



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of July 15, 2023

DATE: June 28, 2023

SUBJECT: FBCN23-00002 USE PERMIT for preservation, renovations, and additions to the Barcroft Apartments buildings #22-26 located within Section 3 of the overall apartment complex, with modifications pursuant to the Columbia Pike Neighborhoods Form Based Code for setback and parking requirements associated with the existing buildings to remain. Property is approximately 288,934 sq. ft.; located at 4301 16th Street S. (RPC# 27-002-010).

Applicant:

1130 S. George Mason Dr Res Owner LLC
15400 16th Street NW #430
Washington, DC 20036

By:

M. Catharine Puskar
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

C.M. RECOMMENDATION:

Approve the subject use permit, in accordance with the Columbia Pike Neighborhoods Form Based Code (Article 11.2 of the Zoning Ordinance, Appendix B), for preservation, renovations, and additions to the Barcroft Apartments buildings #22-26 located within Section 3 of the overall apartment complex, with modifications pursuant to the Columbia Pike Neighborhoods Form Based Code for setback and parking requirements associated with the existing buildings to remain, subject to the conditions of the staff report.

ISSUES: As of the date of this report, there are no identified outstanding issues with the request. The use permit proposal has been reviewed by the Form Based Code Advisory Working Group (FBC AWG), the Housing Commission, the Planning Commission, the Design Review Committee (DRC), and the Historical Affairs and Landmark Review Board (HALRB) where general support was expressed.

County Manager:	
County Attorney:	
Staff: Olivia Sontag, DCPHD, Planning Division Lorin Farris, DCPHD, Neighborhood Services Division Melissa Danowski, DCPHD, Housing Division Robert Gibson, DES, Development Services	<div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">3</div>

SUMMARY: The approximate 6.69-acre subject site is part of the larger Barcroft Apartments complex which encompasses approximately 60 acres of land south of Columbia Pike. Located at 4301 16th Street S. at the corner of South George Mason Drive and South Four Mile Run Drive, the subject site is within the Columbia Pike Neighborhoods Special Revitalization District as shown on the General Land Use Plan (GLUP), making the site eligible for development pursuant to the Columbia Pike Neighborhoods Form Based Code (N-FBC). Given the specific location of the 6.69-acre parcel, the N-FBC designates the subject site as a Conservation Area which also contains a designated Preserved Natural Area, each intended to preserve the historically significant structures, open space configurations, and mature tree canopy that collectively represent Barcroft Apartments' character-defining features.

The property owner of the Barcroft Apartments has filed a Columbia Pike Neighborhoods Form Based Code (N-FBC) use permit application for preservation, renovations, and additions to buildings #22-26 which represent a portion of Barcroft's third section of overall construction completed in 1943-1944 (see Figure 3). The subject site contains 93 of the property's overall 1,334-unit total, contained within five (5) three-story garden apartment buildings (#22-26) and two (2) independent garage structures with associated surface parking. The use permit request includes additions to buildings #24-26 which would convert 14 two-bedroom units to three-bedroom units and four (4) two-bedroom units to four-bedroom units. While the unit mix will be revised, the total number of units on the subject site will not change.

As part of the proposal, the exterior façades of the existing buildings will be renovated to replace windows that have not previously been replaced, restore brick walls, repair or replace roofs, and perform other necessary building repairs in compliance with Part 7 of the N-FBC which specifies appropriate methods of preservation within areas designated as Conservation Areas. The proposed additions to buildings #24-26 are designed to generally follow the design elements and materials of the existing buildings with historically appropriate architecture in the style of the original buildings that retains compatibility with the rest of the apartment complex. In addition, trees and landscape features on the subject site will be preserved and enhanced to the extent feasible while accommodating the building additions and addressing steep topography on the site. Pursuant to Section 301.A of the N-FBC, the site area within the designated Preserved Natural Area is proposed to be retained as predominantly undeveloped and natural.

The special exception use permit is required given the site is within the Conservation Area boundary and to address non-conforming conditions associated with the subject site's setback and parking regulations found in the underlying RA14-26 zoning district. Pursuant to the N-FBC, the County Board may modify such zoning provisions through a special exception use permit in cases where a N-FBC development project proposes to renovate existing structures within a Conservation Area in compliance with the standards found in Part 7 of the N-FBC and converts such units to Committed Affordable Units (CAFs). As the conversion of Barcroft's units to CAFs previously took place at the time of the site's acquisition in late 2021, the subject use permit generally focuses on the site's preservation, compatible architecture of the proposed additions, and tenant on-site relocation assistance, as residents will need to be temporarily accommodated on the property while the work to renovate and upgrade their home is completed. The subject use permit may be amended in the future as discussions and public review of the overall property's long-term vision inform the County Board's consideration of a Master

Financing and Development Plan (MFDP). This may involve site-wide recommendations involving elements such as sustainability, transportation, open space, housing, land use, and historic preservation. The MFDP was first submitted by the applicant in the fall of 2022, with the objective of detailing how Barcroft Apartments could be renovated and/or developed in the long-term to meet the affordability goals set for the property when it was acquired by the applicant in December 2021.

BACKGROUND:

Columbia Pike Neighborhoods Special Revitalization District Form Based Code (N-FBC):

In November 2013, the County Board adopted the [Columbia Pike Neighborhoods Special Revitalization District Form Based Code \(N-FBC\)](#), as shown on the General Land Use Plan (GLUP), as an implementation tool to realize the vision set forth in the [2012 Columbia Pike Neighborhoods Area Plan](#) (see Figure 1). Both documents reflect the community’s goal of preserving affordable housing along the corridor through carefully drafted urban design principles, transportation and open space improvements, guided by regulations which reflect flexibility to allow sites to redevelop over time. The N-FBC was developed as an optional zoning tool that provides incentives for redevelopment of multi-family residential areas along Columbia Pike that surround its commercial centers which are governed by the Commercial Form Based Code (see Figure 2).

Figure 1: General Land Use Plan (GLUP) Designation for the Columbia Pike corridor

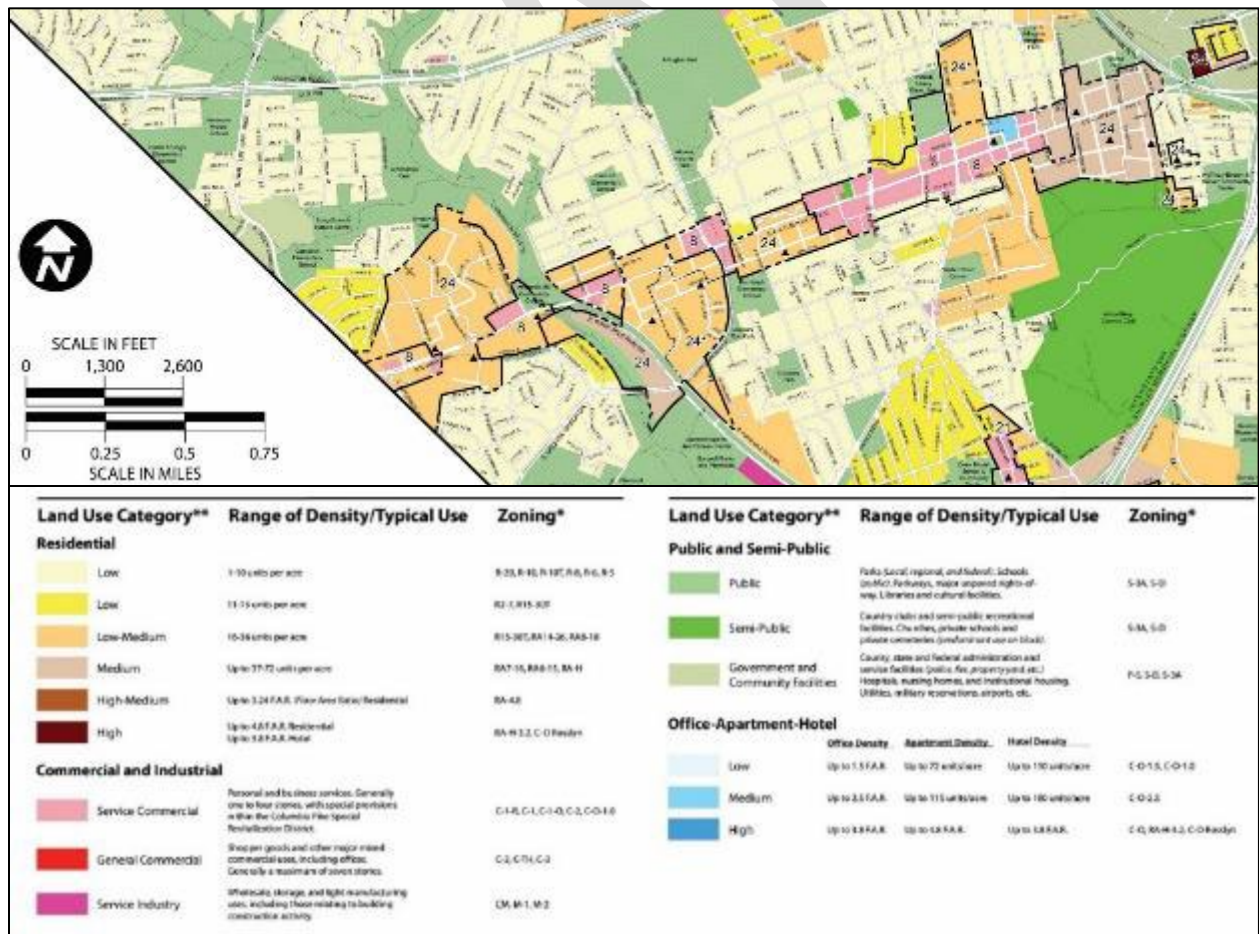
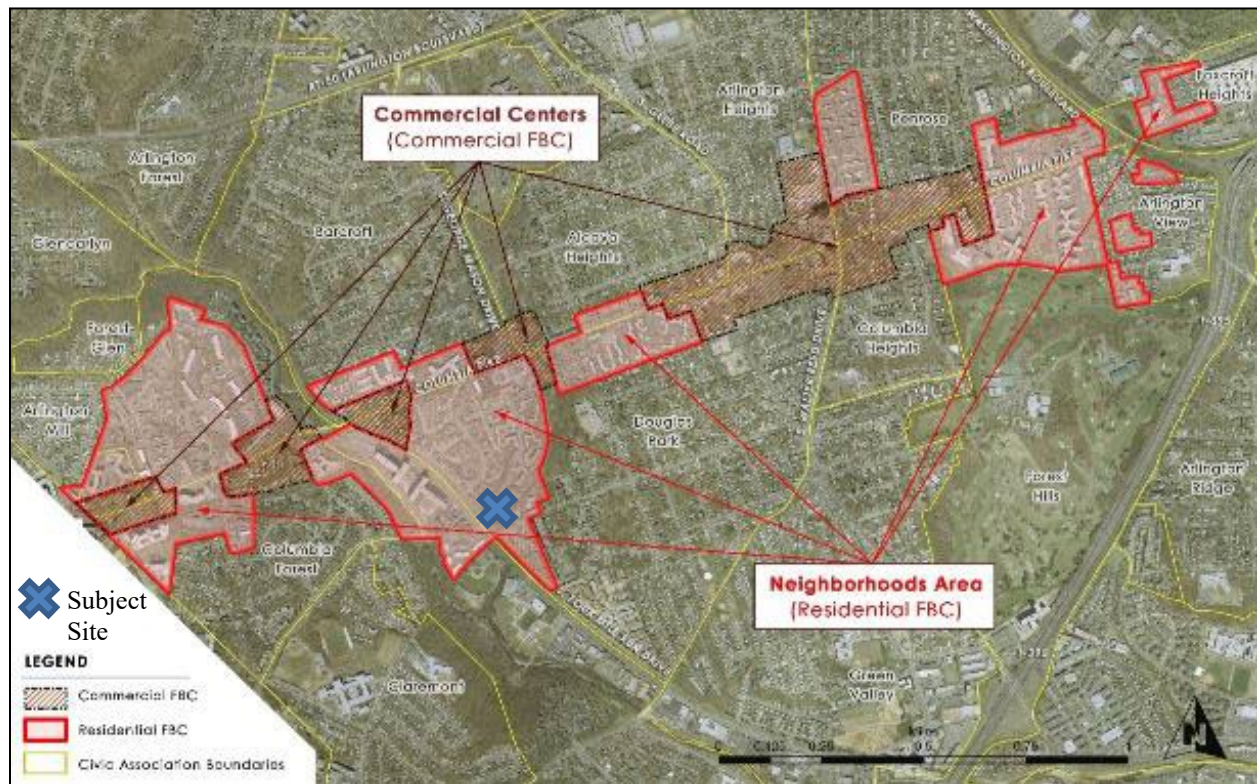


