ARLINGTON COUNTY, VIRGINIA

A County Board Regular Meeting of Arlington County, Virginia, held at the Bozman Government Center, 2100 Clarendon Boulevard, Room 307, Arlington, VA 22201, on September 19, 2026, at 9:30 A.M.

PRESENT: Matt de Ferranti, Chair
Maureen Coffey, Vice-Chair
Susan Cunningham, Member
Julius D. "JD" Spain, Sr., Member
Takis Karantonis, Member

ALSO PRESENT: Mark Schwartz, County Manager
Ryan Samuel, County Attorney
Mason Kushnir, County Board Clerk
Jonathan Davis, County Board Deputy Clerk
Alejandra Underwood, Office of Constituent Services

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I PUBLIC COMMENT

Dixie Duncan spoke regarding public traffic safety near South Carlin Springs Road and recent incidents.

Will spoke regarding ways to improve public safety around the government center that undermines community safety and burden local businesses.

Mr. Kenneth Rosenberg spoke regarding the cancelation of the independent study for the woodshop classes at the Thomas Jefferson Community Center.

Mr. Eric Lotke spoke about Flock ALPRs and approaches to their removal and future prevention of installments in Arlington County.

Becky Meiers spoke regarding Radio Arlington, its purpose and recent work in advancing its mission.

Mr. Joseph A. Keyes Jr. spoke regarding the shortage of housing in Virginia and legislation that removes barriers from faith institutions in building affordable housing.

Diane Opperman spoke regarding e-bike safety training for elementary and middle school aged children.

Wilson Bender spoke regarding the use of AI generated newsletters and other tools used through the community.

Allen Khalatbari spoke regarding zoning code violations in his neighborhood and the County's enforcement of the zoning code.

Ms. Terri Armao spoke regarding engagement and effective opportunities for community input.

Mr. Shane Ray Martin spoke regarding the retention of new businesses in Arlington and the furtherance of job and innovation growth.

Mr. Brian Marroquin spoke regarding the Arlington Community Foundation and the early findings of Gateways for Growth Initiative.

Mrs. Amanda Villapando spoke regarding the Arlington Public School Individualized Education Programs (IEP) positive impact for students.

Audrey Clement spoke regarding Neighborhoods for Neighborhood (NFN) and efforts surrounding EHO and the Comprehensive Plan Update.

Aasim spoke regarding apartheid divestment and ongoing engagement with members of the County Board.

Sam spoke regarding the human rights of the Palestinian people.

Naomi Verdugo spoke regarding the appreciation of the approved Thrive grants and their positive community impacts.

Stephen Ward regarding flock-like cameras on private and commercial properties in Arlington County.

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ANALYSIS OF CONTINGENT ACCOUNTS

The County Board received a Summary of Fiscal Year 2026 Contingent Accounts showing balances of $30,235,624 in Economic and Revenue Budget Stabilization, and $1,686,924 in the Affordable Housing Investment Fund as of September 17, 2026.

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Prior to the consent agenda vote, Chair de Ferranti read the following Disclosure and Statement of Ability to Participate regarding Agenda Item #47:

On agenda item 47, while I do not believe I have a personal interest in this transaction, I have an immediate family member who has done work for the donor unrelated to this donation, and I am able to participate in consideration of this item fairly, objectively, and in the public interest.

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II CONSENT ITEMS

On a motion by MATT DE FERRANTI, Chair, seconded by MAUREEN COFFEY, Vice-Chair, the County Board approved the Manager's recommendation on consent agenda items #1 - # 12, #14, and #16 - #49.

Items #13 and #15 were pulled from Consent and scheduled for a hearing at the September 22, 2026, County Board Recessed Meeting.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

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- **Site Plans Requests, Amendments and Reviews**

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1. **SPLA25-00050 Site Plan Amendment to modify placement standards for signs in a comprehensive sign plan, under Arlington County Zoning Ordinance §13.3.1.A.2(b), for Crystal City Water Park (SP #167); located at 1601, 1611, 1621, 1631, 1641, 1651,**

1661, 1671, 1701, 1711, 1721, 1731, 1741, and 1751 Crystal Drive and identified as RPC #34-020-236, -237.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board adopted the ordinance (attached to the staff report) to approve a site plan amendment to the comprehensive sign plan to modify sign regulations within a comprehensive sign plan for signs within the Crystal City Water Park (SPLA25-00050; amendment to SP #167), located at 1601, 1611, 1621, 1631, 1641, 1651, 1661, 1671, 1701, 1711, 1721, 1731, 1741, and 1751 Crystal Drive, subject to all previously approved conditions and new conditions of the ordinance.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The adopted Ordinance reads as follows:

SITE PLAN AMENDMENT ORDINANCE (SPLA25-00050)

WHEREAS, an application for a Site Plan Amendment dated November 24, 2025, for SPLA25-00050 for an amendment to Site Plan #167, was filed with the Office of the Zoning Administrator; and

WHEREAS, Site Plan #167 was originally approved by the County Board on May 17, 1980, and amended from time to time as shown in the records of the Office of the Zoning Administrator; and

WHEREAS, as indicated in the Staff Report prepared for the September 19, 2026, County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment (SPA25-00050) subject to conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment (SPLA25-00050) on September 19, 2026, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan Amendment:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
    - **ACZO § 13.7.1.F.2 to allow signs to be placed above the eaves line but below the highest point of the roof**
    - **ACZO § 13.7.4.B to allow for a vertical sign clearance of 7 feet**
    - **Other modifications necessary to achieve the proposed development project.**
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated November 24, 2025, for SPLA25-00050 for an amendment to Site Plan #167, and as such application has been modified, revised, or amended as set forth in the Zoning

Administration records, for a Site Plan Amendment to add new Conditions #66 and 67 to amend the Comprehensive Sign Plan for Crystal City Water Park, as shown on the plans entitled "Water Park Sign Plan", dated August 5, 2026, and as approved by the County Board on September 19, 2026 for the parcel of real property known as RPC# 34-020-236, -237, located at 1601, 1611, 1621, 1631, 1641, 1651, 1661, 1671, 1701, 1711, 1721, 1731, 1741, and 1751 Crystal Drive, approval is granted and the parcel so described shall be used according to the Site Plan as originally approved on May 17, 1980, and as amended from time to time as shown in the records of the Office of the Zoning Administrator, subject to all previously approved conditions for Site Plan #167, and new Conditions #66 and 67. The following conditions pertain to the site plan amendment approved by the County Board on September 19, 2026, and shall supersede all previous conditions where conflicts arise.

