Mixed-Use Development District” and rezoned the same area, including the subject sites, to “C-O-A” Mixed-Use District.

The permissible maximum density and height on a site zoned “C-O-A” increases with the size of the lot to be developed, up to a maximum of 6.0 F.A.R and 216 feet in height for residential buildings. No more than 3.0 F.A.R. may be office development, and a site that is entirely residential may be permitted up to 6.5 F.A.R.

In 2006 there was a previous, similar site plan amendment application to amend the Webb Building site plan by adding the Carpool site to the site plan by a different developer. The County Board deferred the case to work with staff on various issues. During the process, staff had expressed serious concern about the proposed site access and circulation (including a proposed new curb cut on North Quincy Street, a street where new curb cuts are strongly discouraged). Furthermore, the developer in the 2006 case did not control both sites, did not propose upgrading of streetscape along Webb Building. Although the case was deferred to December 2006, the applicant in that case did not return and no County Board action was taken.

The following provides additional information about the site and location:

Site: The 82,370 square foot site (1.89 acres), is located at 4000 Fairfax Drive (currently occupied by Carpool) and 4040 Fairfax Drive (Webb Building). The site is a part of a block bounded by Fairfax Drive (north), N. Quincy Street (east), 9th Street North (south), and N. Randolph Street (west).
To the north: Fairfax Drive; across Fairfax Drive are a 222-unit 10-story condominium (Eastview) and an approximately 200,000 s.f. 8-story office building (SP #255) zoned “RC” and designated “Medium Density Mixed-Use” on the GLUP.

To the east: N. Quincy St.; Across Quincy St., is a 21-story 499-unit apartment building (Quincy Plaza, SP #358) zoned “RA-H-3.2” and designated ”High” Residential on the GLUP.

To the south: A 509-unit 21-story apartment building zoned “C-O-A” (Randolph Towers, SP #218) and designated “Coordinated Mixed-Use Development District” on the GLUP.

To the west: N. Randolph St., across Randolph St. is a 13-story office building with approx. 260,000 s.f. (SP #269) zoned “C-O-A” and designated “Coordinated Mixed-Use Development District” on the GLUP.

Zoning:  “C-O-A” Mixed Use District.

General Land Use Plan Designation:  Coordinated Mixed-Use Development District (“This is a high density mixed-use district with actual density determined by site size. Up to 6.0 F.A.R. with office not more than 3.0 F.A.R.”) Site is also designated with Note #6 (“This area was designated a 'Coordinated Mixed-use Development District' on 12/2/78.”)

Neighborhood:  The site is located within the boundaries of the Ballston-Virginia Square Civic Association, and the Ballston Business Improvement District.
Development Potential:
The applicant, Penzance, proposes to combine the two sites by incorporating the Carpool site into existing SP #46 and at least for the time being keeping the existing 10-story office building on a part of the combined site, and construct a new 22-story residential building with 330 units on the other part of the combined site. An overview of the major site plan amendment is provided below:

<table>
<thead>
<tr>
<th>Site Plan Area: 82,370 sq. ft.</th>
<th>DENSITY ALLOWED/TYPICAL USE</th>
<th>MAXIMUM DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>“C-O-A” By-Right</td>
<td>Most uses permitted in “C-2” @1.5 FAR. Hotels @ 1 unit per 600 sq. ft.</td>
<td>Office/commercial: 123,555 sq. ft. GFA Hotel: 137 units</td>
</tr>
<tr>
<td>“C-O-A” Site Plan</td>
<td>Hotel/Apartments/Commercial/Office Mixed Use development @ max total 6.0 FAR, no more than 3.0 FAR of which may be office/hotel/commercial. All residential @ 6.5 FAR.</td>
<td>Total mixed use FAR: 494,200 sq. ft. of GFA, office/hotel commercial max 247,110 sq. ft. FAR. Total (when all-residential): 535,405 sq. ft. GFA.</td>
</tr>
</tbody>
</table>

Proposed Development: The following table provides the preliminary statistical summary for the requested site plan amendment:

<table>
<thead>
<tr>
<th>SITE PLAN #46, 4000 AND 4040 FAIRFAX DRIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE AREA</td>
</tr>
<tr>
<td>Density</td>
</tr>
<tr>
<td>Total GFA</td>
</tr>
<tr>
<td>Base Density^2</td>
</tr>
<tr>
<td>LEED Gold Bonus .40 FAR</td>
</tr>
<tr>
<td>Residential</td>
</tr>
<tr>
<td>Retail</td>
</tr>
<tr>
<td>4040 Fairfax Drive (Webb Building to remain)</td>
</tr>
<tr>
<td>Office</td>
</tr>
<tr>
<td>Retail</td>
</tr>
<tr>
<td>Total FAR</td>
</tr>
<tr>
<td>FAR Residential</td>
</tr>
<tr>
<td>FAR Office/commercial</td>
</tr>
<tr>
<td>Maximum Permitted Mixed-Use FAR in the “C-O-A” district</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Site Elevation (4000 Fairfax Drive, proposed new building)</td>
</tr>
<tr>
<td>Main Roof Elevation</td>
</tr>
<tr>
<td>Main Roof Height</td>
</tr>
</tbody>
</table>

^1 Applicant will be dedicating a part of site area in fee simple, the size of which TBD.
^2 Applicant arrives at base density by multiplying site area of 82,370 with 6.0 FAR, subtracting existing Webb Building GFA of 185,257.
^3 Taken over a site area of 51,494, not the entire site.
Density and Uses: The site’s current zoning of “C-O-A” (Mixed Use District) permits by site plan apartment buildings, hotels, and commercial/retail at a density of up to 6.0 FAR for sites above 80,000 square feet, or up to 6.5 FAR if a project is at least 90% residential. The site’s GLUP designation of “Coordinated Mixed-Use Development District” is consistent with the current zoning. The applicant does not propose a change to the GLUP or Zoning.

The existing Site Plan #46 consists of an approximately 185,000 square foot 10-story office building with approximately 12,000 square feet of ground floor retail constructed in 1965, located at 4040 Fairfax Drive (Webb Building). The existing building will remain for the time being. It had been recently renovated by the previous owner. The office building is largely occupied by Marymount University while the old “Blue Goose” site is under construction. There are current tenant leases for the next 10-15 years. If the applicant chooses to redevelop the Webb Building, a new site plan would have to be filed.

The applicant proposes to add the existing site of the Carpool restaurant (4000 Fairfax Drive) to the existing and construct on the combined site a 22-story, 330-unit apartment building with approximately 8,400 square feet of ground floor retail, with a total gross floor area of 329,560 square feet. The 22nd story will consist of tenant amenities including a swimming pool. The total
The proposed density of the project is 6.25 FAR (both proposed residential and existing office buildings), which includes the proposed LEED Bonus density.

The subject site is 82,370 square feet, and the applicant will dedicate approximately 1,919 square feet of lot area that is currently encumbered by a street easement in fee simple to the County. The applicant will take a one-time density credit from this area. Because 10 or more years may elapse before the redevelopment of the Webb Building, the applicant wishes to be assured that the existing site area (82,370 square feet) may be used for calculating the ultimate density potential for the entire tract when the time comes for redevelopment of the Webb Building. Staff agrees, because the density is only being used once, similar to multi-building site plans where both new buildings are being approved simultaneously, and if and when a site plan for the redevelopment of the Webb Building is approved, the credit will expire.

**Site and Design:** The proposed project will consist of two (2) buildings, the proposed new residential building and the existing office building. The residential building will be constructed on the current site of the Carpool restaurant at the corner of North Quincy Street and Fairfax Drive. The applicant proposes three (3) retail spaces, two (2) of which will front on an approximately 1,400 square foot courtyard notched out of the building at the corner of Fairfax Drive and North Quincy Street. The applicant proposed benches and a water feature in this courtyard, as well as space for possible outdoor cafes. The developer agrees to public access to the water feature and for pedestrian passage through the courtyard. The other proposed retail location is on the other side of the lobby on Fairfax Drive.
Parking and loading are accessed from an internal drive aisle. The entrance to this drive aisle is from an existing curb cut on North Randolph Street. The applicant proposes a knockout panel on the mezzanine level for a pedestrian connection between the residential building and the existing Webb Building garage, and a knockout panel on P1 to connect for vehicular connections to a future parking garage when the Webb Building is redeveloped. Whether or not the Webb Building is redeveloped, the loading access pattern would remain the same. There is also an existing one-way vehicular exit onto Fairfax Drive that the applicant proposes to keep for the time being, allowing relatively direct access to the street for exiting loading vehicles, as well as allowing access for the fire department via Fairfax Drive. If and when the Webb Building redevelops, staff would prefer to see the Fairfax Drive curb cut closed to general vehicular traffic.

The “C-O-A” zoning district requires a minimum of 10% of the site be “landscaped open space” in accordance with Section 14.2 (“Landscaping”) of the Zoning Ordinance. Landscaping has been consistently interpreted by staff as areas that also include hardscaping, such as public or private plazas and courtyards. Areas used for driving and areas in the public right of way (such as street trees) do not count towards the open space requirement. The 10% landscaping can be met over the area of the entire site plan, not individual parcels if the site plan contains more than one parcel. The total site contains 14% landscaped open space.

As part of the applicant’s proposal the applicant will be adding street trees and widening the sidewalks around the existing Webb Building to be closer to the standards in the Rosslyn Ballston Corridor Streetscape Standards. Due to the placement of the office building and its garage, and to accommodate the desired Fairfax Drive cross-section, the full sidewalk width recommended in the Standards could not be accomplished at this time, however that could be accomplished during redevelopment of the Webb Building.

Architecture: The proposed residential building follows contemporary design trends, in contrast to the adjacent 1980s-vintage red-brick residential buildings and post-war International-style Webb Building. Materials consist of light-gray brick and large expanses of glass, with a two-story “base” with even wider expanses of glass defining the retail and lobby areas on the ground level (the second level is largely devoted to dwelling units but forms a part of the base,
architecturally). Most, if not all units have balconies. Most balconies are flush with the façade of the building, but balconies on the rear of the building project into a setback area (within the boundaries of the applicant’s property).

Balconies on the Fairfax Drive façade have a diagonal “notched” effect, where the balconies gradually increase in size from floor-to-floor to alleviate the otherwise rectangular nature of the building.

An unusual aspect of the building is the east and west profile of the building, where the building looks as three slender “towers” with varying heights. The southern tower has a pool deck at Level 21, the northern tower an outdoor amenities at the 22nd story level, and both are under the 216-foot height limit for the “C-O-A” zoning district. The central tower is 229 feet high to the top of the parapet wall and only the unenclosed mechanical equipment is above the 216-foot height limit.

Sustainable Design: The applicant agrees to obtain LEED Gold, which also includes Arlington County’s energy efficiency performance standards.

Affordable Housing: The developer will make a cash contribution, of approximately $2,160,681 to the Affordable Housing Investment Fund to comply with the base affordable housing requirement in the Zoning Ordinance.

Transportation: The site is located at the intersection of Fairfax Drive and N. Quincy Street and is well served by multi-modal transportation options. To the west of the proposed building site is the Webb Building at 4040 N. Randolph Street and to the south is Randolph Towers (901 9th Street N.). The site is approximately 800 feet from the Ballston-MU Metro station and approximately 1,200 feet to the Virginia Square Metro station. The Master Transportation Plan (MTP) classifies Fairfax Drive as a Type A- Primarily Retail Oriented Mixed-Use arterial and N.
Quincy and N. Randolph Streets as Type B- Primarily Urban Mixed-Use arterials. 9th Street N. is a non-arterial Urban Center Local (medium to high density) street.

Transportation Analysis and Trip Generation
A Traffic Impact Analysis (TIA) dated November 26, 2014 and prepared by Wells + Associates was submitted by the applicant. The analysis assessed the impact of the development on the adjacent street network and found that the redevelopment of 4000 N. Fairfax Drive (Carpool Site) would have a minimal overall vehicular impact. The analysis concluded that the project would generate approximately 93 AM peak hour vehicle trips, 110 PM peak hour vehicle trips and a total of 1,156 daily vehicle trips. When compared to the existing restaurant use, the proposed project would result in 93 net-new AM peak hour trips, 77 net-new PM trips and an increase of 721 daily trips.

The TIA analyzed five (5) signalized intersections within the vicinity of the site. The analysis found that, in the future with the redevelopment of the site, all of the study intersections would continue to operate at levels of service (LOS) “D” or better during peak periods. The additional traffic from the proposed project would increase the delay per vehicle by approximately three (3) to 11 seconds during peak hours at the intersection of Fairfax Drive and N. Randolph Street. The overall delay per vehicle at the other signalized study intersections would increase by one (1) second.

Streets
Fairfax Drive is a four-lane, median divided arterial street with on-street parking and bike lanes on both sides. The proposed project will remove the curb cut along Fairfax Drive serving the current restaurant use. A single existing curb cut on Fairfax Drive will serve as a right-turn only exit for both the existing Webb Building as well as for the new development. Access in to the site (shared with the Webb Building access) will be off of N. Randolph Street via the existing surface lot serving the Webb Building and through a proposed shared drive aisle between the Webb Building and the proposed development.

The project proposes to maintain the existing curb alignment on Fairfax Drive with a slight narrowing closer to the Fairfax Drive and N. Quincy Street intersection. The project proposes two 11-foot wide east bound travel lanes on Fairfax Drive and a 10-foot wide left turn lane at N. Quincy Street. Also proposed is a 6-foot bicycle lane along Fairfax Drive and a 7-foot on-street parking lane.

The project proposed to slightly narrow N. Randolph Street along the existing Webb Building frontage from approximately 51’ to 47’. This allows for a 13’ sidewalk along the western side of the Webb Building. There is a proposed curb extension on the northwest side of N. Quincy Street, providing a 35’ wide curb-to-curb width at the intersection which widens to a proposed approximately 47’ wide street south of the intersection. Three (3) on-street parking spaces are provided along the N. Quincy Street frontage. A minimum 16-foot wide sidewalk is provided along N. Quincy Street.

Sidewalks and Pedestrian Connections
Sidewalks exist on both sides of all streets within the study area and do not currently meet the R-
B Corridor Streetscape Standards (24-feet wide sidewalk along Fairfax Drive and 14-feet wide sidewalk on N. Randolph and N. Quincy Streets). The project proposes to increase the streetscape on all sides to provide for a minimum of 9’ clear sidewalk on all frontages and a minimum of 14’ clear sidewalk on the Fairfax Drive frontage along the proposed development with a pinch point of 12’.

Along Fairfax Drive, the existing sidewalk width varies from approximately 4-7 feet and the streetscape includes a 2-6 feet wide utility strip. There are no street trees in the streetscape on this block. The proposed project will provide for approximately 12-26 feet of clear sidewalk along the Fairfax Drive frontage with new street trees in 5x12 foot tree pits. A 4-foot planting strip for new street trees and a minimum clear sidewalk width of 9 feet is proposed along N. Randolph Street adjacent to the existing Webb Building. A 4-foot minimum planting strip is proposed along N. Quincy Street along with approximately 10-15 foot clear sidewalk on the new building frontage.

Within the study area, there are crosswalks at the five (5) signalized intersections with pedestrian signals on all legs. At the unsignalized intersection at N. Quincy Street and 9th Street N., crosswalks are located on the north, south and west legs of the intersection. Additionally, there is a signalized pedestrian crosswalk on Wilson Boulevard between N. Stuart and N. Randolph Streets.

Pedestrian access from the sidewalks to the new development would be provided via the lobby of the residential building on Fairfax Drive. Pedestrian access to the retail uses would be provided from entrances on Fairfax Drive, including at the Retail Courtyard.

Public Transit
The site is located approximately 850 feet and 1,300 feet from the Ballston-MU and Virginia Square Metro stations, respectively, which serve the Orange and Silver Lines. Additionally, the site is well served by both Metrobus and ART bus service. An ART bus stop which serves ART route 75 is located adjacent to the site in the southeast quadrant of the Fairfax Drive/N. Quincy Street intersection. The Ballston-MU Metro station located two (2) blocks to the west is served by ART bus lines 42, 51, 52, 53, 62 and 75, and Metrobus lines 1A,B,E,F,Z; 2AB,C,G; 10B; 22A,B; 23A,C; 25A,B,E; and 38B. The Virginia Square Metro station located four (4) blocks east is served by ART bus lines 41, 42, and 75.

Bicycle Access
In the vicinity of the site, bicycle connectivity is provided via on-street bike lanes on Fairfax Drive and N. Quincy Street. Additionally, N. Stuart Street, N. Stafford Street, 9th Street N., and N. Oakland Street are classified as on-street routes that have been determined as bicycle friendly by Arlington County.

The site plan provides for a bicycle storage room on the ground floor in the rear of the building that can be directly accessed from a door on N. Quincy Street.

There are also four (4) Capital Bikeshare stations within the vicinity of the site: N. Randolph Street, north of Fairfax Drive; N. Quincy Street, north of Wilson Boulevard; Central Library, N.

