



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of November 16, 2019

SUPPLEMENTAL REPORT– REVISED SUBJECT, RECOMMENDATION, ORDINANCE AND CONDITIONS

DATE: November 15, 2019

SUBJECT: Harris Teeter – 600 N. Glebe Road

- A. GP-347-19-1 GENERAL LAND USE PLAN AMENDMENT from "Low-Medium" Residential (16-36 units per acre) to "High-Medium Residential Mixed-Use" (up to 3.24 FAR including associated office and retail activities) for an area at 525 North Thomas Street; and identified as RPC# 20-012-009.
- B. Z-2612-19-1 REZONING from "S-D" Special Development District, "RA8-18" Multiple-family Dwelling District, "C-2" Service Commercial-Community Business District, and "C-O-2.5" Mixed Use District to "R-C" Multiple-family Dwelling and Commercial District and related update to ACZO Map 13-1 to amend Line A to encompass the property; located at 525 North Thomas Street, 640 North Glebe Road, 624 North Glebe Road, 616 North Glebe Road, and 600 North Glebe Road, identified as RPC# 20-012-009, -018, -019, -020, -021, and -024.
- C. SP #72 SITE PLAN AMENDMENT to remove site area from the subject site plan; for the parcels located at 600 North Glebe Road and 525 North Thomas Street (RPC# 20-012-021, and 20-012-009).
- D. SP #315 SITE PLAN AMENDMENT to incorporate approximately 255,939 sq. ft. of site area into the site plan; to **permit up to approximately 3.21 FAR 3.24 FAR** of retail and residential uses, **with approximately 77,575 sq. ft. of retail space and approximately 732 multi-family residential units**; with modifications of zoning ordinance requirements including: reduced loading, reduced parking ratios, and other modifications as necessary to achieve the proposed development plan; located at 525 North Thomas Street, 640

County Manager: 

County Attorney:  

Staff: Adam Watson, DCPHD, Planning Division
Leon Vignes, DCPHD, Planning Division
Robert Gibson, DES, Transportation
Walter Gonzalez, DPR, Park Development Division

37. A.-E.

North Glebe Road, 624 North Glebe Road, 616 North Glebe Road, and 600 North Glebe Road (RPC# 20-012-009, -018, -019, -020, -021, and -024).

- E. SP315-U-19-1 USE PERMIT ASSOCIATED WITH A SITE PLAN for a new public open space in the “R-C” Multiple-family Dwelling and Commercial District; located at 525 North Thomas Street, and a portion of 624 North Glebe Road and 616 North Glebe Road (RPC# 20-012-009, -019, -020).

C.M. RECOMMENDATION:

1. Adopt the attached resolution to amend the General Land Use Plan from "Low-Medium" Residential (16-36 units per acre) to “High-Medium Residential Mixed-Use” (up to 3.24 FAR including associated office and retail activities) for an area at 525 North Thomas Street; and identified as RPC# 20-012-009.
2. Adopt the attached ordinance to rezone the properties known as 525 North Thomas Street, 640 North Glebe Road, 624 North Glebe Road, 616 North Glebe Road, and 600 North Glebe Road (RPC# 20-012-009, -018, -019, -020, -021, and -024) from “S-D” Special Development District, “RA8-18” Multiple-family Dwelling District, “C-2” Service Commercial-Community Business District, and “C-O-2.5” Mixed Use District to “R-C” Multiple-family Dwelling and Commercial District, and related update to ACZO Map 13-1 to amend Line A to encompass the property.
3. Adopt the attached ordinance to amend Site Plan #72 to remove site area from the subject site plan; for the parcels located at 600 North Glebe Road and 525 North Thomas Street (RPC# 20-012-021, and 20-012-009), subject to the conditions of the ordinance.
4. Adopt the attached ordinance to amend Site Plan #315 to incorporate approximately 255,939 sq. ft. of site area into the site plan; to construct up to approximately 3.21 FAR 3.24 FAR of retail and residential uses, with approximately 77,575 sq. ft. of retail space and approximately 732 multi-family residential units; with modifications of zoning ordinance requirements including: reduced loading, reduced parking ratios, and other modifications as necessary to achieve the proposed development plan; located at 525 North Thomas Street, 640 North Glebe Road, 624 North Glebe Road, 616 North Glebe Road, and 600 North Glebe Road (RPC# 20-012-009, -018, -019, -020, -021, and -024), subject to the conditions of the ordinance.
5. Approve the subject use permit (SP315-U-19-1) for a new public park/open space in the “R-C” Multiple-family Dwelling and Commercial District, subject to the conditions of the staff report, with no further scheduled County Board review.