The following new conditions #66 and 67 apply only to the applicant's proposal for amendments to the Crystal City Water Park Comprehensive Sign Plan, as presented to and approved by the County Board on September 19, 2026:

66. The applicant agrees to comply with all applicable requirements set forth in all applicable ordinances, codes, and regulations, including but not limited to the currently adopted editions of the Virginia Uniform Statewide Building Code, Parts I, II, and III, and its related regulations; the Virginia Fire Prevention Code; and the Arlington County Zoning Ordinance. Furthermore, the applicant agrees to actively and promptly pursue obtainment of all required associated building and operational permits from the various administrative and regulating agencies.

67. The applicant agrees that the size, design and locations shall be consistent with the signage described and outlined in the drawings entitled *National Landing Water Park – Water Park Sign Plan* prepared by Art Display Co. and dated August 5, 2026. The applicant further agrees that the Zoning Administrator may approve amendments to the approved Comprehensive Sign Plan as follows:

a. For signs subject to modified sign placement and vertical clearance approved by the County Board, minor changes to the sign area of each sign not to exceed a 25 percent increase in area and/or minor changes to the location of each sign not to exceed three feet in any direction, so long as no sign is placed above the approved height or below the approved vertical clearance height; and

b. County Board approval of a site plan amendment is required for additional signs that are subject to modified sign placement and/or vertical clearance and/or changes to existing signs beyond what is provided in Condition #67.a above, provided, however, additional signs and/or amendments to signs that fully comply with the by-right requirements of Article 13 of the Zoning Ordinance may be approved by the Zoning Administrator, provided the total area of all signs does not exceed the aggregate sign area allocated for the property under Article 13.

#1 – Board Report

#1 – Item Attachment – PLAN SHEETS

#1 – Item Attachment – ZONING MAP

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2. SPLA26-00017 Site Plan Amendment to modify lot coverage and revise parking at Dolley Madison Towers (SP #16); located at 2300 24th Road S. (RPC #32-024-002).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board adopted the ordinance (attached to the staff report) for a site plan amendment to modify lot coverage and revise parking, subject to all previously approved conditions, and new condition #38 of the ordinance (attached to the staff report).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The adopted Ordinance reads as follows:

SITE PLAN AMENDMENT ORDINANCE (SPLA26-00017 / SP #16)

WHEREAS, an application SPLA26-00017 for a Site Plan Amendment dated April 15, 2026 for Site Plan #16 was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report[s] prepared for the September 19, 2026 County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board adopt the Site Plan Amendment (SPLA26-00017) subject to all previously approved conditions; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan on September 19, 2026 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
    - Allow additional lot coverage above 50 percent (ACZO §7.4.3.B.1); and
    - Other modifications as necessary to achieve the proposed development project.
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated April 15, 2026, and revised August 12, 2026, for Site Plan #16 filed under SPLA26-00017, and as such application has been modified, revised, or amended to include the drawings, documents, conditions, for a Site Plan Amendment to modify lot coverage and parking tabulations, with modifications of Zoning Ordinance requirements described above, for the parcel of real property located at 2300 24th Road South (RPC #32-024-002), approval is granted, and the parcel so described shall be used according to the Site Plan application, subject to all previously approved and amended conditions as follows.

38. <u>SPLA26-00017 Site Plan Amendment Conformance</u>
<u>The applicant agrees to improve the subject site in accordance with all applicable local, state, and federal codes and ordinances, and consistent with the plans titled</u>

"SPLA26-00017 Plan Set" and dated August 24, 2026 as approved by the County Board on September 19, 2026 in association with SPLA26-00017.

#2 – Board Report

#2 – Item Attachment – PLAN SET

#2 – Item attachment – LOCATION MAP

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3. SPLA26-00021 Site Plan Amendment to extend the term of validity for the Sunrise South Glebe site plan (SP #473); located at 716 S. Glebe Road (RPC# 23-028-016, -026, -027, -028, -030, -031).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board adopted the ordinance (attached to the staff report) to extend the term of validity for the Sunrise South Glebe site plan (SP #473) for an additional three (3) years (September 30, 2029), subject to all previously approved conditions and amended conditions of the ordinance.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The adopted Ordinance reads as follows:

SITE PLAN AMENDMENT ORDINANCE (SPLA26-00021) (SP #473)

WHEREAS, an application for a Site Plan Amendment dated May 7, 2026, for Site Plan #473, was filed with the Office of the Zoning Administrator; and

WHEREAS, Site Plan #473 was originally approved by the County Board on October 14, 2023; and

WHEREAS, as indicated in the Staff Report prepared for the September 19, 2026, County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan
Amendment on September 19, 2026, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan Amendment:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
    - **All previously approved modifications; and**
    - **Other modifications necessary to achieve the proposed development project.**

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

- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated May 7, 2026, for Site Plan #473, and as such application has been modified, revised, or amended as set forth in the Zoning Administration records, for a Site Plan Amendment to extend the term of validity for the site plan, for the parcel of real property known as RPC# 23-028-016, -026, -027, -028, -030, -031 located at 716 S. Glebe Road, approval is granted and the parcel so described shall be used according to the Site Plan as originally approved on October 14, 2023, and amended from time to time as shown in the records of the Office of the Zoning Administrator, subject to all previously approved conditions for SP #473, and amended conditions of the ordinance.

Amended Conditions:

2. Site Plan Compliance and Expiration

A. **Compliance (Life of the Site Plan)** The Developer agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1, and the revised plans dated September 12, 2023 and reviewed and approved by the County Board as part of the Site Plan approval (as used in these conditions, the term "Site Plan" shall refer to the approved special exception SPLN22-00007 (SP #473) and made a part of the public record on October 14, 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 (Footing to Grade Permit)** If a Footing to Grade Permit has not been issued for the first building to be constructed pursuant to the approved Site Plan, then this Site Plan approval expires on September 30, 2029 ~~October 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 Site Plan and its conditions for their compliance with then current County policies for land use, zoning and special exception uses. Extension of the Site Plan is subject to, among other things, inclusion of amended or additional Site Plan conditions necessary to bring the plan into compliance with then current County policies and standards together with any modifications proposed by the owner and accepted by the County Board or vice versa.

C. The Zoning Administrator is authorized to administer and interpret the conditions of this Site Plan in the same manner as she administers and interprets the Arlington County Zoning Ordinance, but in no event shall such administration and interpretation allow the Zoning Administrator to alter, amend, waive, delete, or add any condition(s) to this Site Plan, except to the extent allowed under Section 15.5.3.C ("Administrative Change") of the Arlington County Zoning Ordinance, as amended, or as provided for in the specific conditions of this Site Plan. The Zoning Administrator is authorized to enforce violations of the conditions of this Site Plan in the same manner as violations of the Arlington County Zoning Ordinance.

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

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

1) **Tree Survey.** Complete a tree survey which meets the standards set forth below in subparagraph C, and consistent with the Chesapeake Bay Preservation Ordinance (County Code 61).

2) **Tree Protection Plan.** Submit to and obtain the County Manager's review and approval of a tree protection plan for those trees identified on the tree protection plan to be saved according to the standards set forth below in paragraph C, and consistent with the Chesapeake Bay Preservation Ordinance (County Code 61).