Figure 2: Commercial Centers and Neighborhoods Area (Residential) FBC Boundaries



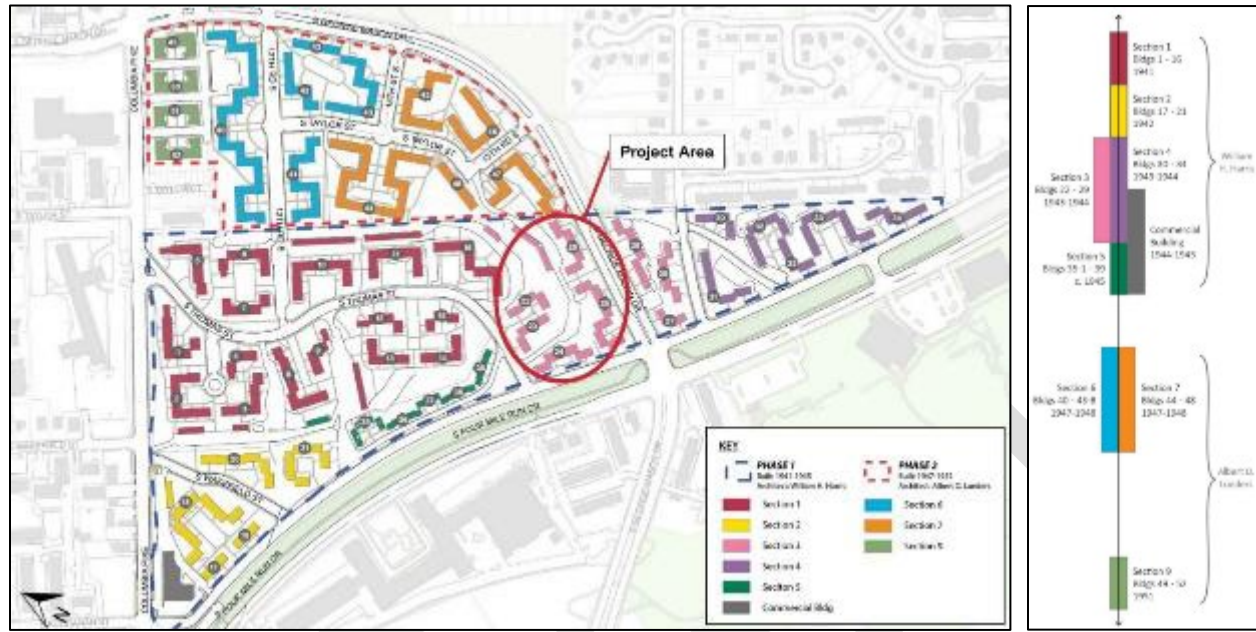
At the time of adoption in 2013, the N-FBC designated Barcroft Apartments as a Conservation Area where affordable housing preservation was envisioned, building renovations would be possible and encouraged, and redevelopment would be limited to essential areas to aid in transforming the auto-oriented corridor to a main street, mixed-use corridor. Consistent with the recommendations of the 2012 Columbia Pike Neighborhoods Area Plan, Conservation Areas would help ensure the sites would not be over-incentivized for redevelopment given their affordable housing inventory, significant tree canopy and historical building significance and the County and community’s desire to retain these special features amidst the corridor’s transformation. Barcroft Apartments are one (1) of three (3) Conservation Areas in the N-FBC. Fillmore Gardens was also designated at the time of the N-FBC adoption in 2013 and the [Haven Apartments were designated in December 2022](#). The Conservation Area designations are depicted within the N-FBC Regulating Plans (see Figure 3) and are further supported by specific standards found in Part 7 of the N-FBC for renovation of existing buildings and new construction in limited opportunities within and adjacent to these conservation sites.

Barcroft Apartments:

Barcroft Apartments are comprised of multiple parcels fronting Columbia Pike, South George Mason Drive, and South Four Mile Run, and include 59 garden apartment buildings totaling 1,334 units constructed between 1939 and 1953. The property was developed in two (2) historical phases and includes eight (8) distinct geographical sections (see Figure 3). In 2011 the entirety of the Barcroft Apartments property was identified in Phase 1 of Arlington County’s Historic Resources Inventory (HRI) in the highest-ranking category of “Essential” sites given its largely intact architectural elements of the original construction, significant amounts of

affordable housing, open spaces, and mature tree canopy. The complex is also considered eligible for the National Register of Historic Places under the 2012 Multiple Resource Listing for Garden Apartments, Apartment Houses and Apartment Complexes in Arlington County, Virginia: 1934-1954.

Figure 3: Barcroft Apartments Phases and Sections of Development



In December 2021, the [County Board approved a \\$150 million loan](#) to support acquisition of the property by Jair Lynch Real Estate Partners (JLREP). This County loan, in combination with a [\\$160 million loan from the Amazon Housing Equity Fund](#) preserved the affordability of all 1,334 units at Barcroft Apartments for 99 years. The combined funding assistance would also aid JLREP in addressing immediate repairs to the aging apartment complex, introducing site amenities, and taking steps to improve residents’ overall living environment. Preserving the affordability of Barcroft Apartments meets many of the goals, objectives and policies of the [Affordable Housing Master Plan element of Arlington’s Comprehensive Plan](#). The JLREP acquisition added 659 family-sized units (2-bedrooms or greater) to the County’s Committed Affordable Units (CAF) inventory.

On October 29, 2022, JLREP submitted a [Master Financing and Development Plan \(MFDP\)](#) to the County Manager, as required by the 2021 Arlington County Loan Agreement. The MFDP represented JLREP’s engagement with Barcroft residents and describes how Barcroft Apartments could be renovated and/or developed in the long-term to meet the affordability goals set for the property. County staff are working with JLREP to bring a MFDP to the County Board, anticipated by late 2023/early 2024 which will include potential site-wide updates to land use, transportation, open space, historic preservation, sustainability, and housing that will be reflected in an associated financing plan for further discussion and direction from the County Board. The County Board’s ultimate action will be preceded by a community engagement process, anticipated to begin this Fall/Winter.

The following provides additional information about the site and location:

Address (RPC): 4301 16th Street S. (RPC# 27-002-010)

Neighborhood: Douglas Park Civic Association and adjacent to the Claremont, Columbia Forest, Arlington Mill, Barcroft, and Alcova Heights Civic Associations.

GLUP: GLUP “Low-Medium” Residential; Columbia Pike Neighborhoods Special Revitalization District (Note 24);

Zoning: RA14-26 (Multiple Family Dwelling District); Columbia Pike Neighborhoods Form Based Code.

Existing Land Use: The approximately 6.69-acre subject site is part of the larger Barcroft Apartments complex which encompasses approximately 60 acres south of Columbia Pike. The subject site is developed with five (5) three-story garden apartment buildings containing 93 units and two (2) garage structures with associated surface parking and open space.

Figure 4: Aerial Imagery of Barcroft Apartments with Building Numbers



DISCUSSION: This section provides a general overview of the adopted policy, proposed use permit elements, and staff’s analysis pertaining to the associated impacts of the proposed building renovations and additions.

N-FBC Regulating Plan: The Regulating Plan provides specific information in a graphic format on the development parameters depicting how each redevelopment project, or in some cases, intended preservation, should relate to its adjacent street space and the surrounding neighborhood. The Regulating Plan also serves as an important reference for property owners to confirm which Building Envelope Standards (BES) further regulate potential development on

their site. Development proposals opting to use the N-FBC are required to meet all standards depicted on the Regulating Plan and BES with limited opportunities for modifications. Figure 5 illustrates an excerpt of the existing Central Subarea Regulating Plan designating the subject site as a Conservation Area with adjacent portions of the Barcroft Apartments designated with the Urban Residential (blue) Building Envelope Standard (BES) frontage type, permitting residential uses of up to six (6) stories in height which may increase to 10 stories in the bonus areas (shown with hatch pattern), transitioning to other existing units within the “Adjacent to” [Conservation] areas (shown in teal). Several portions of the property also include a “Preserve” label to indicate where mature tree canopy is expected to be preserved.

Figure 5: (Excerpt of) N-FBC Central Subarea Regulating Plan (Barcroft Section 3)

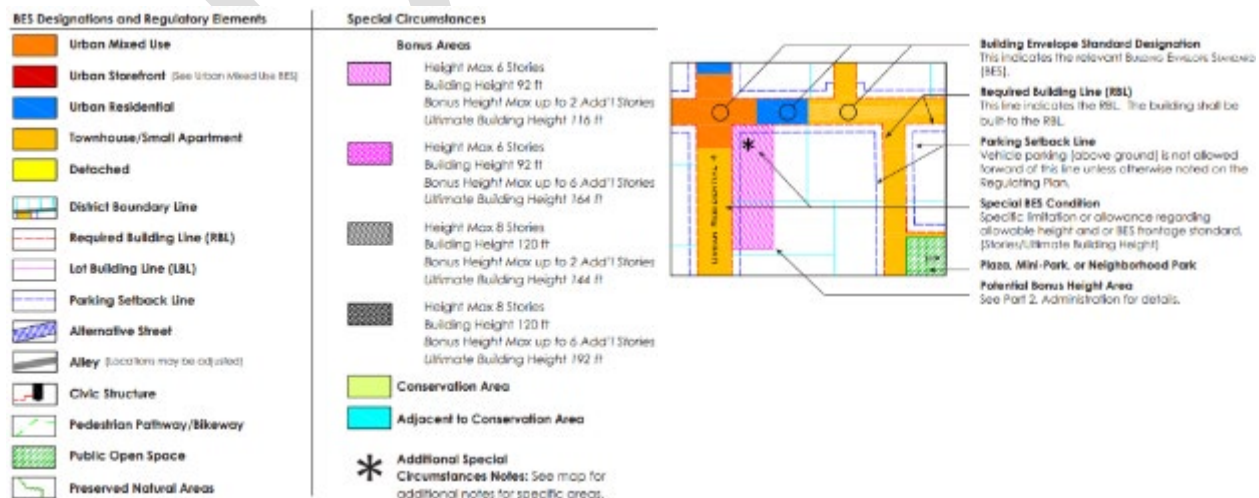
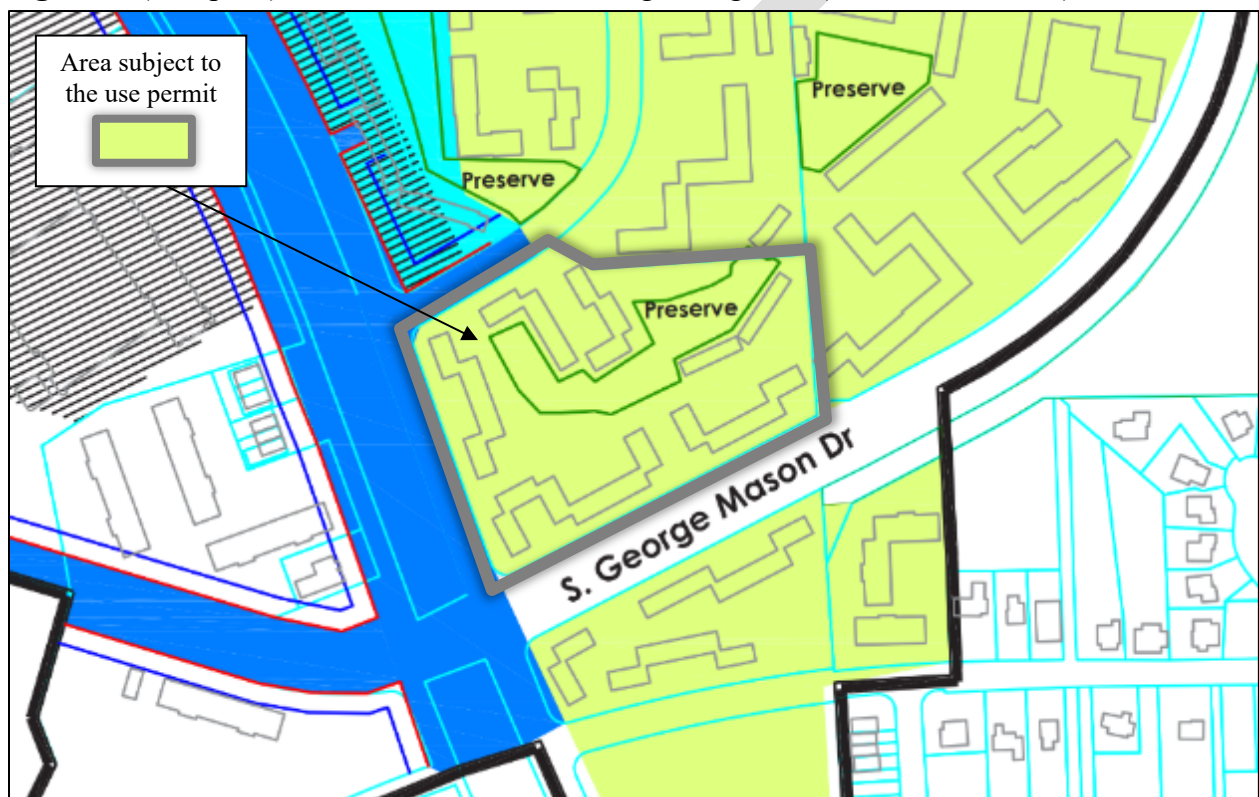


