



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of 2/12/2024 7:00 PM -**

DATE: February 3, 2024

SUBJECT: SPLN23-00006 SITE PLAN for a semi-detached dwelling development with modifications of zoning district standards; located at 1129 N. Utah Street (RPC# 14-019-007).

Applicant:
1129 N Utah, LLC

By:
Derek J. Huetinck
BeaconCrest Homes
1355 Beverly Road, STE 330
McLean, VA 22101

C.M. RECOMMENDATION:

Adopt the attached ordinance to approve the subject site plan for two (2) semi-detached dwelling units, with modifications of zoning ordinance requirements as necessary to achieve the proposed development plan, subject to the conditions of the attached ordinance.

ISSUES: This is a request for a site plan for a semi-detached dwelling development. There are no outstanding issues as of the date of this report.

SUMMARY: The applicant requests a site plan for two (2) semi-detached dwelling units at 1129 N. Utah Street in the Ballston-Virginia Square neighborhood. The site is currently developed as a two-story single detached dwelling. The subject property is in the R15-30T townhouse dwelling zoning district, “which provides for low-rise one-family townhouse development within Metro Transit Corridors [...]”. The General Land Use Plan designates this area as “Low-medium” residential (16-30 units per acre). Further, the Ballston Sector Plan calls for neighborhood preservation and residential infill development for this area of Ballston. The neighborhood has mostly redeveloped as townhouse development in conformance with the Ballston Sector Plan guidance and the R15-30T zoning district standards. This parcel contains one of the few remaining single-detached dwellings in the neighborhood.

County Manager:

County Attorney:

Staff: Cedric Southerland, CPHD, Planning Division
Sergio Viricochea, DES, Development Services Bureau

The proposed development will be comprised of a semi-detached structure with two (2) dwelling units. To achieve the proposed development, the applicant is requesting modification of front and side yard setbacks, as well as placement standards for garages, a/c units, and architectural embellishments. Staff supports the proposed modifications of the development as it is consistent with the surrounding townhome developments and is in conformance with adopted County plan guidance for the property.

BACKGROUND: The subject property is comprised of a two-story single detached home, built in 1948, on a 6,000 square foot lot. The surrounding neighborhood is comprised of townhome developments with a mix of semi-detached and single-detached homes along the block of North Utah Street.

Figure 1. Aerial View



Source: Pictometry

Figure 2. Street View – Existing Site



Source: CPHD

Figure 3. Street View – Rear of Property from Alley



Source: CPHD

Figure 4. Alley from 11th Street North



Source: CPHD

The site is defined by the following uses:

To the north: Stacked townhouse dwelling units zoned “R15-30T” Townhouse Dwelling District.

To the east: Townhouse dwelling units zoned “R15-30T” Townhouse Dwelling District.

To the west: Townhouse dwelling units and two (2) single detached dwellings zoned “R15-30T” Townhouse Dwelling District.

To the south: Townhouse dwelling units zoned “R15-30T” Townhouse Dwelling District.

Address / RPC: 1129 N. Utah Street (RPC# 14-019-007)

Neighborhood: Ballston-Virginia Square

Zoning: R15-30T, Townhouse Dwelling District

GLUP: “Low-Medium” Residential; Ballston Sector Plan

Existing Land Use: The approximately 6,000 square foot property is comprised of a vacant two-story single detached dwelling with rear parking access via an alley.

Proposed Development: The applicant proposes to redevelop the existing vacant two-story single detached dwelling with a four-story semi-detached structure with two (2) dwelling units and rear

garages accessed via a public alley. To achieve the proposed development, the applicant is requesting modifications of zoning district provisions for setbacks and placement standards for permitted encroachments.

The following provides a statistical summary of the proposed site plan:

Table 1. Site Plan Statistics

	Required	Proposed
Site Area (“R15-30T”)	5,808 square feet	6,000 square feet (0.138 acres)
Density		
Residential Units		2
Units per acre (Maximum)	15	14.5
Building Height (Maximum)	45 feet	41 feet
Property Line Setbacks		
<i>Main Dwelling Units</i>		
Front Yard (Lot 56)	25 feet	<i>20 feet</i>
Stormwater Planter	21 feet	<i>16.7 feet</i>
Stoop	21 feet	<i>17.9 feet</i>
Front Eaves	21 feet	<i>19.4 feet</i>
Front Yard (Lot 57)	25 feet	<i>20 feet</i>
Stoop	21 feet	<i>17.8 feet</i>
Front Eaves	21 feet	<i>19.3 feet</i>
Side Yard (both)	17 feet	<i>4.6 feet</i>
Side Eaves	13 feet	<i>4 feet</i>
Rear	25 feet	58 feet
<i>Garage Setback</i>		
Side Yard	1 foot	5 feet
Along Common Lot Line	1 foot	<i>0 feet</i>
Rear Yard	1 foot	6 feet
Parking		
Total parking spaces	4	4
Parking Ratio	2 spaces/unit	2 spaces/unit
Percent Coverage	56%	51%

¹ Bold and italicized text indicates requested zoning ordinance modifications.

Density and Uses: The proposed density of the site is 14.5 units per acre, which is below the maximum of 15 units per acre allowed by the ACZO for semi-detached dwellings based on a minimum site area of 5,808 square feet.

Site Design and Building Placement: The applicant proposes a semi-detached dwelling structure with detached rear garages accessed from the alley. The main dwelling structure will have a setback of 19.3 feet from the front property line, instead of the required 25 feet. The proposed side yard setbacks are proposed to be 4.6 feet from the side property lines instead of 17 feet. The required rear yard setback is 25 feet, and the applicant is proposing a 58-foot setback.

The applicant is also providing 1-story detached garages in the rear of the property, which will be accessed from a public alley. The ACZO requires a 1-foot setback from the side and rear

property lines for accessory buildings. The proposed garages are attached along the common lot line and the setback along that property line will be zero (0) feet. Along the outer side yard setbacks of the garages will be 5 feet. The garages will be six (6) feet from the rear property line.

The site landscaping includes five (5) shrubs per dwelling unit. Further, two (2) trees per dwelling unit will be installed in the rear yard. Additionally, to satisfy the requirement for the installation of street trees, the applicant is providing three (3) trees along the front property line of the site. This is discussed further below.

Building Design: The proposed architectural details include a brick banding around the ground floor level of the structure. On the front elevation, the upper story elevations of the structure include a mixed material detail of vertical board-and-batten siding on the outer halves of the structure and brick detailing on the inner halves of the structure (Figures 5-7). The vertical board and batten detail from the front facade wraps around the side of the structure along the second and third floors. Due to the applicant’s interior design, the ACZO considers the proposed attic space as a fourth story which will be used as a bedroom with an en-suite bathroom. The fourth-story portion of the side facades will have a horizontal lap siding detail. The rear elevations will incorporate the horizontal lap siding detail from the fourth-story facade. The proposed architectural design of the building incorporates a mix of design features found in the surrounding neighborhood, including gable rooves, lap siding, and brick façades.

Figure 5. Front Elevation Rendering – Looking Southeast



Source: Applicant

Figure 6. Front Elevation Rendering – Looking Northeast



Source: Applicant

Figure 7. Side and Rear Elevations – Looking North



Source: Applicant

Transportation: The site is located on the east side of North Utah Street between Washington Boulevard and 11th Street North. This segment of North Utah Street is a southbound one-way street with on-street parking only on the west side. The site is within walking distance,

approximately 0.3 miles, from the Ballston Metrorail Station, served by the Orange and Silver lines and numerous bus routes.

Parking: The site's driveway, currently accessible from a public alley at the rear, is proposed to remain at the same location, featuring a 16-foot wide driveway for each unit. The existing public alley is 10 feet wide, allowing two-way circulation from its access point at 11th Street North to the dead-end at the site's rear. The applicant is proposing no changes to the alley or site circulation. The applicant proposes two (2) parking spaces per dwelling unit within a 2-car garage, meeting the ACZO requirement of two (2) spaces. The development is not eligible for the Residential Permit Parking (RPP) program per the RPP Program Administrative Guidelines.