SP #46 Carpool Amendment
4000 & 4040 Fairfax Drive
PLA-7121
Quincy Street and 10th Street N.; and N. Stuart Street at 9th Street N. next to the Ballston-MU Metro station.

Parking and Loading Access
Access to parking and loading for the proposed project would be to the west of the site, off of the existing driveway on N. Randolph Street. A right-turn only exit is also provided at the existing driveway on Fairfax Drive. The applicant proposes 264 residential garage parking spaces and six (6) retail spaces located at the surface on the existing Webb Building site. The standard minimum site plan parking ratio for residential uses is one (1) parking space per unit. The Zoning Ordinance for “C-O-A” also requires one (1) space per unit. The proposed residential parking ratio is 0.80 and the proposed percentage of compact spaces is 25%.

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

- General Land Use Plan and “C-O-A” Zoning
- Ballston Sector Plan
- Rosslyn-Ballston Corridor Streetscape Standards
- Arlington County Retail Plan

**General Land Use Plan (GLUP):** The GLUP designates the subject site (and all of central Ballston) as a “Coordinated Mixed-Use Development District”, which is defined as “…a high density mixed-use district with actual density determined by site size. Up to 6.0 F.A.R. with office not more than 3.0 F.A.R.” The site is also designated on the GLUP map with Note #6 (“This area was designated a ‘Coordinated Mixed-use Development District’ on 12/2/78.”). The designation was adopted by the County Board in 1978 for the area of Ballston between Fairfax Drive, Wilson Boulevard, North Quincy Street, and North Glebe Road. The intent of the district is to balance residential and office development and was adopted in a time when office development was predominant. The “C-O-A” zoning district was subsequently created in 1980 to implement the GLUP vision. Consolidation of properties in the “C-O-A” district is encouraged by increasing permissible density and height based on the size of a property, the larger the property, the larger floor area ratio is permitted. A tract of more than 80,000 square feet is eligible for up to 6.0 F.A.R. of mixed use development, of which no more than 3.0 F.A.R. may be hotel, office, or commercial development (With the proposed development, the total office and commercial density is only 2.35 FAR). To encourage residential development, projects consisting of at least 90% multi-family use are permitted an additional .5 F.A.R. above the base FAR. The proposed plan is complaint with the GLUP and the Zoning Ordinance.

**Ballston Sector Plan:** The sector plan was adopted by the County Board in 1980. There have been no updates. The subject site is located at the eastern edge of the Ballston Sector, on the border with Virginia Square (the border is North Quincy Street). The Ballston Sector Plan recommendations for uses and density are in line with the GLUP and the “C-O-A” zoning regulations. There are no detailed site specific guidelines as are found in newer sector plans, however the plan develops proposes a “Boulevard Concept” for Fairfax Drive, recommending
extra wide sidewalks a landscaped median. The Boulevard Concept requirements have been refined and superseded by the Rosslyn-Ballston Streetscape Standards.

Rosslyn-Ballston Streetscape Standards: The Streetscape Standards call for sidewalks with a 24-foot total width on Fairfax Drive with at least 16 feet of pedestrian clear path (and trees set back five feet from the curb, which is contrary to current practice). For North Quincy Street, the Standards recommend a 14 foot sidewalk with an additional six-foot setback for the building.

The applicant’s proposed streetscape for the new residential building largely follows the recommendations of the Streetscape Standards. The Fairfax Drive frontage has a total sidewalk width of 21 to 25 feet with a consistent 14-foot clear space. There is a single pinch point where the clear sidewalk narrows to approximately 12-feet within the area of the retail courtyard. While this is slightly less than what is recommended in the Streetscape Standards (a 24-foot sidewalk with 16 feet clear, which are the widest sidewalks in the Rosslyn-Ballston Corridor) the proposed sidewalk width accommodates changes to the allocation of uses in Fairfax Drive not contemplated in 1987 (when the 24-ft standard was adopted), including a six-foot bike lane, and is consistent with the recommended sidewalk widths across North Quincy Street in the Virginia Square sector.

North Quincy Street has a sidewalk width from 16 to 23 feet and 10 to 12 feet of clear width, which exceeds the recommendations of the Streetscape Standards.

The sidewalks around the Webb Building currently do not have street trees nor nubs at the intersection of North Quincy and Street and Fairfax Drive. The developer proposes to widen and improve the sidewalk with street trees and a minimum nine (9) foot clear sidewalk on both Fairfax Drive and North Randolph Street. The placement of the existing parking garage podium for the Webb Building limits the ability to improve the streetscape to the full width recommended in the Streetscape Standards. When the time comes for the Webb Building to redevelop, staff expects any new building to comply with the Standards. However, even if the Webb Building does not redevelop, the streetscape will be improved from its current condition without street trees and nubs at the street corners.

Arlington County Retail Plan: The Retail Plan was adopted in July 2015 and designates Fairfax Drive as a “Gold” street (“Streets planned for any type of retail use or retail equivalent as permitted by the Zoning Ordinance. Exterior and interior design elements as set forth in the Retail and Urban Design Guidelines.”). North Quincy and North Randolph Streets are designated “Blue” streets (“Streets planned for any type of retail use or retail equivalent as permitted by the Zoning Ordinance. Exterior design elements as set forth in the Retail and Urban Design Guidelines.”). The proposed new residential building is compliant with the recommendations of the Retail Plan. The developer is also proposing to vent all retail spaces for potential restaurant/café use.

Modification of Use Regulations: The following modifications to Zoning Ordinance requirements are requested with the subject site plan amendment:

Bonus Density:
The applicant is requesting a bonus of .40 FAR for achieving LEED Gold certification. Arlington County’s Green Building Density Incentive Policy for Site Plans contains bonus density provisions for site plan projects that meet the objectives of the County’s green building program. Per Section 15.5.7.A of the Zoning Ordinance, the County Board may permit bonus density for provisions made for open space and other environmental amenities. The applicant is proposing to commit to a certification of LEED Gold. The applicant is therefore requesting, consistent with the County’s policy, bonus density in the amount of .40 FAR (or approximately 20,597 s.f. of gross floor area) over 62.5% of the total site area of 82,370 square feet (or 51,494 square feet). Staff recommends the modification for bonus density as the applicant also commits, as part of the LEED Gold certification, to the County-specific energy reduction goals.

Building Height: The maximum permitted building height in the “C-O-A” zoning district is 216 feet, including any penthouse, parapet or screening wall. The developer proposes a total building height of 229 feet to the top of the parapet wall, a modification of 13 feet. Staff recommends the modification as it is only for the central block (see Figure 4 above) of the building and will only be for mechanical equipment open to the sky and be gross floor area or occupiable space. Furthermore, the extra height in only the central block of the building allows the applicant to present a more visually interesting varied height profile.

Parking: The developer is requesting a reduction of residential parking from the required one space per unit to .8 spaces per unit (from 330 required spaces to 264 spaces); a 25% compact parking ratio (instead of 15% as required in the Ordinance); and a reduction of the Webb Building’s office parking from 296 to 280 parking spaces.

Staff supports the proposed modifications. Staff research about residential parking utilization in the Rosslyn-Ballston Corridor (as a part of the Residential Site Plan Parking study currently underway) shows a utilization rate averaged through the corridor of .95 spaces per residential unit, and 35% of residential buildings have a ratio below 85%. Staff supports the applicant’s proposed residential parking ratio of .8 spaces per unit and is appropriate for its location near Metro and on major bus routes, in conjunction with an enhanced TDM.

The applicant also proposes a 25% compact parking ratio, which is above the Zoning Ordinance requirement of 15%. Staff considers the proposed residential compact parking ratio acceptable due to the small size of the site, and mitigating factors that the drive aisles between spaces meet or exceed the 23-foot standard for full size parking spaces. Furthermore, the applicant agrees to construct a pedestrian door and passage from the mezzanine of the proposed residential garage with a knockout panel to the existing Webb Building garage to permit shared parking, as the Webb Building garage is only partially utilized during the daytime and almost not at all at night time. The developer also proposes to construct a knockout panel in the residential garage to be connected for vehicular traffic with a future garage on the Webb Building site.

It should be noted that the major tenant of the Webb Building (occupying 87,000 square feet), Marymount University, is subject to a Transportation Demand Management (TDM) Plan as a condition of the site plan amendment that approved the educational use, including issuance of SmartTrip cards to employees and students and shuttle service from the main Marymount campus, and the developer agrees to a basic TDM program for future Webb Building tenants.
Finally staff supports the reduction in office parking from 296 to 280 parking spaces. The reduction is caused by the removal of 10 surface parking spaces behind the office building to accommodate the parking and loading access to the proposed new residential building, and to allocate six (6) of the existing surface spaces to short-term retail parking. The reduction is reasonable as the office parking is sufficient for current and future needs, especially with the major tenant subject to a TDM plan.

Exclusions of Vertical Shafts: The developer requests exclusions for HVAC vent shafts, and restaurant vent shafts, totaling approximately 2,600 square feet. These exclusions have traditionally been granted applicants in order to encourage venting to the roof. The applicant also is planning to provide restaurant venting to the roof for the retail tenants. No vents will be in the façade of the building, except for the small kitchen/laundry/bathroom vents, which are required by the building code to vent directly from the dwelling unit to the outside. The developer has attempted to minimize the number of vents and to design these vents to blend in with the façade.

Site Plan Benefits: Benefits from the site plan can be divided between standard benefits that all special exception site plans are expected to include as a matter of policy (or benefits for a particular site that are specifically outlined in an adopted plan), and community benefits for the provision of which the applicant requests bonus density and/or height.

Standard Site Plan Benefits:
- An approximately 2.2 million dollar contribution to the Affordable Housing Investment Fund (AHIF) per the Zoning Ordinance (Condition #43.A—standard condition allows applicant to offer on-site units at similar value if they choose);
- On-site public art or $75,000 cash contribution (Condition #17);
- Underground Utility Fund contribution of approximately $32,100 (Condition #34);
- In-building First Responder Network (Condition #38 and Attachment A);
- Transportation Demand Management including a reimbursement of up to $14,000 for post-construction transportation and parking performance studies;
- Improved sidewalk and streetscape not only around proposed building, but existing Webb Building as well (Conditions #19 & 20);
- A cash contribution of $350,000 for traffic signal improvements at Fairfax Drive and N. Quincy Street and Fairfax and N. Randolph Street (Condition #19.B.12.b.)

Community Benefits associated with increased density/height:
- Applicant commits to LEED Gold certification (Condition #18).

Community Process: There were four (4) Site Plan Review Committee (SPRC) meetings (May 13, June 8, June 22, and July 23, 2015).

Transportation Commission: The Transportation Commission will hear the case at their meeting of October 29, 2015.

Planning Commission: The Planning Commission will hear the case on November 2, 2015.
CONCLUSION: The proposed site plan amendment is consistent with the recommendations of the General Land Use Plan and the Ballston Sector Plan. The proposed plan implements the goals of the “Coordinated Mixed-Use Development District” and “C-O-A” zoning district which encourages residential development in Ballston and a coordinated streetscape. Staff finds that the project substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with use regulations and uses permitted within the “C-O-A” district as modified by the County Board; and b) Functionally relates to other structures permitted within the district and will not be injurious or detrimental to property improvements in the neighborhood; and c) Is so designed and located that the public health, safety and welfare are promoted and protected. Therefore, staff recommends the County Board adopt the attached ordinance approving a site plan amendment for an approximately 330,000 square foot residential building for 4000 Fairfax Drive including approximately 8,000 square feet of ground floor retail, with modifications of use regulations for bonus density, height, number of parking spaces, percentage of compact parking spaces, and exclusion of vertical shafts, and all other modifications necessary to achieve the proposed development.
SITE PLAN AMENDMENT ORDINANCE

WHEREAS, an application for a Site Plan Amendment dated March 2, 2015 for an amendment to Site Plan #46, was filed with the Office of the Zoning Administrator; and

WHEREAS, the Planning Commission held a duly advertised public hearing on that Site Plan on November 2, 2015 and recommended that the County Board _________ it, subject to numerous conditions and has provided a letter dated November__, 2015; and

WHEREAS, as indicated in Staff Report[s] prepared for the November 14, 2015 County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan subject to numerous conditions as set forth in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan on November 14, 2015 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan:

• Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
  ▪ Bonus Density of approximately 21,000 square feet of gross floor area in exchange for LEED Gold certification (Sec. 15.5.7.A.1.);
  ▪ A total height of 229 feet to the top of the parapet wall (Sec. 7.14.3.B.2.);
  ▪ A parking ratio of .8 spaces per dwelling unit (Sec. 7.14.5.B.1.);
  ▪ 25% of parking spaces may be compact (Sec. 14.3.3.F.);
  ▪ Exclusion of approximately 2,600 square feet of vertical shafts from gross floor area (Sec. 18.2.)
  ▪ All density attributable to any real estate interests conveyed by the Developer to the County shall be reserved for one time future redevelopment of the property located at 4040 Fairfax Drive; and
  ▪ Other modifications as necessary to achieve the proposed development plan; and

• Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and

• Is so designed and located that the public health, safety and welfare will be promoted and protected.
NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated March 2, 2015 for an amendment to Site Plan #46, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 2 below (which drawings, etc… are hereafter collectively referred to as “Revised Site Plan Application”), for a Site Plan Amendment for 4000 and 4040 Fairfax Drive for a new multifamily residential building at 4000 Fairfax Drive with approximately 330,000 square feet of new gross floor area (up to 330 multi-family dwelling units), including approximately 8,000 square feet of new retail use, and approximately 185,257 square feet of existing office and retail use, for the parcels of real property known as RPC#, approval is granted and the parcels so described shall be used according to the Site Plan Application, subject to the following conditions:

**NOTE:** The Following conditions apply only to the proposed new residential building at 4000 Fairfax Drive (currently RPC #14-045-003), except where noted and/or where improvements to the property located at 4040 Fairfax Drive are shown on the approved 4.1 plans. The existing conditions #1-15 for the building located at 4040 Fairfax Drive (also known as the Webb Building and currently identified as RPC #14-045-002) also remain in force and effect.

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

The general sequence of permits is as follows: Demolition Permit; Land Disturbance Permit; Excavation, Sheeting and Shoring Permit; Footing to Grade Permit; and Final Building Permit. In the event that the Developer does not obtain all permits separately, the Developer agrees that the requirements for all permits as set forth and/or otherwise may be modified in the conditions below will be included in the permit that is applied for up to and including those requirements set forth to be met before the permit that is being applied for has been issued. In the event that the Developer only applies for and receives a Final Building Permit, the requirements for the Demolition Permit; Land Disturbance Permit; Excavation, Sheeting and Shoring Permit; and Footing to Grade Permit must also be met prior to issuance of the Final Building Permit.
1. **Overall Compliance Requirements**

The Developer agrees that nothing in these conditions relieves the Developer from complying with all Federal, State and/or local laws and regulations. The Developer agrees that these conditions are valid for the life of the Site Plan. The Developer agrees to paste to all site development and building permit application drawings (not including interior alteration building permits i.e. electrical and plumbing), the approved minutes of the County Board meeting at which the Site Plan or any amendment to the Site Plan was approved. The Developer also agrees that no changes to the approved post-4.1 plans shall be made in the field. Unless otherwise stated in the conditions below, all required submissions shall be filed with the Zoning Office.

2. **Site Plan Compliance and Expiration**

   A. **Compliance (Life of the Site Plan)** The Developer agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1, and the revised plans dated September 2, 2015 and reviewed and approved by the County Board as part of the Site Plan approval (as used in these conditions, the term “Site Plan” shall refer to the approved special exception SP #46) and made a part of the public record on November 14, 2015, including all renderings, drawings, and presentation boards presented during public hearings, together with any modifications proposed by the Developer and accepted by the County Board or vice versa, except as specified in the conditions below.

   B. **Expiration (Footings to Grade Permit)** If a Footings to Grade Permit has not been issued for the first building to be constructed pursuant to the approved Site Plan, then this Site Plan approval expires on November 30, 2018 unless otherwise extended by the County Board. Extension of this approval shall be at the sole discretion of the County Board. The Developer agrees that this discretion shall include a review of this Site Plan and its conditions for their compliance with then current County policies for land use, zoning and special exception uses. Extension of the Site Plan is subject to, among other things, inclusion of amended or additional Site Plan conditions necessary to bring the plan into compliance with then current County policies and standards together with any modifications proposed by the owner and accepted by the County Board or vice versa.

3. **Post-County Board 4.1 Filing (Demolition and Land Disturbance Permits)**

   A. **(Demolition and Land Disturbance Permits)** The Developer agrees to file four copies of a Site Plan and the Site Plan Specification Form called for in Administrative Regulation 4.1 within 90 days of the County Board approval, and before issuance of the Land Disturbance Permit or Demolition Permit. The Developer also agrees to submit four digital copies on compact disc, including final Site Plan drawings (JPEG, PDF, DWF, and DXF formats), color images of all renderings and photos of presentation boards (JPEG and PDF formats), and PowerPoint presentations (PPT
format) shown to the County Board, including any changes made during the County Board meeting, of the approved 4.1 plans. The submittal shall comply with the final approval of the County Board and with Administrative Regulation 4.1. No permits shall be issued for this Site Plan until the post-County Board 4.1 filings have been approved by the County Manager.