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

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

B. Tree Replacement and Tree Replacement Bond for Conservation of Trees on Developed or Adjacent Property (Post 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 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 (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 Final Building Permit. The Developer agrees to make a contribution to the County's Tree Canopy Fund of at least $4,000 ~~2,400.00~~ per tree, or a greater amount specified by the County Board, for every tree that cannot be planted on site. The contribution shall be required when tree planting requirements cannot be met on the property. If the Developer fulfills the requirements through a monetary contribution, the Developer shall make the check payable to the Arlington County Treasurer, and deliver the check to the Arlington County Urban Forest Manager, accompanied with a letter outlining the tree replacement calculations and referencing the project / site plan number. The Developer shall also provide evidence of compliance with this condition to the Zoning Administrator in the form of a letter at the time of payment

D. Tree Protection and Tree Protection Plan Standards

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

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

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

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

c. The location of all construction trailers, which may not be located within any tree protection area.

10. Construction Related Measures (Demolition and Land Disturbing Activity Permits)

A. **Maintenance of Traffic Plans**

1) All Maintenance of Traffic Plans (MOT) for this site plan shall include the hours permitted for construction activities in the public right-of-way. Construction activity within the public right-of-way may occur between 9:00 a.m. and 3:30 p.m., Monday through Friday and/or between 10:00

a.m. and 6:00 p.m. on weekends and holidays. Construction activity within the public right-of-way shall not occur between 6:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:30 p.m., Monday through Friday. The foregoing construction hours may be modified by the County Manager if he/she/they find that, 1) for right-of-way improvements required by the site plan, construction activity must be conducted outside the hours stated above in order to avoid disruption of traffic or other transportation systems; or 2) the construction activity requires certain utility work and/or street closures outside the hours stated above. "Holidays" are defined as New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day. The Developer agrees to place a minimum of one sign per street front around the site indicating the permissible hours of construction within the right of way, to provide a written copy of such hours of construction to all subcontractors, and to require its subcontractors to observe such hours.

2) The Developer agrees to maintain the existing sidewalks (which may be less than 5 feet) or a temporary 5-foot minimum clear width pedestrian access along South Glebe Road, 7th Street South and 8th Street South adjacent to the site throughout construction. However, if the Developer is unable to maintain a 5-foot minimum clear width pedestrian access adjacent to the site, an alternative pedestrian access route may be approved with the Maintenance of Traffic Plan review process. The alternative pedestrian access route will be reviewed to balance: a) safety; b) use of the public sidewalk/right of way for construction activities; and c) operation of the transportation network in a safe, efficient, and accessible manner. Exceptions may be made during an emergency as defined in condition #13.C, when the County Manager or his/her/their designee has determined that pedestrian access adjacent to the site should be limited for safety reasons, and/or for such limited periods as are unavoidable for utility upgrades or construction of the sidewalk along South Glebe Road, 7th Street South and 8th Street South.

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

B. **On-Site Construction Activity Hours (Demolition and Land Disturbing Activity Permits to Throughout Construction of the Site Plan)** On-site construction activity, including, by way of illustration and not limitation, delivery of materials and equipment, except for construction worker arrival to the construction site and indoor construction activity, shall commence no earlier than 7:00 a.m. and end by 9:00 p.m. on weekdays, and shall commence no earlier than 9:00 a.m. and end by 9:00 p.m. on weekends and holidays. Indoor construction activity defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors shall end at midnight each day. The Developer may submit to the Zoning Administrator, through the 4.1 administrative change process, a request to permit on-site construction activity during hours other than those identified above. The Zoning Administrator may approve such

request only if the Developer can show that the on-site construction activity requires certain utility work and/or street closures outside the hours stated above. "Holidays" are defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, and Christmas Day. The Developer agrees to place a minimum of one sign per street front around the construction site, indicating the permissible hours of on-site construction, to place one additional sign within the construction trailer containing the same information, to provide a written copy of the permissible hours of on-site construction to all subcontractors, and to require its subcontractors to observe such hours.

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

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

E. **Off-Street Parking for Construction Workers (Demolition and Land Disturbing Activity Permits).** The Developer agrees to develop and submit to the Zoning Administrator a plan for off-street parking for construction workers prior to the issuance of the Demolition and Land Disturbing Activity Permits. The Developer agrees to obtain the review and approval by the Zoning Administrator of such plan prior to the issuance of the Excavation, Sheeting and Shoring Permit. The Developer agrees that the plan shall

provide for off-street parking and shall be provided for all construction workers, including sub-contractors, without charge to the workers. In lieu of providing parking, the Developer may provide a subsidy for the construction workers in order that they may use Metro or another form of public transportation, provide a van for van pooling, or use another established method of transportation to provide for construction workers to arrive at the site. The Developer agrees to implement the approved plan throughout all phases of construction on the project. If the plan is found to be either not implemented or violated during the course of construction, a notice to correct the violation will be issued to the Developer. If the violation is not corrected within ten (10) days, appropriate enforcement actions will be taken in accordance with Article 17 of the Zoning Ordinance. The Developer agrees that the plan shall include the following:

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

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

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

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

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

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

19. Civil Engineering Plan (Land Disturbing Activity Permits)

A. **Submission and Approval (Land Disturbing Activity Permits)**

1) **Submission (Land Disturbing Activity Permits)** The Developer agrees to submit a complete set, as determined by the Department of Environmental Services, of a Civil Engineering Plan for each applicable phase of the project consistent with the approved Phasing Plan for the development, pursuant to Condition #5 above, based on the Minimum Acceptance Criteria and Guidelines dated December 17, 2020 or subsequent amended acceptance criteria document, prior to the issuance of the Land Disturbing Activity Permit for that phase.

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

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

proposed public infrastructure and adjacent public or private property.

3) **Approval of Plan (Footing to Grade Permit)** The Developer agrees to obtain approval of the Civil Engineering Plan by the County Manager or his/her/their designee prior to the issuance of the Footing to Grade Permit, for any phase of the project (approved pursuant to Condition #5). The Developer further agrees that the approved Civil Engineering Plan shall conform to this Site Plan approval, the approved Final Landscape Plan, and the sequence of construction, and shall be consistent with all site plan approval requirements and all County codes, standards and specifications, and policies. The Developer further agrees that any changes to the approved Civil Engineering Plan shall be subject to the same conformance requirements. The Developer agrees to obtain approval from the County Manager or his/her/their designee of a revised Civil Engineering Plan for such changes, and if such changes are also features shown on the Final Landscape Plan, shall also obtain approval from the County Manager or his/her/their designee of a revised Final Landscape Plan per Condition #21.