DISCUSSION: The purpose of this supplemental report is to introduce a new, additional condition (Condition #60) for Site Plan #315 that would allow gross parking area on the ground floors only of Buildings #2 and #3 to be administratively converted to residential or retail gross floor area (GFA), in the event that the developer opts to reduce or eliminate ground floor parking spaces in those buildings prior to construction and in response to market demand. In addition, the report introduces revised language for Conditions #26, #30, and #57 to correct and clarify requirements related to transparency, loading spaces, and completion of the new public open space.

Condition #60: Conversion of ground floor parking area to GFA

As noted in the staff report, the proposed density for the project is approximately 3.21 FAR. The applicant is proposing 942 total parking spaces, with parking ratios of 0.82 spaces per unit for residential (600 spaces), and 1 space per 227 square feet of retail/commercial GFA (342 spaces). In addition, staff recommends that the County Board approve Condition #32, which allows for flexibility in the ultimate amount of parking provided – reducing residential parking down to 0.40 spaces per unit, and retail parking down to 1 space per 580 square feet of GFA.

In the interest of increasing the amount of active ground floor uses in Building #2 and #3, reducing ground-level parking, and reducing the overall number of automobile trips associated with the project in a manner consistent with both the North Quincy Street Plan Addendum (NQSPA) and the Residential Parking Guidelines, staff recommends that the County Board also approve new Condition #60, which allows ground floor parking area to be administratively converted to active residential or retail uses without a site plan amendment. The amount of convertible ground floor space is limited to 8,200 square feet, which is approximately the remaining density for the project before it exceeds the allowable base density in the “R-C” district under the Zoning Ordinance (or 3.24 FAR). The density implication of Condition #60 is that, with approval, the County Board will approve up to 3.24 FAR of density, rather than 3.21 FAR.

Under the proposed Condition #60, the developer may, prior to issuance of the first building permit(s) for Buildings #2 and #3, decide to provide less parking than is currently proposed in response to market demand or other factors, and file an administrative change request to convert ground floor parking to residential or retail GFA. The figure below shows the location of the proposed ground floor parking, and the table below summarizes the potential changes to the project density should the developer exercise this option.

Figure 1: Approximate Locations of Proposed Ground Floor Parking in Buildings #2 and #3:

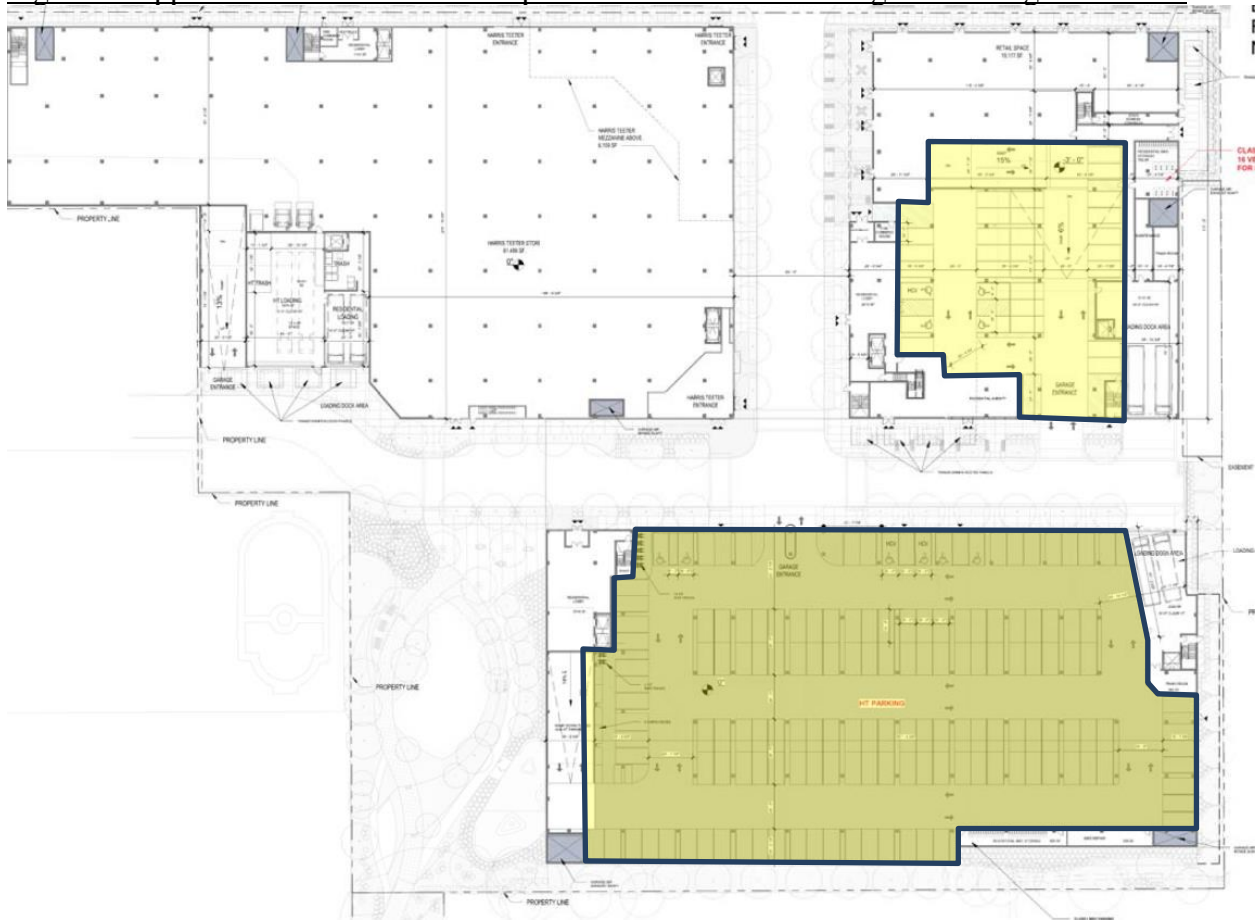


Table 1: Density As-Proposed vs. Under Condition #60 (if applied):

	Base Req./Existing	As-Proposed	Under Condition #60
Site Area (SP #315)			
Total Site Area	20,000 sq. ft. min.	269,558 sq. ft. 6.19 acres	N/A
Density (SP #315) (“R-C” district)			
Total Density	Up to 3.24 FAR	3.21 FAR	Up to 3.24 FAR
Residential GFA <ul style="list-style-type: none"> • Building #1 • Building #2 • Building #3 	873,368 sq. ft.	787,523 sq. ft. (732 units) <ul style="list-style-type: none"> • 318,513 sq. ft. (310 units) • 218,311 sq. ft. (195 units) • 250,699 sq. ft. (227 units) 	Up to an additional total of 8,200 sq. ft., split between residential and/or retail uses; for the ground floors of Buildings #2 and #3 only.
Retail GFA <ul style="list-style-type: none"> • Building #1 (Harris Teeter grocery) • Building #3 	541,488 sq. ft.	77,575 sq. ft. <ul style="list-style-type: none"> • 67,398 sq. ft. • 10,177 sq. ft. 	
Total GFA	873,368 sq. ft.	865,098 sq. ft.	
Parking (SP #315)			
Total <ul style="list-style-type: none"> • Residential • Commercial/Retail 	1,069 spaces <ul style="list-style-type: none"> • 757 spaces • 134 spaces¹ 	942 spaces <ul style="list-style-type: none"> • 600 (0.82 per unit)² • 342 (1 per 227 sq. ft.)³ 	N/A – governed by Condition #32
Gross Parking Area (approximate)		264,306 sq. ft.	Down to 256,106 sq. ft.