Figure 6: Proposed Additions to Buildings

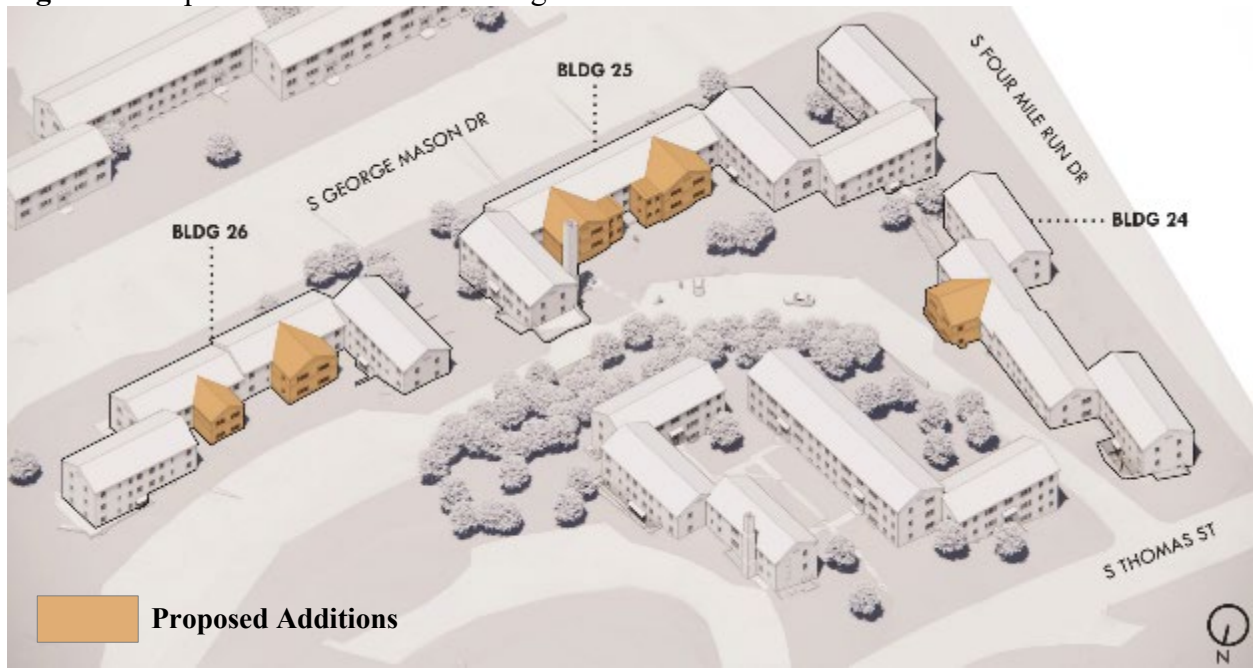


Figure 7: Rendering of Additions Reviewed and Supported by DRC and HALRB



While many of the proposed renovations represent typical building upgrades and site maintenance improvements, the property's non-conforming status with respect to parking and setback requirements in the underlying RA14-26 zoning district would prohibit some of the improvements and proposed building additions. In anticipation of such instances, the N-FBC enables the County Board to modify zoning provisions through a special exception use permit in

cases where a development project proposes to renovate existing structures within a Conservation Area in compliance with the standards found in Part 7 of the N-FBC and converts such units to Committed Affordable Units (CAFs). As the conversion of Barcroft's market-rate affordable to committed affordable units previously took place at the time of the site's acquisition in late 2021 and is captured in the loan agreement, the subject use permit focuses on the building and tree canopy preservation, compatible architecture of the proposed additions, and tenant relocation assistance.

Pursuant to the N-FBC, for Conservation Areas shown on the Regulating Plan, the County Board may, after review by the HALRB, and by use permit approval, allow existing buildings to remain and additions to existing buildings within Conservation Areas, subject to meeting certain criteria. This application proposes preservation, renovations, and additions to the Barcroft Apartments buildings #22-26, within a portion of Section 3, which contains 93 units in five (5) three-story garden apartment buildings (#22-26) and two (2) garage structures with associated surface parking. Additions are proposed to buildings #24-26 which convert 14 two-bedroom units to three-bedroom units and four (4) two-bedroom units to four-bedroom units, totaling 4,026 square feet (see Figures 6 and 7). While the unit mix will be revised, the total number of units on the subject site will not change. As part of this proposal, the applicant will continue to provide all 93 apartment units as committed affordable units (CAFs) and pursuant to Condition #39 of this report, the 93 CAFs shall have rents affordable to households that, as a whole, average up to 60% of Area Median Income (AMI).

As proposed, all existing main buildings will remain, building renovations and new construction meet the standards set forth in the Part 7 Conservation Area Standards, all new construction included in the use permit complies with the N-FBC, and the applicant is providing affordable housing units in accordance with Section 902, in existing buildings within the Conservation Area. Pursuant to Section 206.C.2, the project was reviewed by the DRC on three (3) occasions and the HALRB twice to provide feedback on the proposed architectural design of the renovations and additions and to assess whether the application complies with Part 7 Conservation Area Standards of the N-FBC. After each meeting, the applicant addressed comments with revised materials. The HALRB has provided a written recommendation summarizing compliance with the Part 7 Conservation Area Standards, for consideration by the County Board.

N-FBC Preserved Natural Areas: Pursuant to Section 301.C.5 of the N-FBC, development projects with designated Preserved Natural Areas as shown on the Regulating Plan shall include the boundaries on plans, protect these areas during construction, and retain the Preserved Natural Areas as undeveloped and natural, conforming to the standards as defined in the Chesapeake Bay Preservation Ordinance and the Urban Forestry Master Plan. As proposed, the applicant plans to protect and retain the Preserved Natural Areas with removal of three (3) invasive species trees, amended soils to restore the porosity of the soil and reduce stormwater runoff, and renovation of the existing courtyard to include an ADA accessible elevated deck to minimize disturbance to existing tree roots, pervious pavers and restored lawn area, understory tree planting, and seating options. Within the site area subject to this use permit, 16 trees are proposed to be removed due to construction impacts, eight (8) are being removed as invasive tree species, and two (2) are

dead trees to be removed. A total of 39 tree replacements are required and the applicant proposes planting approximately 71 trees.

Figure 8: Preserved Natural Areas

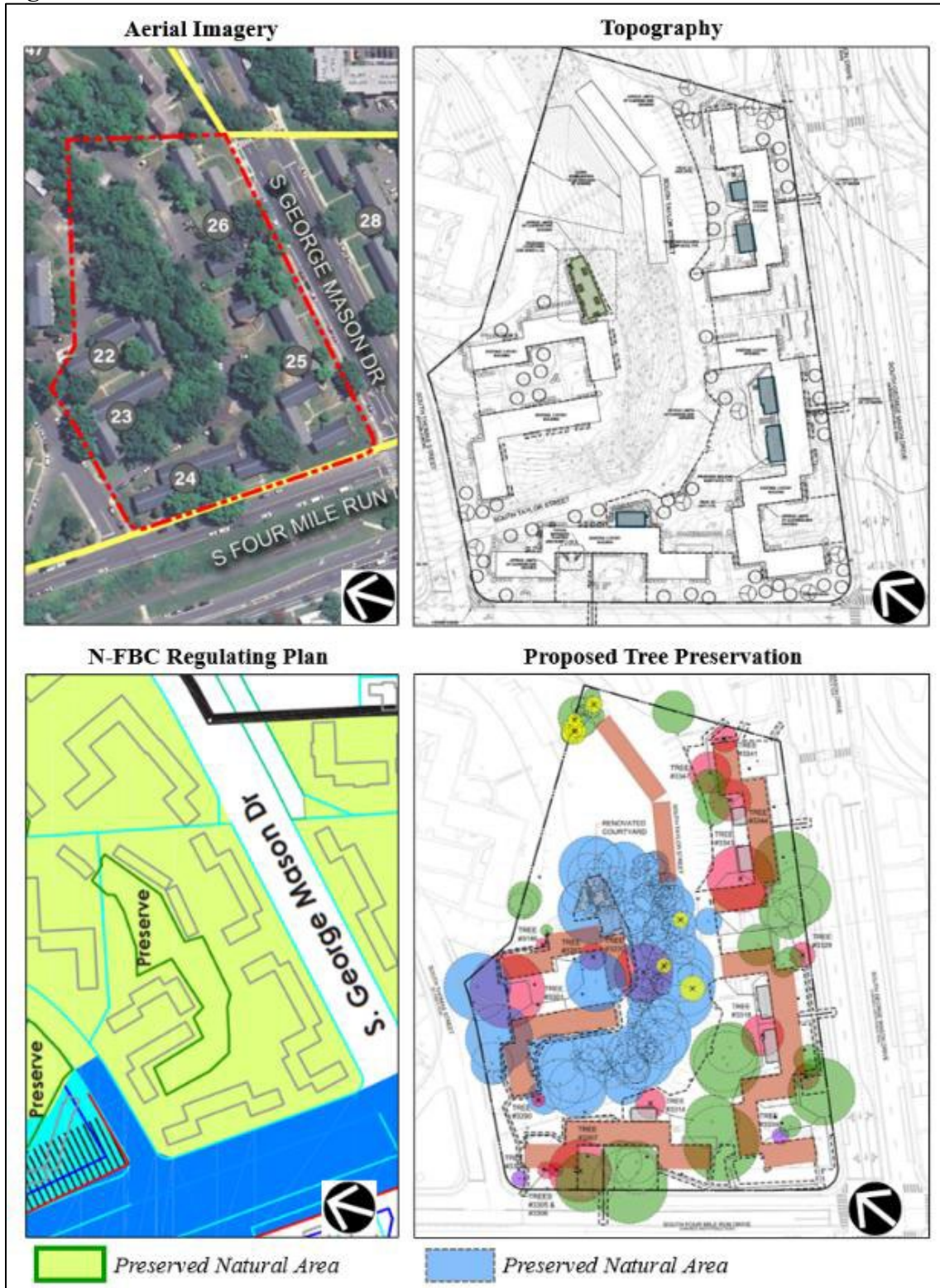


Figure 9: Tree Preservation and Removal Plan



N-FBC Green Building Standards: Pursuant to Section 403 of the N-FBC, all Urban Residential BES sites shall achieve LEED (Leadership in Energy and Environmental Design) Silver Certification. However, as a major renovation proposal in a Conservation Area and a development project pursuing Virginia Housing (VH) affordable housing tax credits, the project has the option to achieve either LEED Certification or Earthcraft certification. The applicant has provided a draft scorecard and as proposed, is targeting LEED Silver certification.