Virginia Department of Transportation (VDOT) approval of the Civil Engineering Plan and any other VDOT plans and permits are required in order to perform work in VDOT right-of way on South Glebe Road. If VDOT requests Civil Engineering Plan revisions subsequent to Civil Engineering Plan approval, the Developer agrees to submit and obtain approval from the County Manager or his/her/their designee of a revised Civil Engineering Plan for such changes, and if such changes are also features shown on the Final Landscape Plan, shall also obtain approval from the County Manager or his/her/their designee of a revised Final Landscape Plan per Condition #21.

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

1) Structure Free Zone

a. In order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the Civil Engineering Plan shall provide a structure-free zone under the public sidewalk along all street frontages.

i. This zone shall be a minimum of five (5) feet in depth, as measured from the approved finished sidewalk elevation, and shall extend from the back of the final location of the street curb, to the far edge of the public sidewalk.

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

iii. Notwithstanding the foregoing provisions, there shall be a minimum of fifteen (15) feet in depth, as measured from the approved finished sidewalk elevation, at specific street intersections adjacent to the site, within the triangular zone formed by the Point of Intersection and fifteen (15) feet beyond the Points of Tangent and Points of Curvature of the two intersecting street curbs, as listed below.

(1) None

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

2) Water Mains and Services

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

i. Construct approximately 235 LF of new 8" DIP Waterline in 7th Street South along the site frontage, connecting to the existing 12" water main in South Glebe Road.

ii. Construct approximately 70 LF of 8" DIP Waterline in 8th Street South along the site frontage, connection to the existing 12" water main in South Glebe Road.

Their exact sizes, lengths, and locations shall be determined by the County as part of the Civil Engineering Plan review, which will be based on final engineering design and on evaluation of existing conditions and capacity of the water mains to serve the subject site, while maintaining the reliability of the water system. These improvements shall be constructed in accordance with the standards set out in the DES Construction Standards and Specifications Manual.

3) Sanitary Sewer

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

i. None

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

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

4) Storm Sewer

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

i. None

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

5) Electric Service and Appurtenances

a. All new electric transformers and all associated appurtenances shall be installed as provided for in enclosures shown on the plans referenced in Condition #2 in underground utility vaults or in locations at grade so as not to be clearly visible from the public right-of-way and shall otherwise be screened.

6) Undergrounding of Aerial Utilities

a. Removal and/or undergrounding of all existing aerial utilities located within or along the periphery of the entire site plan to a distance of approximately five (5) feet beyond the site boundaries or the limits of disturbance/clearance, whichever is greater. Removal of existing poles on 8th Street South and 7th Street South is contingent on property owners located at 624, 802 South Glebe Road, 3402, 3404, 3410, 3414 8th Street South, and 3411, 3415 7th Street South (the "Neighboring Owners") granting easements to private utility providers to allow for underground services to be installed. In the event some or all of these easements are not granted by the Neighboring Owners, the developer may request an administrative change to maintain or relocate poles on the property frontage to provide aerial utility connections to the Neighboring Owners that have not granted easements to private utility providers to allow for underground services, as generally depicted on Sheet C-1601 entitled "Alternate Dry Utility Exhibit". The Zoning Administrator may approve such request if she determines: i) the developer can demonstrate it has made all reasonable efforts with the Neighboring Owners to achieve the undergrounding of aerial utilities; ii) the developer has been unable to obtain the consent of the Neighboring Owners to achieve the undergrounding of aerial utilities; iii) the developer provides documentation to the Zoning Administrator of such efforts and inability to obtain consent; iv) the maintained or relocated poles do not interfere with the clear sidewalk or placement of new street trees; v) the poles only support the aerial utility connections to the Neighboring Owners; and vi) the placement of poles to support aerial utility connections to the Neighboring Owner does not result in an increase in the number of utility poles on the 7th Street South and 8th Street South frontages.

b. All utility improvements necessary to provide adequate utility services to the development, or utility work necessary to provide terminus facilities associated with the undergrounding of utility lines shall not result in the installation of any new or additional permanent utility poles, push braces, or aerial utility lines or devices, with the exception if Neighboring Owners do not grant easements to private utility providers to allow for underground services to be installed as may be permitted through an administrative change process per Condition #19.B.6.a.

7) Underground Utility Vaults

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

i. Installation of all underground utility vaults shall be in conformance with County design and construction standards and specifications, and all applicable construction standards and specifications of the owner of the utilities. Underground utility

vaults for electric transformers and all associated appurtenances shall meet both Dominion Virginia Power and County design and construction standards and specifications.

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

iii. The location and placement of underground utility vaults shall not conflict with the physical operation or placement of other existing or proposed public or private utility facilities.

iv. Underground utility vaults shall have a minimum horizontal clearance of five (5) feet to conduits, manholes, public water mains and public sanitary sewers, unless a lesser clearance is specifically approved by the County Manager.

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

8) Pavement, Curb and Gutter

a. Pavement, curb and gutter, parking spaces, and parking space sensors, along all site frontages, as listed below, and as shown on the approved Civil Engineering Plan. Additionally, the Developer will be responsible for the cost of installation of new sensors if existing sensors are damaged or paved over during construction.

i. South Glebe Road – maintain existing approximate 52-foot curb to curb width
ii. 7th Street South – maintain existing approximate 36-foot curb to curb width,
iii. 8th Street South – maintain existing approximate 36-foot curb to curb width,

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

9) Streetscape

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

South Glebe Road:
- *Minimum streetscape width measured from the back of curb: 11.5′*
- *Minimum clear sidewalk width: 6′*
- *Planting strip dimensions: 5.5′*

7th Street South:
- *Minimum streetscape width measured from the back of curb: 11.5′*
- *Minimum clear sidewalk width: 6′*
- *Planting strip dimensions: 5.5′*

8th Street South:
- *Minimum streetscape width measured from the back of curb: 11.5′*
- *Minimum clear sidewalk width: 6′*
- *Planting strip dimensions: 5.5′*

b. Public sidewalks designed in conformance with the Department of Environmental Services Construction Standards and Specifications Manual or subsequent standards as amended and as required to be shown on the Final Landscape Plan per Condition #21.B.8.

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

d. Street trees shall be spaced 28-32 feet apart on center, or as approved by the County Manager. The location and planting details for street trees shall be in compliance with the Arlington County Landscape Standards; the Standards for Planting and Preservation of Trees on Site Plan Projects, Administrative Regulation 4.3: Tree Planting on Public Land; and other applicable streetscape guidelines or standards, or urban design standards approved by the County Board.

e. Individual or multi-space parking meters per the County Manager's determination shall be located where parking meters are called for along the site frontages, based on County plans and policies and the operation of the street.

f. If Virginia Department of Transportation (VDOT) requires additional offsite improvements at the intersection of South Glebe Road and 7th Street South because of streetscape improvements required in this

condition, the developer may maintain the existing sidewalks, curb ramps and curb and gutter at the site's corner of the intersection such that the developer would not be required to construct additional offsite improvements. Maintaining existing sidewalk width and conditions permitted by this condition shall not be considered as a violation of the sidewalk clear width requirements per Condition #19.B.9.c.