Condition #26: Façade Treatment (Transparency)

Staff recommends revising Condition #26 to correct and clarify that a minimum transparency is not required along the N. Tazewell Street frontage of Building #1. This recommendation is consistent with the Arlington County Retail Plan, which does not recommend any external design criteria for this frontage. Minimum transparency is still required for the North Glebe Road and North Randolph Street frontages.

Condition #30: Interior Loading Spaces

Staff recommends revising Condition #30 to correct and clarify that all the loading spaces must have a minimum clear height of 14 feet, rather than 18 feet.

¹ “R-C” district site plans require one (1) space per 580 sq. ft. of commercial or office use; however, grocery store uses typically provide parking in the approximate range of one (1) space per 350 sq. ft.

² Under Condition #32, residential parking may be provided at less than 0.82 spaces per dwelling unit, but shall not be less than 0.4 spaces per unit.

³ Under Condition #32, commercial parking may be provided at less than one (1) space per 227 sq. ft. of commercial gross floor area, but shall not be less than one (1) space per 580 sq. ft. of total commercial gross floor area.

Condition #57: Public Park Easements and Construction

Staff recommends revising Condition #57 to allow more flexibility for the timing of park construction commencement. Under the revised language, the park still must be completed, and the park easement recorded, prior to the issuance of the Final Certificate of Occupancy for Building #2; however, the requirement to begin construction before the First Certificate of Occupancy for Tenant Occupancy in Building #2 is removed. Removing a prescriptive start requirement will reduce potential conflicts that may arise during construction, as the future park area may be needed for staging during Building #2 construction. Moreover, the proposed revision does not impact or change the applicant's obligation to complete construction of the park with Building #2.

SITE PLAN AMENDMENT ORDINANCE (SP #315)

WHEREAS, an application for a Site Plan dated December 12, 2018 for Site Plan #315 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 6, 2019 and recommended that the County Board adopt it, subject to numerous conditions and has provided a letter dated November 6, 2019; and

WHEREAS, as indicated in Staff Report[s] prepared for the November 16, 2019 County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board adopt 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 16, 2019 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:
 - **Modification to reduce the residential parking ratio to as low as 0.82 0.40 spaces per dwelling unit (ACZO Article 14.3.7.A);**
 - **Modification to reduce the number of loading spaces in Building #3 only to two (2) loading spaces (ACZO Article 14.3.8);**
 - **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 approved on April 1, 1995 and significantly revised by an application dated December 12, 2018 for Site Plan #315, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 below and dated November 6, 2019 (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment to SP #315 to incorporate approximately 255,939 sq. ft. of site area into the site plan; to construct up to approximately 3.24 FAR 3.21 FAR of retail and residential uses, with approximately 77,575 sq. ft. of retail space and approximately 732 multi-family

residential units; with modifications of zoning ordinance requirements described above; for the parcels located at 525 North Thomas Street, 640 North Glebe Road, 624 North Glebe Road, 616 North Glebe Road, and 600 North Glebe Road (RPC# 20-012-009, -018, -019, -020, -021, and -024), approval is granted, all previously approved conditions are void, and the parcels so described shall be used according to the Site Plan Ordinance conditions, **and new condition** as provided below:

Revised Conditions # 26, #30, #57, and New Condition #60:

26. Façade Treatment of Buildings (Footing to Grade)

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

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

The Developer agrees to submit to the Zoning Office, for review by the County Manager prior to the issuance of the Footing to Grade Permit for each phase, 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".

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

The Developer agrees to obtain the approval of the County Manager of the façade elevation drawings and material samples submitted per this Condition 26, 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 for each phase.

D. 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 for each phase.

E. Retail Storefront Facades.

- 1) Minor adjustments to the approved façade for retail storefronts 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 G.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 #39 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.