N-FBC Conservation Area Standards: Pursuant to Part 7 Conservation Area Standards of the N-FBC, the site is subject to criteria that provide incentives to property owners to preserve the historic fabric and features of, and the affordability of housing within, these important areas when renovation or development changes are proposed. The purpose of these Conservation Area Standards is to protect against destruction of or encroachment upon historic areas and to promote the preservation of affordable housing by allowing for more or different types of development when a property owner preserves historic features and traditional design. The primary goals of these standards are appropriateness and compatibility with traditional architecture. These standards outline measures to ensure that these neighborhoods remain visible reminders of the history and cultural heritage of the Columbia Pike corridor, as well as the broader Arlington community. Given that the Conservation Areas are eligible for listing in the National Register of

Historic Places, the US Secretary of the Interior's Standards for Historic Rehabilitation provide the basis for which the standards in this section were developed.

Conservation Areas are to be preserved through a mechanism such as an historic preservation easement granted to the County Board of Arlington County or a qualified preservation organization. Historic preservation easements are permanently recorded in the land records of Arlington County and bind both current and future owners. The easements are to protect the historic resource and its exterior character-defining details of the property in perpetuity and therefore may prohibit an owner from demolishing the historic building(s) and limit changes or alterations to the property that are inconsistent with the historic character of the property.

As existing buildings within designated Conservation Areas, the renovation standards in Section 703.B apply to the alterations to the existing buildings. As required by the N-FBC, the HALRB and DRC have reviewed the proposal against these standards and have provided a written recommendation summarizing compliance with the Part 7 Conservation Area Standards, for consideration by the County Board.

Affordable Housing Requirements: With the acquisition of Barcroft Apartments in December 2021, all the units became Committed Affordable Units (CAFs) for at least 99-years. Condition #39 in this report outlines the Affordable Housing Commitment where the applicant agrees to provide a minimum of 93 units as committed affordable housing (CAF) Units, consisting of four (4) one-bedroom units, seventy-one (71) 2-bedroom units, fourteen (14) three-bedroom units, and four (4) four-bedroom units. All 93 CAF Units shall have rents affordable to households that, as a whole, average up to 60% of Area Median Income (AMI).

On-Site Tenant Relocation: As required by the County's relocation guidelines, the Jair Lynch team will complete a Tenant Relocation Plan before any planned renovation work. On April 24, 2023, the Jair Lynch and Gates Hudson (the property manager) team hosted an in-person meeting with impacted residents to provide an overview of the plans and answer questions. In-person, simultaneous translation was provided to residents who speak Spanish, Amharic, Arabic, and Bengali. Information about the renovation plans has also been posted on Jair Lynch's [BeBarcroft](#) website and has been sent to residents through the online resident portal system. All details about the relocation plan and the renovation's impact on existing residents will continue to be communicated to residents early, often, and in a variety of ways.

During the renovations impacted residents will need to be temporarily accommodated on the property while the work to renovate and upgrade their home is completed. The renovation work will be phased, and not all apartments within the initial renovation project will be renovated at the same time. Residents who live in buildings slated for renovation will be offered comparable homes on the property. Relocation services will be provided by Jair Lynch at no cost to the residents. In all cases, the Gates Hudson and Jair Lynch team will ensure information is shared with residents to give them time to fully prepare for any disruption, including a 120-day notice of their planned relocation. They will also provide one-on-one consultations to address specific resident requests and concerns.

N-FBC Modifications for Existing Buildings and Additions: The applicant has also requested modifications to setbacks and parking requirements found in the underlying RA14-26 zoning district. Pursuant to Section 205.B.2 of the N-FBC, where an existing building is included in an application for use permit approval, the County Board may approve modifications to setback, yard, coverage, parking, lot width, and lot area regulations as they are applicable to the retained existing buildings, including additions to or enlargements of such existing building when the County Board finds that it meets the subject criteria. As proposed, the applicant is retaining the existing buildings in order to meet the affordable housing requirements of Section 902 within those buildings and comply with the renovation standards set forth in the Part 7 Conservation Area Standards for buildings in areas identified as Conservation Areas on the Regulating Plan. Additionally, residential and associated accessory uses are retained within the existing buildings, no additional density is proposed beyond the number of units legally existing in existing buildings, and the height of the existing buildings is not increased beyond the greater of either the 35-foot height permitted by-right in the underlying zoning district or the height legally existing on the site.

N-FBC Parking Standards: Pursuant to Section 205.B.2 of the N-FBC, the applicant requests a modification to reduce the required parking for the site. Within the site area subject to this use permit, there are 86 existing parking spaces (63 surface, 1 ADA, and 22 within the existing garages) resulting in a parking ratio of 0.92 spaces per unit. Staff supports the modification and finds that the existing parking is sufficient to support the needs of this section of Barcroft. Additionally, on-street parking is available in close proximity to the proposed development. Pursuant to Section 802.B, for residential uses, the applicant shall provide a minimum of one (1) bicycle parking space per 2.5 dwelling units and one (1) visitor bicycle parking space per 50 dwelling units, requiring a total of 40 bicycle parking spaces for the site area subject to this use permit. The applicant is providing at least 40 bicycle parking spaces distributed throughout the subject site.

Transportation: The site is bound by South George Mason Drive (to the east), South Four Mile Run Drive (to the south) and South Thomas Street (to the west). Through the middle of the site a private driveway connects South Thomas Street and South Taylor Street. Along the site's frontage South Four Mile Run Drive splits with bidirectional roadways on the north and south side of W&OD trail. On the north side of the W&OD trail, adjacent to the site, South Four Mile Run Drive serves as a two-lane local road. The Master Transportation Plan classifies South George Mason Drive as a Type D-Primary Garden Apartment & Townhouse Neighborhoods arterial. South Four Mile Run Drive and South Thomas Street are both identified in the MTP as neighborhood non-arterial streets.

Along the site frontage of South George Mason Drive a 4' wide sidewalk exists. The site's frontage of South Four Mile Run Drive provides a 5' wide sidewalk separated from the curb by a 1.5' planting/utility strip. Along South Thomas Street a 4.5' sidewalk separated from the curb by a 1.5' planting/utility strip is provided.

The community is supported with existing transit (ART Bus and Metrobus) service with stops along South Four Mile Run Drive (Minor) and South George Mason Drive. Arlington County has an ongoing study to identify multimodal transportation improvements along the project's

South George Mason Drive frontage. The project proposes no changes or work within the right-of-way that will impact sidewalks or street operations. The limited work associated with the project will not impact the County's ability to implement possible multimodal improvements along South George Mason Drive. The subject use permit may be amended in the future as additional updates are considered for the entirety of the Barcroft Apartments as the property's long-term vision will be the subject of subsequent community engagement initiatives.

PUBLIC ENGAGEMENT:

Level of Engagement:

Consult

This is an appropriate level of engagement given the site's location within a N-FBC Conservation Area and pursuant to Section 206.D of the N-FBC for review by the Historical Affairs and Landmark Review Board (HALRB), and its Design Review Committee (DRC).

Outreach Methods:

- Public notice was given in accordance with the Code of Virginia §15.2-2204. Notices of the County Board and Planning Commission hearings on the use permit were placed in the June 20, 2023, and June 27, 2023, issues of the Washington Times for the July 3, 2023, Planning Commission Meeting and the July 15, 2023, County Board Meeting.
- Meeting notices for the DRC, HALRB, FBC AWG, and Housing Commission were distributed via email and GovDelivery listserv. Agenda and meeting materials were also posted on the respective webpages for each group.
- Placards were placed in various locations surrounding the subject property within seven (7) days of the public hearing.

In addition to the above legal requirements:

- Civic associations, the Columbia Pike Partnership (CPP), and the Pike Presidents Group (PPG) were informed of the application via email communication. The subject property is located within the Douglas Park Civic Association and is adjacent to the Claremont, Columbia Forest, Arlington Mill, Barcroft, and Alcova Heights Civic Associations.

Community Feedback:

Design Review Committee (DRC): The use permit was reviewed by the DRC, a subcommittee comprised of design professionals who serve on the Historical Affairs and Landmark Review Board, at their public meetings on May 3, 2023, and June 7, 2023. At

the DRC meeting on May 3, 2023, they discussed the massing and compatibility of the rear additions, the material cladding on the additions, and the quantity and configuration of the windows located on the additions, particularly the pattern placement and the fenestration design. The DRC's feedback to the applicant is meant to ensure the additions and renovations are compatible with the historic buildings, while differentiating the additions from the original buildings.

The DRC reviewed the placement of the additions on the three (3) buildings and determined that they were appropriate and made suggestions to have the ridgelines of the additions lower than the ridgeline of the existing buildings. They preferred the brick cladding on the additions but were open to other suggestions such as siding material. For the attic vents on the additions, the DRC suggested a reduction in size of the semi-circular vents. The DRC discussed the window quantity, pattern placement, and fenestration design. They were comfortable with the six-over-six fenestration pattern but were unsure about the three-window grouping. Understanding that the three-window grouping would maximize natural light and provide ample views of the trees, the DRC suggested that the applicant explore different options with three (3) windows, two (2) windows, and one (1) window.

At the DRC meeting on June 7, 2023, the applicant presented further details on the Section 3 renovation scope. For the "sleeping porch" sections of the additions, the DRC preferred a lighter multi-tone brick that would utilize salvaged historic brick. The DRC expressed a preference for a modern attic vent design, such as having three (3) rectangular attic vents with the middle vent being taller than the two (2) flanking it. The DRC agreed the modern attic vent design could assist with distinguishing the new additions from the original historic buildings. The DRC acknowledged that it would be appropriate to replace the original metal-framed basement windows with vinyl windows with the same fenestration pattern, as this was seen as a small change and the other windows in Section 3 have already been replaced with vinyl windows. The DRC did not have any issues with replacing the light fixtures.

Virginia Housing requires cladding of exterior wood trim elements, including the fascia boards near the roofline and the decorative door surrounds and the installation of entry canopies for affordable housing tax credits. The applicant is pursuing a waiver from Virginia Housing for the requirement for cladding and entry canopies but has proposed designs in the event the waiver is not granted. As proposed, the cladding material would either be vinyl or aluminum. The DRC supported a simple shed-roof design option for the main entrance canopies and the simple design for the rear entrance canopies. Staff explained that the canopy installation would be sensitive to the historic building materials and recommends that punctures be made into the mortar joints since they are easier to repair than the actual brick.

For the existing detached garages, the DRC supported the overall proposed repairs but had questions about the existing garage door material and the proposed replacement material.

The DRC acknowledged the removal of several healthy trees to enable the construction of the rear additions, and had some concerns regarding the removal of large canopy trees.

Historical Affairs and Landmark Review Board (HALRB): The use permit was reviewed by the HALRB at their hybrid public hearing on May 17, 2023, and June 21, 2023. At its May 17, 2023, hybrid public hearing, the HALRB provided its initial input on the proposed rear additions and their massing, as well as their exterior cladding material and the proposed window fenestration schedule and pattern. In summary, the HALRB was comfortable with the proposed massing and scale of the rear building additions, utilizing salvaged brick from the demolished elevations along with new brick for the cladding of the additions, and using triple six-over-six double-hung windows in the additions. Specifically, for the “sleeping porch”-styled sections of the additions on building 25, the HALRB indicated its preference for pairs of six-over-six double-hung windows instead of triple double-hung windows. Concerning the attic vents on the additions, the HALRB suggested smaller-sized semi-circular vents.

At its June 21, 2023, hybrid public meeting, the HALRB had a continuation discussion concerning the proposed renovation of Section 3 of the Barcroft Apartments. The HALRB was asked to provide feedback on the different color options for the brick cladding on the “sleeping porch” sections of the additions, the attic vent design options for the additions, the vinyl window replacements at the basement stories of the existing buildings, replacement of exterior entrance lighting, the tree plan and courtyard renovation, repairs the existing detached historic garages, and the placement of new penetrations on rear elevations for utility vents. The HALRB also considered the potential options for two (2) specific elements required by Virginia Housing for the affordable housing tax credit, which include the covering of exterior wood elements and the installation of entry canopies.