10) Visitor Bicycle Parking

Provide visitor bicycle parking spaces in the following amounts:

a. Intentionally omitted.

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

Visitor bicycle parking shall conform to Class II or Class III Arlington County bicycle parking standards in effect on the date of site plan approval, or as approved in the Civil Engineering Plan as substantially equal to that shown in the standards. Such facilities shall be installed at exterior locations that are highly visible to, and within 100 feet of, the primary building entrances, unless there are physical obstructions that cannot be changed or moved to accommodate the bicycle parking within the 100 foot distance, in which case they shall be sited as close to the 100 foot distance as physically possible. Such facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians or any required fire egress.

11) Street Lighting

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

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

12) Traffic Signal Equipment

a. The Developer agrees to coordinate the Civil Engineering Plan with a County approved design for a replacement/new of traffic signal equipment and appurtenances, to be designed and constructed by Arlington County, at the southwest corner "site's 7th Street South corner" of the intersection of South Glebe Road and 7th Street South.

b. If the County has not approved a design plan for a new signal at the intersection of South Glebe Road and 7th Street South, at the time of Civil Engineering Plan submission/approval, the developer agrees to design their sidewalk, curb ramps and streetscape improvements

at the site's 7th Street South corner as directed by Arlington County and approved with the Civil Engineering Plan to accommodate future traffic signal equipment and appurtenances.

c. The Developer agrees to grant to the County an easement(s) for traffic signal equipment and facilities at the site's 7th Street South corner as shown on sheet C-0304 Preliminary Subdivision Plat of the plans.

d. If the site plan and Arlington County's construction of replacement/new traffic signal equipment and appurtenances, to be constructed by Arlington County, occur concurrently the Developer agrees to coordinate with the County on MOT and other construction coordination issues.

13) Communication Conduit

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

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

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

a. Undergrounding of aerial utilities, including removal of all permanent and temporary poles, lines, and other devices, except those provided pursuant to Condition #19.B.6.

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

c. Public sanitary sewer main and appurtenances.

d. Public storm sewer improvements.

e. Communication conduit.

The Zoning Administrator may, through the 4.1 administrative change process, allow reasonable modifications to the timing of Condition #19.C.1) a. above if the Zoning Administrator determines that: 1) the Developer has installed all necessary conduit and other infrastructure required to implement the utility undergrounding; 2) the Developer can demonstrate that it has made all reasonable efforts to implement the required undergrounding; 3) the only remaining work is the responsibility of private utility companies and related completion of streetscape; 4) the timing of these elements will unnecessarily impede progress of the

project; and 5) the Developer agrees that completion of this work will occur by the time approved by the Zoning Administrator but in no case later than prior to issuance of the Master Certificate of Occupancy for the building(s) adjacent to the utility pole(s) and/or utility line(s).

2) **(First Partial Certificate of Occupancy for Tenant Occupancy)** The Developer agrees to construct and/or install the following improvements as shown and approved on the Civil Engineering Plan, as applicable, prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy for the respective phases of construction:

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

   b. Fire Apparatus Access Roads (Fire Lanes).

   c. Street lighting elements including but not limited to: poles, meters, service cabinets and power connection appurtenances, and all conduit and junction boxes necessary for the lighting system, or, at the County's option, full payment to the County to cover the cost for such improvements and relocation.

   d. Traffic signal improvements and the relocation of existing traffic signal equipment or, as determined by the County Manager, pay in full to the County, the cost to cover such improvements and relocation.

   e. Parking meters, or, as determined by the County Manager, pay in full to the County, the cost to cover such parking meters.

   f. Parking space sensors and space delineations, as applicable, or, as determined by the County Manager, pay in full to the County, the cost to cover such parking space sensors and space delineations.

   g. Transit facilities.

   h. Visitor bicycle facilities.

   i. Stormwater management facilities, (SWMF) with accepted certification letter(s) and construction inspection checklist(s) for each SWMF on the approved plan, such letters and inspection checklists to be certified by a licensed professional (licensed in Virginia), except those provided pursuant to Condition #19.C.3) below.

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

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

   The Zoning Administrator may, through the 4.1 administrative change process, allow reasonable modifications to the timing of Condition #19.C.2) above, requiring construction or installation of public improvements, if the Zoning Administrator determines that: 1) the Developer is diligently pursuing the work; 2) timing of improvements as

approved above will unnecessarily impede progress of the project; and 3) the Developer has provided reasonable assurances that the work will be completed in accordance with the Site Plan's approved design.

3) **Final Partial Certificate of Occupancy for Tenant Occupancy)** The Developer agrees to construct and/or install the following improvements as shown and approved on the Civil Engineering Plan, as applicable, prior to the issuance of the Final Partial Certificate of Occupancy for Tenant Occupancy for the respective phases of construction:

a. Vegetated stormwater management facilities 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 with accepted certification letter(s) and construction inspection checklist(s) for each SWMF on the approved plan, such letters and inspection checklists to be certified by a licensed professional (licensed in Virginia).

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

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

E. Maintenance of Public Infrastructure. The Developer agrees to maintain, repair and replace all sidewalks and street trees shown on the approved Civil Engineering Plan and approved Final Landscape Plan, which are installed within the public right-of-way or public easement for the life of the Site Plan.

33. Underground Utility Fund Contribution (Final Building Permit)

The Developer agrees to contribute to the County underground utility fund in the amount specified by this site plan condition, in addition to funding and constructing the utility undergrounding work required by this Site Plan approval, prior to the issuance of the Final Building Permit. The total utility fund contribution for this site is $149,566~~143,950~~ ($71,563~~68,876~~ x 2.09 acres). [The Underground Utility Fund Contribution of $50,000 per acre (2011 dollars) has been adjusted by the change

in the Consumer Price Index All Urban Consumers (CPI-U) from 2011 Annual Average to 20252023 Annual Average, reflecting a 43.1337.75% increase. The rate shall be fixed from County Board approval until the payment is made by the Developer prior to issuance of the Final Building Permit.] The Developer may request and obtain approval from the County Manager or his/her/their designee (DES) to prorate the total utility fund contribution for this site consistent with the approved Phasing Plan for the development pursuant to Condition #5 above. These funds may, but need not, be used by the County for the purpose of providing for undergrounding of utilities along the properties which are not redeveloping in this undergrounding district. If the area of the Site Plan is subdivided, the contribution to be made by each owner shall be based proportionally on the amount of site area allocated to each subdivided parcel. The contribution, if not obligated by the County to pay for utility undergrounding projects within 10 years from the date of payment, will be refunded upon receipt of written request without any accrued interest to the development owners of record at the time of any refund.