B. The Developer agrees to show on the post-4.1 plans:
   1) Existing traffic signal system infrastructure, e.g., poles, meters, controller cabinets, and indicate on the plans if any part of the system will be moved and to where it is proposed to be moved.

   2) The location of intake and exhaust garage ventilation grates.

C. The Developer agrees that no changes to the approved post-4.1 plans shall take place in the field. The Developer agrees to obtain the Zoning Administrator’s review and approval of all post-4.1 plan changes, who will determine whether the changes are acceptable, need an administrative change, or require site plan amendment approval.

4. Site Plan Conditions Review Meeting (Demolition and Land Disturbance Permits)

The Developer agrees to request and attend, along with its construction team, a Site Plan Conditions Review Meeting coordinated by the Zoning Office prior to the issuance of any permits for the Site Plan. The meeting is intended to inform the Developer of the following: 1) requirements of each of the Site Plan conditions that apply to the approved Site Plan; 2) the general process and contacts for obtaining permits, including plan review and approval and overview of associated Site Plan compliance requirements; and 3) the potential need to attend additional pre-permit and pre-construction meetings coordinated by the Inspection Services Division (ISD) and the Department of Environmental Services (DES).

5. Multi-Building Phasing Plan (Demolition and Land Disturbance Permits)

For multi-building Site Plans, the Developer agrees to obtain approval of the County Manager of a phasing plan ("Phasing Plan"), setting forth each defined phase ("Phase") of the Site Plan, prior to the issuance of any Demolition and Land Disturbance Permits, and to implement the approved Phasing Plan. The Developer agrees that it shall comply with the site maintenance requirements outlined in Condition #13 below as part of the Phasing Plan. Improvements required by this Site Plan condition shall be constructed in phases, consistent with the approved Phasing Plan. Any changes in the project phasing shall require a new Phasing Plan approved by the County Manager prior to the issuance of any subsequent permits for the project.

6. Tree Survey, Tree Protection Plan, and Tree Protection Bond (Demolition and Land Disturbance Permits)

A. (Demolition and Land Disturbance Permits) The Developer agrees to do the following prior to the issuance of the Demolition and Land Disturbance Permits:
1) **Tree Survey.** Complete a tree survey which meets the standards set forth below in subparagraph C, Tree Protection and Tree Protection Plan Standards.

2) **Tree Protection Plan.** Submit to, and obtain the County Manager’s review and approval of a tree protection plan for those trees identified on the tree protection plan to be saved according to the standards set forth below in paragraph C, Tree Protection and Tree Protection Plan Standards.

3) **Bond Estimate.** Upon approval of the tree protection plan, the Developer agrees to submit to and obtain the Department of Parks and Recreation’s (DPR) review and approval of, a bond estimate for the trees to be saved based upon Arlington County’s Tree Replacement Formula or an amount approved by the County Manager. The Developer agrees to protect all trees designated to be saved on the tree protection plan, and those specified to be saved by the approved Site Plan and shown on any filing in connection with this Site Plan.

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

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

1) **Tree Replacement.** Unless otherwise specified, any tree required to be saved pursuant to this condition, which dies, as determined by the County’s Urban Forester, prior to or within three (3) years of the issuance of the Master Certificate of Occupancy, shall be removed and replaced by the Developer at his expense with the number of major deciduous and evergreen trees consistent with the Tree Replacement Guidelines. Failure to provide the required number of replacement trees on site shall cause default of the Tree Protection Bond. The County shall draw from the Tree Protection Bond the bonded amount for each dead or removed tree not adequately replaced. All funds drawn from the bond shall be placed in the County’s Tree Canopy Fund.

2) **Final Inspection & Bond Release.** The Developer agrees to request a final inspection of all trees required to be preserved, consistent with the approved Tree Protection Plan, three (3) years after the issuance of the Master Certificate of Occupancy. The bond will be released upon satisfaction of all tree protection requirements, including preservation of protected trees.

C. **Tree Protection and Tree Protection Plan Standards**
1) The tree survey shall show existing conditions of the site and locate and identify all trees which are three (3) inches in diameter or greater. The survey shall include any tree on adjacent sites whose critical root zone extends onto the subject site.

2) The tree protection plan will designate any trees proposed to be saved by the Developer. This plan shall include any tree on adjacent sites whose critical root zone extends onto the subject site. The tree protection plan shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in tree protection techniques on urban sites. At a minimum, this plan shall include:

   a. A site grading plan at two (2) foot intervals, including the location of all proposed improvements and utilities.

   b. Detailed specifications for any tree walls or wells proposed.

   c. A description of how and where building materials and equipment will be stored, and a description and map of construction travel routes, during construction to ensure that no compaction occurs within the critical root zone of the trees to be saved.

   d. Identification of tree protection measures and delineation of placement of tree protection.

   e. The location of all construction trailers, if any, within any tree protection areas.

7. Location of Construction Trailers (Demolition and Land Disturbance Permits)

The Developer agrees to submit a construction trailer plan, which shall show the location of construction trailers, prior to the issuance of the Demolition and Land Disturbance Permits, and prior to locating any trailers on the site. The plan may show construction trailers located within the setback area as long as they are not located in the vision obstruction area or tree protection area. The plan shall show the location of construction staging and include the “Construction Hauling Route Plan”. The Developer may submit the construction trailer plan for review by both Zoning and DES prior to approval of the plan by Administrative Change by the Zoning Administrator. If all construction trailers for the project are shown on the Tree Protection Plan (Condition #6.A) above, then that Plan can be used to satisfy this condition’s submittal requirements, provided it has been reviewed and approved as set forth herein.
8. **Photographic Record of Development (Demolition and Land Disturbance Permits)**

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

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

   1) **(Demolition and Land Disturbance Permits)** Before issuance of the Demolition and Land Disturbance Permits for the site – Views of north, south, east and west facades, as location permits, of buildings to be demolished, as well as at least one photo of the site before any clearing or grading including the existing physical relationship with adjacent buildings and streets. The photographic record shall also include all historic aspects of the facades of the building to be demolished, consistent with the requirements described in Condition #34 below.

   2) **(Footing to Grade Permit)** Before issuance of the Footing to Grade Permit – Photos of Site Clearance: Views of cleared site facing north, south, east and west, as location permits, with adjacent buildings and streets included.

   3) **(Shell and Core Certificate of Occupancy)** Before issuance of the Shell and Core Certificate of Occupancy – Photos of Construction Phase: At a minimum, views of the site during excavation, upon construction of the first floor above grade, at topping out, and during the exterior cladding phase.

   4) **(Master Certificate of Occupancy)** Before issuance of the Master Certificate of Occupancy – Photos of Site Completion: north, south, east and west facades of completed building or buildings, as well as at least one view of completed project in context of adjacent buildings and streets. Photographs on compact disc or other media acceptable to Zoning Administrator must be submitted in addition to print copies of photographs and the photo contact sheet.

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

   All photographic records can be either color or black and white. Submission of a photo contact sheet and 8” x 10” prints on photographic paper shall be the minimum acceptable standard. Photographs on compact disc, print copies of the photographs,
9. **Construction Related Measures (Demolition and Land Disturbance Permits)**

**A. Maintenance of Traffic Plans**

1) All Maintenance of Traffic Plans (MOT) for this site plan shall include the hours permitted for construction activities in the public right-of-way. Construction activity within the public right-of-way may occur between 9:00 a.m. and 3:30 p.m., Monday through Friday and/or between 10:00 a.m. and 6:00 p.m. on weekends and holidays. Construction activity within the public right-of-way outside of the construction barriers indicated on the approved MOT shall not occur between 6:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:30 p.m., Monday through Friday. The foregoing construction hours may be modified by the County Manager if he/she finds that, 1) for right-of-way improvements required by the site plan, construction activity must be constructed outside the hours stated above in order to avoid disruption of traffic or other transportation systems; or 2) the construction activity requires certain utility work and/or street closures outside the hours stated above. “Holidays” are defined as New Year’s Day, Martin Luther King Day, President’s Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran’s Day, Thanksgiving and Christmas. The Developer agrees to place a minimum of one sign per street front around the construction trailer containing the same information, to provide a written copy of the permissible hours of construction to all subcontractors, and to require its subcontractors to observe such hours.

2) The Developer agrees to submit one (1) copy of each approved Construction Hauling Route Plan to the Zoning Administrator. Copies of plans or maps shall also be posted in the construction trailer and given to each subcontractor and construction vehicle operator before they commence work on the project.

3) The Developer agrees to provide one (1) copy of each approved Construction Hauling Route Plan to the Ballston-Virginia Square Civic Association, one (1) copy to the Arlington County Police Department, and provide documentation of these submissions to the Zoning Administrator.

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

C. Temporary Lighting Plan. During construction the Developer agrees to provide adequate temporary lighting for roadway users, including pedestrian and vehicular traffic, along all frontages of the site, including the interiors of covered pedestrian walkways. Lighting levels shall conform to minimum luminance levels approved by the County, based on the Arlington County Traffic Signal and Streetlight Specifications. A temporary lighting plan shall be submitted and approved prior to issuance of the Demolition and Land Disturbance Permits. Lighting shall be turned on between dusk and dawn 7 days a week. Any high-intensity overhead lighting, such as lighting placed on construction cranes, shall be used only during construction hours (except lower levels after hours for safety and security reasons), and shall be placed so as not to directly illuminate residential dwellings or be a nuisance to neighboring property owners. The approved temporary lighting plan shall be implemented prior to issuance of the Excavation Sheeting and Shoring Permit and prior to the shut-down or removal of any existing lighting and operated from implementation until lighting fixtures as approved in Condition #19 are in place and operational around the perimeter of the site.

D. Off-Street Parking for Construction Workers (Demolition and Land Disturbance Permits)
The Developer agrees to develop and submit to the Zoning Administrator a plan for off-street parking for construction workers prior to the issuance of the Demolition and Land Disturbance Permits. The Developer agrees to obtain the review and approval by the Zoning Administrator of such plan prior to the issuance of the Excavation, Sheeting and Shoring Permit. The Developer agrees that the plan shall provide for off-street parking and shall be provided for all construction workers, including subcontractors, 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. The Developer agrees to implement the approved plan throughout all phases of construction on the project. If the plan is found to be either not implemented or violated during the
course of construction, a notice to correct the violation will be issued to the Developer. If the violation is not corrected within ten (10) days, appropriate enforcement actions will be taken in accordance with Article 17 of the Zoning Ordinance. The Developer agrees that the plan shall include the following:

1) The location of the parking to be provided at various stages of construction.

2) The number of parking spaces that will be provided at various stages of construction.

3) The number of construction workers that will be assigned to the work site at various stages of construction.

4) Mechanisms which will be used to encourage the use of Metro, carpooling, vanpooling, and other similar efforts.

5) The location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes, and carpooling and vanpooling information.

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

10. Residential Relocation (Demolition and Land Disturbance Permits)

A. The Developer agrees to submit to the Zoning Administrator evidence of compliance with this condition prior to the issuance of the Demolition and Land Disturbance Permits. The Developer agrees that such evidence of compliance shall first be reviewed and approved by the Arlington County Relocation Program Coordinator prior to submission to the Zoning Administrator. The Developer agrees 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 project, 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:

1) A minimum of 120 days written notice to vacate.

2) Relocation payments, in accordance with the ____________________ (project name) Relocation Plan entitled _______ and dated ________, adopted by the County Board and in effect on the County Board date identified in Condition #2.
3) Relocation services in accordance with the Arlington County Tenant Relocation Guidelines adopted by the County Board and in effect on the County Board date identified in Condition #2.

B. If the Developer decides to limit relocation benefits to persons who executed initial leases before approval of the Site Plan, the Developer agrees to notify, in writing, any tenant moving in after the date that the Site Plan is approved of his/her ineligibility for relocation payments and services. Any tenant who has not signed a waiver of rights to relocation assistance must receive the assistance. In cases where State law requires 120-day notice to vacate (displacement from multi-family buildings containing four or more units), notice cannot be waived, but the lead-time for such notice may be reduced by mutual agreement in writing.

C. Tenant Assistance Fund: The developer agrees to administer, either through a written agreement approved by the County Manager or on its own, a Tenant Assistance Fund [TAF] program that provides County funds to existing tenants. The Developer shall administer the program in compliance with the County’s current TAF Policy as approved by the county Board of Arlington County on December 14, 2013 and amended from time to time.

11. Retail Relocation (Demolition and Land Disturbance Permits)

The Developer agrees to submit to and obtain review and approval from the Zoning Administrator evidence of compliance with the terms of this condition prior to the issuance of the Demolition and Land Disturbance Permits. The Developer agrees that such evidence of compliance shall first be reviewed and approved by Arlington Economic Development (AED) prior to submission to the Zoning Administrator. The Developer agrees to provide the following relocation assistance to retail tenants under lease as of the date of the approval of the proposed Site Plan:

A. The Developer agrees to keep all retail tenants informed of the redevelopment schedule by providing periodic updates with regard to material changes in the development program for the site, including the phasing of the project, anticipated schedules for eviction, construction and occupancy, and any anticipated material impacts on the tenants while they remain on the site, such as test borings, construction signs and fencing, asbestos removal, disruptions to customer parking and pedestrian paths, and the like.

B. The Developer agrees to refer, in writing, all retail tenants identified during the public review process to AED for information on available commercial space in the County, business counseling services, appropriate business workshops, and assistance in leasing. A copy of the correspondence shall be provided to AED as part of the
evidence of compliance with this condition, prior to submission to the Zoning Administrator.

C. Except for provisions in any lease to the contrary, the Developer agrees to maintain the site, structures and systems in good repair and in a business-like appearance until the last retail tenant vacates or until the notice to vacate expires, whichever comes first.

12. Community Outreach During Construction (Demolition and Land Disturbance Permits)

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

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

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

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

D. Throughout construction of the project, the Developer agrees to advise abutting property owners in writing of the general timing of utility work in abutting streets or on-site that may affect their services or access to their property.

13. Construction Site Maintenance Agreement (Demolition and Land Disturbance Permits)

A. Approve Agreement (Demolition and Land Disturbance Permits) The Developer agrees to submit to and obtain the County Manager’s approval of a Construction Site Maintenance Agreement prior to the issuance of Demolition and Land Disturbance Permits, which will provide information regarding how the Developer will meet the following requirements:

1) That the site and any buildings located within it are secured and kept in a well-maintained condition throughout construction, consistent with the requirements outlined below in this condition. This shall include, but not be limited to, maintaining landscaping, keeping the grass mowed, removing litter and debris from the site, and properly disposing of recyclable materials.

2) Maintain access on the site for fire emergency vehicles including access to existing fire hydrants and fire department connections.

3) Address sites that have been cleared, but construction has either ceased for a period of time or not yet begun. The Plan shall include an interim site maintenance plan that provides details on interim landscaping, site screening and site maintenance.

4) At the end of each work day during construction of the project, any streets used for hauling construction materials and entrance to the construction site shall be free of mud, dirt, trash, allying dust, and debris, and all streets and sidewalks adjacent to the construction site shall be free of trash and debris.

5) On-site construction activity, including, by way of illustration and not limitation, delivery of materials and equipment, except for construction worker arrival to the construction site and indoor construction activity, shall commence no earlier than 7:00 a.m. and end by 6:30 p.m. on weekdays, and shall commence no earlier than 10:00 a.m. and end by 6:30 p.m. on Saturdays, Sundays, and holidays. Indoor
construction activity defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors shall end at midnight each day. The Developer may submit to the Zoning Administrator, through the 4.1 administrative change process, a request to permit construction activity during hours other than those identified above. The Zoning Administrator may approve such request only if the Developer can show that the construction activity requires certain utility work and/or street closures outside the hours stated above. “Holidays” are defined as New Year’s Day, Martin Luther King Day, Presidents’ Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans’ Day, Thanksgiving, and Christmas. The Developer agrees to place a minimum of one sign per street front around the construction site, indicating the permissible hours of construction, to place one additional sign within the construction trailer containing the same information, to provide a written copy of the permissible hours of construction to all subcontractors, and to require its subcontractors to observe such hours.

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

The Developer agrees that storage of construction materials, equipment and vehicles shall occur only on the site. The Developer may submit a request for the County Manager’s review and approval of an off-site location, which the County Manager may approve provided that he/she finds that the storage of construction materials equipment and vehicles do not adversely impact the public health or safety of the off-site location.

C. Implement Agreement (Throughout Construction of Site Plan) The Developer agrees to implement the approved Construction Site Maintenance Agreement throughout construction of the site plan.