Street and Sidewalk: North Utah Street, in the proximity of the site, is a southbound one-way street measuring an approximate width of 25 feet from face-of-curb to face-of-curb. The posted speed limit on North Utah Street is 25 MPH (miles per hour). On-street parking is provided only on the western side of the roadway, and restricted to Zone 8 RPP permit holders from 8AM to 5PM on weekdays. According to the Master Transportation Plan (MTP), North Utah Street is designated as an Arterial Neighborhood (low density) street, recommending a 4-6 feet wide clear sidewalk and a 2-4 feet wide landscape strip. The Rosslyn-Ballston Corridor Streetscape Standards for the Ballston area categorize North Utah Street as a Type-C streetscape, suggesting a minimum width of 10 feet, including a 6-foot-wide clear sidewalk and a 4-foot-wide planting strip. Currently, the site has a 4-foot wide concrete sidewalk and a 2-foot wide planting strip. The sidewalk width along North Utah Street, both north and south of the site, is 4 feet, with a variable planting strip width ranging between 3.5-4 feet. This variation in planting strip width at the site frontage, compared to adjacent sections, is to accommodate the required fire truck access turning movements for the private surface parking lot serving the townhomes across the street. Acknowledging the constraints imposed by fire access requirements and its turning movements, the applicant proposes to replace the existing sidewalk with a 4-foot wide clear sidewalk and maintain the existing planting strip. The proposed sidewalk width will be consistent with the sidewalk north and south of the site along the east side of North Utah Street. It should be noted that the existing sidewalk will undergo disturbance during construction for utility connections, and the applicant is proposing to replace the sidewalk along the site's frontage.

Utilities: Adequate water and sanitary sewer capacity is available to serve the proposed site. Additionally, the applicant will meet all State and County stormwater management regulations.

Sustainable Design: In consultation with staff, the applicant has agreed to obtain Green Home Choice Certification at the Certified level and expects to achieve at minimum 160 points. Optionally, at the applicant's discretion, they may choose to achieve LEED Certification at the Silver level under the LEED for Homes Program as described below.

DISCUSSION: The following details the proposed development and staff assessment:

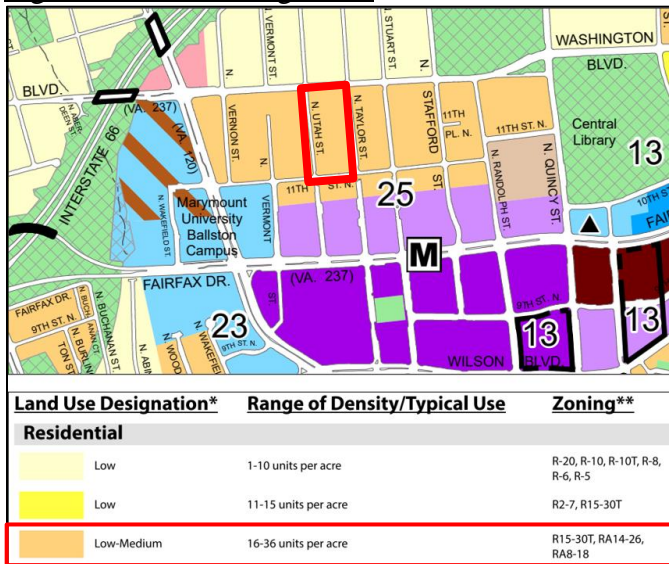
Adopted Plans and Policies:

- [GLUP](#)
- [Ballston Sector Plan](#)

- [Arlington County Zoning Ordinance “R15-30T” District](#)

GLUP (Figure 5): The General Land Use Plan (GLUP) designates the area as “Low Residential” (16-30 dwelling units per acre). The R15-30T townhouse dwelling zoning district, which provides for low-rise one-family townhouse development within the Metro Transit Corridor, is a typical zoning district applicable to this GLUP designation.

Figure 8. GLUP Designation



Source: Arlington County

Ballston Sector Plan: The [Ballston Sector Plan \(1980\)](#) calls for neighborhood preservation and residential infill projects within this section of Ballston. Further, the plan encourages developers of infill residential projects to “include architectural detailing and layout designs compatible with existing housing styles.” The surrounding neighborhood has mostly redeveloped in accordance with the sector plan’s guidance including primarily townhome developments. The proposed design of the building is consistent with the guidelines of the sector plan. The architectural detailing of the building is similar to the surrounding townhome development pattern of the neighborhood.

ACZO:

R15-30T District (Figure 6): Though the predominant housing type in the neighborhood is townhouses, that housing type is not feasible for the subject site due to its site area of 6,000 square feet. Alternatively, semi-detached dwellings, which are similar in form to townhouses, are permitted by way of special exception site plan approval. However, in order to meet certain setback requirements, the applicant has requested several modifications, which are permitted for this type of project. The R15-30T requirements are shown below (Figure 9). Modifications as proposed pertaining to setbacks are illustrated in the below exhibit (Figure 10).

Figure 9. Zoning Requirements

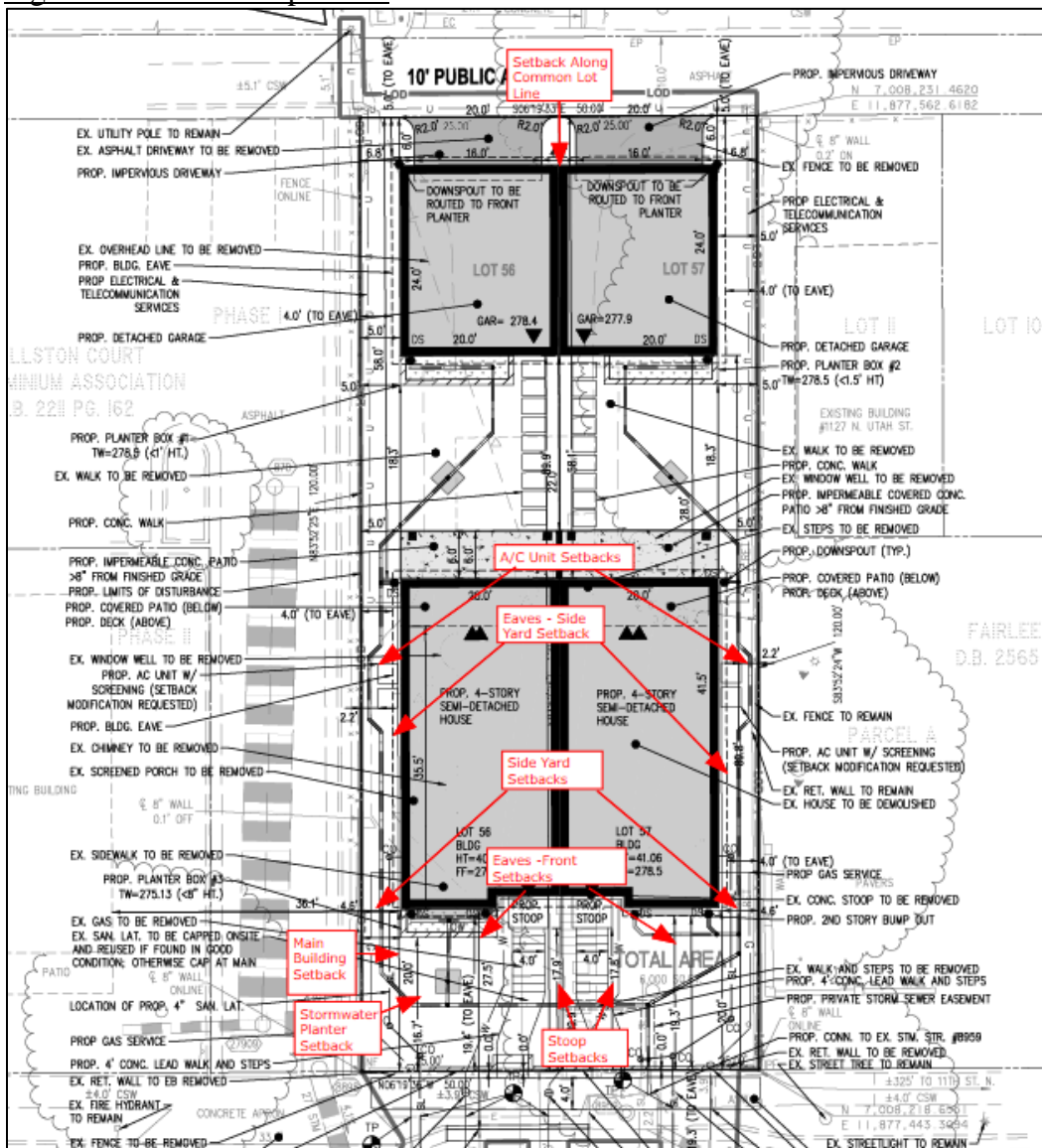
Standard	Two-family Dwellings abutting RA, C or M districts or located on a principal or minor arterial street		Semi-detached Dwellings	Townhouse Dwellings	Townhouse, Semi-detached and Existing One-family Dwellings
	Semi-detached	Duplex			
Units, minimum Project (units)	--	--	2	3	--
Density, maximum (units/acre)			15	15	16-30
Site, minimum					
Area (sq. ft.)	8,700	8,700	5,808	8,712	8,712 sq. ft., or 17,424 sq. ft. in projects where density is requested above 15 units per acre As approved by Site Plan
Width (feet)	--	--	50	75	
Setbacks, minimum (feet)					
Front					25
Side	See §3.2 and §5.8.4.A	See §3.2 and §5.8.4.A	See §3.2	See §3.2	7 (Townhouse, Semidetached dwelling end units)
Side, street					15
Rear					25
Lot area, minimum (sq. ft.)					
Lot area	4,350	8,700	--	--	--
Lot area per dwelling unit	4,350	--	2,904	2,904 of which up to 1,300 sq. ft. may be in common area	As approved by site plan but under no circumstances less than 1,452 sq. ft. of site area per dwelling unit
Lot width per dwelling unit (feet)					
By use permit	35	70	--	--	--
By site plan	28	56	25	20	As approved by Site Plan, see §5.8.4.A
Height, maximum (feet)	35	35	45	45	45