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

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

#3 – Board Report

#3 – Item Attachment

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4. SPLA26-00023 Site Plan Amendment (SP#153) request to revise the building, façade, height, and floor plans, with modifications for additional density, density exclusions, drive aisle dimensions, and other modifications as necessary to achieve the proposed adaptive reuse of the building located at 1320 N. Courthouse Road; and identified as RPC# 18-003-567.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the ordinance (attached to the staff report) to amend Site Plan #153 to revise the building, façade, height, and floor plans, with modifications for additional density, density exclusions, drive aisle dimensions, and other modifications as necessary to achieve the proposed adaptive reuse of the building, subject to all previously approved conditions and amended conditions #1, 2, 3, and 9.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The approved Ordinance reads as follows:

SITE PLAN AMENDMENT ORDINANCE (SPLA26-00023)

WHEREAS, an application for a site plan amendment dated September 19, 2026, for SPLA26-00023, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in the Staff Report prepared for the September 19, 2026, County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on the Site Plan Amendment on September 19, 2026, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan Amendment:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
    - Additional density to permit an increase of approximately 410 square feet
      (ACZO§15.5.9.E);
    - Density Exclusions to allow for 2,799 square feet of exclusions from GFA
      consisting of mechanical and vertical shafts
    - Drive aisle dimensions (ACZO § 14.3.3.C.1) to allow some drive aisles that are less than the minimum 23' width
    - Other modifications necessary to achieve the proposed adaptive reuse project.
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety, and welfare will be promoted and protected.

NOW THEREFORE BE IT ORDAINED that, as originally requested by an application dated June 15, 2026, for SPLA26-00023, and as such application has been modified, revised, or amended to as set forth in the Zoning Administration records, for a Site Plan Amendment to amend Conditions #1, 2, 3 and 9 to revise the building, façade, height, and floor plans, with modifications for additional density, density exclusions, drive aisle dimensions, and other modifications as necessary to achieve the proposed adaptive reuse, as shown on plans entitled "Minor Site Plan Amendment Resubmission #2" prepared by 1320 North Courthouse LLC, DCS Design, VIKA Virginia LLC, and Walsh Colucci, Lubeley & Walsh P.C., dated August 5, 2026, ("plans") and as approved by the County Board on September 19, 2026 for the parcel of real property known as RPC #18-003-567, located at 1320 N. Courthouse Road, approval is granted and the parcel so described shall be used according to the Site Plan as originally approved in July 1989and amended from time to time as shown in the records of the Office of the Zoning Administrator, subject to all previously approved conditions for Site Plan #153 and amended Conditions #1, 2, 3 and 9.

The following conditions pertain to the site plan amendment approved by the County Board on September 19, 2026, and shall supersede all previous conditions where conflicts arise.

1. **Overall Compliance Requirements**

A. 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 Adaptive Reuse Site Plan Amendment. Unless otherwise stated in the conditions below, all required submissions shall be filed through the PermitArlington (or any successor) system, or by electronic submission with the Zoning Administrator.

B. The Developer agrees that these conditions shall apply solely to the Adaptive Reuse Site Plan Amendment application (SPLA25-00029 and SPLA26-00023) including the revised plans dated October 17, 2025, and August 5, 2026, approved by the County Board on November 15, 2025, and September 19, 2026. These conditions apply solely to the building located at ~~31~~ 1320 North Courthouse Road (RPC #18-003-567, formerly 18-003-113, -112, and -108). Where there is a conflict between these conditions associated with this Adaptive Reuse Site Plan Amendment (SPLA25-00029 and SPLA26-00023) and the conditions previously approved for the subject building per SP #153, such as but not limited to conditions specific to the use of the building located at 1320 North Courthouse Road as an office building, these Adaptive Reuse Site Plan Amendment conditions shall overrule the prior applicable conditions provided that the Developer is in compliance with all prior approved conditions.

2. **Adaptive Reuse Site Plan Amendment Compliance and Expiration**

A. **Compliance (Life of the Adaptive Reuse Site Plan Amendment)** The Developer agrees to comply with these conditions set forth below, and the revised plans dated October 17, 2025 and August 5, 2026, and reviewed and approved by the County Board as part of the Adaptive Reuse Site Plan Amendment approval (as used in these conditions, the term "Adaptive Reuse Site Plan Amendment" shall refer to the approved SPLA25-00029 and SPLA26-00023) and made a part of the public record on November 15, 2025, and September 19, 2026, 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** If the initial building permit has not been issued for the building to be converted pursuant to the approved Adaptive Reuse Site Plan Amendment, then this Adaptive Reuse Site Plan Amendment approval expires on November 31, 2028, unless otherwise extended by the County Board. Extension of this approval shall be at the sole discretion of the County Board and shall not be considered an amendment pursuant to ACZO §15.5.3.D. The Developer agrees that this discretion shall include a review of this Adaptive Reuse Site Plan Amendment and its conditions for their compliance with then current County policies for land use, zoning and special exception uses. The Developer agrees that pursuant to ACZO §15.5.3.D, this Adaptive Reuse Site Plan Amendment may not be further amended, expanded or substantively changed without applying for a major or minor site plan amendment pursuant to ACZO §15.5.3.A or B.

C. The Zoning Administrator is authorized to administer and interpret the conditions of this Adaptive Reuse Site Plan Amendment in the same manner as she administers and interprets the Arlington County Zoning Ordinance, but in no event shall such administration and interpretation allow the Zoning Administrator to alter, amend, waive, delete, or add any condition(s) to this Adaptive Reuse Site Plan Amendment, except to the extent allowed under Section 15.5.3.C ("Administrative Change") of the Arlington County Zoning Ordinance, as amended, or as provided for in the specific conditions of this Adaptive Reuse Site Plan Amendment. The Zoning Administrator is authorized to enforce violations of the conditions of this Adaptive Reuse Site Plan Amendment in the same manner as violations of the Arlington County Zoning Ordinance.

3. **Permitting Process.** The Developer agrees to obtain all permits, such as but not limited to applicable commercial and residential building permits and occupancy permits, as deemed necessary by Arlington County in a manner consistent with adopted Arlington County codes and ordinances and these conditions for the purposes of implementing this Adaptive Reuse Site Plan Amendment (SPLA25-00029 and SPLA26-00023) approved by the County Board on November 15, 2025 and September 19, 2026. The Developer further agrees that any permits deemed necessary to alter and/or improve any areas of the subject site not related to the building permit activity associated with this Adaptive Reuse Site Plan Amendment shall require submission and approval of applicable plans and/or permits.

9. Overall Parking (As Specified Below and Only Applicable to this Adaptive Reuse Site Plan Amendment Where Explicitly Stated)

A. Site Plan Requirements

1) **Adaptive Reuse Site Plan Amendment Parking Requirements**

a. The Developer agrees that, unless specifically identified in this condition, parking shall be provided consistent with Section 14.3 of the Zoning Ordinance except as otherwise exists as shown on the parking plans dated October 17, 2025 and August 5, 2026, attached to the staff report for the November 15, 2025 and September 19, 2026, County Board hearing on this Adaptive Reuse Site Plan Amendment.