14. Construction and Demolition Waste (Demolition and Land Disturbance Permits)

The Developer agrees to submit and obtain the County Manager’s review and approval of at least one plan for diverting from landfill disposal the demolition, construction, and land clearing debris generated by the project prior to the issuance of the permits identified in the sub-paragraphs below. The plan shall outline recycling and/or reuse of waste generated during demolition and/or construction. The plan shall outline specific waste streams and identify the means by which waste will be managed (reused, reprocessed on site, removed by licensed haulers for reuse/recycling, etc.).

A. Historic Sites (Demolition and Land Disturbance Permits) In the event the site contains a building that is identified and/or surveyed by Arlington County’s Historic Preservation Program, the Developer agrees to develop, submit, and obtain review and approval by the County Manager (Historic Preservation Program) of a plan for the salvage and re-use or recycling of building elements and materials from the
existing building(s) proposed to be demolished, prior to the issuance of the Land Disturbance or Demolition Permits. The Developer further agrees to implement such plan throughout the respective phases of construction. The Developer agrees to contact by written notice and permit the staff of the Historic Preservation Program to inspect the property and the existing building(s) to identify those historic building elements and materials to be salvaged and/or re-used. Provisions for such salvage and/or re-use shall be incorporated into the plan. The Developer agrees to contact local firms/organizations that may be interested in removing these materials without expense to the Developer prior to demolition of the buildings, and submit evidence of compliance with the terms of this condition to the County’s Historic Preservation Program staff before any demolition is initiated. If, as a result of the Developer’s efforts, there is little or no interest by local firms/organizations to remove these materials, then the Developer agrees to pay for a recycling contractor or other licensed contractor to have the identified building elements and materials that are marked for salvage and/or re-use to be removed from the building and the site.

B. Construction Waste Management Plan (Demolition and Land Disturbance Permits) The Developer agrees, prior to the issuance of the Demolition and Land Disturbance Permits, to submit and obtain review and approval by the County Manager of the construction waste management plan to divert demolition, land clearing, and construction debris generated by the project from landfill disposal and/or incineration. The County Manager will approve the plan if he/she finds it is consistent with LEED credits MR 2.1 and 2.2 (Construction Waste Management). The Developer further agrees to implement such plan throughout the respective phases of demolition and construction. Compliance with this condition may contribute to achieving LEED credits MR 2.1 and 2.2 (Construction Waste Management).

C. Updated Construction Waste Management Plan (Final Building Permit) The Developer agrees, prior to the issuance of the Final Building Permit, to submit and obtain review and approval by the County Manager of an updated construction waste management plan. The County Manager will approve the plan if he/she finds it is consistent with LEED credits MR 2.1 and 2.2 (Construction Waste Management). The Developer further agrees to implement such plan throughout the respective phases of construction. Compliance with this condition may contribute to achieving LEED credits MR 2.1 and 2.2 (Construction Waste Management).

15. Green Building Fund Contribution (Demolition and Land Disturbance Permits)

The Developer agrees to make a contribution to the County’s Green Building Fund of $_______ ($0.045 X _______ square feet) prior to the issuance of the Land Disturbance and Demolition Permits. The payment shall be made out to Treasurer, Arlington County,
16. Vacations and Encroachments (Demolition and Land Disturbance Permits)

A. Approval of Ordinance (Demolition and Land Disturbance Permits) The Developer agrees to obtain approval of, and fulfill all required conditions of, all ordinances of vacation and/or ordinances of encroachment associated with and/or required to build the project, or any portion thereof, as shown on the plans referenced in Condition #2, prior to the issuance of Demolition and Land Disturbance Permits associated with this Site Plan, or for a pertinent phase approved by the County Manager as part of the Phasing Plan required in Condition #5, except for demolition permits solely for buildings and structures not owned by the County and not located on property within which the County has an interest.

B. Obtain Ordinance (Excavation, Sheeting and Shoring Permit) Further, the Developer agrees that no building, structure or utility of any type shall encroach upon, or interfere with, the use of any County property or the exercise by the County of any property right or interest, unless the Developer has first, before any Excavation, Sheeting and Shoring Permit is issued: a) obtained an ordinance of vacation or an ordinance of encroachment, enacted by the County Board, permitting such use, encroachment or interference; and, b) met all of the conditions of such ordinance(s). The satisfaction of the requirements of this condition may be phased provided such phasing is consistent with the Phasing Plan per Condition #5.

17. Public Art (Demolition and Land Disturbance Permits)

The Developer agrees to either commission public art or provide a public art fund contribution as set forth below.

A. Commissioning Public Art (Demolition and Land Disturbance Permits)

Commission Professional Artist. The Developer agrees to follow the Public Art Program Guidelines for Site Plan/Developer Projects for commissioning art on-site. The Developer agrees to commission a professional artist to create public art for a minimum cost of $75,000, inclusive of artist fees, artist travel/expenses, fabrication, transportation, and installation, but exclusive of art consultant fees, fees for coordinating with artist or with other design professionals on the project (architect, landscape architect, engineer, etc.), and other in-house costs or fees. If the commission is made more than 12 months after Site Plan approval, the minimum cost will be increased by the same percentage as the percentage change in the Consumer Price Index (CPI-U) from the date of initial County Board approval of the Site Plan to the first day of the month on which the contribution is made. The public art shall
support the themes and priorities discussed in the Public Art Master Plan (adopted December 2004) and the goals of the Public Art Policy (adopted September 2000). The site owner retains ownership of the work of art and is responsible for its maintenance in perpetuity.

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

1) **Artist Approval (Demolition and Land Disturbance Permits)** The Developer agrees to obtain approval of its choice of artist from the Arlington Commission for the Arts/Public Art Committee (ACA/PAC) prior to issuance of the Demolition and Land Disturbance Permits.

2) **Art Proposal Approval (Excavation, Sheeting and Shoring)** The Developer agrees to obtain approval of the art proposal from the ACA/PAC prior to issuance of the Excavation, Sheeting and Shoring Permit.

3) **Re-submit Art Proposal if necessary (Footing to Grade)** The Developer agrees to resubmit to the County Manager if necessary, the art proposal, which shall reflect any revisions made in response to recommendations made by ACA/PAC, prior to issuance of the Footing to Grade Permit.

4) **Installation (Partial Certificate of Occupancy for top floor of building)** The Developer agrees that installation of the public art shall be completed prior to the issuance of the Partial Certificate of Occupancy that permits occupancy of any part of the top floor of the building.

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

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

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

18. LEED Credits and Sustainable Design Elements (Demolition and Land Disturbance Permits)

The Developer agrees to obtain LEED credits and implement sustainable design elements in one of four ways, as described and required below:

A. Intentionally Omitted

B. Intentionally Omitted

C. For Development with Bonus Density for LEED Design and Construction:

1) The Developer agrees to include a LEED® Accredited Professional (LEED-AP) as a member of the design and construction team. The Developer agrees that the team will incorporate sustainable design elements and innovative technologies into the project so that numerous project components will earn the Developer points under the U.S. Green Building Council’s LEED green building rating system. Specifically, the Developer agrees to meet the requirements for all LEED Prerequisites and to achieve at least the number of LEED credits necessary to achieve LEED certification at the Gold level using the LEED version 2009 green building rating system or a more recent version as approved by the County Manager. At least four (4) points from LEED EA credit 1, “Optimize Energy Performance”, corresponding to 18% whole building energy cost savings, shall be included in the certification of the project, under the aforementioned LEED NC version 2009 rating system.

The Developer agrees to fulfill the following before issuance of the indicated permit:

a. (Shell & Core Certificate of Occupancy) The Developer agrees that for residential development:

(1) ENERGY STAR label. All of the following types of appliances, fixtures, and/or building components initially installed in the residential units in the project shall have earned the U.S. EPA's ENERGY STAR label (or an equivalent as approved by the County Manager): clothes washers, dishwashers, refrigerators, and ceiling fans. Residential units will comply with the EPA’s Advanced Lighting Package (or equivalent as approved by the County Manager). The Developer agrees to submit to the County Manager documentation sufficient to confirm that such components are ENERGY STAR qualified (or equivalent as approved by the County
Manager) prior to issuance of the Shell and Core Certificate of Occupancy.

(2) **WaterSense label.** All the following fixtures initially installed in the residential units in the project shall have earned the U.S. EPA’s WaterSense label (or equivalent as approved by the County Manager): toilets, showerheads, and bathroom sink faucets. The Developer agrees to submit to the County Manager documentation sufficient to confirm that such components are WaterSense qualified (or equivalent as approved by the County Manager) prior to issuance of the Shell and Core Certificate of Occupancy.

(3) For the commercial lighting in common areas of multifamily residential projects, (by way of illustration and not limitation, these areas include lobbies, corridors, stairwells, common rooms, fitness rooms, etc.), the Developer shall reduce the need for lighting (through daylighting where possible) and shall specify the use of energy efficient fixtures, bulbs, light sensors, motion sensors, timers, and interior design, e.g., paint color, that maximize energy efficiency in lighting. The guidelines outlined by the US Green Building Council’s LEED for Commercial Interiors (LEED-CI) credit entitled, Optimizing Energy Performance: Lighting Power shall be used toward the goal of maximizing energy efficiency in the lighting of common areas.

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

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

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

d. LEED Certification (Within 90 days after issuance of Partial Certificate of Occupancy for space on last floor) The Developer agrees to provide certification by a LEED-AP within ninety (90) days after the issuance of the Partial Certificate of Occupancy for any space on the last floor of space for which a Certificate of Occupancy is issued. The certification shall state that all the prerequisites and the minimum number of LEED credits, as set forth above in the reporting mechanisms, have been incorporated into the building for which the Certificate of Occupancy permit has been issued, and that, in the professional’s opinion, the project will qualify for at least a LEED Gold Certification as outlined in the 2009 version of LEED or a more recent version. The Developer also agrees to submit all appropriate documentation to the USGBC (or their designee) for review and evaluation for LEED certification.

e. Bond or Letter of Credit (Partial Certificate of Occupancy for space on last floor) The Developer agrees to provide to the County financial security (in the form of a bond or letter of credit or other form approved by the County Attorney) in the amount of $823,880 [($40 per s.f.) x (20,597 s.f. of LEED bonus density)] prior to the issuance of the Partial Certificate of Occupancy for any space on the last floor of space for which a Certificate of Occupancy is issued, guaranteeing that, within twenty-four (24) months from the date of the issuance of the Partial Certificate of Occupancy for any space on the last floor of space for which a Certificate of Occupancy is issued the Developer will have received from the U.S. Green Building Council its LEED Gold certification. If the total number of LEED points earned by that date through certification is less than the number of points required to achieve the agreed upon LEED certification level, the Developer agrees that it shall automatically forfeit a percentage of the financial security as follows:

<table>
<thead>
<tr>
<th>Points missed</th>
<th>Percentage of financial security forfeited</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-2</td>
<td>25%</td>
</tr>
<tr>
<td>3-4</td>
<td>50%</td>
</tr>
<tr>
<td>5-6</td>
<td>75%</td>
</tr>
</tbody>
</table>

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

2) **Energy Reporting (January 31st of year after issuance of Partial Certificate of Occupancy of last floor)** The Developer agrees to provide a complete ENERGY STAR Portfolio Manager report (or equivalent as approved by the County Manager), as outlined in County guidelines entitled “Submission Requirements for Site Plans with Portfolio Manager Proffers” for the project each year for a period of ten (10) years. The first report shall be due on or before January 31 of the year following issuance of the Partial Certificate of Occupancy of the last floor of space.

3) The Developer agrees that the LEED points referenced in this condition refer to the LEED version 2009 rating system. If the Developer requests to use an updated version of LEED, then any point valuations incorporated into future updates to the LEED Green Building Rating System must be equal to or exceed the requirements outlined in the 2009 version of LEED.

4) The Developer agrees to permit the County Manager to access the USGBC records for the project, and to provide the County Manager with such authorization as may be necessary to allow such access. Should there be a dispute between the County and the Developer as to whether any sustainable element has properly been included in the development so as to qualify for the applicable number of LEED rating system points, the County and the Developer will select a mutually agreeable third-party LEED-accredited individual, or other person with substantial experience in the LEED system as approved by the County Manager, and accept the determination of that individual as to whether the project has qualified for those points. If the third-party person determines that the sustainable element has properly been included, the County will issue the permit. Such a determination shall in no way relieve the Developer of the obligation to achieve the level of certification called for in this condition.

5) The Developer agrees that all sustainable design elements and innovative technologies incorporated into the project for which the Developer earned points under the U.S. Green Building Council’s LEED green building rating system shall
remain as part of the Site Plan for the life of the Site Plan. Any changes to the LEED-related building elements for which LEED points were earned shall be submitted to and administratively reviewed by the Zoning Administrator as part of an Administrative Change request, which the Zoning Administrator shall approve only if he or she finds that the change will neither reduce the level of sustainable design of the building, nor the total number of LEED points for which the Site Plan project was approved.

19. **Civil Engineering Plan (Land Disturbance Permits)**

   *Note: Certain improvements are also proposed in front of the adjacent building at 4040 Fairfax Drive—please see notes and added language. References to timing of permits and certificates of occupancy will always refer to the proposed new structure at 4000 Fairfax Drive.*

   **A. Submission and Approval (Land Disturbance Permits)**
   
   1) **Submission (Land Disturbance Permits)** The Developer agrees to submit a complete set, as determined by the Department of Environmental Services, of Civil Engineering Plan for each applicable phase of the project, including proposed improvements on the adjacent property of 4040 Fairfax Drive, consistent with the approved Phasing Plan for the development, pursuant to Condition #5 above, based on the Minimum Acceptance Criteria and Guidelines dated November 1, 2014 or subsequent amended acceptance criteria document, prior to the issuance of the Land Disturbance Permit for that phase.

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

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

   b. **Maintenance of Traffic Plan.** Approval by the County Manager of a Maintenance of Traffic Plan for, at a minimum, the Excavation, Sheeting and Shoring phase of work; and

   c. **Tieback Plan.** Approval by the County Manager of a tieback plan, or alternatively, submission of a statement from the Developer confirming
that tiebacks will not be placed or extend into the public right of way during construction of the project.

3) Approval of Plan (Footing to Grade Permit) The Developer agrees to obtain approval of the Civil Engineering Plan by the County Manager prior to the issuance of the Footing to Grade Permit, for any phase of the project (approved pursuant to Condition #5). The Developer further agrees that the approved Civil Engineering Plan shall conform to this Site Plan approval, the approved Final Landscape Plan, and the sequence of construction, and shall be consistent with all site plan approval requirements and all County codes, standards and specifications, and policies.

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

1) Structure Free Zone (Applies to both 4000 and 4040 Fairfax Drive)

   a. In order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the Civil Engineering Plan shall provide a structure-free zone under the public sidewalk along all street frontages, except where the existing subsurface parking garage at 4040 Fairfax Drive is located.

   i. This zone shall be a minimum of five (5) feet in depth except where the existing subsurface parking garage at 4040 Fairfax Drive is located, as measured from the approved finished sidewalk elevation, and shall extend from the back of the final location of the street curb, to the far edge of the public sidewalk.

   ii. No subterranean structures except the existing garage at 4040 Fairfax Drive (such as parking garages or storm water detention facilities) shall intrude into this five (5) foot deep zone, unless otherwise approved by the County Board and as shown on the Civil Engineering Plan.

   iii. Within the structure-free zone, underground utilities and/or utility vaults shall not be located in a manner that interferes with the appropriate spacing of street trees shown on the approved Final Landscape Plan nor shall utility lines be located beneath street trees.
2) **Water Mains and Services**

   a. Water services and public water main improvements, as listed below.

      i. **None**

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

3) **Sanitary Sewer**

   a. Public sanitary sewer main improvements, as listed below.

      i. **None**

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

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

4) **Storm Sewer**

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

      i. **None**

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

5) **Electric Service and Appurtenances**
a. All new electric transformers, and all associated appurtenances shall be installed, in underground utility vaults.

6) Undergrounding of Aerial Utilities

   a. Removal and/or undergrounding of all existing aerial utilities located within or along the periphery of the entire site plan to a distance of approximately five (5) feet beyond the site boundaries or the limits of disturbance/clearance, whichever is greater.

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

7) Underground Utility Vaults

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

      i. Installation of all underground utility vaults shall be in conformance with the County design and construction standards and specifications, and all applicable construction standards and specifications of the owner of the utilities. Underground utility vaults for electric transformers and all associated appurtenances, shall meet both Dominion Virginia Power and County design and construction standards and specifications.

      ii. Underground private utility vaults may not be placed, in whole or in part, within the County right-of-way or public easement unless the Developer obtains County Board approval of an encroachment ordinance or other County approval, as appropriate, permitting use of the County right-of-way or public easement for such purpose. Upon enactment of an ordinance or approval, the Developer agrees to comply with all the conditions of such ordinance and any other conditions prescribed in the site plan addressing vacations and encroachments, including, but not limited to, recordation of any deeds, plats, or ordinances, the payment of compensation, and required fees.

      iii. The location and placement of underground utility vaults shall not conflict with the physical operation or placement of other existing or proposed public or private utility facilities.
iv. Underground utility vaults shall have a minimum horizontal clearance of five (5) feet to conduits, manholes, public water mains and public sanitary sewers, unless a lesser clearance is specifically approved by the County Manager.

v. Ventilation grates for underground utility vaults, or for garage air intake and exhaust vents, shall not be located within public sidewalks, streets, or within any portion of the County right-of-way or public easement area for sidewalks or public streets, or within any areas that provide pedestrian access to any buildings, street, and public or private open spaces.