F. Standards for Façade Treatment of Buildings:

- 1) **Mechanical Equipment.** The Developer agrees that all mechanical equipment, regardless of location, shall be screened so that the mechanical equipment is not visible from the public right-of-way. The screening shall have an opaque or opaque-like treatment. Screening for the penthouse mechanical equipment shall consist of a solid wall treatment. Any mechanical equipment, including equipment located on the ground or at roof top, and screening for the penthouse mechanical equipment, shall be shown on all elevation drawings. The Developer agrees to obtain the County Manager’s review and approval of the details of the screening treatment, including height, material and color, as meeting this standard, as part of the approval for the façade elevations and façade materials.
- 2) **Window Transparency.** The Developer agrees that all retail and retail-equivalent (as defined in the Arlington Retail Plan adopted July 2015) storefronts along public rights-of-way are required to have an overall minimum transparency of 50 percent, except the grocery storefront (Building #1) along Glebe Road, North Randolph Street, and North Tazewell Street which may have a minimum

transparency of 40 percent. A minimum transparency is not required for Building #1 along North Tazewell Street. 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 identified ~~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 approval of an administrative change application, however, any architectural illumination shown on the façade elevations that was not specifically shown on the Site Plan approved by the County Board, and which includes lighting of roof lines of buildings at heights greater than 75 feet as defined in Section 13,2.3.D (“Architectural lighting and embellishments and lighting of rooflines”) of the Arlington County Zoning Ordinance, shall require a Site Plan amendment.
- 4) **Green (Vegetation) Walls.** The developer agrees that all green walls will be shown on the façade elevation drawings consistent with the requirements provided in the Final Landscape Plan (Condition #21).

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 for each phase. 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. Notwithstanding the above, Buildings #2 and #3 may have a minimum interior height clearance of 14 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.
- G. Building #3 only may have fewer loading spaces than required by the Zoning Ordinance, but no less than two (2) loading spaces.
- H. The developer agrees that, for the life of the site plan, all residential tenants of Building #3 shall have access to the residential loading spaces in Building #1 and Building #2 for loading and move-in/move-out activities.
- I. **Loading Dock Management Plan (Shell and Core Certificate of Tenant Occupancy for Building #1).** The developer agrees to develop and implement a Loading Dock Management Plan for Building #1 for the life of the site plan, a copy of which shall be kept on site at all times, which shall include, at a minimum, a plan for loading dock personnel management, scheduling windows, procedures, and contingencies. The plan shall include a requirement for a person or persons (the Dock Master) to supervise and direct operations and be responsible for all loading dock activities. The applicant agrees to submit a copy of the Loading Dock Management Plan to the Zoning Administrator to keep on file prior to 90 days subsequent to County Board approval of this site plan amendment. The Loading Dock Management Plan may be amended through the administrative change process in ACZO 15.5.3.C

57. Public Park Easements and Construction (Submission - Footing to Grade Permit; Construction and Landscaping (First Partial Certificate of Occupancy for Tenant Occupancy Building #2; Completion Prior to Recordation of Public Park Easement), Recordation of Public Park Easement - Final Certificate of Occupancy for Tenant Occupancy Building #2) and Maintenance and Operation (Life of the Site Plan)

The Developer agrees to grant permanent public park easement (“Park Easements”) to the County Board of Arlington County providing for public use and access to the approximately 0.63-acres or as otherwise shown on sheet C-04E entitled Park Easement Exhibit dated 11/6/2019 of the 4.1 plans (Public Park) approved with the Site Plan (#315) by the County Board on November 16, 2019. Final landscape, design and installation of the Facilities (defined below) for the Public Park shall be approved by the County Manager as part of the final approved site development and landscape plans. The exact and final location of the Park Easements may change with the preparation and approval of the final civil engineering plans. Note: All references to building numbers in this condition are to the building numbers referenced in Condition #5, (the phasing plan). Should Condition #5 be amended, then the building number references in this condition change respectively to align with the intent of this Condition.