The HALRB discussed these project details and provided their feedback to the applicant. The HALRB stated their preference for ‘Option 2’ with the shed roof canopy design over the entryways and asked follow-up questions about the canopy dimensions and placement around the decorative wood door surrounds. The majority of the HALRB supported the smaller semi-circular vents on the additions over the three rectangular vent option. The HALRB was supportive of the repair plans for the two (2) garage buildings and suggested that a fiberglass garage door replacement could have a better appearance than the proposed aluminum garage door replacement. Questions were asked concerning the current residents and if they were going to be relocated during the renovation. The applicant stated that they are currently working with County Housing staff about developing such a plan with the specific assistance of a temporary housing transfer service firm. The two-tone brick for the additions, known as ‘Option 1’, was preferred by the HALRB and suggested that the brick banding detail could have an alternative pattern or color. The final discussions were about the waiver with the Virginia Housing requirements, and suggested ways the HALRB could assist with this waiver request. In conclusion, the HALRB was supportive of the project.

Form Based Code Advisory Working Group (FBC AWG): The proposal was discussed with the FBC AWG at their meetings on April 26, 2023, and June 14, 2023. On April 26, staff and the applicant provided an overview of the site history and proposed use permit. Staff presented analysis and findings on June 14. Members had several clarifying questions about tenant relocation, the preserved natural area, and stormwater management. Staff confirmed the details of the on-site tenant relocation plan and the proposed changes within the preserved natural area which include removing invasive species, enhancing the courtyard area, addressing slope stabilization, amending the soils for improved stormwater management, and repairing sidewalks as needed. The AWG raised no concerns with the proposal, and they were supportive of the use permit for preservation, renovations, and additions to the Barcroft Apartments buildings #22-26, within a portion of Section 3, and the modifications to setbacks and parking for existing buildings to remain.

Planning Commission: The use permit was heard by the Planning Commission at their meeting on July 3, 2023.

Housing Commission: The use permit will be heard by the Housing Commission at their meeting on July 6, 2023.

Columbia Pike Partnership (CPP): Staff contacted the CPP and no response has been received as of the date of this report.

Pike Presidents Group (PPG): Staff contacted the PPG and no response has been received as of the date of this report.

Douglas Park Civic Association: Staff contacted the civic association, and no response has been received as of the date of this report.

Claremont Civic Association: Staff contacted the civic association, and no response has been received as of the date of this report.

Columbia Forest Civic Association: Staff contacted the civic association, and no response has been received as of the date of this report.

Arlington Mill Civic Association: Staff contacted the civic association, and no response has been received as of the date of this report.

Barcroft Civic Association: Staff contacted the civic association, and no response has been received as of the date of this report.

Alcova Heights Civic Association: Staff contacted the civic association, and no response has been received as of the date of this report.

CONCLUSION: The proposed N-FBC use permit is consistent with the vision for the Columbia Pike corridor as expressed in the [2012 Columbia Pike Neighborhoods Area Plan](#) and

helps achieve multiple goals expressed in the [Affordable Housing Master Plan](#) and the [Historic Resources Inventory](#). Additionally, the N-FBC use permit delivers improvements to the property consistent with the N-FBC Conservation Area standards. Proposed conditions ensure that, when appropriate, the applicant will undergo a review process to determine site-wide improvements to elements including but not limited to pathways, railings, parking areas, stormwater, landscaping, and the adjacent streetscapes. For those reasons, staff recommends that the County Board approve the subject use permit, in accordance with the Columbia Pike Neighborhoods Form Based Code (Article 11.2 of the Zoning Ordinance, Appendix B), for preservation, renovations, and additions to the Barcroft Apartments buildings #22-26 located within Section 3 of the overall apartment complex, with modifications pursuant to the Columbia Pike Neighborhoods Form Based Code for setback and parking requirements associated with the existing buildings to remain, subject to the conditions of the staff report.

DRAFT

**Neighborhoods Form Based Code Use Permit Conditions
Barcroft Apartments (Section 3) | July 2023**

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

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 Use Permit. The Developer also agrees that no changes to the approved post-4.1.2 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-4.1.2 plan changes, who will determine whether the changes are acceptable, need an administrative change, or require use permit amendment approval. Unless otherwise stated in the conditions below, all required submissions shall be filed through the PermitArlington system, or by electronic submission with the Zoning Administrator.

2. Use Permit Compliance and Expiration

A. Compliance (Life of the Use Permit) The Developer agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1.2, and the revised plans dated June 12, 2023, and reviewed and approved by the County Board as part of the Use Permit approval (as used in these conditions, the term “Use Permit” shall refer to the approved special exception FBCN23-00002) and made a part of the public record on July 15, 2023, 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~~ renovated pursuant to the approved Use Permit, then this

Use Permit approval expires on July 31, 2026, 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 Use Permit and its conditions for their compliance with then current County policies for land use, zoning and special exception uses. Extension of the Use Permit is subject to, among other things, inclusion of amended or additional Use Permit conditions necessary to bring the plan into compliance with then current County policies and standards together with any modifications proposed by the owner and accepted by the County Board or vice versa.

3. **Post-County Board 4.1.2 FBC/N-FBC Use Permit Filing (Demolition and Land Disturbing Activity Permits)**
 - A. The Developer agrees to submit via the PermitArlington system digital copies of a N-FBC Use Permit 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 via the PermitArlington system final Use Permit drawings, 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 4.1.2 plans. The submittal shall comply with the final approval of the County Board and with Administrative Regulation 4.1.2. No permits shall be issued for this Use Permit until the post-County Board 4.1.2 filings have been approved by the County Manager or his/her/their designee.
 - B. The Developer agrees to submit to the Planning Division, by thumb drive, email, or other comparable electronic format, copies of the approved Post-County Board 4.1.2 drawings and color images of all renderings in the following formats: JPEG, PDF, DWF, and DXF.
4. **Use Permit Conditions Review Meeting (Demolition and Land Disturbing Activity Permits) (Intentionally Omitted)**
5. **Multi-Building Phasing Plan (Demolition and Land Disturbing Activity Permits) (Intentionally Omitted)**
6. **Vacations and Encroachments (Demolition and Land Disturbing Activity Permits) (Intentionally Omitted)**
7. **Tree Conservation and Replacement (Demolition, Land Disturbing Activity Permits, and First Partial Certificate of Occupancy for Tenant Occupancy)**
 - A. **(Demolition, Land Disturbing Activity Permits, and First Partial Certificate of Occupancy for Tenant Occupancy)** 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 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) to the County Manager prior to Demolition and Land Disturbing Activity permits and obtain the County Manager's approval prior to the First Partial Certificate of Occupancy for Tenant Occupancy.
- 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 Use Permit and shown on any filing in connection with this Use Permit.
- 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 Master 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 Master Certificate of Occupancy, shall be removed and replaced by the Developer at his/her 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 Master 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 (First** 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. 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 first Partial Certificate of Occupancy for Tenant Occupancy. 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 / use permit 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 Use Permit 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 in each respective phase of construction, 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 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 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, unless permits are pulled concurrently:

- 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 #31 below.

- 2) **(Final Building Permit)** Before issuance of the Final Building Permit – Photos of Site Clearance: Views of cleared site facing north, south, east and west, as location permits, with adjacent buildings and streets included.
- 3) **(Shell and Core Certificate of Occupancy)** Before issuance of the Shell and Core Certificate of Occupancy– Photos of Construction Phase: At a minimum, views of the site during excavation, upon construction of the first floor above grade, at topping out, and during the exterior cladding phase.
- 4) **(Master Certificate of Occupancy)** Before issuance of the Master Certificate of Occupancy – Photos of Site Completion: north, south, east and west facades of completed building or buildings, as well as at least one view of completed project in context of adjacent buildings and streets.

B. Photographic Record of Development Submittal Standards

All photographic records shall be submitted as high-resolution photographs, on thumb drive, or another comparable electronic format 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 (Intentionally Omitted)

B. On-Site Construction Activity Hours (Demolition and Land Disturbing Activity Permits to Throughout Construction of the Use Permit) 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 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 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 (Intentionally Omitted)

D. Temporary Lighting Plan (Intentionally Omitted)

E. Off-Street Parking for Construction Workers (Demolition and Land Disturbing Activity Permits) (Intentionally Omitted)

F. Interim Off-Street Parking for Existing Residents [N-FBC Phased Development only] (Intentionally Omitted)

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

A. The Developer agrees to submit to the Zoning Administrator evidence of compliance with this condition prior to the issuance of the Demolition and Land Disturbing Activity Permits. Such evidence includes an approved Barcroft Apartments Relocation Plan, which provides for relocation payments and relocation services to “eligible” tenants displaced by the construction of this Use Permit project. The Developer agrees that evidence of compliance with this condition shall first be reviewed and approved by the County Manager or his/her/their designee prior to submission to the Zoning Administrator.

- 1) The Barcroft Apartments Relocation Plan shall be in accordance with and in a form prescribed by the *Arlington County Tenant Relocation Guidelines*, adopted by the County Board May 2018, and as amended from time to time.
- 2) The Barcroft Apartments Relocation Plan shall be developed in consultation with County staff and recommendations from the Tenant Landlord Commission.
- 3) The Barcroft Apartments Relocation Plan draft shall be submitted to county staff for review and approval by the County Manager or his/her/their designee no later than three (3) months prior to the issuance of the 120-day written notice to vacate.

B. The developer agrees that tenants who are residents of the existing property at the time the Barcroft Apartments Relocation Plan is submitted for approval, and who are in compliance with their leases, will be “vested” for relocation payments and relocation services.

C. The developer agrees to provide written notification of ineligibility for relocation payments and relocation services to any tenant who executes a lease after the Barcroft Apartments Relocation Plan is submitted for approval. The notification and acknowledgement of ineligibility will be provided to the tenant at the time the lease is executed.

- D. All “vested” tenants must receive a minimum of 120 days written notice to vacate. In cases where State law requires 120-day notice to vacate (displacement from multi-family buildings containing four or more units), the 120-day notice shall not be contained in the lease but shall be a separate writing.
- E. **Tenant Assistance Fund:** If required by the County, the Developer agrees to establish either through a written agreement with the County or on its own, a Tenant Assistance Fund (TAF) in compliance with the County’s current TAF policy adopted on January 28, 2017, and as amended from time to time.

12. Retail and Ground Story Tenant 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 Master Certificate of Occupancy is issued.

A. Community Liaison. The Developer agrees to identify a person(s) who will serve as liaison to the community throughout the duration of construction. This individual shall be on the construction site or readily accessible throughout the hours of construction, including weekends. The name, e-mail address and telephone number of the individual(s) shall be provided in writing to residents, property managers and business owners whose property abuts the site (including the Douglas Park Civic Association and Columbia Pike Partnership (CPP)), 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 Douglas Park civic association 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 Throughout Construction of Use Permit)

- A. The Developer agrees to the following site maintenance requirements during construction of the use permit:

- 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 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 Use Permit)

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. [FBC version only; omitted for N-FBC due to LEED condition] Construction and Demolition Waste (Demolition and Land Disturbing Activity Permits)
(Intentionally Omitted)**

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

In the event the site contains a building that is identified and/or surveyed by Arlington County's Historic Preservation Program, the Developer agrees to the following:

- A. The Applicant will make best efforts to re-use salvageable materials as shown on the approved post 4.1.2 plans.

17. LEED Credits and Sustainable Design Elements (~~Demolition and Land Disturbing Activity Permits~~ Final Building Permit)

The Developer agrees to obtain the *ICC 700* National Green Building Standard® Silver Level Certification per Virginia Housing requirements, as described and required below:

A. For National Green Building Certification Applications for ~~new development~~ Major Renovations to Existing Buildings:

- 1) The Developer agrees to include a National Green Building Standard (NGBS) accredited Verifier as a member of the design and construction team. The team will incorporate sustainable design elements and innovative technologies into the project so that numerous project components will earn the Developer points under the *ICC 700* National Green Building Standard®. Specifically, the Developer agrees to meet the requirements for all NGBS Mandatory credits and achieve at least the number of NGBS credits necessary to achieve NGBS certification at the Silver level using the current ICC 700-2020 NGBS green building rating system. The developer also agrees to submit all appropriate documentation to the Home Innovation Research Lab (or their designees) for review and evaluation for NGBS certification.