8) Streetscape (Note: This subsection applies to both buildings at 4000 Fairfax and 4040 Fairfax Drive)

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

North Fairfax Drive in front of existing Webb Building:
- Minimum sidewalk width measured from the back of curb: 15-feet
- Minimum clear sidewalk width: 10-feet
- Tree pit dimensions: 5-feet x 12-feet and distance from back of curb: minimum eight (8) inches
- Tree spacing: 28-32 feet apart on center, or as approved by the County Manager per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects

North Fairfax Drive in front of proposed development:
- Minimum sidewalk width measured from the back of curb: 20-feet
- Minimum clear sidewalk width: 12-feet
- Tree pit dimensions: 5-feet x 12-feet and distance from back of curb: minimum eight (8) inches
• Tree spacing: 28-32 feet apart on center, or as approved by the County Manager per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects

North Randolph Street:
• Minimum sidewalk width measured from the back of curb: 13-feet
• Minimum clear sidewalk width: 9-feet
• Planting strip dimensions: 4-feet in width and distance from back of curb: minimum eight (8) inches
• Tree spacing: 28-32 feet apart on center, or as approved by the County Manager per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects

North Quincy Street:
• Minimum sidewalk width measured from the back of curb: 15-feet
• Minimum clear sidewalk width: 10-feet
• Planting strip dimensions: 4-feet and distance from back of curb: minimum eight (8) inches
• Tree spacing: 28-32 feet apart on center, or as approved by the County Manager per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects

b. Public sidewalks designed in conformance with the Department of Environmental Services Construction Standards and Specifications Manual or subsequent standards as amended and as required to be shown on the Final Landscape Plan per Condition #20.B.8.

c. The clear sidewalk along all street frontages of the site shall be in compliance with applicable streetscape guidelines or standards, and shall be not less than six (6) feet wide at any point, including across all driveways, with no obstructions to impede the passage or flow of pedestrian traffic (clear sidewalk). However, pinch points may be
permitted in conformance with the Master Transportation Plan and/or other applicable plans.

d. The location and planting details for street trees shall be in compliance with the Arlington County Landscape Standards; the Standards for Planting and Preservation of Trees on Site Plan Projects; and other applicable streetscape guidelines or standards, or urban design standards approved by the County Board.

9) Visitor Bicycle Parking

Visitor bicycle parking spaces in the following amounts:

a. Office uses: one (1) visitor space for every 20,000 square feet, or portion thereof, of office floor area.

b. Residential uses: one (1) visitor space for every 50 residential units, or portion thereof.

c. Retail uses: two (2) visitor spaces for every 10,000 square feet, or portion thereof, of the first 50,000 square feet of retail floor area; and one (1) additional visitor space for every 12,500 square feet, or portion thereof, of additional retail floor area.

d. Hotel uses: one (1) visitor space for every 50 hotel room units, or portion thereof.

Visitor bicycle parking shall conform to Class III Arlington County bicycle parking standards in effect on the date of site plan approval, or as approved in the Civil Engineering Plan as substantially equal to, that shown in the standards. Such facilities shall be installed at exterior locations that are highly visible to, and within 50 feet of, the primary building entrances, unless there are physical obstructions that cannot be changed or moved to accommodate the bicycle parking within the 50 foot distance, in which case they shall be sited as close to the 50 foot distance as physically possible. Such facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians or any required fire egress.

10) Pavement, Curb and Gutter (Note: This subsection applies to both buildings at 4000 and 4040 Fairfax Drive)
a. Pavement, curb and gutter along all site frontages, as listed below, and as shown on the approved Civil Engineering Plan.

i. North Fairfax Drive – street cross section of approximately 82.5 feet, narrowing to approximately 76.5 feet at the curb extensions as shown on the civil engineering plan approved by the County Manager. The developer agrees to construct an extended nub (curb extension) and ADA ramp on the eastern side of the intersection with North Randolph Street. The developer also agrees to construct an extended nub and ADA ramp and on the western side of the intersection with North Quincy Street and a crosswalk across North Fairfax Drive to the north of the intersection with North Quincy Street.

ii. North Randolph Street – street cross section of approximately 47 feet for the length of the frontage in front of the existing Webb Building as shown on the civil engineering plan approved by the County Manager. South of the existing curb cut, the curb is to remain as-is.

iii. North Quincy Street – street cross section of approximately 47 feet narrowing to approximately 36 feet at the curb extensions as shown on the civil engineering plan approved by the County Manager. The developer agrees to construct an extended nub, an ADA ramp and a crosswalk on the west side of the intersection of North Fairfax Drive.

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

11) Street Lighting (Note: This subsection applies to both buildings at 4000 and 4040 Fairfax Drive)

a. Arlington County standard street lights along all frontages of the site in accordance with the then current Arlington County Traffic Signal and Streetlighting Specifications and VDOT Traffic Engineering design manuals, as applicable. This shall include installation of a street lighting system including, but not limited to, poles, meters, service cabinets, conduit, junction boxes and power connection appurtenances along all frontages of the site, in locations as determined at the time of review of the Civil Engineering Plan.

b. Removal of all mastarm mounted streetlights (typically cobrahead lights mounted at 25' to 35' above grade) from all street frontages of the site. If the County decides that such streetlights are required to provide adequate lighting
for street safety purposes at intersections or when the lights are part of a traffic signal mast arm system, they shall be called out on the Civil Engineering Plan.

12) Traffic Signal Equipment

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

i. None

b. The developer agrees to contribute $350,000 for traffic signal light improvements at the intersections of Fairfax Drive and North Quincy Street and North Randolph Street.

13) Communication Conduit.

a. Four (4), 2-inch communication conduits (HDPE or equivalent County standard for communication conduits) and junction boxes along all site frontages at 4000 Fairfax Drive, for the sole and exclusive use by Arlington County, unless the County Manager determines that less conduit is required. No such conduits shall be required along the site frontages at 4040 Fairfax Drive due to the existing garage located beneath the streetscape.

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

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

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

b. Public water main and appurtenances, including fire hydrants and fire department connections.
c. Public sanitary sewer main and appurtenances.

d. Public storm sewer improvements.

e. Communications conduit.

2) **(First Partial Certificate of Occupancy for Tenant Occupancy)** The Developer agrees that the following public improvements shall be constructed or installed as shown and approved on the Civil Engineering Plan prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy for the respective phases of:

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

b. Fire Apparatus Access Roads (Fire Lanes)

c. Street lighting elements including but not limited to: poles, meters, service cabinets and power connection appurtenances, and all conduit and junction boxes necessary for the lighting system.

d. Traffic signal improvements and the relocation of existing traffic signal equipment.

e. Stormwater management facilities.

f. All other elements shown in the approved Civil Engineering Plan.

The Developer agrees to remove and replace, in accordance with the Arlington County Department of Environmental Services Construction Standards and Specifications Manual, any existing curb, gutter and sidewalk along the street frontages of this site which is in poor condition or damaged by the Developer, prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy.

The Zoning Administrator may, through the 4.1 administrative change process, allow reasonable modifications to the timing of Condition #19.C.2) above, requiring construction or installation of public improvements, if the Zoning Administrator determines that: 1) the Developer is diligently pursuing the work;
2) timing of conditions as originally approved will unnecessarily impede progress of the project; 3) the installation of the public improvements during extreme weather conditions will not meet County Standards and Specifications; and 4) the Developer has provided reasonable assurances that the work will be completed in accordance with the Site Plan’s approved design.

D. As-Built Civil Engineering Plan (Master Certificate of Occupancy) (Note: This subsection applies to both buildings at 4000 and 4040 Fairfax Drive) The Developer agrees to submit to, and obtain approval from, the County Manager of an as-built Civil Engineering Plan for each phase of the site plan pursuant to Condition #5, certified by a professional engineer or surveyor registered in the state of Virginia, prior to issuance of the Master Certificate of Occupancy. The Developer agrees that the as-built Civil Engineering Plan shall show the sanitary sewers, storm sewers and storm water management facilities, water mains, street lights, traffic signalization, curb and gutter, sidewalks, street paving, pavement markings, and all appurtenant facilities related to these items. The as-built Civil Engineering Plan shall include a separate schematic drawing showing all storm sewer structures; all sanitary sewer structures; and water meters, valves, blow-offs, and hydrants. Each of these items shall be labeled with horizontal coordinates and with vertical rim elevations and inverts of incoming and outgoing pipes.

E. Maintenance of Public Infrastructure. (Note: This subsection applies to both buildings at 4000 and 4040 Fairfax Drive) The Developer agrees to maintain, repair and replace all sidewalks and street trees shown on the approved Civil Engineering Plan and approved Final Landscape Plan, which are installed within the public right-of-way or public easement for the life of the Site Plan.

20. Final Landscape Plan (Excavation, Sheeting and Shoring) (Note: This condition applies to both buildings at 4000 and 4040 Fairfax Drive, except where noted. All references to permits and certificates of occupancy shall refer to the proposed new building at 4000 Fairfax Drive.)

A. Submission and Approval (Excavation Sheeting and Shoring)

1) Submission (Excavation Sheeting and Shoring). The Developer agrees to submit to the Zoning Administrator a detailed Final Landscape Plan prior to issuance of the Excavation Sheeting and Shoring Permit. The plan shall conform to, where applicable:

   a. The landscaping requirements contained herein;
   b. Rosslyn-Ballston Corridor Streetscape Standards, as amended by the this site plan;
   c. Sector Plans;
d. The landscaping, planting, and sidewalk and driveway construction specifications and standards;

e. Arlington County Landscape Standards, including the Standards for Planting and Preservation of Trees on Site Plan Projects;

f. Master Transportation Plan;

g. Other applicable streetscape guidelines or standards or urban design standards approved by the County Board and in effect at the time of the Final Landscape Plan approval.

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

a. **Tree Replacement Plan and Calculations (Footing to Grade)**

   (1) In addition to saving identified trees, consistent with Condition #6 above, the Developer also agrees to replace all trees shown on the Tree Survey that are removed as a result of the new construction. Such replacement shall be completed in accordance with the Arlington County Tree Replacement Guidelines. The Developer agrees to submit and obtain the review and approval of a Tree Replacement Plan, and Tree Replacement Calculations, as part of the Final Landscape Plan.

   (2) **Tree Canopy Fund (Excavation, Sheeting and Shoring)**

   The Developer agrees that any replacement trees that cannot be accommodated on site shall be provided in a monetary amount to the Tree Canopy Fund prior to the issuance of the Excavation, Sheeting and Shoring Permit. The Developer agrees to make a contribution to the County’s Tree Canopy Fund of at least $2,400.00 per tree, or a greater amount specified by the County Board, for every tree that cannot be planted on site. The contribution shall be required when tree planting requirements cannot be met on the property. The Developer agrees to deliver the payment to the Department of Parks and Recreation, and provide evidence of compliance with this condition, which shall be provided to the Zoning Administrator in the form of a letter at the time of payment.

b. Drawings from the Civil Engineering Plan showing the location of utilities, lighting, equipment, and other elements which may impact landscape elements on the site.
c. Exterior building security measures for office developments only, if applicable.

(1) The Developer agrees to coordinate with County staff on the design of exterior office building security measures in order to limit or mitigate any adverse impacts that these measures may have on the project's urban design (including street and retail base) and streetscape. All exterior office building security measures shown on and approved as part of the landscape plan shall also be shown on and approved as part of the façade elevation drawings, consistent with Condition #26.

(2) The Developer agrees that the design of exterior office building security measures shall not adversely impact the base of the office buildings, as shown in the drawings dated __________, and that have been designed to accommodate retail uses and provide interest and activate the streetscape.

d. A street tree plan and street tree survey, which shall show the location of street trees and that there are no conflicts between the street trees and utilities.

e. The location and depth of all existing and proposed utility meters, underground utility vaults and boxes, utility lines, transformers, and at-grade mechanical equipment.

f. The location of all existing, proposed and relocated traffic signal poles, traffic signal cabinets, and any other traffic-related items and equipment located on or in the public sidewalk contiguous to the site.

g. The location of all existing and proposed fire hydrants and standpipes, storm sewers and storm water management facilities, and sanitary sewers and appurtenances.

h. The location of all on-street parking spaces, bus stops, bicycle rack locations, bike share stations, and other facilities as identified during the review of the plans.

i. The location and dimensions of intake and exhaust garage ventilation grates and screening for ventilation grates, which shall meet the requirements of the conditions contained herein for the new construction at 4000 Fairfax Drive only.
j. The location of all street light fixtures, poles, meters, service cabinets and power connection appurtenances along the frontages of the site.

k. The location, dimensions, materials, and pavement pattern for driveways and access drives, automobile drop-off areas, curb ramps, driveway aprons, service drives, crosswalks, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Interior walkways shall have a minimum width of four (4) feet for the new construction at 4000 Fairfax Drive, or as modified by this site plan.

l. The final streetscape design, including sidewalks, street trees, tree pits, bicycle racks, and sidewalk pattern design and final selection of materials and colors to be used.

m. The limits of clear pedestrian zones of all public sidewalks and pedestrian access.

n. Landscaping for open space areas, plaza areas, courtyards, raised planters (including cross-sections of raised planters), surface parking areas, and service drives, including a listing of plant materials; details of planting, irrigation and drainage; and details of proposed furnishings for all areas, including, but not limited to, dimensions, size, style(s), materials(s), finish(s), and manufacturer(s) of seating, bollards, trash receptacles, lighting, arbors, trellises, water features, and other landscape elements or structures.

o. The location and planting details for street trees.

p. The location, design and details of the retail visitor/customer bicycle spaces, pursuant to Condition #19 above, for the new construction only at 4000 Fairfax Drive.

q. The location of public art, pursuant to Condition #17 above.

r. The location of public use and access easement areas, including final landscape design and installations in these areas.
s. 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 14.2 of the Zoning Ordinance.

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

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

1) The plans shall be drawn to a horizontal scale of 1 inch = 25 feet on sheets 24 inches by 36 inches in size and a vertical size of 1 inch = 5 feet in size.

2) The plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in the Commonwealth of Virginia.

3) The Tree Replacement Plan, and associated Tree Replacement Calculations, shall be in accordance with the Arlington County Tree Replacement Guidelines. The tree replacement calculations shall be developed by a certified arborist or a landscape architect certified to practice in the Commonwealth of Virginia. Any replacement trees shall conform to the standards and specifications set forth in subparagraph 11 below.

4) All existing and proposed traffic signal poles and traffic signal cabinets, and any other traffic-related items, on and around the perimeter of the site shall not obstruct pedestrian travel and shall not be located in the clear sidewalk, including, but not limited to, access areas to ADA ramps, crosswalks, building entrances, and interior walkways.

5) For the new construction only at 4000 Fairfax Drive, transformers shall not be placed above grade in the setback area between the building and the street.
6) For the new construction only at 4000 Fairfax Drive, the Developer agrees that the location of intake and exhaust garage ventilation grates shall not be located within public sidewalks or streets, or within areas between the street curb and any building which is used as a walkway. The Developer agrees that ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way. The existing ventilation grates at 4040 Fairfax Drive shall not be subject to this condition.

7) For the new construction only at 4000 Fairfax Drive, all plaza areas, access drives, automobile drop-off areas, interior walkways and roadways shall contain special treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager for conformity with adopted Sector Plans or other urban design standards approved by the County Board as a part of review and approval of the Final Landscape Plan.

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

   a. The clear sidewalk along all street frontages of the site shall be in compliance with the Rosslyn-Ballston Corridor Streetscape Standards as amended by this site plan or other applicable streetscape guidelines or standards, and shall:

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

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

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

(5) Not contain joints or use patterns that create gaps of ¼-inch in depth or greater at a spacing of less than 30 inches.

(6) For the new construction only at 4000 Fairfax Drive, any garage entrance adjacent to a sidewalk shall be designed and constructed so that the location of the garage doors are recessed a minimum distance of six (6) inches from the building wall’s surface.

b. The materials and colors of the sidewalk pattern/design to be used shall be in compliance with the Rosslyn-Ballston Corridor Streetscape Standards or other applicable streetscape guidelines, plans or standards approved by the County Board and in effect at the time of the Final Landscape Plan approval.