Source: Arlington County Zoning Ordinance

Table 2. Zoning Requirements

	Required	Proposed
Density		
Residential Units (Min.)	2	2
Units per acre (Maximum)	15	14.5
Site Area (“R15-30T”)	5,808 square feet	6,000 square feet (0.138 acres)
Setbacks	See Table 3 below that highlights requested modifications that are depicted in Figure 10	
Lot Area	2,904 sq. ft.	3,000 sq. ft. per lot
Lot Width	25 feet	25 feet per lot
Building Height (Maximum)	45 feet	41 feet

Figure 10. Setback Depictions



Source: Applicant with Annotations by CPHD Staff

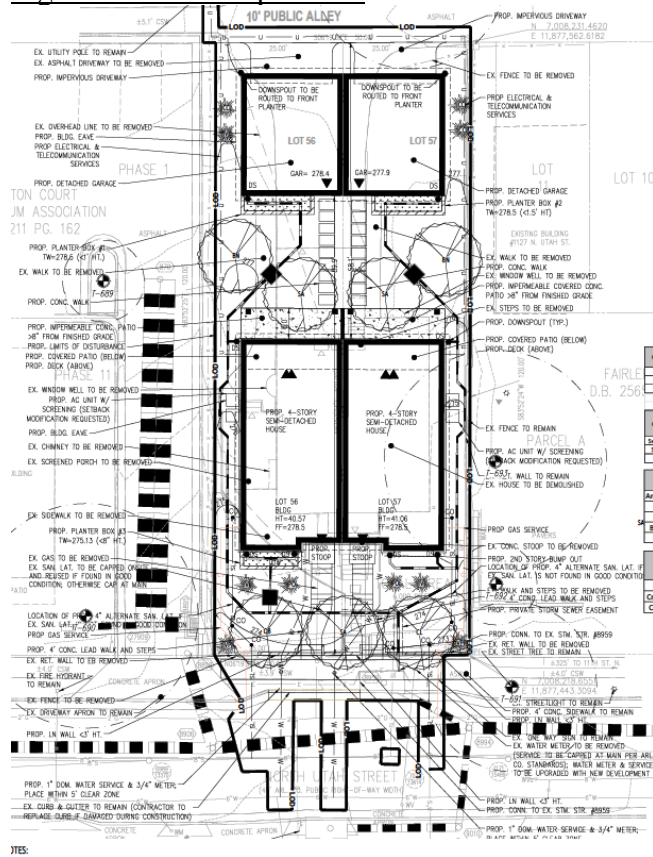
Table 3. Requested Modifications

	Required	Proposed
Property Line Setbacks		
<i>Main Dwelling Units</i>		
Front Yard (Lot 56)	25 feet	20 feet
Stormwater Planter	21 feet	16.7 feet
Stoop	21 feet	17.9 feet
Front Eaves	21 feet	19.4 feet
Front Yard (Lot 57)	25 feet	20 feet
Stoop	21 feet	17.8 feet
Front Eaves	21 feet	19.3 feet
Side Yard (both)	17 feet	4.6 feet
Side Eaves	13 feet	4 feet
Rear	25 feet	58 feet
<i>Garage Setback</i>		
Side Yard	1 foot	5 feet
Along Common Lot Line	1 foot	0 feet
Rear Yard	1 foot	6 feet

At its March 2023 meeting, the County Board approved amendments to the Arlington County Zoning Ordinance (ACZO) to permit [Expanded Housing Option Development \(EHO\)](#) within certain residential districts. The EHO provisions allow for up to six (6) dwelling units on a lot, by-right, which was previously restricted to one-family dwellings and in some instances two-family dwellings. The R15-30T zoning district was not included in the districts where EHO development is allowed, as it already allows for townhome and semi-detached dwelling unit development via the special exception process. Without the subject site plan request, the only other development that would be allowed on the subject site is a by-right single detached dwelling.

Landscaping (Figure 7): The ACZO requires a minimum of five (5) shrubs and one (1) tree for each dwelling unit. The applicant meets the requirement of the ACZO (Figure 11). Additionally, they are proposing two (2) trees per unit instead of the required one (1) tree. The ACZO also requires the installation of street trees for every 35 linear feet of frontage along the site. However, street trees can be provided on-site within the front setback if they cannot be accommodated in the sidewalk area. The site’s frontage is 50 feet, which requires two (2) street trees. Due to the challenges of the existing sidewalk infrastructure discussed above, the applicant is proposing an additional three (3) trees along the front property line of the site.

Figure 11. Landscape Plans



Source: Applicant

Evolution of the Project: During the review of this project, the applicant has responded to comments from staff and the community to refine the project, particularly concerning the architecture. Initially, the materials on the front façade were asymmetrical to differentiate the two (2) units. Staff and the community noted that the surrounding developments had symmetrical façade features. Additionally, neighbors from the Fairlee Courts townhomes to the south of the property noted that the side façade was unattractive in terms of materials and window placement. As a result, the applicant worked with staff to develop several ideas to transform the façade elements. The applicant revised the front façade to make the units symmetrical (Figure 12). The updated side elevations were updated to extend and wrap around the board-and-batten elements from the front façade to the sides, and the window placement was revised to provide symmetry to the elevation (Figure 13).

Figure 12. Front Elevation



Source: Applicant

Figure 13. Side Elevations



Source: Applicant

Figure 14. Rear Elevations



Source: Applicant

Modification of Use Regulations:

- **Setbacks:** The applicant is also requesting to modify the front, rear, and side yard setbacks per ACZO Section 3.2.6.A including:
 - Front Yard Setback (North Utah Street): Reduce from 25 feet to 20 feet.
 - Permitted Encroachment (Stormwater Planter): Reduce from 21 feet to 16.7 feet.
 - Permitted Encroachment (Eave): Reduce 21 feet to 19.4 feet (Lot 56) and 19.3 feet (Lot 57).
 - Permitted Encroachment (Stoop): Reduce 21 feet to 17.9 (Lot 56) and 17.8 (Lot 57)
 - Side Yard Setback (Main Dwelling Structure): Reduce from 17 feet to 4.6 feet.
 - Permitted Encroachment (Eave): Reduce from 13 feet to 4 feet.
 - Permitted Encroachment (Screened A/C Units): 5 feet to 2.2 feet.
 - Side Yard Setback (Garage - Common Lot Line): Reduce from 1 foot to 0 feet.