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

- a. **(Shell & Core Certificate of Occupancy)** The Developer agrees that for residential/hotel development:
 - (1) **ENERGY STAR appliances.** All of the following types of appliances, fixtures, and/or building components initially installed in residential/hotel units in the project shall have earned the U.S. EPA's ENERGY STAR label (or equivalent as approved by the County Manager): clothes washers, clothes dryers, dishwashers, refrigerators, and ceiling fans. At least 90% of the light fixtures in residential/hotel units will be LED or ENERGY STAR labeled. The Developer shall submit to the County Manager documentation sufficient to confirm that such components are ENERGY STAR qualified (or equivalent as approved by the County Manager) prior to issuance of each building's Shell and Core Certificate of Occupancy.
 - (2) **WaterSense fixtures.** All the following fixtures initially installed in residential/hotel units in the project shall have earned the U.S. EPA's WaterSense label (or equivalent as approved by the County Manager): toilets, showerheads, and bathroom sink faucets. The Developer agrees to

submit to the County Manager documentation sufficient to confirm that such components are WaterSense qualified (or equivalent as approved by the County Manager) prior to issuance of each building's Shell and Core Certificate of Occupancy.

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

- (1) Demolition and Land Disturbing Activity Permits
- (2) Final Building Permit
- (3) Shell and Core Certificate of Occupancy
- (4) Partial Certificate of Occupancy for occupancy of any part of the last floor of space
- (5) Master Certificate of Occupancy

- c. **Site Visits (First Partial Certificate of Occupancy for Tenant Occupancy)**

The Developer further agrees to permit and cooperate with site visits as requested by the County Manager to verify that all NGBS components as agreed to as part of this Condition #17 have been included in the project.

- d. **NGBS Verification (Partial Certificate of Occupancy for space on last floor)**

The Developer agrees to provide a verification letter by a NGBS Verifier prior to the issuance of the Partial Certificate of Occupancy for any space on the last floor of space for which a Certificate of Occupancy is issued. The verification shall state that all the prerequisites and the minimum number of NGBS credits, as set forth above in the reporting mechanisms, have been incorporated into the building for which the Certificate of Occupancy permit has been issued, and that, in the professional's opinion, the project will qualify for at least a NGBS Silver Certification, or a more recent version as approved by the County Manager.

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

Developer agrees to install energy monitoring equipment capable of tracking whole building energy use data.

- 3) All sustainable design elements and innovative technologies incorporated into the project for which the Developer earned points under the NGBS green building rating system shall remain as part of the Use Permit for the life of the Use Permit. No part of the NGBS-related building elements for which NGBS points were earned may be eliminated from the building unless the Developer obtains administrative change approval for such elimination. The Zoning Administrator may approve such change if the Zoning Administrator finds that the NGBS points associated with the change are equivalent to or greater than the points for the eliminated elements.
- 4) The Developer agrees that the NGBS points referenced in this condition refer to the *ICC 700* National Green Building Standard rating

B. For Earthcraft (with Energy Star certification compliance path) applications for new development (Final Building Permit) (Intentionally Omitted)

C. For Green Home Choice applications for new development (Final Building Permit) (Intentionally Omitted)

D. For LEED or Earthcraft Certification applications for Major Renovations to Existing Buildings (Final Building Permit) (Intentionally Omitted)

18. Civil Engineering Plan (Land Disturbing Activity Permits) (Intentionally Omitted)

19. Utility Company Notification (Land Disturbing Activity Permit)

In order to coordinate timing of utility work within and in the vicinity of the site, the Developer agrees to notify all utility companies and County agencies that provide utility services in Arlington County of the general timing and limits of development prior to the 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 as stated above.

20. Final Landscape Plan (Land Disturbing Activity)

A. Submission and Approval (Land Disturbing Activity/First Partial Certificate of Occupancy for Tenant Occupancy)

- 1) **Submission (Land Disturbing Activity).** The Developer agrees to submit via the PermitArlington system a detailed Final Landscape Plan prior to issuance of the Land Disturbing Activity Permit. The plan shall conform to the approved 4.1.2 use permit drawings per Condition #2, and, where applicable:
 - a. The landscaping requirements contained herein;
 - b. ~~FBC / N-FBC Streetscape Standards;~~
 - c. The landscaping, and planting, ~~and sidewalk and driveway construction~~ specifications and standards;
 - d. Arlington County Landscape Standards, including the Standards for Planting and Preservation of Trees on Site Plan Projects;
 - e. ~~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.~~

- 2) The Developer agrees that the Final Landscape Plan shall, at a minimum, contain the following information, in accordance with the checklist in the Arlington County Landscape Standards:
 - a. **Tree Replacement Plan and Calculations**

In addition to saving identified trees, consistent with Condition #7 above, the Developer also agrees to replace all trees shown on the Tree Survey that are removed as a result of the new construction. Such replacement shall be completed in accordance with the Arlington County Tree Replacement Guidelines. The Developer agrees to submit and obtain the review and approval of a Tree Replacement Plan, and Tree Replacement Calculations, as part of the Final Landscape Plan.
 - b. Drawings ~~from the Civil Engineering Plan~~ showing the location of utilities, lighting, equipment, and other elements which may impact landscape elements on the site.
 - c. ~~A street tree plan and street tree survey, which shall show the location of street trees and that there are no conflicts between the street trees and utilities.~~
 - d. The location and depth of all existing and proposed utility meters, underground utility vaults and boxes, utility lines, transformers, and at-grade mechanical equipment.
 - e. ~~The location of all existing, proposed and relocated traffic signal poles, traffic signal cabinets, and any other traffic related items and equipment located on or in the public sidewalk contiguous to the site.~~
 - f. The location of all existing and proposed fire hydrants and standpipes, storm sewers and storm water management facilities, and sanitary sewers and appurtenances.

- ~~g. The location of all on-street parking spaces, bus stops, bicycle rack locations, bike share stations, and other facilities as identified during the review of the plans.~~
- ~~h. The location and dimensions of all ventilation, intake, or other grates, including those for garages and transformer vaults, and screening for ventilation grates, which shall meet the requirements of the conditions contained herein.~~
- ~~i. The location of all street light fixtures, poles, meters, service cabinets and power connection appurtenances along the frontages of the site.~~
- j. The location, dimensions, materials, and pavement pattern for driveways and access drives, automobile drop-off areas, curb ramps, driveway aprons, service drives, crosswalks, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Interior walkways shall have a minimum width of four (4) feet.
- ~~k. The final streetscape design, including sidewalks, street trees, tree pits, bicycle racks, and sidewalk pattern/design and final selection of materials and colors to be used.~~
- ~~l. The limits of clear pedestrian zones of all public sidewalks and pedestrian access.~~
- m. Landscaping for open space areas, plaza areas, courtyards, private rooftop amenity spaces, raised planters (including cross-sections of raised planters), surface parking areas, and service drives, including a listing of plant materials; details of planting, irrigation and drainage; and details of proposed furnishings for all areas, including, but not limited to, dimensions, size, style(s), materials(s), finish(s), and manufacturer(s) of seating, bollards, trash receptacles, lighting, arbors, trellises, water features, bicycle racks, and other landscape elements or structures.
- ~~n. The location and planting details for street trees.~~
- ~~o. The location, design and details of the visitor/customer bicycle spaces for any ground story uses, pursuant to Condition #18 above.~~
- ~~p. The location of public art, if applicable.~~
- ~~q. The location of public use and access easement areas, including final landscape design and installations in these areas.~~
- ~~r. Location of green or "living" walls on the façade, if any, including details of planting location, irrigation and other manufacturer details.~~

~~s. Further, the Developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well-maintained condition for the life of the Use Permit and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator, as required in Section 14.2 of the Zoning Ordinance.~~

- 3) **Approval of Plan (Partial Certificate of Occupancy for Tenant Occupancy).** The Developer agrees to obtain approval of the Final Landscape Plan by the County Manager, prior to issuance of the first Partial Certificate of Occupancy for Tenant Occupancy. 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 Use Permit approval, all Use Permit 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 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. The tree replacement calculations shall be developed by a certified arborist or a landscape architect certified to practice in the Commonwealth of Virginia. Any replacement trees shall conform to the standards and specifications set forth in subparagraph 11 below.
- 4) ~~All existing and proposed traffic signal poles and traffic signal cabinets, and any other traffic related items, on and around the perimeter of the site shall not obstruct pedestrian travel and shall not be located in the clear sidewalk, including, but not limited to, access areas to ADA ramps, crosswalks, building entrances, and interior walkways.~~
- 5) Transformers shall not be placed above grade in the setback area between the building and the street.
- 6) ~~The Developer agrees that the location of all ventilation, intake, or other grates shall not be located within public sidewalks or streets, within areas between the street curb and any building which is used as a walkway, or along any Required~~

~~Building Line (RBL) frontage. The Developer agrees that ventilation grates shall be located and/or screened so as not to be visible from public rights of way.~~

- ~~7) All plaza areas, access drives, automobile drop-off areas, interior walkways and roadways shall contain special treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager for conformity with the FBC/N-FBC or other urban design standards approved by the County Board as a part of review and approval of the Final Landscape Plan.~~
- ~~8) The final sidewalk pattern/design and final selection of materials and colors shall comply with the requirements outlined below. To the extent that the County's requirements and policies for sidewalk pattern/design and materials/colors change, subsequent to this Use Permit approval, the County Manager shall review, at the time of construction, for approval, the final treatment for compliance with the then current standards.~~
 - ~~a. The clear sidewalk along all street frontages of the site shall be in compliance with the FBC/N-FBC Streetscape Standards or and all other applicable streetscape guidelines or standards, and shall:
 - ~~(1) Continue across all driveway aprons for loading and garage entrances along all frontages of the Use Permit, and not contain any barriers that would impede the flow of pedestrian traffic.~~
 - ~~(2) Be not less than six (6) feet wide at any point, including across all driveways, with no obstructions to impede the passage or flow of pedestrian traffic (clear sidewalk). However, pinch points may be permitted only as specifically permitted in conformance with the Master Transportation Plan and/or other applicable plans.~~
 - ~~(3) Be designed and installed in compliance with Department of Environmental Services Construction Standards and Specifications.~~
 - ~~(4) Use plain, un-tinted concrete or, subject to approval, an integral tint that harmonizes with its setting. Non-standard materials or surface treatments may be used subject to approval by the County Manager, and under the provisions of the FBC/N-FBC Streetscape Standards or other applicable streetscape guidelines or standards.~~
 - ~~(5) Not contain joints or use patterns that create gaps of 1/4-inch in depth or greater at a spacing of less than 30 inches.~~
 - ~~(6) Any garage entrance adjacent to a sidewalk shall be designed and constructed so that the location of the garage doors is recessed a minimum distance of six (6) inches from the building wall's surface.~~~~

- b. ~~The materials and colors of the sidewalk pattern/design to be used shall be in compliance with the FBC/N-FBC Streetscape Standards or other applicable streetscape guidelines, plans or standards approved by the County Board and in effect at the time of the Final Landscape Plan approval.~~
- c. ~~The Developer agrees to design and construct all elements of the streetscape, including, but not limited to, public sidewalks and street trees within the public right-of-way or public easement as follows:~~

~~EXAMPLE:~~

~~Street Name:~~

- ~~• Minimum streetscape width measured from the back of curb: _____~~
- ~~• Minimum clear sidewalk width: _____~~
- ~~• Tree pits /planting strip dimensions: _____ with a minimum of 60 square feet of open soil surface per isolated tree [FBC].~~
- ~~• Tree pits/planting strip dimensions: _____ with a minimum 110 square feet of open soil surface per isolated tree or 90 square feet per tree for connected situations and distance from back of curb: minimum eight (8) inches [N-FBC]~~
- ~~• Tree size and type: minimum 3½ inches caliper _____~~
- ~~• Tree spacing: average spacing of 30 feet on center, or as approved by the County Manager per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects~~

~~9) The sidewalks shall contain street trees placed in either tree pits 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. The location, soil volume enhancements, and planting details for street trees shall be in compliance with FBC/N-FBC Streetscape Standards; the Arlington County Landscape Standards; the *Standards for Planting and Preservation of Trees in Site Plan Projects*; and other applicable streetscape guidelines or standards, or urban design standards approved by the County Board. Street trees shall not be placed within the vision clearance (corners), as defined in Section 3.2.6.A.4 of the Zoning Ordinance.~~

~~10) The plan shall provide a structure free zone per Condition #18.B.~~

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 minimum 2-inch pots.