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

**North Fairfax Drive in front of existing Webb Building:**
- Minimum sidewalk width measured from the back of curb: 15-feet
- Minimum clear sidewalk width: 10-feet
- Tree pit dimensions: 5-feet x 12-feet and distance from back of curb: minimum eight (8) inches
- Tree spacing: 28-32 feet apart on center, or as approved by the County Manager per the Arlington County
Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects

North Fairfax Drive in front of proposed development:
- Minimum sidewalk width measured from the back of curb: 20-feet
- Minimum clear sidewalk width: 12-feet
- Tree pit dimensions: 5-feet x 12-feet and distance from back of curb: minimum eight (8) inches
- Tree spacing: 28-32 feet apart on center, or as approved by the County Manager per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects

North Randolph Street:
- Minimum sidewalk width measured from the back of curb: 13-feet
- Minimum clear sidewalk width: 9-feet
- Planting strip dimensions: 4-feet in width and distance from back of curb: minimum eight (8) inches
- Tree spacing: 28-32 feet apart on center, or as approved by the County Manager per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects

North Quincy Street:
- Minimum sidewalk width measured from the back of curb: 15-feet
- Minimum clear sidewalk width: 10-feet
- Planting strip dimensions: 4-feet and distance from back of curb: minimum eight (8) inches
- Tree spacing: 28-32 feet apart on center, or as approved by the County Manager per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects
9) The sidewalks shall contain street trees placed in either tree pits or planting strips, consistent with the Standards for Planting and Preservation of Trees in Site Plan Projects, and as specified above. The location, root enhancement, and planting details for street trees shall be in compliance with The Rosslyn-Ballston Corridor Streetscape Standards; Sector Plans; the Arlington County Landscape Standards; the Standards for Planting and Preservation of Trees in Site Plan Projects; and other applicable streetscape guidelines or standards, or urban design standards approved by the County Board. Street trees shall not be placed within the vision clearance (corners), as defined in Section 3.2.6.A.4 of the Zoning Ordinance.

10) The plan shall provide a structure free zone per Condition #19.B.1.

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

   a. Major deciduous trees (shade or canopy trees) other than street trees—a minimum caliper of 2-2 ½ inches.
   b. Evergreen trees—a minimum height of 7 to 8 feet.
   c. Ornamental deciduous trees—a minimum caliper of 2 to 2 ½ inches for single stem trees. Multi-stem trees shall not be less than 8 feet in height.
   d. Shrubs—a minimum spread of 18 to 24 inches.
   e. Groundcover—in 2 inch pots.

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

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

1) Installation (First Partial Certificate of Occupancy for Tenant Occupancy)

   The Developer agrees that all improvements shall be constructed and/or installed prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy of any space above grade for the respective Phase of construction (as “Phase” is determined pursuant to the approved Phasing Plan required in Condition #5 above).
a. The Zoning Administrator may, for good cause shown and through the administrative change process, allow modifications to the timing of installation of all improvements based on the planting season, availability of plant materials, weather, or other construction-related issues, which may not permit installation of hardscape features, plant materials and/or street trees by the required timing.

b. The following standards for Installation apply:

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

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

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

4. Soil depth shall be a minimum of three (3) feet plus 12 inches, or a depth to accommodate other drainage material commonly used in the industry as reviewed and approved by the County Manager on the landscape plan, for trees and tall shrubs and two (2) 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.

5. Finished grades shall not exceed a slope of three to one, unless otherwise shown on the approved plans.
(6) The Developer agrees to install approved lighting before the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy, exclusive of the garage, for the applicable Phase of the project pursuant to the approved Phasing Plan required in Condition #5 above.

2) Maintenance and Replacement (Life of Site Plan) The Developer agrees to maintain the site in a clean and well-maintained condition and 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 in accordance with the Phasing Plan requirements outlined in Condition #5 and the maintenance agreement outlined in Condition #20.A.2.

The Developer also agrees to maintain and replace the street trees and sidewalks for the life of the Site Plan. All pruning of street trees must be performed in accordance with the last version of, or revision to, the ANSI A300 Pruning Standards. The Developer agrees to contact the Department of Parks and Recreation to arrange for a site meeting with an Urban Forester to review and approve the scope of work prior to performing any pruning of street trees. An International Society of Arboriculture (ISA) Certified Arborist must be on site during all pruning of street trees.

D. Administrative Changes. The County Manager may consider minor revisions to landscape plans based on changes in building, street and driveway locations and other details of design as necessitated by civil engineering and architecture plans as long as such changes are consistent with the intent of the Site Plan approval. The Developer agrees that any change to the approved landscape plan requires approval of a revised landscape plan by the County Manager. The Final Landscape Plan shall govern construction and/or installations of elements and features shown thereon, except as amendments may be specifically approved by the County Manager.

21. Utility Company Contacts (Excavation, Sheeting and Shoring)

In order to ensure the timely and efficient coordination of site utility installation, the Developer agrees to contact all utility companies and County agencies that provide utility services in Arlington County prior to the issuance of the Excavation, Sheeting and Shoring Permit. By way of illustration and not limitation, these utility services include electric, telephone, cable television, telecommunications, gas, water, sewer, and storm sewer service, both existing providers and others that regularly provide these services in Arlington County (collectively “utility companies”). The Developer agrees to offer the utility companies access to public rights-of-way or easements that permit utilities, whether existing or will be dedicated by the development, so that the utility companies may install their utilities at the time the Developer will be disturbing or paving in the areas described above. The Developer further agrees to submit to the Zoning
22. **FAA Documentation (Excavation, Sheeting and Shoring Permit)**

The Developer agrees to obtain from the Federal Aviation Administration (FAA) 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, prior to the issuance of the Excavation, Sheeting and Shoring Permit.

23. **Recordation of Deeds of Public Easements and Deeds of Dedications (Footing to Grade Permit)** *(Note: This condition applies to both buildings at 4000 and 4040 Fairfax Drive. All references to permits and certificates of occupancy shall refer to the proposed new building at 4000 Fairfax Drive.)*

A. The Developer agrees to convey real estate interests called for by this Site Plan approval to the County, for public street or public right-of-way purposes, in fee simple, free and clear of all liens and encumbrances. Real estate interests conveyed by the Developer to the County for Public Improvements or public uses, including, but not limited to, sidewalk, street trees, other streetscape planting, water mains, storm sewers, sanitary sewers, and other public utilities and facilities, which other Public Improvements are not located, or to be located, in the public street or public right-of-way, may be granted to the County by deed(s) of easement, provided, however that, in the deed(s) conveying such real estate interests to the County, all liens and encumbrances shall be subordinated to the easement rights of the County.

B. Unless otherwise specifically provided elsewhere in these Site Plan conditions, the Developer agrees that for each Phase of the project, pursuant to the approved Phasing Plan required in Condition #5 above, all required plats, deeds of conveyance, deeds of dedication, and deeds of easement associated with, and/or required by the final approved Civil Engineering Plan, for the construction of any public street, public infrastructure, public utility, public facility or public improvement (jointly “Public Improvements”), to:

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

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

24. **Secure Bicycle Parking Facilities (Footing to Grade Permit)**

The Developer agrees to provide, as a part of the project and at no charge to the user, secure bicycle parking facilities. All secure bicycle parking facilities on the site shall be fully installed and operational prior to the issuance of the Shell and Core Certificate of Occupancy. The Developer further agrees that the following shall apply:

**A. Design and Installation of Class I Secure Bicycle Parking**

1) The Developer agrees that all Class I (secure) bicycle parking shall meet Arlington County bicycle parking standards in effect on the date of site plan approval, or be approved as equal to that shown in the standards. Class I bicycle parking shall be visible from an elevator entrance, the location within the garage where a full-time parking attendant is housed, or a visitor/customer entrance. These facilities shall be protected from rain and snow and shall not encroach on any area in the public right-of-way intended for use by pedestrians.

Hotel bicycle parking shall be located in a minimum of two locations; half of the spaces shall be reserved and designated for employee only access and located convenient to the employee changing area, and half for guest access. Spill over bike parking from guests or employees may be accommodated, as space permits, in either location.

**Secure Bicycle Parking Facility Plan (Footing to Grade Permit).** The Developer agrees to submit to and obtain review and approval by the County Manager of a Secure Bicycle Parking Facility Plan as part of the Garage Plan required in Condition #33.B.4.a.

**B. Number of Class I Bicycle Parking Spaces:**

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

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

3) Retail uses: One (1) employee bicycle parking space for every 25,000 square feet, or portion thereof.
4) Hotel uses: One (1) space for every 10 hotel room units, or portion thereof. In addition, the hotel shall provide adequate space in a locked luggage storage facility, controlled by the hotel staff, inside the hotel, to accommodate guest’s bicycles along with guest’s luggage.

C. Design and Installation of Showers and Lockers (office, retail, and hotel uses)

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

1) Shower Facilities:

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

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

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

d. If employees of retail establishments will not have access to shower facilities required for office or hotel employees, restrooms for retail employees shall be provided, one for each gender, and each restroom shall have at least one shower with a changing area.

2) For every required employee bicycle parking space, either 1) a minimum of one (1) clothes storage locker per gender shall be installed in gender-specific changing rooms, or 2) a minimum of one (1) clothes locker shall be installed adjacent to, but outside of changing rooms. The lockers shall be a minimum size of 12 inches in width, 18 inches in depth, and 36 inches in height.

The showers and lockers shall be located adjacent to one another in a safe and secure area.

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

25. Interior Exercise/Health Facilities (Footing to Grade Permit)
The Developer agrees that the Site Plan may include an exercise/health facility for office buildings containing a maximum of 1,000 square feet of GFA, which GFA shall not be calculated as density (FAR) if this facility meets all of the following criteria:

A. The facility shall be located in the interior of the building and shall not add to the bulk or height of the project.

B. The exercise facility shall be open only to tenants of the project. The exercise facility, including the showers and lockers, shall be open during normal working hours.

The Developer agrees that conversion of this exercise/health facility space to other uses shall not be permitted without a Site Plan amendment.

26. Façade Treatment of Buildings (Footing to Grade)

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

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

The Developer agrees to submit to the Zoning Office, and obtain review and approval by the County Manager prior to the issuance of the Footing to Grade Permit, three (3) copies of colored elevations and one (1) copy of black and white architectural elevations at 24” x 36”, which label the materials and colors for each elevation of the building, including interior façade elevations (e.g. elevations adjacent to interior courtyards, plazas and access drives), and which identify any proposed change from the drawings identified in Condition #2, along with a written summary and explanation of the proposed changes, as well as one (1) sample material board at no larger than 24” x 36”. The County Manager will approve such drawings upon finding that they are consistent with the intent of this Site Plan approval.

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

The Developer agrees to obtain the review and approval by the County Manager of the façade elevation drawings and material samples as being consistent with the intent of the County Board’s approval of the Site Plan, including any changes approved administratively or through site plan amendment, prior to the issuance of the Final Building Permit.
D. **Mock-up of Approved Elevation (Final Building Permit – Before start of above grade construction)** Following approval of the façade elevation drawings and material samples, and prior to start of above grade construction, the Developer agrees to provide, on the construction site or on a nearby location acceptable to the Zoning Administrator, for example, the adjacent property at 4040 Fairfax Drive, a mock-up of an approved building elevation that includes the approved building materials and colors. The mock-up is intended to verify compliance with the approved façade treatment and to inform contractors and citizens of the approved treatment, and therefore will be updated if changes are approved.

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

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

F. **Retail Storefront Facades.**

1) Minor adjustments to the approved façade for retail storefronts, as provided in subparagraphs C and D above, shall be submitted to and reviewed by the Zoning Administrator, who may administratively approve the change(s) upon finding that the change(s) meets the intent of the approved Site Plan and the following guidelines and characteristics:

   a. **Creative design of storefront facades.** Storefront facades may vary in color, texture, material, size, scale, and signs. Both the shell building and retail business storefronts shall be designed to maximize transparency into each store consistent with paragraph F.2 below.

   b. **Special architectural treatment.** Building materials are predominantly comprised of the following: natural stone (marble, limestone, granite, terrazzo), masonry (brick, arriscraft, stone, CMU), ceramic and quarry tile, precast concrete, metal panels, glass and glazing, and wood. Other materials of similar high quality may be used with approval of the County Manager.

For the purposes of this subparagraph F.1), minor adjustments shall include only the following: (i) adjustment in the location of the access points and window or door placements for retail along the street frontage on the ground floor; and (ii) changes to the materials, provided that the proposed materials are in keeping with the general intent of the approved Site Plan design; and (iii) adjustments required due to adjustments of the elements of the retail space as described in Condition
#40 below. All other changes to the approved retail will require a Site Plan amendment.

2) Any change to the façade which does not meet the above description of minor adjustment or any structural element that requires an encroachment into County right-of-way shall require a Site Plan amendment.

G. Standards for Façade Treatment of Buildings:

1) **Mechanical Equipment.** The Developer agrees that all mechanical equipment, regardless of location, shall be screened so that the mechanical equipment is not visible from a public right of way. The screening shall have an opaque or opaque-like treatment, or as shown on the approved 4.1 plans. Screening for the penthouse mechanical equipment shall consist of a solid wall treatment. Any mechanical equipment, including equipment located on the ground or at roof top, and screening for the penthouse mechanical equipment, shall be shown on all elevation drawings. The Developer agrees to obtain the County Manager’s review and approval of the details of the screening treatment, including height, material and color, as meeting this standard, as part of the approval for the façade elevations and façade materials.

2) **Window Transparency.** The Developer agrees that all retail storefronts along public rights-of-way are required to have an overall minimum transparency of 50% as measured from floor to ceiling. In addition, the portion of the retail storefront that is located between three and eight feet from grade is required to be at least 80% transparent. The purpose of this condition is to allow pedestrians to view the activity within the retail establishment and to allow patrons and employees of the retail establishments to view the activity on the sidewalk and street. “Transparency” shall mean using glass or other transparent exterior material offering a view into an area of the retail establishment where human activity normally occurs and does not include views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like.

3) **Architectural Illumination.** The Developer agrees that the illumination, up-lighting, or the like, of any architecture, including buildings, structures, sites and facades, shall not be permitted unless specifically called out on the Site Plan and approved by the County Board. Any architectural illumination shown on the façade elevations that was not specifically shown on the Site Plan approved by the County Board shall require a Site Plan amendment.

27. Plat of Excavated Area (Footing to Grade Permit)
A. **Submission (Footing to Grade Permit)** The Developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the building’s ground floor elevation(s) at the building’s lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #2 and #3 above.

B. **Spot Elevations at 50% (Footing to Grade Permit)** The Developer agrees to provide the Zoning Administrator spot elevations taken at spots determined at the time of the pre-construction meeting which shall, at a minimum, consist of two corners and spot elevations from 50% of the total area to be excavated, prior to the issuance of the Footing to Grade Permit, provided however, that when the Zoning Administrator determines that the excavated area will be greater than 20,000 square feet, the Zoning Administrator may reduce the area for which elevations must be provided before issuance of a Footing to Grade Permit.

C. **Elevations Confirming Remainder of Excavation (Final Building Permit)** The Developer agrees to submit to the Zoning Administrator additional elevations confirming the elevations of the remainder of the excavation prior to the issuance of the Final Building Permit.

28. **Public Improvements Bond (Footing to Grade Permit)** *(Note: This condition applies to proposed public improvements at both buildings at 4000 and 4040 Fairfax Drive. All references to permits and certificates of occupancy shall refer to the proposed new building at 4000 Fairfax Drive.)*

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

   B. **Bond (Final Building Permit)** Upon approval of the performance bond estimate by DES, the Developer agrees to submit to DES a performance bond, in the approved amount of the estimate, and an agreement for the construction or installation of all facilities (to include street trees and all landscape materials) within the public rights-of-way or easements, erosion and sediment controls, and storm water management facilities; which bond shall be executed by the Developer in favor of the County before the issuance of the Final Building Permit.
C. **Repair/Replace Infrastructure (Release of Public Improvement Bond)** The Developer agrees to repair or replace existing or new infrastructure, at the direction of the County Manager, damaged during construction prior to release of the public improvement bond.

29. **Interior Trash Collection and Recycling Areas (Footing to Grade Permit)**

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

30. **Interior Loading Spaces (Footing to Grade Permit)**

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

A. Minimum 12-foot clear width, including entrances, and minimum 14-foot clear height, however, any loading dock to be used for trash removal shall have a minimum interior height clearance of 18 feet.

B. At least one loading space shall have a minimum 40-foot clear length.

C. The loading area shall be kept clear at all times except for the temporary loading/unloading of vehicles.

D. All loading docks shall contain closable doors.

E. Use of the loading dock for deliveries or trash pick-ups, excluding moving vans, shall be limited to the hours from 8:00 a.m. to 6:00 p.m., seven (7) days a week.

F. The loading dock door shall be closed when the loading dock is in use, except when necessary for entry or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures.
31. Emergency Vehicle Access/Support on Surface Parking and Plaza Areas (Footing to Grade Permit)

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

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

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

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

32. Parking (Footing to Grade Permit)

A. Site Plan Requirements

1) Site Plan Parking Requirements

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

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

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Approved Parking Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>.8 spaces per unit (to include residents, residential visitors, accessible spaces &amp; residential building employees)</td>
</tr>
<tr>
<td>Office</td>
<td>1 space per _____ square feet of GFA (to include office employees, office visitors, building management employees, and accessible spaces)</td>
</tr>
</tbody>
</table>
Commercial/Retail - 1 space per 580 square feet of GFA, after approved exclusion for proximity to Metro Station for the first 5,000 square feet of GFA (to include retail customers, retail employees and accessible spaces). The applicant’s retail parking may be located on the surface parking lot at 4040 Fairfax Drive.