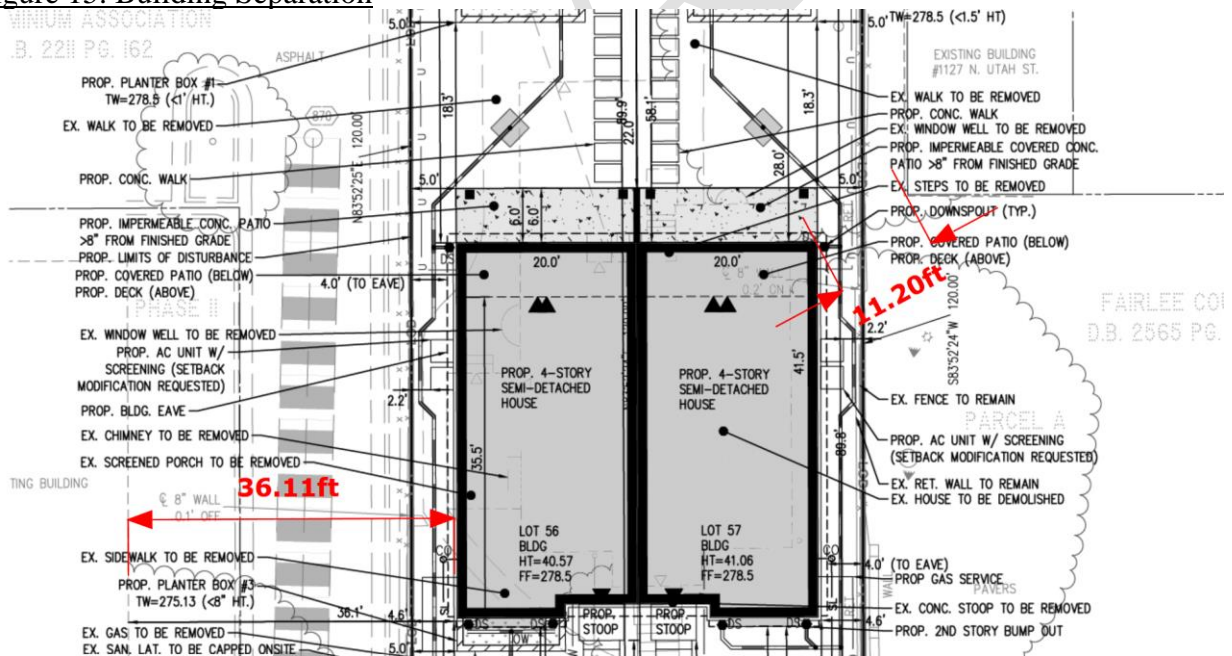
Staff supports the side yard setback reductions. The surrounding townhome developments have lesser yard setbacks than what is required by the ACZO. The required side yard setback of 17 feet on each side would significantly reduce the gross floor area of each dwelling unit to the point that the only feasible option would be to develop a by-right single detached home. Further, staff supports the reduction of the side yard setbacks for the attached garages along the common interior lot line. The ACZO requires a minimum one-foot setback for accessory structures along interior lot line. Placement of the garages along the common lot line reduces the impact of the proximity of the structures to surrounding residential uses.

The side yard setbacks also vary throughout the neighborhood. Side yard setbacks for semidetached dwellings are calculated at 10 feet plus one (1) foot for every two (2) and a half

foot above 25 feet of building height. The proposed building is 41 feet and requires a side yard setback of 17 feet. The applicant is proposing a 4.6-foot setback on the side yards of the dwelling structure. The side yard setback of the closest residential unit in the Fairlee Courts townhome development to the south is five (5) feet (Figure 15). However, the position of the proposed building provides adequate separation with townhomes to the north (36.1 feet and south (11 feet Appx.) (Figure 15). In particular, the southern elevation of the proposed dwelling faces the parking lot of the Fairlee Courts townhomes. In addition, the proposed side yard setbacks are in line with the pattern of existing developments in the neighborhood, which typically have shallow side-yard setbacks (Figure 16). Therefore, staff finds that the proposed building placement is consistent with its context and will not result in undue adverse impacts to surrounding uses or streets.

The front yard setbacks vary along North Utah Street. The stacked townhome development to the north is setback approximately 12 feet from the property line. The Fairlee Courts townhome development to the south has a setback of 41 feet for the 5-stick townhomes that face North Utah Street. The 6-stick townhomes within the development that face the parking courtyard are located approximately five (5) feet from the property line. The two sets of semi-detached dwellings along the eastern side of North Utah Street exceed the required 25-foot front yard setback, as well as the existing single detached home on the subject property. Staff supports the reduction of the front yard setback, as it brings the main dwelling structure toward the street to establish a consistent street wall with the property to the north.

Figure 15. Building Separation



Source: CPHD

Figure 16. Surrounding Setbacks

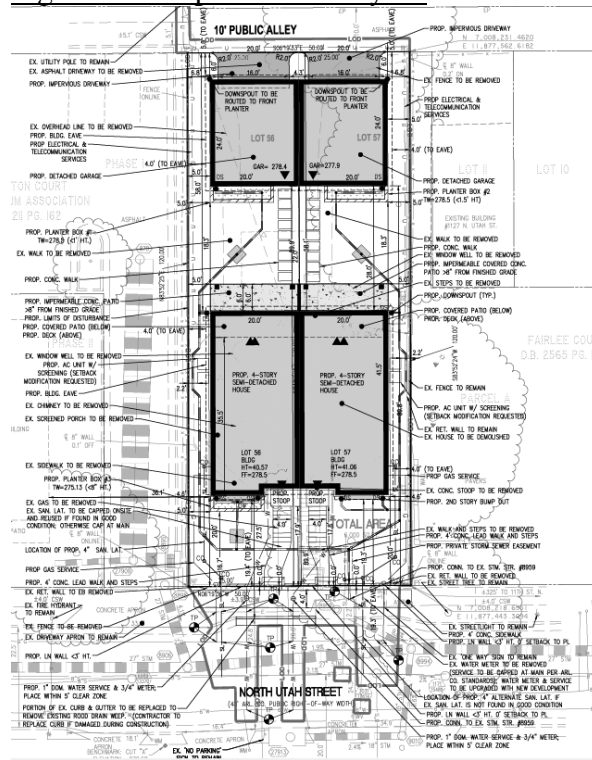


Source: ACMaps for Base Layer with Site Layout Inserted by CPHD Staff

As with front and side yard setbacks, the modification of architectural embellishments of the dwellings are required. The ACZO allows for permitted encroachments into required setbacks,

for eaves, stoops and stormwater planters, no more than four (4) feet but not nearer than five (5) feet to any property line. The stormwater planter is required for the management of stormwater runoff onsite and does not exceed the four (4) foot encroachment into the proposed front yard setback. However, due to the proposed front yard setback, the stormwater planter is less than 21 feet to the front property line and requires a modification. This is also the case for the proposed stoops and eaves along the front of the building. Eaves along the side yards require a modification because they are closer than five (5) feet to the property line. As stated above, the front yard setback, including the stormwater infrastructure and architectural embellishments, is consistent with the placement of the buildings to the north and furthers the creation of a consistent street wall on this section of North Utah Street. Staff supports the proposed building placement, with the requested modifications.

Figure 17. Proposed Site Layout



Source: Applicant

Site Plan Features and Amenities: The project provides several important benefits that would not be realized with by-right single detached residential development, including:

Green Home Choice Certification: The applicant agrees to pursue Green Home Choice Certification at the Certified level as required by Condition #18.

Underground Utility Fund Contribution: The applicant has committed to make the standard contribution to the County’s Utility Underground Fund, as required by Condition #34.

Sidewalk, Curb and Gutter Replacement: Construction of this project requires disturbance of the existing sidewalk, curb and gutter along the frontage of the site. The applicant will replace these features in-kind in accordance with County standards.

Architectural Compatibility: The proposed dwellings will feature architectural elements of the surrounding neighborhood including a gable roof, lap siding, and brick façade detailing.

PUBLIC ENGAGEMENT:

Level of Engagement:

Communicate & Consult

This level of engagement is appropriate because the implementation of the proposed uses is not anticipated to adversely impact the neighborhood. During the review of this site plan request, staff communicated with surrounding neighbors and received feedback on the proposed development.

Outreach Methods:

- Public notice was given in accordance with the Code of Virginia §15.2-2204. Notices for the Planning Commission hearing on the site plan were placed in the January 29, 2024, and February 5, 2024, issues of the Washington Times for the February 12, 2024, Planning Commission Meeting. Notices of the County Board hearing on the site plan were placed in the February 12, 2024, and February 20, 2024, issues of the Washington Times for the February 24, 2024, County Board Meeting.

In addition to the above legal requirements:

- Individual notices outlining the project description and online public engagement details were delivered door to door to surrounding property owners of the subject property.
- Placards were placed in various locations surrounding the subject property within seven (7) days of the public hearing.
- Civic associations and homeowners' associations were informed of the application via email and door to door hand delivery of notices of public engagement opportunities to the surrounding neighbors. The subject property is located within the Ballston-Virginia Square Civic Association.
- Due to the scope of this project, staff conducted a virtual "lunch and learn" event on November 31, 2023, to introduce the project to neighbors and solicit feedback. During the meeting staff presented an overview of the project and the applicant provided a detailed review of the project including the architecture, landscaping and site design. There was only one participant, the President of the Ballston-Virginia

Square Civic Association. During the meeting the civic association president raised concern about this site plan not going through the Planning Commission's Site Plan Review Committee (SPRC) process. Staff worked with the SPRC Chair to design a public review process in consideration of the scale and impact of the project. As this project is proposing only two (2) dwelling units, as residential infill, with no bonus density requested or major County policy implications, the SPRC process would be onerous in terms of time and cost. Instead, a more targeted outreach process to the immediate abutting neighbors was deemed the preferred approach in consultation with the SPRC Chair. Subsequent to the lunch and learn meeting, staff met with several homeowners from the Fairlee Courts townhome development. During the meeting they expressed concerns about the façade elements, tree management, setbacks, and site management during the construction process. Responding to concerns about the façade elements, the applicant has revised the drawings to show better symmetry between the two (2) units, updated materials, and window placement. Staff believes the proposed setbacks are appropriate and similar to building placement throughout the neighborhood. Lastly, standard site plan conditions require the applicant to properly maintain the property throughout the construction process. Although the neighbors' concerns about any damage to their property from construction activity are civil matters and are not subject to site plan conditions, the applicant has stated that they will fix any damage to the neighbors' property during construction.