C. Installation and Maintenance of Landscape Plan Elements (Final Certificate of Occupancy Permitting Full Occupancy)

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

1) Installation (Final Certificate of Occupancy Permitting Full Occupancy)

The Developer agrees that all improvements shall be constructed and/or installed prior to the issuance of the Final Certificate of Occupancy Permitting Full Occupancy of building additions and renovated buildings.

- a. The Zoning Administrator may, for good cause shown and through the administrative change process, allow modifications to the timing of installation of all improvements based on the planting season, availability of plant materials, weather, or other construction-related issues, which may not permit installation of hardscape features, plant materials and/or street trees by the required timing.

- b. The following standards for Installation apply:

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

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

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

(4) Soil and drainage material depth shall be as specified in appropriate Arlington County tree planting standard details, and as reviewed and

approved by the County Manager 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 Partial Certificate of Occupancy for Tenant Occupancy, exclusive of the garage, for the applicable Phase of the project pursuant to the approved Phasing Plan required in Condition #5 above.~~

- ~~2) **Installation of Private Amenity and Roof Level Landscaping (Final Certificate of Occupancy for Tenant Occupancy).** The Developer agrees that all landscaping improvements on private amenity levels, defined as any private spaces elevated above grade on podiums, terraces, or roof levels and not accessible from the exterior of the building, shall be constructed and/or installed prior to the issuance of the Final Partial Certificate of Occupancy for Tenant Occupancy, for the respective Phase of construction (as "Phase" is determined pursuant to the approved Phasing Plan required in Condition #5 above).~~
- 3) **Maintenance and Replacement (Life of Use Permit)** The Developer agrees to maintain the site in a clean and well-maintained condition and ensure that all plaza areas, and other landscaped areas located on private property, are kept in a clean and well-maintained condition for the life of the Use Permit ~~in accordance with the Phasing Plan requirements outlined in Condition #5 and the maintenance agreement outlined in Condition #20.A.2.r.~~

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

- D. Administrative Changes.** The County Manager may consider minor revisions to landscape plans as long as such changes are consistent with the intent of the Use Permit 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.~~

21. **FAA Documentation (Excavation, Sheeting and Shoring Permit)** (Intentionally Omitted)
22. **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)
23. **Secure Bicycle Parking, Shower and Locker Facilities (Footing to Grade Permit)** (Intentionally Omitted)
24. **Façade Treatment of Buildings (Footing to Grade)** (Intentionally Omitted)
25. **Plat of Excavated Area (Footing to Grade Permit)** (Intentionally Omitted)
26. **Public Improvements Bond (Footing to Grade Permit)** (Intentionally Omitted)
27. **Interior Trash Collection and Recycling Areas (Footing to Grade Permit)** (Intentionally Omitted)
28. **Interior Loading Spaces (Footing to Grade Permit)** (Intentionally Omitted)
29. **Emergency Vehicle Access/Support on Surface Parking and Plaza Areas (Footing to Grade Permit)** (Intentionally Omitted)
30. **Parking (Footing to Grade Permit)** (Intentionally Omitted)
31. **Documentation of Historical Artifacts, Features and Buildings (Final Building Permit)**
 - A. The Developer agrees to submit documentation to Arlington County Historic Preservation Program, Neighborhood Services Division (HPP), regarding any historical artifact or historical natural feature uncovered during construction on the site prior to the issuance of the Final Building Permit for the building, or each building in a multi-building project. This documentation shall include written notation describing the artifact or natural feature, color photographs, and mapping of the location and/or depth of the site excavation at which the item was found.
 - B. In the event an historical artifact or natural feature is found on the site and is to be disturbed or removed from the site during construction, the Developer agrees to contact the HPP before removing or disturbing the artifact or natural feature. Arlington County shall be given the opportunity to accept donation of the artifact or natural feature before the item is offered to any other organization or individual.
 - C. Should the project be assessed as a possible archaeological site, the Developer agrees to pursue, at a minimum, a level one and two archaeological study. The Developer agrees to submit to the HPP all written results of the level one and two archaeological study and all artifacts found on the site.

- 32. Wall Check Survey (Final Building Permit)**
- A. Submission of Wall Check Survey** 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.
- B. Walls/Elevations of Slab at Grade (Prior to pouring the second floor slab or at completion of the slab on grade)** The Developer further agrees to submit to the Zoning Administrator, and obtain the Zoning Administrator's approval as meeting the requirements of this approval, of a wall check survey showing the location of the walls, and the elevation of the slab, at grade, prior to pouring the second floor slab, or at completion of the slab on grade. This shall not prevent the developer, at its own risk, from completing construction of the concrete podium prior to approval of the wall check survey. The completion of the podium may include installation of support columns from the at-grade slab to the bottom side of the second floor slab, as well as installation of the second floor cast in place framed slab. The developer agrees that all such work shall conform to current codes and building permit requirements. No additional above-grade construction, beyond construction of this podium with support columns, shall be permitted prior to approval of the wall check survey. The developer acknowledges that this additional work above the at grade slab will be at its own risk should the wall check survey not be approved as submitted, and that should any changes to the podium or columns, or other construction be needed based upon review of the wall check plat, the developer shall be fully responsible for completing such changes before any further permits are issued.
- 33. Use of Penthouse (Final Building Permit)** (Intentionally Omitted)
- 34. Review by Crime Prevention through Environmental Design (CPTED) Practitioner (Final Building Permit)** (Intentionally Omitted)
- 35. Installation of In-Building First Responder Network (Final Building Permit)** (Intentionally Omitted)
- 36. Ground Floor Elements (Final Building Permit)** (Intentionally Omitted)
- 37. Safety Measures at Garage Exit Ramps (Final Building Permit)** (Intentionally Omitted)
- 38. Transportation Management Plan (First Partial Certificate of Occupancy for Tenant Occupancy)** (Intentionally Omitted)
- 39. Affordable Housing Commitment Contribution (First Partial Certificate of Occupancy for Tenant Occupancy)**
 The Developer agrees to execute documents requested by the County to evidence agreement to all of the terms and conditions outlined in the Developer's approved final Affordable Housing Plan, including but not limited to terms as set forth below:

- A. CAF Units:** The Developer agrees to provide a minimum of 93 units as committed affordable housing (CAF) Units, consisting of no less than four (4) one-bedroom units, seventy-one (71) two-bedroom units, fourteen (14) three-bedroom units, and four (4) four-bedroom units.
- B. Affordable Rents:** The CAF Units shall have rents affordable to households ~~at or below that, as a whole, average up to~~ 60% of Area Median Income (AMI) as published by the U.S. Department of Housing and Urban Development (HUD) for the Washington, DC Metropolitan Statistical Area, adjusted for household size. The Developer agrees that the affordable rents of the CAF Units shall not exceed 30% of the ~~60%~~ AMI level as published by HUD, minus a utility allowance (if applicable) as per the schedule of Allowances for Tenant-Furnished Utilities provided by the Housing Division, and minus any mandatory fees, using an occupancy factor of 1.5 persons for 1-bedrooms, 3 persons for 2-bedrooms, 4.5 persons for 3-bedrooms, and 6 persons for 4-bedrooms. These CAF Units shall be leased only to households whose incomes do not exceed 60% of AMI as published by HUD for the Washington, DC Metropolitan Statistical Area, adjusted for household size.
- C. Rent Increases:** The Developer agrees that rent increases for CAF Units will be limited to increases provided by the Housing Division using AMI-based income limits published by HUD. For the first five (5) years of occupancy by each household in a CAF Unit, the Developer agrees to a cap on the increase in rent of 5% per year in years where the AMI-based income limits published by HUD exceed 5%. For income qualified households living at the property as of December 29, 2021, annual rent increases will not exceed 3% per year.
- D. Compliance Period:** The Developer agrees that the CAF Units will remain affordable as defined in Paragraph B “Affordable Rents” and Paragraph C “Rent Increases” above for a term of 99-years from the date of issuance of the Certificate of Occupancy for the last CAF Unit that is able to be occupied for the building in which the CAF Units are located.
- E. Accessible Units:** Not Applicable
- F. Developer Affirmative Marketing Plan:** The Developer agrees to prepare and implement an Affirmative Marketing Plan in substantially the form as required by the Housing Division. The Developer shall accept tenant-based vouchers from the Housing Choice Voucher Program and the Arlington County Department of Human Services Housing Grants Program for the CAF Units. The Developer agrees that the Affirmative Marketing Plan shall call for the initial advertising and marketing of all the CAF Units a period of at least sixty (60) days prior to the projected occupancy of the complex.

~~In addition, employees of the Owner, Developer and/or Property Management Company shall not submit applications for the CAF Units until the CAF Units have been openly marketed for a minimum of four (4) weeks.~~

G. Condominium Conversion: If at any time prior to the end of the 99-year compliance period for the CAF Units the Owner or Developer proposes to subject the property, including the CAF Units, to a condominium regime pursuant to the Virginia Condominium Act, Title 44, Chapter 4.2, Section 79.39 et seq. of the Code of Virginia, 1950 Edition, as amended, then the Developer agrees (a) to notify the County Manager or his/her/their designee of the proposed condominium conversion not less than sixty (60) days prior to recording the Declaration of Condominium, and (b) to concurrently record with the Declaration of Condominium a Deed of Declaration of Restrictive Covenants, approved by the County Manager or his/her/their designee and in a form approved by the County Attorney, identifying with specificity which of the CAF Units shall continue to be operated as CAF Unit rental units by the Developer, subject to the terms and conditions of this Affordable Housing Contribution Site Plan Condition for the remainder of the ninety-nine (99) year compliance period. Alternatively, the CAF Units, or some equivalent portion thereof, may be offered for sale to qualifying income eligible homebuyers at an affordable price subject to an Affordable Dwelling Unit Homeownership Program Agreement to be approved by the County Board.

40. Availability of Use Permit Conditions to Residential Condos, Cooperatives and Homeowners Associations (Shell and Core Certificate of Occupancy) (Intentionally Omitted)

41. Obtain Master Certificate of Occupancy (Within 12 months of Receipt of the Certificate of Occupancy that permits full occupancy)
The Developer agrees to obtain a Master Certificate of Occupancy within twelve (12) months of receipt of the Certificate of Occupancy that permits full occupancy. The Developer may request in writing to extend the timeframe for obtaining the Master Certificate of Occupancy. The request shall outline the reasons for the extension and shall be submitted to the Zoning Administrator for review and approval at least one (1) month prior to the end of the twelve-month time frame. The Zoning Administrator may approve such extension upon finding that the Developer is diligently and in good faith pursuing completion of the project and will apply for and meet all requirements of a Master Certificate of Occupancy within a reasonable amount of time.

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

43. Structural Modifications ~~and Balconies~~ (Life of Use Permit)
A. The Developer agrees that any structural modification or changes to the facades or materials shall be subject to the approval of the County Manager. If the County Manager determines that any proposed changes to the facades or materials have a significant impact on the Use Permit, or otherwise meet Zoning Ordinance

requirements for Use Permit amendments that require approval by the County Board, a Use Permit amendment shall be required.

~~B. The Developer agrees that no balconies, other than those identified in the approved Use Permit, shall be enclosed. Enclosure of any additional amount of balconies shall require review of proposal for FBC/N-FBC compliance and shall require a Use Permit amendment.~~

44. Building Security Measures (Life of Use Permit) (Intentionally Omitted)

45. Snow Removal (Life of Use Permit)

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

46. Maintenance of Residential Common Areas (Life of Use Permit) (Intentionally Omitted)

47. Retention of Approved Parking Ratio over Subdivided Site (Life of Use Permit)

The Developer agrees to retain the existing surface parking spaces and those within the detached garages, as shown on the approved post 4.1.2 plans and totaling 86 parking spaces, except in the event the detached garaged are deemed unoccupiable by the Building Official in which case the retained number of spaces would be 64.