Hotel - ____ spaces per guest room (to include hotel employees, guests, visitors, and accessible spaces)

c. The Developer agrees that the number of compact spaces counted toward the total number of “Required Spaces”, exclusive of those spaces required for retail, shall not exceed 45% of the total number of “Required Spaces”. “Required Spaces” for retail and guest or visitor parking shall not be compact. Spaces provided in excess of the “Required Spaces” total may be either standard or compact spaces.

d. The Developer may use spaces not designated as retail or visitor for carshare, which shall count toward the required parking ratio for the applicable use.

e. The Developer agrees that the “Required Spaces” shall not be converted to storage or other non-parking use without approval of a Site Plan amendment. Parking spaces constructed in excess of the “Required Spaces” may be converted from automobile parking to parking for other modes of transportation (i.e., motorcycles, scooters, bicycles, etc.) at the discretion of the Developer.

B. Operation and Management-Related Requirements

1) Residential Parking

a. The Developer agrees that for projects that include rental residential units, the rental agreement shall not require rental of a parking space and the cost of parking shall be shown in such agreement separately from the cost of renting the residential unit.

b. For both rental and condominium buildings, the Developer agrees that the use of the residential parking spaces shall be limited to parking use by the residents of the building and their guests.

c. The Developer agrees to inform all potential tenants and/or purchasers of the County’s Residential Permit Parking policy.
2) Shared Parking

a. The Developer agrees to designate and make available a minimum of 6 short-term (two hours maximum) parking spaces on the surface lot for use by customers of the retail establishments or visitors to office establishments during the hours of operation of the retail or office establishments. The designated short-term parking spaces shall be shown on, and approved as a part of, the Preliminary Garage Plan. Short-term parking spaces shall not be reserved for specific businesses.

b. The Developer agrees that in office buildings no more than 20% of the total parking supply shall be reserved for individual persons.

c. In addition, for projects with office space the Developer agrees to make at a minimum ___ (describe number and location of spaces) in the garage available to the public for parking after standard office hours (weekday evenings after 6:00 p.m., weekends, and all legal holidays) until 12:00 midnight or until thirty minutes after the close of business of retail operations, whichever is later.

d. The Developer also agrees to make a minimum of 66 office parking spaces located at the Webb Building at 4040 Fairfax Drive available to the general public residents of the residential building for overnight fulltime parking, except as described in Condition #42.D.2. The developer agrees to construct a pedestrian connection knockout panel at the mezzanine level of the proposed new garage aligning with the existing garage at 4040 Fairfax Drive (as shown on Sheet A-1.10 of the plans dated 09/2/2015). The developer further agrees to construct a knockout panel on Level P1 of the new garage to allow for a future vehicular connection to a new building at 4040 Fairfax Drive (as shown on Sheet A-1.11 of the plans dated 09/2/2015).

3) External Signs

a. The Developer agrees to install “P” parking sign(s) per County standards on the outside of the building in those cases where parking is available for retail or the general public. The “P” sign(s) shall be visible from every vehicular approach as appropriate except where building design obstructs their visibility.
b. In cases where parking is available to the public, the Developer agrees to install rate and hour signs on the interior entrance wall of the garage, visible from the street.

4) Garage and Parking Management Plans (Footing to Grade Permit)

a. Garage Plan (Footing to Grade Permit)

The Developer agrees to submit to, and obtain approval from, the County Manager of a Garage Plan prior to the issuance of the Footing to Grade Permit. The Garage Plan shall show where parking for the different user groups, including, when applicable, residents, visitors, employees, retail patrons, and the general public, including overnight public parking, will be located. The Garage Plan shall incorporate all elements for such plan listed in the Department of Environmental Services Parking Plan Review Minimum Acceptance Criteria dated July 2, 2013 or subsequent version.

b. Parking Management Plan (First Partial Certificate of Occupancy for Tenant Occupancy) The Developer agrees to submit to, and obtain approval from the County Manager of a Parking Management Plan prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy. The Parking Management Plan shall follow the General Guidelines for the Preparation and Submission of Parking Management Plans dated February 27, 2013 or subsequent version, and shall incorporate all elements for such plan listed in the Department of Environmental Services Parking Plan Review Minimum Acceptance Criteria dated July 2, 2013 or subsequent version. The Zoning Administrator may approve a parking count of 98% or more of the required number of spaces, if causes beyond the control of the Developer makes compliance impractical. The Parking Management Plan shall also include the Bicycle Parking Facility Plan described in Condition #24.

c. Implementation. The Developer agrees to implement the approved Parking Management Plan for the life of the Site Plan. The Developer agrees to obtain the prior review and approval of any amendments to the approved Parking Management Plan by the County Manager.

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

A. The Developer agrees to submit documentation to Arlington County Historic Preservation Program, Neighborhood Services Division (HPP), regarding any historical artifact or historical natural feature uncovered during construction on the site prior to the issuance of the Footing to Grade Permit for the building, or each building in a multi-building project. This documentation shall include written
notation describing the artifact or natural feature, color photographs, and mapping of the location and/or depth of the site excavation at which the item was found.

B. In the event an historical artifact or natural feature is found on the site, and is to be disturbed or removed from the site during construction, the Developer agrees to contact the HPP before removing or disturbing the artifact or natural feature. Arlington County shall be given the opportunity to accept donation of the artifact or natural feature before the item is offered to any other organization or individual.

C. If historic buildings, as identified and/or surveyed by Arlington County’s Historic Preservation Program, are located on the site, then photographic documentation shall be consistent with Historic American Building Survey (HABS) standards.

D. Should the project be assessed as a possible archaeological site, the Developer agrees to pursue, at a minimum, a level one and two archaeological study. The Developer agrees to submit to the HPP all written results of the level one and two archaeological study and all artifacts found on the site.

34. **Underground Utility Fund Contribution (Final Building Permit)**

The Developer agrees to contribute to the County underground utility fund in the amount specified by this site plan condition, in addition to funding and constructing the utility undergrounding work required by this Site Plan approval, prior to the issuance of the Final Building Permit. The total utility fund contribution for this site is $32,099.42 ($52,622 x 0.61 acres). [The Underground Utility Fund Contribution of $50,000 per acre (2011 dollars) has been adjusted by the change in the Consumer Price Index (CPI-U) from 2011 Annual Average to 2014 Annual Average, reflecting a 5.245% increase. The rate shall be fixed from County Board approval until the payment is made by the Developer prior to issuance of the Final Building Permit.] The Developer may request and obtain approval from the County Manager (DES) to prorate the total utility fund contribution for this site consistent with the approved Phasing Plan for the development pursuant to Condition #5 above. These funds may, but need not, be used by the County for the purpose of providing for undergrounding of utilities along the properties which are not redeveloping in this undergrounding district. If the area of the Site Plan is subdivided, the contribution to be made by each owner shall be based proportionally on the amount of site area allocated to each subdivided parcel. The contribution, if not obligated by the County to pay for utility undergrounding projects within 10 years from the date of payment, will be refunded upon receipt of written request without any accrued interest to the development owners of record at the time of any refund.

35. **Wall Check Survey (Final Building Permit)**

A. **Walls/Elevations at Below Grade Structure (Final Building Permit)**

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 #2 and #3 above, prior to the issuance of the Final Building Permit. The Developer further agrees that the wall check survey shall show the location of the walls at the top level of the below-grade structure and the elevation of the highest completed parking slab.

B. Walls/Elevations of Slab at Grade (Prior to pouring the second floor slab or at completion of the slab on grade) The Developer further agrees to submit to the Zoning Administrator, and obtain the Zoning Administrator’s approval as meeting the requirements of this approval, of a wall check survey showing the location of the walls, and the elevation of the slab, at grade, prior to pouring the second floor slab, or at completion of the slab on grade.

36. Use of Penthouse (Final Building Permit)

The Developer agrees that requirements of this condition shall be incorporated in project drawings prior to the issuance of the Final Building Permit. The use of any penthouse shall be limited to mechanical equipment and equipment maintenance space and/or telecommunication transmitter and/or receiver equipment as required in Condition #39 below, unless otherwise approved as part of this Site Plan with such uses subject to approval of Inspections Services Division where applicable.

37. Review by Crime Prevention Through Environmental Design (CPTED) Practitioner (Final Building Permit).

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

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

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

a. a donor antenna in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both;

b. single mode fiber optic backbone;

c. conditioned and secured-access space with dedicated backup power to locate fiber distribution equipment;
d. secured head-end equipment to support bi-directional radio transmissions over the
   air and via internet protocol fiber optic link;

e. related hardware in a number and configuration that is appropriate for radio
   transmission in frequencies established by the County;

f. dedicated communications conduits from property line to the head-end equipment
   room;

g. alarm reporting to the County’s designated recipient.

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

In addition, the Developer agrees to submit to and obtain the County Manager’s review
and approval of, reports verifying that the level of radio communications coverage in the
building is sufficient to permit emergency responder communication throughout the
building, according to the testing procedure outlined in Attachment A. The Developer
agrees to submit and obtain review and approval of these reports at the following times:
a) prior to the issuance of the first certificate of occupancy for any space in the building;
b) every one year after the date of issuance of the first certificate of occupancy for any
space in the building. The County Manager may waive this condition in the future if
he/she determines that the level of radio communications coverage within the building
can be monitored and verified to be at an acceptable level by the County through the
County’s ConnectArlington fiber optic network or other mutually acceptable means. In
addition, the County Manager may waive coverage requirements in secure areas as well
as in cases where State and County requirements overlap.

39. Retail Elements (Final Building Permit)

The Developer agrees to meet the requirements of this condition prior to the issuance of
the Final Building Permit.

A. The Developer agrees to the following for retail space, as shown on the plans
   referenced in Condition #2 above, within the Site Plan:

   1) If the project is located within the Rosslyn-Ballston Corridor, then the Developer
      will market a minimum of 8,000 square feet of retail space located on the first
      floor of the building to uses as shown for that location in the approved Retail
      Action Plan for the Rosslyn Ballston Corridor, dated May 2001, or other
      applicable retail policy documents in effect at the time of County Board approval,
      and consistent with the standards in this Condition #40.

      If the project is located outside of the Rosslyn-Ballston Corridor, then the
      Developer agrees to market a minimum of ___________ square feet of retail
space located on the first floor of the building to uses consistent with the listings under “Retail Categories” as listed on pages 5-6 in the approved Retail Action Plan for the Rosslyn-Ballston Corridor, dated May 2001, or other applicable retail policy documents in effect at the time of County Board approval, and any other uses which the Zoning Administrator may determine are of the same general character (as same general character is described in Section 15.1.6 of the Zoning Ordinance), provided that they are consistent with the standards in this Condition #40.

The Developer agrees to submit the marketing material and/or a letter detailing the marketing efforts, and first floor plans consistent with the standards in this Condition #40, and obtain approval of such material or letter from the Zoning Administrator as having met the standards of this condition.

2) The retail space shall be designed and used in a manner consistent with the Ballston Sector Plan, adopted in 1980, as modified and superseded by this site plan.

3) For retail space greater than 3,000 square feet, the Developer agrees to retain a retail broker and meet with AED to discuss the strategy and marketing plans for the retail space. The Final Building Permit shall not be issued until documentation has been provided to the Zoning Administrator from AED that this meeting has occurred and a retail broker retained.

4) Standards for Retail Spaces: The retail spaces shall be designed and constructed to include interior and exterior that are functional and attractive to prospective retailers and that animate the street frontage, including but not limited to the following:

   a. Approximately 14 foot floor to floor heights, as shown on the plans dated September 2, 2015.

   b. Access to the service corridor/areas as shown on the architectural plans dated September 2, 2015.

   c. Rough-in of utilities, i.e., sprinkler heads, plumbing, electrical wiring, and stubs for extensions. If the tenant(s) is unknown at the time of construction, the Developer may, in lieu of rough-in of utilities, include such work as part of the tenant improvement budget at the Developer’s cost.
d. Provision to connect to venting systems and grease traps required for any food preparation or restaurant use.

e. Sufficient transparency of the building facade to achieve adequate street exposure, as set forth in Condition #26 above. The Developer agrees to notify all tenant(s) of this requirement.

f. Parking as set forth in Condition #33.

B. Changes to Retail Spaces:

1) The Developer agrees that minor adjustments in the approved retail Gross Floor Area (GFA), or to details of the retail spaces as outlined in this Condition #40, shall be submitted to and may be approved by the Zoning Administrator if she finds that such changes are minor, as defined below, and are consistent with the original Site Plan approval. For the purposes of the preceding sentence, minor adjustments shall include only the following: (i) a minor adjustment in the location of the retail along the street frontage on the ground floor; or (ii) a minor adjustment in the GFA for the retail space, as long as the total approved retail GFA for the entire Site Plan does not change; or (iii) a minor adjustment in the elements of the retail space as described in this Condition #40. All other changes to the approved retail will require a Site Plan amendment.

2) Any change in the use of the retail space from retail to office or other uses inconsistent with this Condition #40 shall require a Site Plan amendment.

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

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

41. Public Use and Access Easements (First Partial Certificate of Occupancy)

Grant Easements to County (First Partial Certificate of Occupancy) The Developer agrees to grant permanent public use and access easements to the County Board of Arlington County providing for public use and access to the area shown on the attachment, entitled "Public Access Easement Exhibit 4000 Fairfax Drive", which shall be approved and recorded prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy for the building. The final location of the easements may change with the preparation of the final building plans. Such public use and access
easement shall convey solely the rights of surface access and uses, and shall not convey any other rights or interests in the property.

A. Construction and Landscaping (Prior to granting public use and access easement) The Developer agrees to construct and landscape these areas, as shown on plans dated September 2, 2015 and made a part of the public record on November 14, 2015. Final landscape design and installation shall be approved by the County Manager as part of the Final Landscape Plan. Construction and landscaping of these areas shall be completed prior to the granting of the public use and access easements.

B. The public use and access easements shall be granted by deed, in form acceptable to the County Attorney and in substance acceptable to the County Manager, and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County. The Developer shall be responsible for maintaining the areas and all facilities, hardscape and landscape located within the public use and access easement.

42. Transportation Management Plan (Shell and Core Certificate of Occupancy)

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

The Developer agrees to ensure consistency between this TMP and the Parking Management Plan, to the extent TMP provisions are applicable to the operation and management of parking facilities for both the 4000 and 4040 Fairfax Drive facilities.

Unless otherwise specified, the Developer agrees that all individual elements of this TMP shall be operational prior to issuance of the Shell and Core Certificate of Occupancy.

All dollar denominated rates shall be adjusted for inflation by the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index (CPI) Inflation Calculator from the date of Site Plan approval.

A. Maintain Participation and Funding

1) Establish and maintain an active, ongoing relationship with Arlington Transportation Partners (ATP), or successor entity, on behalf of the property owner.
2) Designate a member of building management as Property Transportation Coordinator (PTC) to be a primary point of contact with the county and undertake the responsibility for coordinating and completing all Transportation Management Plan (TMP) obligations. The applicant and/or building management shall provide, and keep current, the name and contact information of the PTC to Arlington County Commuter Services (ACCS) or successor. The PTC shall be trained, to the satisfaction of ACCS, to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.

3) Contribute annually to ACCS, or successor, to sustain direct and indirect on-site and off-site services in support of TMP activities. Annual contribution shall be calculated based on a rate $0.06 per square foot of GFA for commercial (office, retail, hotel) use and $0.035 per square foot of GFA for residential use, escalated by CPI from the year 2008, per year for 30 years. Payment on this commitment shall begin as a condition of issuance of the Shell and Core Certificate of Occupancy for each respective building or phase of construction. Subsequent payments shall be made annually.

B. Facilities and Improvements

1) Provide in the lobby or lobbies of both the 4000 and 4040 Fairfax Drive buildings, a digital or static information display(s), the number/content/design/location of which will be approved by ACCS, to provide transportation-related information to residents and visitors. The PTC shall keep display(s) stocked with approved materials at all times.

2) Maintain bus stops and shelters within 50 feet of the property and contiguous to the property free of snow, ice, trash, and debris. Maintain a six (6) foot wide path, or the full width of the sidewalk (if less than six (6) feet), clear of snow and ice, from these bus stops to the main entrance of the building(s). This requirement only applies to property owned or controlled by the Developer or the County.

3) Provide an ADA-compliant hotel van (with lift) to provide shuttle service to and from designated Metro station(s) for employees and guests. The van shall be staffed by a full-time employee, with a dedicated van-accessible parking space provided on the ground level of the mixed-use parking garage. The van shall be parked in this space when not in service. A communication device shall be provided with the hotel for on-call service (hotel only).
4) Provide a Bicycle Facilities Management Plan. This plan shall include:

   (1) A description of how access will be provided and how building occupants will be notified periodically of the facilities.