Additionally, staff conducted review of the proposal through an online engagement opportunity in November 2023. Staff placed fliers on surrounding neighbors' doors and mailboxes to notify them of this project and the opportunity to participate in the online engagement opportunity. This engagement had 20 participants and generated 45 comments. Staff prompted responses targeted at the building height and form, building placement and site design, landscaping, and general comments.

Building Height and Form: Staff received several comments regarding setbacks and building heights. There were concerns expressed about the height of the building being too tall for the surrounding neighborhood, while others believed the proposed height was appropriate for the site. Comments on the proposed setbacks also varied. There was some concern expressed that the smaller setbacks made the site constrained, while others noted that properties throughout the neighborhood had small setbacks as well.

Staff Response: Staff believes the proposed height of 41 feet is appropriate and within the context of the surrounding neighborhood. Staff acknowledges that the proposed dwelling is taller than surrounding buildings; however, placement of the main dwelling abuts a parking lot to the south with an approximately 11-foot separation between buildings. The subject property abuts a driveway with a 36-foot separation to the adjacent building to the north. Staff believes there is enough separation between buildings that the proposed height and setbacks of the dwelling would not negatively affect neighboring properties.

Landscaping: The comments about landscaping were mostly related to trees and concerns of long-term maintenance and replacements.

Staff Response: Future property owners will be required to adhere to the tree maintenance and replacement provisions of the site plan conditions.

General Comments: Staff received several comments regarding the lack of SPRC, parking and traffic, construction vehicles, and questions about the number of units proposed.

Staff Response: There were multiple public engagement opportunities, such as a lunch and learn meeting, online engagement, and a meeting with adjacent neighbors instead of the typical SPRC process, which is not well-tailored to a project of this scope and scale. Additionally, staff directly targeted surrounding neighbors with fliers informing them of the public engagement opportunities. The applicant is proposing 2-car garages for each unit. Staff supports the garages as they provide valuable off-street parking, without requiring use of on-street parking along North Utah Street which is limited and restricted to only one-side of the street. The site is only 6,000 square feet, which limits redevelopment options to an individual by-right single detached dwelling or semidetached dwellings as proposed with modifications. Staff supports the proposed development as it maximizes the number of units that can be developed on the site, and conforms to the existing development pattern of the neighborhood.

- County staff created and maintained a project [webpage](#) for the proposed development on the County website with project information and meeting materials, which is standard practice for site plan projects. A virtual site walking tour was also provided on the project webpage.

Community Feedback:

Ballston-Virginia Square Civic Association: A representative from the Ballston-Virginia Square Civic Association participated in the lunch-and-learn virtual meeting, and his comments are addressed above. Other than the president's comments during the virtual meeting, staff has not received any communication stating the official position of the civic association on the proposal as of the date of this report.

CONCLUSION: The applicant proposes two (2) semi-detached dwelling units on a 6,000 square foot lot in the Ballston-Virginia Square neighborhood. The surrounding neighborhood has significantly redeveloped in accordance with the Ballston Sector Plan, GLUP designation, and zoning district, with predominantly townhome style development. Due to its limited size (6,000 square feet), townhouse redevelopment is not feasible on this lot; however, the site can meet the semi-detached dwelling requirements (with modifications), which is similar in layout and style of surrounding townhome developments. The requested modifications are appropriate as they are similar to the existing townhome and semidetached dwelling development in the neighborhood. The applicant has also committed to: 1) provide trees planted along the back of the sidewalk on the private property in lieu of street trees within the public realm, 2) participate in the Green

Home Choice Certification program, and 3) contribute to the County's underground utility fund. Staff believes that the proposed development is, a) consistent with the Arlington County Comprehensive Plan and applicable and relevant adopted County Board plans and policies, and with the uses permitted and use regulations of the district as set forth in the ACZO or as the same may be modified by the County Board as provided herein; b) 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 c) is so designed and located that the public health, safety and welfare will be promoted and protected. Overall, the site plan proposes a building form that is characteristic of the neighborhood's existing pattern of development and increases the area's housing stock as an alternative to a by-right single-detached dwelling, which would be the other development option for the site. Therefore, staff recommends adoption of the attached ordinance to approve the subject site plan including zoning ordinance modifications as requested, subject to the conditions of the ordinance.

SITE PLAN AMENDMENT ORDINANCE

WHEREAS, an application dated March 15, 2023, for approval of (SPLN23-00006/SP #476), was filed with the Office of the Zoning Administrator; and

WHEREAS, the Planning Commission held a duly advertised public hearing on that Site Plan application (SPLN23-00006/SP #476) on February 12, 2024; and

WHEREAS, as indicated in Staff Report prepared for the February 24, 2024, 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 (SPLN23-00006/SP #476) subject to numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan (SPLN23-00006/SP #476) on February 24, 2024, 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:
 - **Reduce front, rear, and side yard setbacks per ACZO Section 3.2.6.A including:**
 - **Front Yard Setback (North Utah Street): Reduce from 25 feet to 20 feet.**
 - **Permitted Encroachment (Stormwater Planter): Reduce from 21 feet to 16.7 feet.**
 - **Permitted Encroachment (Eave): Reduce 21 feet to 19.4 feet (Lot 56) and 19.3 feet (Lot 57).**
 - **Permitted Encroachment (Stoop): Reduce 21 feet to 17.9 (Lot 56) and 17.8 (Lot 57)**
 - **Side Yard Setback (Main Dwelling Structure): Reduce from 17 feet to 4.6 feet.**
 - **Permitted Encroachment (Eave): Reduce from 13 feet to 4 feet.**
 - **Permitted Encroachment (Screened A/C Units): 5 feet to 2.2 feet.**
 - **Side Yard Setback (Garage – Common Lot Line): Reduce from 1 foot to 0 feet.**
 - 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 15, 2023, for SPLN23-00006 (Site Plan #476), and as such application has been modified,

revised, or amended to include the drawings, documents, conditions and other elements designated in Condition #1 below (which drawings, etc... are hereafter collectively referred to as “Revised Site Plan Application”), for a Site Plan to construct two (2) semi-detached units, for the parcel of real property known as RPC#14-019-007 at 1129 N. Utah Street approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to the following conditions:

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 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 and certificates of occupancy is as follows: Demolition Permit; Land Disturbing Activity Permit; ~~Excavation, Sheeting and Shoring Permit; Footing to Grade Permit;~~ Final Building Permit; ~~Shell and Core Certificate of Occupancy;~~ Partial Certificates of Occupancy for Tenant Occupancy; ~~and Master Certificate of Occupancy.~~ In the event that the Developer does not obtain all permits separately, the Developer agrees that the requirements for all permits as set forth or as 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 Disturbing Activity 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 also agrees that no changes to the approved post-4.1 plans (referred to in Condition #3) shall be made 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. Unless otherwise stated in the conditions below, all required submissions shall be filed through the PermitArlington (or any successor) system, or by electronic submission with the Zoning Administrator.

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 January 5, 2024 (civil plans) and January 8, 2024 (architectural plans) 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 SPLN23-00006; SP #476) and made a part of the public record on February 24, 2024, 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 (Building Permit)** If a Building 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 February 24, 2027, 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.
- C. The Zoning Administrator is authorized to administer and interpret the conditions of this Site Plan in the same manner as she administers and interprets the Arlington County Zoning Ordinance, but in no event shall such administration and interpretation allow the Zoning Administrator to alter, amend, waive, delete, or add any condition(s) to this Site Plan, except to the extent allowed under Section 15.5.3.C (“Administrative Change”) of the Arlington County Zoning Ordinance, as amended, or as provided for in the specific conditions of this Site Plan. The Zoning Administrator is authorized to enforce violations of the conditions of this Site Plan in the same manner as violations of the Arlington County Zoning Ordinance.

3. Post-County Board 4.1 Filing (Demolition and Land Disturbing Activity Permits)

- A. The Developer agrees to submit Site Plan drawings 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 Disturbing Activity Permit or Demolition Permit. The Developer also agrees to submit, color images of all renderings and photos of presentation boards, and PowerPoint presentations 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 or his/her/their designee.
- B. The Developer agrees to submit to the Planning Division, digital files by way of an electronic submission, copies of the approved Post-County Board 4.1 drawings and color images of all renderings in the following formats: JPEG, PDF, DWF, and DXF.