48. Retention of Approved Density over Subdivided Site (Life of Use Permit)

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

49. Refuse Delivery to County Disposal Facility (Life of Use Permit)

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

50. Historic Preservation Easement (First Partial Certificate of Occupancy for Tenant Occupancy)

The Developer agrees to record a perpetual historic preservation easement (hereafter referred to as the “Easement”) over the buildings and grounds located at 4301 16th Street S. (RPC# 27-002-010) on the portion of the parcel north of South George Mason Drive, also known as the Barcroft Apartments (hereafter referred to as the “Barcroft Property”), prior to the issuance of a First Partial Certificate of Occupancy for Tenant Occupancy for buildings #22-26. The Barcroft Property consists of five (5) garden apartment buildings (hereinafter referred to as the “Barcroft Buildings”), two (2) independent garage structures, surface parking lots, preserved natural area and landscaped open space, and internal pathways.

The Developer agrees that the Easement shall require the Developer to preserve all elevations of the Barcroft Buildings with the proposed renovations and additions, two (2) independent garage structures, surface parking lots, preserved natural area and landscaped open space, and internal pathways, subject to the terms of this condition. The Easement shall permit the Developer to maintain, repair or replace any exterior features with features that are identical as to design, materials, and decoration subject to prior review and approval by the County Manager or his/her/their designee. The Easement shall permit other exterior modifications proposed by the Developer if, after prior review by and with recommendations from the Historical Affairs and Landmark Review Board (HALRB), the County Manager determines that the modifications will be architecturally compatible and not detrimental to the historic nature of the Barcroft Property, in compliance with the Secretary of the Interior Standards for Rehabilitation (Department of Interior regulations, 36 CFR 67.7) and the Conservation Area Standards identified in Part 7 of the N-FBC. The Easement shall not require the developer to preserve any aspects of the interior of the Barcroft Buildings.

51. Virginia Housing Requirements

To the extent that waivers for cladding of exterior wood trim elements (including the fascia boards near the roofline and the decorative door surrounds) and the installation of entry canopies are not granted by Virginia Housing, the options in Attachment A are approved and shall be provided in lieu of the corresponding elements shown in the approved post-4.1.2 plans.

52. Future Sitewide Improvements

To the extent that additional site improvements are required through the approved Master Financing and Development Plan, the developer shall obtain an amendment of this use permit (FBCN23-00002) prior to or concurrent with any approval of new development proposed on the Barcroft Apartments site, or as otherwise permitted by the County Manager.

PREVIOUS COUNTY BOARD ACTIONS:

December 11, 2021

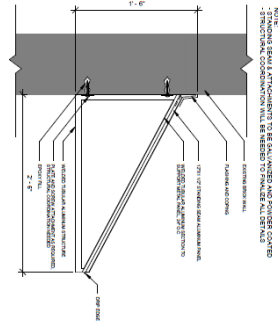
Allocation of \$150,000,000.00 of loan proceeds (101.380900) in general fund non-departmental to the Barcroft project (101.91102) to fund the County Acquisition Fund loan.

Approved the terms of the substantially final County Acquisition Fund loan documents for the \$150,000,000.00 loan to 1130 S. George Mason Drive Res Owner, LLC, an entity affiliated with LDP Holdings, LLC d/b/a Jair Lynch Real Estate Partners, and Authorize and Direct the County Manager to execute, on behalf of the County Board, County Acquisition Fund loan documents, subject to approval as to form by the County Attorney.

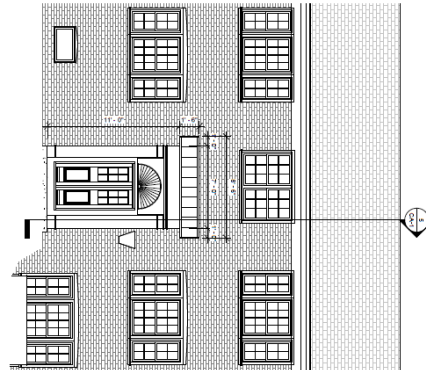
DRAFT

Attachment A (1 of 2)

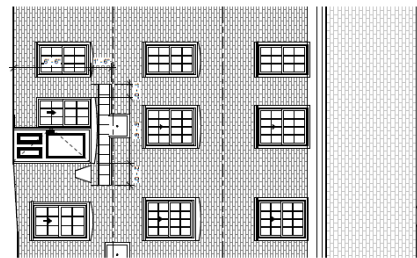
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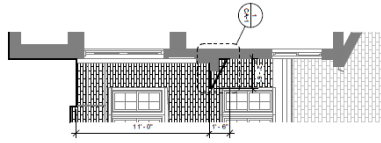
1 SECTION - CANOPY ATTACHMENT
SCALE: 1/8" = 1'-0"



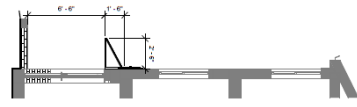
2 ELEVATION - CANOPY MAIN ENTRANCE
SCALE: 1/8" = 1'-0"



3 ELEVATION - CANOPY BACK ENTRANCE
SCALE: 1/8" = 1'-0"



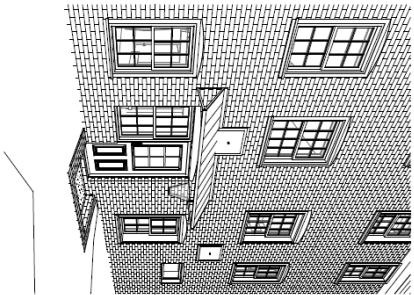
4 SECTION - CANOPY
SCALE: 3/8" = 1'-0"



5 SECTION - CANOPY BACK
SCALE: 3/8" = 1'-0"



6 PERSPECTIVE - CANOPY MAIN ENTRANCE
SCALE: 1/8" = 1'-0"



7 PERSPECTIVE - CANOPY BACK ENTRANCE
SCALE: 1/8" = 1'-0"

SHADING SET
NOT FOR CONSTRUCTION

CA-1

NO.	DATE	DESCRIPTION
1	01/20/23	ISSUED FOR PERMIT
2	02/15/23	ISSUED FOR CONSTRUCTION
3	03/10/23	ISSUED FOR CONSTRUCTION
4	03/10/23	ISSUED FOR CONSTRUCTION
5	03/10/23	ISSUED FOR CONSTRUCTION
6	03/10/23	ISSUED FOR CONSTRUCTION
7	03/10/23	ISSUED FOR CONSTRUCTION
8	03/10/23	ISSUED FOR CONSTRUCTION
9	03/10/23	ISSUED FOR CONSTRUCTION
10	03/10/23	ISSUED FOR CONSTRUCTION

**BARCROFT PHASE 1
VIRGINIA HOUSING CANOPY AND
CLADDING EXHIBIT**
ARLINGTON COUNTY, VIRGINIA

NO.	DATE	DESCRIPTION
1	01/20/23	ISSUED FOR PERMIT
2	02/15/23	ISSUED FOR CONSTRUCTION
3	03/10/23	ISSUED FOR CONSTRUCTION
4	03/10/23	ISSUED FOR CONSTRUCTION
5	03/10/23	ISSUED FOR CONSTRUCTION
6	03/10/23	ISSUED FOR CONSTRUCTION
7	03/10/23	ISSUED FOR CONSTRUCTION
8	03/10/23	ISSUED FOR CONSTRUCTION
9	03/10/23	ISSUED FOR CONSTRUCTION
10	03/10/23	ISSUED FOR CONSTRUCTION

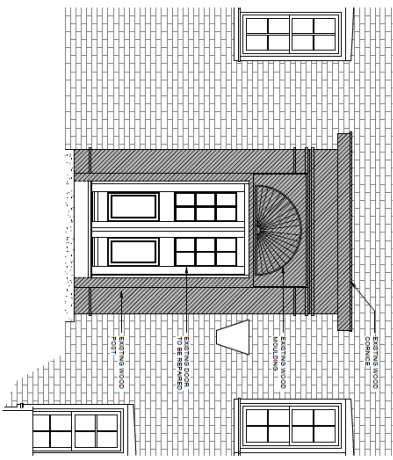
Bonstid | Hestegren
ARCHITECTS

1734 MARKET STREET, SUITE 200
ARLINGTON, VA 22202
703.555.1111
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Attachment A (2 of 2)

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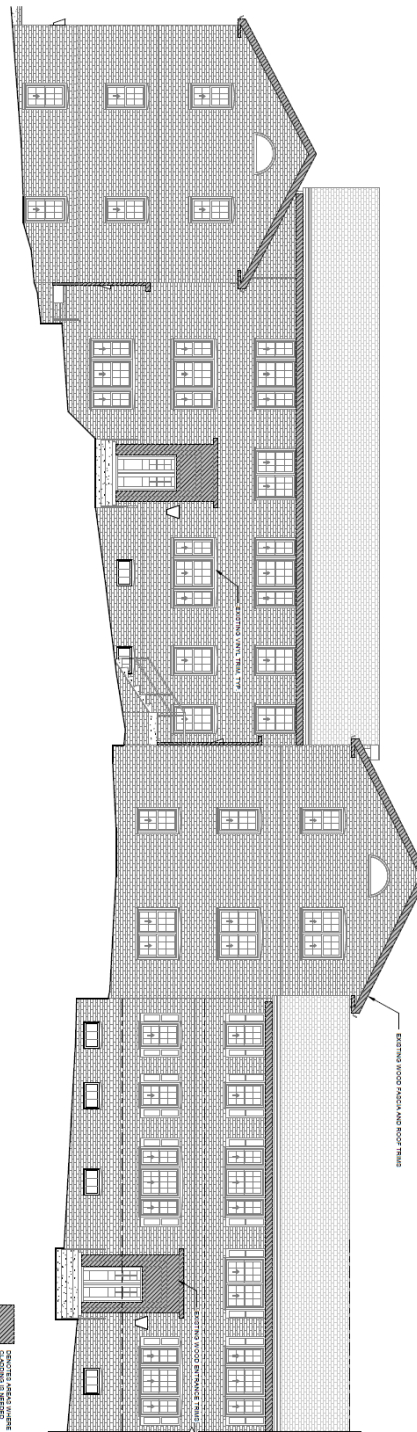
2 TYPICAL TRIM @ BUILDING ENTRANCE
1/2" = 1'-0"



- TYPICAL PVC COATED ALUMINIUM / VINYL WRAP**
- TECHNIQUE INVOLVES BENDING AND WRAPPING ALUMINIUM TRIM COIL AROUND EXISTING CASING TRIM ON WINDOWS.
 - NOMINAL THICKNESS 0.10"
 - FINISH: POWDER COATED WOODGRAIN
 - COLOR: TO MATCH EXISTING



1 TRIM CLADDING ELEVATION
1/8" = 1'-0"



Bonstid | Hestig
ARCHITECTS

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ARLINGTON, VA 22202
TEL: 703.516.1234
WWW.BONSTID.COM 202.588.9373

BARCROFT PHASE 1
VIRGINIA HOUSING CANOPY AND
CLADDING EXHIBIT
ARLINGTON COUNTY, VIRGINIA

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	06/20/23
2	REVISED PER COMMENTS	07/12/23
3	REVISED PER COMMENTS	07/28/23
4	REVISED PER COMMENTS	08/15/23
5	REVISED PER COMMENTS	08/22/23
6	REVISED PER COMMENTS	08/29/23
7	REVISED PER COMMENTS	09/05/23
8	REVISED PER COMMENTS	09/12/23
9	REVISED PER COMMENTS	09/19/23
10	REVISED PER COMMENTS	09/26/23
11	REVISED PER COMMENTS	10/03/23
12	REVISED PER COMMENTS	10/10/23
13	REVISED PER COMMENTS	10/17/23
14	REVISED PER COMMENTS	10/24/23
15	REVISED PER COMMENTS	10/31/23
16	REVISED PER COMMENTS	11/07/23
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25	REVISED PER COMMENTS	01/09/24
26	REVISED PER COMMENTS	01/16/24
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100	REVISED PER COMMENTS	06/18/25

TRIM CLADDING EXHIBIT
DRAWING SET
NOT FOR CONSTRUCTION
TC-1