- A. **Submission for Review of Park Easements (Footing to Grade Permit Building #2)** Prior to the issuance of the footing to grade permit for Building #2 (as identified in Condition #5), the developer agrees to submit to the County

Manager for review the deed(s) of easement for the Public Park. The Park Easements shall be granted by deed, in substance acceptable to the County Manager and in form acceptable to the County Attorney and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County prior to the final certificate of occupancy for tenant occupancy for the last floor of Building #2. The Developer agrees to design, construct, and maintain the Public Park. Prior to the certificate of occupancy for the Public Park, the Developer agrees to designate a contact with whom the County will coordinate programs or event in the Public Park. The Developer further agrees that all liens and encumbrances shall be subordinated to the rights of the County conveyed by the Public Park Easements.

B. **Public Park Easements.** The developer agrees that the Park Easements shall be constructed in accordance with the Public Park Design (as defined below) and contain the following provisions:

1. All pathways, sidewalks, benches, trash receptacles, bicycle racks, water fountains, shade structures, dog run amenities, landscaping, hardscape and all appurtenant facilities (“Facilities”) installed in the Park Easements areas shall be and remain the property of the Developer, its successors and assigns, who shall be responsible for properly maintaining all Facilities installed in the Park Easements areas.
2. The Developer and its successors and assigns, shall be responsible, at its sole cost and expense, to perform maintenance (pursuant to a maintenance plan as set forth below) and continuously care for, clean and maintain (including, but not limited to, snow and ice removal) native plantings and tree preservation, the dog run area and all Facilities (defined below) within the Park Easements areas.
3. The Developer agrees that Arlington County shall have the right to program and/or hold events in the Public Park Easements areas.
4. The Developer agrees that for all non-County events or activities it would like to hold in the Public Park Easements areas, the Developer shall obtain a Special Events Permit pursuant to the Arlington County Special Events program.
5. The Developer’s agrees that it shall operate the Public Park pursuant to the current Arlington County Department of Parks and Recreation’s (DPR) Park Rules & Regulations. The Developer shall post Park Rules & Regulations signage within the Public Park. The signs and sign content will be agreed upon by the Developer and the Director of Parks and Recreation and shown on the approved Landscape Plan.

6. The County and its agents shall have the right, but not the obligation to perform (if the Developer fails to do so), such repairs and maintenance as the County may deem necessary. The Developer, its successors in interest and assigns shall be obligated to reimburse the County for such repairs and costs upon demand.
7. The Developer, its successors in title and interest, and its assigns shall indemnify and hold harmless the County Board, its elected and appointed officials, officers, employees, and agents (collectively, "County") from all liability, personal injury, death, claims, damages, losses, costs and expenses of whatsoever nature concerning or arising out of the design, construction, installation, care, cleaning, maintenance, repair, use, access, regulation, repair and removal of the Facilities or other features, located within the area of the Public Park Easements, by the Developer, the County or the property owners, or from use and access by the public at large.

C. **Construction of the Public Park (Completion Prior to Recordation of Public Park Easements), Recordation of Public Park Easement - Final Certificate of Occupancy for Tenant Occupancy Building #2) (Construction Commencement- First Partial Certificate of Occupancy for Tenant Occupancy, Building #2).** The Developer agrees to commence complete construction of the Public Park in accordance with the final approved landscape plan prior to the recordation of the Park Easements, and record the Park Easements prior to the issuance of the First Partial Final Certificate of Occupancy for Tenant Occupancy for Building #2.

1. **Public Park Design.** The Developer agrees to submit to and obtain approval from the County Manager, a detailed final landscape plan for the Public Park as part of the approved final Landscape plan. The final landscape plan for the Public Park shall be generally consistent with the public space design shown on the 4.1 site plan preliminary landscape plans (Sheets L-100 through L-500) dated November 6, 2019 and approved by the County Board on November 16, 2019 (Public Park Design). The Developer agrees that the final selection of materials and colors to be used, as well as construction and installation, shall be as determined by the County Manager or his designees.
 - i. Minor revisions to the Public Park Design shall not require a site plan amendment but may be incorporated into the approved final landscape plan or an amended landscape plan upon review and approval by the County Manager or his designee pursuant to an administrative change. Minor revisions are those that are not major revisions.
 - ii. Major revisions to the Public Park Design shall include but are not limited to, a change in general size or the elimination of amenities/uses such as the dog run area, pollinator meadow, multi-use lawn area, arrival plaza, nature walk & rooms, central

walkways, picnic and woodland areas. Major revisions shall require a site plan amendment and an appropriate public engagement process, as approved by the County Manager.