4. Site Plan Conditions Review Meeting (Demolition and Land Disturbing Activity 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 Disturbing Activity Permits)
Intentionally Omitted

6. Vacations and Encroachments (Demolition and Land Disturbing Activity Permits)

A. Approval of Ordinance (Demolition and Land Disturbing Activity 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 site plan project, or any portion thereof, as shown on the plans referenced in Condition #2, prior to the issuance of Demolition and Land Disturbing Activity Permits, with the exception of demolition or Land Disturbing Activity 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 (Building Permit) Further, the Developer agrees that, in addition to vacations and encroachments shown on the plans referenced in Condition #2, 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 Building 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).

For any encroachments, including but not limited to utility vaults, within a new easement area required to be conveyed pursuant to Condition #23, the Developer shall apply for and obtain approval of an ordinance of encroachment prior to the issuance of the First Certificate of Occupancy for Tenant Occupancy.

C. Phasing of Vacation(s) and/or Encroachment(s).
Intentionally Omitted.

7. Tree Conservation and Replacement (Demolition and Land Disturbing Activity Permits)

A. (Demolition and Land Disturbing Activity Permits) The Developer agrees to do the following prior to the issuance of the Demolition and Land Disturbing Activity Permits, as part of the Civil Engineering Plan:

- 1) **Tree Survey.** Complete a tree survey which meets the standards set forth below in subparagraph C, and consistent with the Chesapeake Bay Preservation Ordinance (County Code 61).
- 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, and consistent with the Chesapeake Bay Preservation Ordinance (County Code 61).
- 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) Urban Forester 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 Conservation of Trees on Developed or Adjacent Property (Post First Certificate of Occupancy)

- 1) **Tree Replacement.** Unless otherwise specified, any tree required to be conserved 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 First 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 conserved, consistent with the approved Tree Protection Plan, three (3) years after the issuance of the First Certificate of Occupancy. The bond will be released upon satisfaction of all tree protection requirements, including conservation of protected trees.

C. Submission of Tree Replacement Plan and Calculations (Land Disturbing Activity Permit)

- 1) In addition to conserving identified trees, the Developer also agrees to replace all trees shown on the Tree Survey that are removed as a result of the new construction. Such replacement shall be completed in accordance with the Arlington County Tree Replacement Guidelines. The Developer agrees to submit

a Tree Replacement Plan, and Tree Replacement Calculations, as part of the Final Landscape Plan per Condition #21.

- 2) **Approval of Tree Replacement Plan and Calculations, and Tree Canopy Fund Donation (Building Permit)** 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 Final Building 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. If the Developer fulfills the requirements through a monetary contribution, the Developer shall make the check payable to the Arlington County Treasurer, and deliver the check to the Arlington County Urban Forest Manager, accompanied with a letter outlining the tree replacement calculations and referencing the project / site plan number. The Developer shall also provide evidence of compliance with this condition to the Zoning Administrator in the form of a letter at the time of payment

D. 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. Detailed specifications for any tree walls or wells proposed.
 - b. 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.
 - c. The location of all construction trailers, which may not be located within any tree protection area.

8. Construction Trailers Located in Whole or In Part on Private Property within the Site Plan Site Area (Demolition and Land Disturbing Activity Permits)

The Developer agrees, if there are to be construction trailers located on private property either in whole or in part, to submit and obtain the approval of the Zoning Administrator of a construction trailer plan, which shall show the location of construction trailers, prior

to the issuance of the Demolition and Land Disturbing Activity Permits, and prior to locating any trailers on the site, for each applicable phase of the project consistent with the provisions of Condition #5. Construction trailers may not be located above public utilities, within public easements for said utilities or within 10 feet of each actual utility when easements do not provide such minimum clearances, unless otherwise approved by the County Manager or his/her/their designee as providing sufficient protection for structural and maintenance purposes. 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. If all construction trailers for the project are shown on the Tree Protection Plan (Condition #7.A), then that Plan can be used to satisfy this condition's submittal requirements, provided it has been reviewed and approved as set forth herein. Construction trailers and field offices may be permitted above the covered walk structure, subject to review, approval, and permitting through Inspection Services Division.

9. Photographic Record of Development (Demolition and Land Disturbing Activity 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 Developer agrees to produce and submit to the Zoning Administrator a photographic record of the site as it appears before demolition commences, 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 Disturbing Activity Permits)** Before issuance of the Demolition and Land Disturbing Activity 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 33 below.~~
- 2) **(Final Certificate of Occupancy)** Before issuance of the Final 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.

B. Photographic Record of Development Submittal Standards

All photographic records shall be submitted as high-resolution photographs in a digital format via an electronic submission as approved by the Zoning Administrator and must be date stamped.

10. Construction Related Measures (Demolition and Land Disturbing Activity 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 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/they finds that, 1) for right-of-way improvements required by the site plan, construction activity must be conducted 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, Juneteenth, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day. The Developer agrees to place a minimum of one sign per street front around the site indicating the permissible hours of construction within the right of way, to provide a written copy of such hours of construction to all subcontractors, and to require its subcontractors to observe such hours.

2) The Developer agrees to maintain the existing 4-foot sidewalk and if it cannot be maintained then the Developer shall provide a 5-foot minimum clear width pedestrian access along North Utah Street adjacent to the site throughout construction. Exceptions may be made during an emergency as defined in condition #13.C, when the County Manager or his/her/their designee has determined that pedestrian access adjacent to the site should be limited for safety reasons, and/or for such limited periods as are unavoidable for utility upgrades or construction of the sidewalk along North Utah Street.

3) The Developer agrees to: a) submit documentation to the Zoning Administrator that the Developer has provided each approved Construction Hauling Route Plan to the Ballston-Virginia Square Civic Association and to the Arlington County Police Department. Plans or maps shall also be posted in the construction trailer (if applicable) and given to each subcontractor and construction vehicle operator before they commence work on the project.

B. On-Site Construction Activity Hours (Demolition and Land Disturbing Activity Permits to Throughout Construction of the Site Plan) 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 9:00 p.m. on weekdays, and shall commence no earlier than 9:00 a.m. and end by 9:00 p.m. on weekends 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 on-site construction activity during hours other than those identified above. The Zoning Administrator may approve such request only if the Developer can show that the on-site 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, Juneteenth, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, and Christmas Day. The Developer agrees to place a minimum of one sign per street front around the construction site, indicating the permissible hours of on-site construction, to place one additional sign within the construction trailer (if applicable) containing the same information, to provide a written copy of the permissible hours of on-site construction to all subcontractors, and to require its subcontractors to observe such hours.

- C. **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
- D. **Temporary Lighting Plan.**
Intentionally Omitted.
- E. **Off-Street Parking for Construction Workers (Demolition and Land Disturbing Activity 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 Disturbing Activity Permits. The Developer agrees to obtain the review and approval by the Zoning Administrator of such plan prior to the issuance of the Building Permit. Alternatively, a memorandum with similar information may be submitted for review. The Developer agrees that the plan

or memorandum shall provide for off-street parking and shall be provided for all construction workers, including sub-contractors, 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 or another form of public transportation, 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 or memorandum 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 or memorandum 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 or other public transportation, 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.

11. Residential Relocation (Demolition and Land Disturbing Activity Permits)
Intentionally Omitted.

12. Retail Relocation (Demolition and Land Disturbing Activity Permits)
Intentionally Omitted.

13. Community Outreach During Construction (Demolition and Land Disturbing Activity Permits)

The Developer agrees to comply with the requirements of this condition prior to the issuance of the Demolition and Land Disturbing Activity Permits, and to remain in compliance with this condition until the Final 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, Ballston Court Homeowners Association, Olde Ballston Courts Homeowners Association, First Ballston Commons Homeowners Association, Ballston Towne Homeowners Association, Victoria at Ballston Homeowners Association, Jefferson Row Homeowners Association and the Fairlee Courts Homeowners Association), 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, temporary lighting plan, and hours and overall schedule for construction. The Zoning Administrator and the Arlington County Police representative shall 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 Disturbing Activity 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 (or, by mutual agreement, email) of the general timing of utility work in abutting streets or on-site that may affect their services or access to their property.