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

Use Type	Approved Parking Ratio
Residential –	~~0.8~~ 0.5 spaces per unit (to include residents, residential visitors, accessible spaces & residential building employees).
Residential Visitor –	0.05 spaces per unit for the first 200 units of a building designated residential visitor parking. Visitor spaces shall be available for visitor use at all times and

	must be located on the site within each building.
Commercial/Retail – Office –	1 space per 530 square feet of GFA, after approved exclusion for proximity to Metro Station (to include retail customers, retail employees and accessible spaces) 1 space per 530 square feet of GFA (to include office employees, office visitors, building management employees, and accessible spaces)

a. The Developer agrees that the number of compact spaces counted toward the total number of "Required Spaces" shall not exceed 81% of the total number of "Required Spaces", except as otherwise exists as shown on the parking plans dated October 17, 2025 and August 5, 2026, attached to the staff report for this Adaptive Reuse Site Plan Amendment (SPLA25-00029 and SPLA26-00023) and as approved by the County Board on November 15, 2025. Spaces provided in excess of the "Required Spaces" total may be either standard or compact spaces.

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

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

d. The Developer agrees that no fewer than one (1) accessible parking space shall be provided for each "Type A" accessible dwelling unit being provided, if applicable.

B. Operation and Management-Related Requirements

1) **Residential Parking**

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

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

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

d. The Developer agrees all residential visitor and accessible spaces shall be provided on-site and not located off-site.

#4 – Board Report

#4 – Item Attachment – ZONING MAP

#4 – Item Attachment – PLAN SHEETS

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5. SPLA26-00024 Site Plan Amendment (SP #110) to modify building height for "The 1201 Apartments" building; located at 1201 S. Eads St. (RPC# 35-001-019).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board adopted the ordinance (attached to the staff report) approving the requested Site Plan Amendment (SPLA26-00024) to modify building height for "The 1201 Apartments", subject to all previously approved conditions and new Condition #30 of the ordinance.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The adopted Ordinance reads as follows:

SITE PLAN AMENDMENT ORDINANCE – SPLA26-00024 (SP #110)

WHEREAS, an application for a Site Plan Amendment dated June 17, 2026 for SPLA26-00024 (Site Plan #110) was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report[s] prepared for the September 19, 2026 County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board adopt the Site Plan subject to numerous conditions as set forth below and in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan on September 19, 2026 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
    - **Increase in building height to 190.6 feet (ACZO §7.5.3.B); and**
    - **Other modifications as necessary to achieve the proposed development plan; and**
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and

- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW, THEREFORE, BE IT ORDAINED that, as originally requested by an application dated June 17, 2026 for SPLA 26-00024 (Site Plan #110), and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 30 below and dated June 18, 2026 with revisions through August 24, 2026 (which drawings, etc… are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment; with modifications of zoning ordinance requirements described above; for the property located generally at 1201 S. Eads St. (RPC# 35-001-019), approval is granted and the parcels so described shall be used according to all prior approvals and as amended by the Revised Site Plan Application, subject to all previously approved conditions and new Condition #30:

30. The Developer agrees to improve the 1201 S. Eads Street building's rooftop mechanical equipment and penthouse structure in a manner consistent with the plans titled "POC 1201 Apartments" dated June 18, 2026 and revised through August 24, 2026 and as approved by the County Board on September 19, 2026 with SPLA26-00024.

#5 – Board Report

#5 – Item Attachment – LOCATION MAP SPLA26-00024

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6. SPLA26-00028 Site Plan Amendment to amend conditions to allow reduced clear sidewalk width on portions of the Hotel Pentagon (SP #111) site frontage; located at 2626 24th Road S. (RPC# 31-034-048).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board adopted the ordinance (attached to the staff report) to amend conditions to allow reduced clear sidewalk width on portions of the Hotel Pentagon development site's frontage, subject to all previously approved conditions and amended Conditions #19 and #21.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The adopted Ordinance reads as follows:

SITE PLAN AMENDMENT ORDINANCE (SPLA26-00028) (SP #111)

WHEREAS, an application for a Site Plan Amendment dated July 2, 2026 for Site Plan #111, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in the Staff Report prepared for the September 19, 2026 County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan
Amendment on September 19, 2026 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning

Administrator, that the improvements and/or development proposed by the Site Plan Amendment:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:

    - **Other modifications necessary to achieve the proposed development project.**

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

- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated July 2, 2026 for Site Plan #111, and as such application has been modified, revised, or amended as set forth in the Zoning Administration records, for a Site Plan Amendment to amend a condition to allow a reduced clear sidewalk width on a portion of the proposed development's frontage, for the parcel of real property known as RPC #31-034-048 located at 2626 24th Road South, approval is granted and the parcel so described shall be used according to all previously approved conditions for SP #111, and amended Conditions #19 and #21.

Amended Conditions:

19. Civil Engineering Plan (Land Disturbing Activity Permits)

A. **Submission and Approval (Land Disturbing Activity Permits)**

4) **Submission (Land Disturbing Activity Permits)** The Developer agrees to submit a complete set, as determined by the Department of Environmental Services, of a Civil Engineering Plan for each applicable phase of the project consistent with the approved Phasing Plan for the development, pursuant to Condition #5 above, based on the Minimum Acceptance Criteria and Guidelines dated December 17, 2020 or subsequent amended acceptance criteria document, prior to the issuance of the Land Disturbing Activity Permit for that phase.

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

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

Approval of Plan (Footing to Grade Permit) The Developer agrees to obtain approval of the Civil Engineering Plan by the County Manager or his/her/their designee prior to the issuance of the Footing to Grade Permit, for any phase of the project (approved pursuant to Condition #5). The Developer further agrees that the approved Civil Engineering Plan shall conform to this Site Plan approval, the approved Final Landscape Plan, and the sequence of construction, and shall be consistent with all site plan approval requirements and all County codes, standards and specifications, and policies. The Developer further agrees that any changes to the approved Civil Engineering Plan shall be subject to the same conformance requirements. The Developer agrees to obtain approval from the County Manager or his/her/their designee of a revised Civil Engineering Plan for such changes, and if such changes are also features shown on the Final Landscape Plan, shall also obtain approval from the County Manager or his/her/their designee of a revised Final Landscape Plan per Condition #21.

Virginia Department of Transportation (VDOT) approval of the Civil Engineering Plan and any other VDOT plans and permits are required in order to perform work in VDOT right-of way on South Glebe Road. If VDOT requests Civil Engineering Plan revisions subsequent to Civil Engineering Plan approval, the Developer agrees to submit and obtain approval from the County Manager or his/her/their designee of a revised Civil Engineering Plan for such changes, and if such changes are also features shown on the Final Landscape Plan, shall also obtain approval from the County Manager or his/her/their designee of a revised Final Landscape Plan per Condition #21.