iii. The Public Park Design and installation shall meet current Arlington County Department of Parks standards of quality, operational standards, in effect at the time of approval of the final landscape plan. Furthermore, the Developer agrees to include the following information in the Public Park Design on the approved final landscape plan:

1. The location, dimensions, and specifications of landscape elements, furnishings and structures, including, but not limited to, seating, tables, drinking fountains, lighting (including luminance levels) of the main pathway, shade structure, dog run elements including lighting, fencing, trees, landscape plantings and signs.
2. The details of the preservation of the existing trees and new plantings.
3. The design and details of the pathways (materials) in the public space.
4. The design and details of any proposed irrigation system.

D. **Maintenance (Life of the Site Plan)** The Developer agrees to maintain all of the Public Park Facilities, hardscape and landscaping located within the Public Park Easements.

1. **Maintenance:** The Developers agrees, at its sole cost and expense, to maintain the Public Park area including, but not limited to, snow and ice removal, native planting and replantings, and tree maintenance and preservation, dog run area installation, reinstallation, cleaning and maintenance, repair, replacement, and removal of facilities, amenities, and improvements within the Park Easements area.
2. **Maintenance Plan:** At the time of the approval of a final landscape plan, developer agrees to submit a maintenance plan to the County Manager or his designee for the Public Park. The maintenance plan shall include principles of conservation landscaping techniques to improve water and air quality. The maintenance plan shall also include practices of seasonally appropriate vegetation removal and disposal timelines to support and extend habitat. The maintenance plan shall also include maintenance of the dog run area.
3. **Dog Run:** The dog run area of the Public Park shall be consistent with the guidelines identified in the Arlington County Public Spaces Master Plan and shall be consistent with the Arlington County Park Rules & Regulations, as amended.

4. **Public Park Naming:** (Prior to Park construction) The Developer agrees that the permanent name for the Public Park shall be designated in accordance with the Arlington County Policy for Naming and Renaming of County Facilities and Parks adopted by the Arlington County Board on July 10, 1999 or the then-current Arlington County Park Naming Policy (Naming Policy). The Developer will propose a name in accordance with the Naming Policy and the naming of the Public Park shall be completed prior to starting construction of the park.

60. Conversion of Gross Parking Area to Gross Floor Area (First Building Permits for Building #2 and Building #3)

The developer agrees that prior to the issuance of the first building permit for either or both Buildings #2 and #3, as identified in the 4.1 Site Plan approved by the County Board on November 16, 2019, the developer may convert ground level gross parking area to gross floor area, to be constructed and used as either residential or retail space. In the event that the developer elects to pursue this option for either or both Buildings #2 and #3, then the following actions must be taken prior to the issuance of the first building permit for each respective building to accommodate the conversion of use:

A. The developer agrees to submit and obtain approval of an Administrative Change from the Zoning Administrator prior to any conversion of ground floor gross parking area to gross floor area. The Administrative Change shall be submitted in a form acceptable to the Zoning Administrator. At a minimum, the Administrative Change application must include any proposed changes to the building floor plans, façade, and access points.

B. The developer agrees that no more than a total of 8,200 square feet of ground floor gross parking area in either Buildings #2 or #3 or a combined 8,200 square feet in Buildings #2 and #3 may be converted to gross floor area. A Site Plan Amendment shall be required if the requested space conversion exceeds a total of 8,200 square feet.

C. The developer agrees and understands that this condition does not waive the developer of its obligation to provide required parking spaces within the range stipulated in Condition #32, nor does it allow for any conversion of gross parking area on building levels other than the ground floors of Buildings #2 and #3.