14. Construction Site Maintenance Requirements (Demolition and Land Disturbing Activity Permits to Throughout Construction of the Site Plan)

- A. The Developer agrees to the following site maintenance requirements during construction of the site plan:
 - 1) That the site and any buildings located within it are secured and kept in a well-maintained condition after County Board approval of the site plan and 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) In the event that construction activity on the site or portions of the site ceases for a period of ten (10) consecutive months, then the Developer shall prepare, and receive the approval of the County Manager, of an interim condition plan for site improvements only in the event that such improvements are intended to include more than permitted landscaping, fencing, and publicly accessible pathways, and that such interim condition plan will be implemented within twelve (12) months of the dates that construction activities on the site or portions of the site have ceased or not yet begun.
- 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, allaying dust, and debris, and all streets and sidewalks adjacent to the construction site shall be free of trash and debris.

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, unless otherwise approved by the County Board at an off-site location.

15. Historic Sites (Demolition and Land Disturbing Activity Permits)

Intentionally Omitted.

16. Green Building Fund Contribution (Demolition and Land Disturbing Activity Permits)

Intentionally Omitted.

17. Public Art (Demolition and Land Disturbing Activity Permits)

Intentionally Omitted.

18. Sustainable Design Elements (Demolition and Land Disturbing Activity Permits)

The Developer agrees to obtain Green Home Choice credits and implement sustainable design elements as described and required below:

A. For Townhouse Development or Single-Family Dwellings: Green Home Choice (Final Building Permit):

- 1) **Green Home Choice Certification (Final Building Permit)** The Developer agrees to incorporate at least 160 credits per townhouse or single-family dwelling in the project equivalent to the ~~Silver Level~~ Certified Level of Green Home Choice and to be approved by the Green Home Choice Program Manager. The Developer agrees to submit all required documentation and other requirements of the GHC program,

including the development of a Home Energy Rating System (HERS) Index Score that is equal to sixty (60) or less.

- 2) **Green Home Choice Application (Final Building Permit).** The Developer agrees to meet with the GHC Program manager during the design phase of the project to discuss green building strategies that will be incorporated into the project. The Developer will provide documentation substantiating that a certified Home Energy Rater has been retained as a member of the project team and will coordinate a meeting between the designated Home Energy Rater and the GHC Program Manager . A final version of the GHC scorecard and the GHC application, signed by the GHC Program Manager shall be submitted to the Arlington County Inspection Services Division with the required building permit application.
- 3) **Homeowner's Manual (Certificate of Occupancy for Tenant Occupancy)** As required by the Green Home Choice Program, a Homeowner's Manual and final HERS Home Energy Rating Certificate and Report, documenting compliance with the program shall be submitted to the GHC Program Manager for review and approval prior to issuance of the first Certificate of Occupancy for each single family dwelling or townhouse. The manual may be submitted in a digital format via an electronic submission.

19. Civil Engineering Plan (Land Disturbing Activity Permits)

A. Submission and Approval (Land Disturbing Activity Permits)

- 1) **Submission (Land Disturbing Activity Permits)** The Developer agrees to submit a complete set, as determined by the Department of Environmental Services, of a Civil Engineering Plan for each applicable phase of the project consistent with the approved Phasing Plan for the development, pursuant to Condition #5 above, based on the Minimum Acceptance Criteria and Guidelines dated December 17, 2020 or subsequent amended acceptance criteria document or a complete set of the Land Disturbance Activity /Stormwater Permit (LDA/SWM) plan based on the LDA/SWM Minimum Acceptance Checklist, prior to the issuance of the Land Disturbing Activity Permit for that phase. Where "Civil Engineering Plan" is referenced throughout these conditions, a LDA/SWM plan may be substituted.
- 2) **(Excavation, Sheeting and Shoring Permit)**
Intentionally Omitted.
- 3) **Approval of Plan (First Building Permit)** The Developer agrees to obtain approval of the Civil Engineering Plan by the County Manager or his/her/their designee prior to the issuance of the Building 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. The Developer further agrees that any

changes to the approved Civil Engineering Plan shall be subject to the same conformance requirements. The Developer agrees to obtain approval from the County Manager or his/her/their designee of a revised Civil Engineering Plan for such changes, and if such changes are also features shown on the Final Landscape Plan, shall also obtain approval from the County Manager or his/her/their designee of a revised Final Landscape Plan per Condition #21.

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
Intentionally Omitted

2) Water Mains and Services

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

i. None

Their exact sizes, lengths, and locations shall be determined by the County as part of the Civil Engineering Plan review, which will be based on final engineering design and on evaluation of existing conditions and capacity of the water mains to serve the subject site, while maintaining the reliability of the water system. 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. Intentionally Omitted

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

Intentionally Omitted

6) Undergrounding of Aerial Utilities

Intentionally Omitted

7) Underground Utility Vaults

Intentionally Omitted

8) Pavement, Curb and Gutter

a. Pavement, curb and gutter along all site frontages, as listed below, and as shown on the approved Civil Engineering Plan.

i. N. Utah St – street cross-section of approximately 25 feet. The developer agrees to construct new curb and gutter and sidewalk along the site frontage as shown on the civil engineering plan approved by the County Manager.

ii. Public Alley – maintain existing alley cross-section of approximately 10 feet as shown on the civil engineering plan approved by the County Manager.

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.

9) Streetscape

a. The final streetscape design including sidewalks, street trees, tree pits, bicycle racks, parking meters, 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:

N. Utah Street:

• Minimum streetscape width measured from the back of curb: 6 feet

• Minimum clear sidewalk width: 4 feet

Planting strip dimensions: 2 feet and distance from back of curb: minimum zero (0) inches

- 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 #21.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 four (4) 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. Intentionally Omitted
- e. Intentionally Omitted

10) Visitor Bicycle Parking
Intentionally Omitted

11) Street Lighting
Intentionally Omitted

12) Communication Conduit

- a. Four (4), 2-inch communication conduits (HDPE or equivalent County standard for communication conduits) and related equipment along all site frontages, and two (2), 2-inch conduits from a County handhole into the communications room, all for the sole and exclusive use by Arlington County, unless the County Manager or his/her/their designee determines that less conduit is required for the purpose of providing necessary public safety and communication network access and connectivity.

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

1) (Shell and Core)

Intentionally Omitted

2) (First 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, prior to the issuance of the First Certificate of Occupancy for the respective phases 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. Communication conduit.
- f. Public street pavement, sidewalk, curb and gutter improvements.
- ~~g. Fire Apparatus Access Roads (Fire Lanes).~~
- ~~h. 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, or, at the County's option, full payment to the County to cover the cost for such improvements and relocation.~~
- ~~i. Traffic signal improvements and the relocation of existing traffic signal equipment or, as determined by the County Manager, pay in full to the County, the cost to cover such improvements and relocation.~~
- ~~j. Parking meters, or, as determined by the County Manager, pay in full to the County, the cost to cover such parking meters.~~
- ~~k. Transit facilities.~~
- ~~l. Visitor bicycle facilities.~~
- m. Stormwater management facilities, except those provided pursuant to Condition #19.C.3) below.
- n. 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 plan which is in poor condition or damaged by the Developer, prior to the issuance of the First Certificate of 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 improvements as approved above 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.

3) Final Partial Certificate of Occupancy for Tenant Occupancy).
Intentionally Omitted

D. As-Built Civil Engineering Plan (First Certificate of Occupancy)
Intentionally Omitted

E. Maintenance of Public Infrastructure. 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. Utility Company Notification (Land Disturbing Activity Permit)

In order to coordinate timing of utility work during construction of the project, the Developer agrees to notify all utility companies and County agencies that provide dry utility services in Arlington County of the limits of development and general timing of construction prior to issuance of the Land Disturbing Activity Permit. By way of illustration and not limitation, these utility services include electric, telephone, cable television, telecommunications, and gas. Utility companies consist of those providing existing utility services within the limits of development and others that regularly provide these services in Arlington County. The Developer also agrees to offer utility companies site access, as well as site coordination for their work within the public rights-of-way or easements that permit utilities, whether existing or that will be dedicated by the development, so that 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 Administrator copies of communication from the Developer to the utility companies providing such notifications.