   (2) Identification of party(s) (person, agency, organization) responsible for managing the bicycle storage facilities and access to showers and lockers.

   (3) A description of how the bicycle storage facilities, including access to showers and locker, will be managed and operated, including:

      (a) Hours of operation or availability to users. Showers and lockers for office/hotel/retail uses shall be available to employees during all hours in which employees may access the building. Bicycle commuters shall be permitted to use the lockers for storage 24 hours per day, 7 days per week, to facilitate bicycle commuting.

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

      (c) Management of locker assignments, and re-assignments, to bicycle commuters.

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

   (4) Policy for abandoned bicycles.

C. Carpool, Vanpool, and Carshare Parking

1) Carpools and Vanpools (for non-residential uses only)

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

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

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

   c. Provide three-person (or more) carpools with a parking subsidy equal to two-
thirds the single-occupant vehicle monthly rate.

d. Provide registered vanpools with free parking.

2) Carshare (for all uses)

Encourage the use of carsharing programs. Options for encouraging carsharing include provision of carsharing services in the building garage, provision of carsharing membership subsidies, and promotion efforts that explain how these services work, where they are found, and their benefits.

D. Promotions, Services, and Policies

1) Prepare, reproduce and distribute a hard copy welcome package consisting of informational materials provided by Arlington County, which includes site-specific ridesharing and transit-related information, to each new residential lessee or purchaser, and office, retail, hotel, property management, or maintenance employee, who moves into or begins employment in the building, from initial occupancy through the life of the site plan. Provide these materials for any new office, retail, hotel, property management, or maintenance employee, who moves into or begins employment in the 4040 Fairfax Drive (Webb) building.

2) Provide one time, per person, to each new residential lessee or purchaser, and each new office, retail, hotel, property management, or maintenance employee, directly employed or contracted, who moves into or begins employment in the building throughout initial occupancy, the choice of one of the following:

a. $65.00 Metro fare on a SmarTrip card or successor fare medium
b. A one year bikeshare membership
c. A one year carshare membership

Purchase 50% of the anticipated need for such SmarTrip cards or successor fare medium and Metro fare prior to the First Partial Certificate of Occupancy for Tenant Occupancy and maintain stock on hand thereafter.

In any year in which the developer does not provide a minimum of 66 parking spaces in the 4040 Fairfax Drive (Webb) building garage to tenants of the residential building, the developer shall provide a choice of either 1) a SmarTrip card or successor fare medium plus $65.00 Metro fare media, 2) a one year bikeshare membership or 3) a one year carshare membership, to one tenant for each unit below 66 provided in the 4040 Fairfax Drive (Webb) building garage,
for a period of 30 years. Each year, this benefit shall be offered first to the
 tenants of units which do not contract for a parking space in either garage, after
 which the balance shall be made available to any tenant.

3) Provide, administer, or cause the provision of a sustainable commute benefit
 program for each on-site property management, maintenance, and hotel employee,
 which program shall include, at a minimum, pre-tax employee contributions
 and/or tax-free transit or vanpool monthly contributions.

4) Provide, under a “transportation information” heading on the Developer and
 property manager’s websites regarding this development as well as for the existing
 Webb Building:

   a. Website hotlinks to the most appropriate Arlington County Commuter
      Services web page(s). Obtain confirmation of most appropriate link from
      ACCS.

   b. A description of key transportation benefits and services provided at the
      building, pursuant to the TMP.

5) Reference the nearest Metro Station, bus routes, and other transportation services
 in all promotional materials and advertisements.

6) Assist Arlington County in transit, clean air, and traffic mitigation program
 promotion by distributing information upon request, up to four times per year, to
 all residents, tenants, employees, and visitors and posting notice of such
 promotions in prominent locations within the building(s).

E. Performance and Monitoring

1) Upon approval of the TMP by the County, the Developer agrees to implement all
 elements of the plan with assistance when appropriate by agencies of the County.

2) The Developer agrees to reimburse the County the full cost up to a maximum of
 $14,000 ($7,000 per land use type) for, and participate in, a transportation and
 parking performance monitoring study at two years, five years, and each
 subsequent five years (at the County’s option), after issuance of the Shell and
 Core Certificate of Occupancy, for the life of the site plan. The study may include

   i. building occupancy rates,
ii. average vehicle occupancy,

iii. average garage occupancy for various day of the week and times of day,

iv. daily vehicle-trips to and from the site,

v. parking availability by time of day,

vi. average duration of stay for short term parkers on various days of the week and times of day,

vii. pedestrian traffic,

viii. a seven-day count of site-generated vehicle traffic,

ix. a voluntary mode-split survey,

x. Hourly, monthly, and special event parking rates.

The building owner and/or operator for both the 4000 and 4040 buildings, shall notify, assist, and encourage building occupants and visitors on site to participate in mode-split surveys which may be of an on-line or email variety. The County may conduct the study or ask the owner to conduct the study. As part of the study, a report shall be produced as specified by the County.

3) During the first year of start up of the TMP and on an annual basis thereafter, the Developer shall submit an annual report for both the 4000 and 4040 buildings, which may be of an on-line, or email variety, to the County Manager, describing completely and correctly, the TDM related activities of the site and changes in commercial tenants during each year.

43. Affordable Housing Contribution (Shell and Core Certificate of Occupancy)

A. For Affordable Housing Per the Ordinance – (Shell and Core Certificate of Occupancy) The Developer agrees to submit to and obtain from the County Manager confirmation or approval of the finalized plan for meeting the requirements of the affordable housing ordinance prior to the issuance of the Shell and Core Certificate of Occupancy. If the Developer fulfills the requirements through a cash contribution, the Developer shall make the check payable to the Arlington County Treasurer and deliver the check to the Arlington County Housing Division prior to issuance of the Shell and Core Certificate of Occupancy. If the Developer fulfills the requirements through on-site or off-site units, the Developer shall execute all necessary documents to implement the approved or confirmed plan prior to the First Partial Certificate for Tenant Occupancy. The finalized plan shall comply with Subsection 15.6.8 of the Zoning Ordinance, “Affordable Dwelling Units for Increased Density Within General Land Use Plan.”
B. **Intentionally Omitted**

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

The Developer agrees to submit proof to the County Manager that it has satisfied this condition prior to the issuance of the Shell and Core Certificate of Occupancy for the building.

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

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

45. **Authorization for Police to Enter Residential Parking Areas (First Partial Certificate of Occupancy for Tenant Occupancy)**

The Developer agrees to develop, submit to, and obtain approval by the County Manager, of procedures 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 prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy.

46. **Obtain Master Certificate of Occupancy (Within 6 months of Receipt of the Certificate of Occupancy that permits full occupancy)**

The Developer agrees to obtain a Master Certificate of Occupancy within six (6) months of receipt of the Certificate of Occupancy that permits full occupancy. The Developer may request in writing to extend the timeframe for obtaining the Master Certificate of Occupancy. The request shall outline the reasons for the extension and shall be submitted to the Zoning Administrator for review and approval at least one (1) month prior to the end of the six-month time frame. The Zoning Administrator may approve such extension upon finding that the Developer is diligently and in good faith pursuing completion of the project, and will apply for and meet all requirements of a Master Certificate of Occupancy within a reasonable amount of time.

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

48. **Structural Modifications (Life of Site Plan)**

   A. The Developer agrees that any structural modification or changes to the facades or materials shall be subject to the approval of the County Manager. If the County Manager determines that any proposed changes to the facades or materials have a significant impact on the Site Plan, or otherwise meet Zoning Ordinance requirements for Site Plan amendments that require approval by the County Board, a Site Plan amendment shall be required.

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

49. **Building Security Measures (Life of Site Plan)**

   The Developer agrees that the design of exterior office building security measures shall not result in the removal or reduction in the number of on-street parking spaces around the perimeter of a site, whether at the request of the Developer or a tenant or otherwise. The Developer agrees to notify each prospective tenant of the office building, prior to execution of any lease with a tenant, of the above for the life of the site plan.

50. **Snow Removal (Life of Site Plan)**

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

51. **Maintenance of Residential Common Areas (Life of Site Plan)**

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

52. **Retention of Approved Parking Ratio over Subdivided Site (Life of Site Plan)**
The Developer agrees to provide parking for each building according to the approved parking ratio; when parking is not located within the parcel designation of each building but located within the overall project, it shall continue to be committed to the entire project for purposes of administering the Zoning Ordinance.

53. **Retention of Approved Density over Subdivided Site (Life of Site Plan)**

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

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

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

55. **Power Door Openers (Life of Site Plan)**

The developer agrees to install power door openers for the main pedestrian entrances to the residential building. In addition, at the secure interior doors, the developer agrees that call boxes, if used, shall be mounted and measured at a height that allows for hands-free remote capability. The entrances to the lobby of the residential elevators from the first level of the parking garage will have automatic door openers. These items shall be installed and functional prior to issuance of any certificate of occupancy for tenancy of the building.

56. **Rooftop Lighting Plan (Life of Site Plan)**

The Developer agrees to submit and obtain the County Manager's approval of a plan for lighting of the rooftop amenity areas prior to the issuance of the Master Certificate of Occupancy for each building. The County Manager will approve the lighting components of the plan upon finding that the plans incorporate dark sky lighting principles in accordance with the standards of the International Dark-Sky Association, specifies the hours of illumination, and includes a process and mechanism for adjusting the intensity of light after construction if necessary to ensure that rooftop lighting has no adverse effect on the surrounding area or views of Washington, D.C.’s monumental core.

57. **Canopies and Awnings (Life of the Site Plan)**
The Developer agrees that it will not construct or permit to be constructed any structures within areas dedicated, or to be dedicated, as public sidewalk easements and public sidewalk and utilities easements pursuant to the conditions of this site plan, except canopies, awnings and/or other similar architectural details as depicted in the final site plan on the face of the building (“canopies and awnings”), within such easement areas, provided that all such canopies and awnings shall be consistent with the final design and site engineering plans approved by the County Manager. Such canopies and awnings shall also, among other requirements, meet the following minimum standards: each canopy or awning shall (i) be suspended from the face of a building or structure; (ii) have no ground supports; (iii) extend no more than six (6) feet into the adjoining public sidewalk easement or public sidewalk and utility easements; (iv) contain no permanent fixtures, such as, among other things, fans, heaters and sprinklers; (v) extend no more than six feet in any location from the face of the building to the outer edge of the canopy or awning; (vi) extend into the easement area no further than to a point that is five feet behind the back of the curb line; (vii) not be located in the clear space above any utility vault; and, (viii) maintain a clearance of at least eight feet above the public sidewalk to the lowest part of the canopy or awning, provided, that if such canopy or awning incorporates a sign, the canopy or awning and the sign shall meet all applicable zoning ordinance provisions.

In the event such canopies and awnings are approved by the County Manager as part of the final site plan, the Developer further agrees for itself, its successors in title and interest, and assigns, to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, and agents from all claims, negligence, damages, costs and expenses arising from the canopies and awnings. The Developer agrees that, in the event of an emergency, the County may remove the canopy or awning and shall not be liable for any loss or damage to the canopy, awning or building that may result from such removal. In such event, the County shall not be responsible for replacing such canopy or awning.

The Developer agrees that in the event of need for routine utility work in the area of a canopy or awning, or need for County infrastructure repairs in the regular course of business in the area of the canopy or awning, the County may, by written notice delivered to the Developer, require the Developer, at the Developer’s sole cost and expense, to remove the canopy or awning within fourteen (14) days of delivery of said notice. The Developer further agrees that, if the canopy or awning is not removed within fourteen (14) days of delivery of said notice, the County may, at the sole cost and expense of the Developer remove the canopy or awning and the Developer agrees that the County shall not be liable for any loss or damage to the canopy, awning or building that may result from such removal, or for replacing such canopy or awning.

The Developer agrees that, if the County Manager determines that any canopy or awning, whether or not approved, interferes with public access or is otherwise inconsistent with the public welfare, zoning ordinance requirements, or future development, the Developer agrees to, at its sole cost and expense, to remove the canopy or awning and fully restore any affected surface areas of the canopy, building or easement. The Developer agrees to complete removal of any canopy or awning upon
notice of the County Manager’s determination. The Developer agrees that, if the
Developer fails to remove the canopy or awning within the time specified, the County
may remove the canopy or awning, at the expense of the Developer, and that the County
shall not be liable for any loss or damage that may occur as a result of such removal.

58. **Private Access Easements (Footing to Grade)**

The Developer agrees to record cross-access easements between 4000 and 4040 Fairfax
Drive for vehicles to access the parking and loading on 4000 Fairfax Drive from the
4040 Fairfax Drive property and the curb cuts on North Randolph Street and Fairfax
Drive.

59. **Construction Related Timing Modifications (Life of Site Plan)**

The Developer agrees that the County Manager, or his designee may, in his discretion,
authorize revisions to the timing of the issuance of certain construction-related building
permits subject to the approval of an Administrative Change application pursuant to the
following:

A. The Developer demonstrates that the Request will not delay the time for delivery of
required public improvements, and other conditions and commitments required by
this site plan approval, including but not limited to: a) publicly maintained utilities,
road, street, and/or other transit-related items and public open space (the “Public
Improvements”); and b) any other contributions or commitments required in return
for approval of bonus density and/or building height (the “Bonus Density
Contributions”).

B. The Developer agrees that any Request which would alter the timing of construction-
related permits must not conflict with the requirements in any other approvals related
to the implementation of this site plan, including but not limited to ordinances of
vacations and encroachments.

C. The Developer agrees that any Request must detail: a) how the timing of permits
would be revised; and b) a revised schedule for providing all related Public
Improvements and Bonus Density Contributions pursuant to the Request, if approved.

Upon approval of such Administrative Change application, the revised conditions relating
to the timing of permits shall become part of these conditions.
Attachment A

In-Building First Responder Network Definitions and Testing Protocol

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

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

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

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

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

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

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

Testing Protocol
When an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the radio system “the system” tested to ensure that two-way coverage on each floor of the building reveals a minimum signal strength of -95 dBm in 95 percent of the building’s area. In addition, the quality of radio signal should be no less than Delivered Audio Quality (DAQ) 3.4 as defined by the Telecommunications Industry Association (TIA). The test procedure shall be conducted as follows:

1. Each floor of the building shall be divided into a grid of 20 approximately equal areas.

2. The test shall be conducted using a calibrated portable radio of the latest brand and model used by the County.

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

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

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

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

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

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

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

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

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

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

**
PREVIOUS COUNTY BOARD ACTIONS:

January 11, 1964  Approved a rezoning for Webb Building site to “C-O” (Z-1725-64-4). Approved a site plan (Z-1725-64-4) for Webb Building site for an office building with 3.12 FAR.

May 2, 1964  Approved a site plan amendment to use 6,649 s.f. on the 10th floor as office space, to reduce the size of the parking garage, and increase the parking by 13 spaces, subject to all previous conditions and one new condition forbidding freestanding signs.

September 12, 1964  Approved a site plan amendment to adjust the previously-approved setbacks, subject to all previous conditions of approval.

December 18, 1965  Approved a site plan amendment to reduce the Randolph Street sidewalk from 10 feet to 8.7 feet and adjust Randolph Street centerline, subject to all previous site plan conditions.

June 25, 1966  Denied a site plan amendment to convert parking area to office use and to provide parking across North Randolph Street.

March 18, 1967  Approved a site plan amendment to use entire 10th floor (14,598 s.f.) as office space, subject to all previous site plan conditions and one new condition requiring the provision of 20 off-site parking spaces.

June 22, 1968  Approved a site plan amendment to permit an approximately 3,700 square foot snack bar and a building management area (approximately 1,000 square feet) on the A level of the building.

August 10, 1968  Approved request to rezone property across North Randolph Street to “C-O”.
Deferred site plan amendment to build parking garage on property across North Randolph Street, and convert existing parking garage to office use.

September 21, 1968
Deferred site plan amendment to build parking garage on property across North Randolph Street, and convert existing parking garage to office use.

May 20, 1970
Approved a site plan amendment for relocation of snack bar to the garage (1,500 square feet).

May 31, 1980
As part of a general rezoning of the Ballston Sector, the Webb Building is rezoned from “C-O” to “C-O-A”, and the Carpool site is rezoned from “C-2” to “C-O-A” (Z-2181-80-6).

April 4, 1992
Denied a site plan amendment to retain three leasing signs.

July 13, 1993
Approved a site plan amendment for installation of a satellite dish on the main roof.

October 18, 2006
Deferred a site plan amendment to add the Carpool site at 4000 Fairfax Drive to the site and construct approximately 188 dwelling units with 6,900 s.f. of retail on the Carpool site to the December 2006 PC and CB hearings.

April 12, 2014
Approved a site plan amendment to convert approximately 87,000 sq. ft. of g.f.a to educational use for Marymount University subject to all previous conditions and new Conditions #14 and #15.