21. Final Landscape Plan (Land Disturbing Activity)

A. Submission (Land Disturbing Activity)

- 1) The Developer agrees to submit a detailed Final Landscape Plan prior to issuance of the Land Disturbing Activity Permit. The plan shall conform to the approved 4.1 site plan drawings per Condition #2, and, where applicable, the following administrative guidelines, including but not limited to the Arlington County Zoning Ordinance. In the event there are conflicts between administrative standards and the approved drawings per Condition #2, the approved 4.1 site plan drawings shall rule.
 - a. The landscaping requirements contained herein;
 - b. The landscaping, planting, and sidewalk and driveway construction specifications and standards;
 - c. Arlington County Landscape Standards, including the Standards for Planting and Preservation of Trees on Site Plan Projects;

- d. All 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.
- e. Arlington County Zoning Ordinance

2) Intentionally Omitted

- 3) **Approval of Plan (Building Permit).** The Developer agrees to obtain approval of the Final Landscape Plan by the County Manager, prior to issuance of the Building 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 on sheets 24 inches by 36 inches 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 and Chesapeake Bay Ordinance requirements. 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) Intentionally Omitted
- 5) Intentionally Omitted
- 6) Intentionally Omitted
- 7) Intentionally Omitted
- 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 or his/her/their designee 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 4.1 site plan drawings per Condition #2 and all applicable streetscape design guidelines or standards, and shall:

(1) Intentionally Omitted

(2) Be not less than four (4) 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 all 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) Intentionally Omitted

b. 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:

- *Minimum streetscape width, clear sidewalk width, and planting strip dimensions shall be as required by Civil Engineering Plan condition 19.B.8.a*
- *Tree size: minimum 3½ inches caliper*
- *Tree spacing: As approved by the County Manager or his/her/their designee per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects*
- *Street trees may be provided on-site in accordance with the plans per Condition #2 and Sections 5.8 and 14.2 of the Zoning Ordinance.*

9) The sidewalks shall contain street trees placed in either tree pits with continuous soil panels or planting strips, consistent with the Standards for Planting and Preservation of Trees in Site Plan Projects, and as specified above unless provided on-site in accordance with the plans per Condition #2 and Sections 5.8 and 14.2 of the Zoning Ordinance. The location, soil volume enhancements, and planting details for street trees shall be in compliance with; 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) Intentionally Omitted

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 Certificate of Occupancy)

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

1) **Installation (First Certificate of Occupancy)**. The Developer agrees that all improvements shall be constructed and/or installed prior to the issuance of the First Certificate of 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) Continuous soil panels shall be used instead of individual street tree pits. Soil and drainage material depth shall be as specified in appropriate Arlington County tree planting standard details, and as approved by the County Manager or his/her/their designee on the landscape plan. Soil volume, depth, and drainage requirements also apply to trees in raised planters.
 - (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 Certificate of Occupancy, exclusive of the garage, for the applicable Phase of the project pursuant to the approved Phasing Plan required in Condition #5 above.
- 2) **Installation of Private Amenity and Roof-Level Landscaping (Final Certificate of Occupancy for Tenant Occupancy).**
Intentionally Omitted
- 3) **Maintenance and Replacement (Life of Site Plan)** The Developer agrees to maintain the site in a clean and well-maintained condition and ensure that the entirety of the site and its landscaping, including all hardscape, site furniture, and plantings, are kept in a clean and well-maintained condition for the life of the Site Plan in accordance with the approved Final Landscape Plan and the Landscape Maintenance Management Program per the Arlington County Landscape 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 or his/her/their designee may consider minor revisions to landscape 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. If proposed changes impact the Civil Engineering Plan, then a revision to the Civil Engineering Plan must also be reviewed and approved.

22. **FAA Documentation (Excavation, Sheeting and Shoring Permit)**

Intentionally omitted

23. **Recordation of Deeds of Public Easements and Deeds of Dedications (Submission - Footing to Grade Permit; Recordation – First Partial Certificate of Occupancy for Tenant Occupancy)**

Intentionally omitted

24. **Secure Bicycle Parking, Shower and Locker Facilities (Building Permit)**

Intentionally omitted

25. **Façade Treatment of Buildings (Building Permit)**

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 (Building Permit)**

The Developer agrees to submit for review by the County Manager or his/her/their designee prior to the issuance of the Building Permit, architectural line drawing elevations drawn to scale, which label the materials and colors for each elevation of the building, and which identify any proposed change from the drawings identified in Condition #2, along with a written summary and explanation of the proposed changes. The Developer further agrees to submit, as part of the submission, a high-resolution photograph of a material sample board documenting proposed façade materials as shown on the elevations and any other supplemental information necessary to support material description.

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

The Developer agrees to obtain the approval of the County Manager or his/her/their designee of the façade elevation drawings and material samples submitted per this Condition #25, 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. Inspection and Approval of Built Façade (First Certificate of Occupancy)

The Developer agrees to obtain approval of the County Manager or his/her/their designee of the built building façades as being consistent with the approved façade elevations and materials prior to the issuance of the First Certificate of Occupancy. Per residential construction industry standards, the façade drawings and material specification submitted at time of project approvals include the major design elements and treatments of the building but do not include certain ancillary exterior elements such as hose bibs, electrical outlets, address numbers, utility meters, and/or PVC roof penetrations.

E. Administrative Changes for Façade Elements.

1) 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.

2) **Temporary Retail Facades Permitted**
Intentionally Omitted

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 air conditioner units shall be located in the side yards as shown on the Plans, as approved per Condition #2 and placed behind fencing or other screening such that they are not visible from the 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.

26. Plat of Excavated Area (Footing to Grade Permit)
Intentionally Omitted

27. Public Improvements Bond (Building Permit)

A. Bond Estimate (Building 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 Condition #5 above, and prior to the issuance of the Building Permit.

B. Bond (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 replace any curb, gutter and sidewalk in poor condition and/or existing or new infrastructure damaged during construction, at the direction of the County Manager, prior to release of the public improvement bond.

28. Interior Trash Collection and Recycling Areas (Footing to Grade Permit)
Intentionally omitted

29. Interior Loading Spaces (Footing to Grade Permit)
Intentionally omitted

30. Emergency Vehicle Access/Support on Surface Parking and Plaza Areas (Footing to Grade Permit)
Intentionally omitted

31. Parking (Building 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 Building 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.

Use Type
Residential -

Approved Parking Ratio
2 spaces per unit (to include residents, residential visitors, accessible spaces & residential building employees)

- 32. Documentation of Historical Artifacts, Features and Buildings (Building Permit)**
Intentionally Omitted
- 33. 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 \$8,976.90 (\$65,050 x 0.138 acres). [The Underground Utility Fund Contribution of \$50,000 per acre (2011 dollars) has been adjusted by the change in the Consumer Price Index All Urban Consumers (CPI-U) from 2011 Annual Average to 2022 Annual Average, reflecting a 30.10% 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 or his/her/their designee (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.
- 34. Wall Check Survey**
A. Submission of Wall Check Survey (Upon completion of foundation walls and slab on grade). The Developer agrees to submit a wall check survey to confirm its consistency with the plans approved by the County Board, as referenced in Conditions #2 and #3 above. 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.
- 35. Use of Penthouse (Final Building Permit)**
Intentionally omitted
- 36. Review by Crime Prevention Through Environmental Design (CPTED) Practitioner (Final Building Permit).**
Intentionally omitted
- 37. Developer Installation of In-Building First Responder Network (Final Building Permit)**
Intentionally omitted

38. **Ground Floor Elements (Final Building Permit)**
Intentionally Omitted
39. **Safety Measures at Garage Exit Ramps (Final Building Permit)**
Intentionally omitted
40. **Transportation Management Plan (First Partial Certificate of Occupancy for Tenant Occupancy or as specified below)**
Intentionally omitted
41. **Affordable Housing Contribution For Development with Base Density for Affordable Housing (ACZO Section 15.5.8 (C) (Shell and Core Certificate of Occupancy)**
Intentionally Omitted
42. **Availability of Site Plan Conditions to Residential Condos, Cooperatives and Homeowners Associations (Final Certificate of Occupancy)**
Intentionally Omitted
43. **Obtain Master Certificate of Occupancy (Within 12 months of Receipt of the Certificate of Occupancy that permits full occupancy)**
Intentionally Omitted
44. **Building Height Certification (First 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 First Certificate of Occupancy.
45. **Structural Modifications and Balconies (Life of Site Plan)**
A. The Developer agrees that any structural modification, permitted encroachments or changes to the facades or materials shall be subject to the approval of the County Manager. Future improvements to the dwellings may be approved administratively by the Zoning Administrator based on the setbacks established by this Site Plan, so long as the proposed improvements comply with the R15-30T zoning district regulations. If the County Manager or their designee 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. Intentionally Omitted
46. **Building Security Measures (Life of Site Plan)**
Intentionally omitted
47. **Snow Removal (Life of Site Plan)**

Intentionally Omitted

48. Maintenance of Residential Common Areas (Life of Site Plan)

Intentionally omitted

49. 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.

50. Density and Approved Site Areas over Subdivided Site (Life of Site Plan)

A. 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.

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

Intentionally Omitted

52. Canopies and Awnings (Life of the Site Plan)

Intentionally omitted

PREVIOUS COUNTY BOARD ACTIONS:

No Previous County Board Action

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