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

5) Structure Free Zone

a. In order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the Civil Engineering Plan shall provide a structure-free zone under the public sidewalk along all street frontages.

i. This zone shall be a minimum of five (5) feet in depth, as measured from the approved finished sidewalk elevation, and shall extend from the back of the final location of the street curb, to the far edge of the public sidewalk.

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

iii. Notwithstanding the foregoing provisions, there shall be a minimum of fifteen (15) feet in depth, as measured from the approved finished sidewalk elevation, at specific street intersections adjacent to the site, within the triangular zone formed by the Point of Intersection and fifteen (15) feet beyond the Points of Tangent and Points of Curvature of the two intersecting street curbs, as listed below.

(1) N/A

iv. Within the structure-free zone, underground utilities and/or utility vaults shall not be located in a manner that interferes

with the appropriate spacing of street trees shown on the approved Final Landscape Plan nor shall utility lines be located beneath street trees.

6) Water Mains and Services

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

i. Construct approximately 650 linear feet of a new 8" water main in 24th Road South replacing the existing 8" water main along the site's frontage.
ii. Construct approximately 380 linear feet of a new 8" water main in the proposed South Garfield Street, connecting to the 8" water main in 24th Road South.
iii. Construct approximately 125 linear feet of a new 8" water main in the proposed 25th Court South, connecting to the 8" water main in South Garfield Court.
iv. Construct approximately 325 linear feet of a new 8" water main in the proposed South Fillmore Court connecting to the 8" water main in 25th Court South.

Their exact sizes, lengths, and locations shall be determined by the County as part of the Civil Engineering Plan review, which will be based on final engineering design and on evaluation of existing conditions and capacity of the water mains to serve the subject site, while maintaining the reliability of the water system. These improvements shall be constructed in accordance with the standards set out in the DES Construction Standards and Specifications Manual.

7) Sanitary Sewer

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

i. Construct approximately 85 linear feet of an 8" sanitary main in 24th Road South, connecting to manhole 13558 and extending to a new manhole for the 8" sanitary main in South Glebe Road.
ii. Construct approximately 80 linear feet of an 8" sanitary main in South Glebe Road, connecting from a new manhole, replacing manhole 13565, and extending toward manhole 13601

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

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

8) Storm Sewer

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

i. Construct approximately 40 linear feet of a 15" storm main in 24th Road South connecting to the 24" storm main in South Glebe Road.
ii. Construct approximately 470 linear feet of a 24" storm main in South Glebe Road along the project frontage.

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

14) Electric Service and Appurtenances

a. All new electric transformers and all associated appurtenances may be placed above grade as shown on Sheet C401 entitled "Plot and Location Plan" of the 4.1 Plans approved by the County Board, and shall be in locations so as not to be clearly visible from the public right-of-way and shall otherwise be screened from public view.

15) Undergrounding of Aerial Utilities

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

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

16) Underground Utility Vaults

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

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

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

deeds, plats, or ordinances, the payment of compensation, and required fees.

viii. The location and placement of underground utility vaults shall not conflict with the physical operation or placement of other existing or proposed public or private utility facilities.

ix. Underground utility vaults shall have a minimum horizontal clearance of five (5) feet to conduits, manholes, public water mains and public sanitary sewers, unless a lesser clearance is specifically approved by the County Manager.

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

17) Pavement, Curb and Gutter

a. Pavement, curb and gutter, parking spaces, and parking space sensors, along all site frontages, as listed below, and as shown on the approved Civil Engineering Plan. Additionally, the Developer will be responsible for the cost of installation of new sensors if existing sensors are damaged or paved over during construction.

iv. South Glebe Road – Construct street section of approximately 66.5 feet in width, as shown on the civil engineering plan approved by the County Manager. The Developer agrees to construct ADA ramps as necessary to provide a pedestrian crossing on the south side of the intersection of 24th Road South and South Glebe Road.

v. 24th Road South – Construct street section of approximately 38 feet in width (exclusive of a parking lane) to 44.5 feet in width (inclusive of a parking lane) as shown on the civil engineering plan approved by the County Manager. The Developer agrees to construct ADA ramps and a crosswalk as necessary to provide a pedestrian crossing on the west side of the intersection of 24th Road South and South Glebe Road.

vi. South Garfield Street – Construct a new street section of approximately 26 feet in width (exclusive of a pick-up/drop-off lane) to 34 feet in width (inclusive of a pick-up/drop-off lane), as shown on the civil engineering plan approved by the County Manager. The Developer agrees to construct ADA ramps and a crosswalk as necessary to provide a pedestrian crossing on the south side of the intersection of South Garfield Street and 24th Road South.

vii. 25th Court South – Construct a new street section of approximately 26 feet in width (western segment with access to the garage of Building E) to 20 feet in width (east of the garage entrance to Building E), as shown on the civil engineering plan approved by the County Manager. The Developer agrees to construct curb ramps and crosswalks as necessary to provide pedestrian crossings on the west side of the intersection of 25th

Court South and South Fillmore Court, and midblock to the east of the proposed Building E garage entry.

viii. South Fillmore Court – Construct a new street section of approximately 26 feet in width. The Developer agrees to construct ADA ramps and a crosswalk as necessary to provide a pedestrian crossing on the south side of the intersection of South Fillmore Court and 25th Court South.

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

18) Streetscape

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

South Glebe Road:

- *Minimum streetscape width measured from the back of curb:16 feet (where adjacent to the stairs and ramp to enter the bike room near the southwest corner of South Glebe Road and 24th Road South) and 20 feet (the remainder of the streetscape)*
- *Minimum clear sidewalk width: 6 feet (where adjacent to the stairs and ramp to enter the bike room near the southwest corner of South Glebe Road and 24th Road South) and 10 feet (the remainder of the streetscape)*
- *Tree pits/planting strip dimensions:10 feet and distance from back of curb: minimum zero (0) inches*

24th Road South:

- *Minimum streetscape width measured from the back of curb: 18 feet (where adjacent to an inset parking lane) to 25.2 feet (where not adjacent to an inset parking lane)*
- *Minimum clear sidewalk width: 10 feet*
- *Tree pits/planting strip dimensions:8 feet (where adjacent to an inset parking lane) to 15.2 feet (where not adjacent to an inset parking lane) and distance from back of curb: minimum eight (8) inches (where adjacent to an inset parking lane) and zero (0) inches (where not adjacent to an inset parking lane)*

South Garfield Street (east side only):

- *Minimum streetscape width measured from the back of curb:6 feet (where adjacent to an inset pick-up/drop-off lane) to 12 feet (where not adjacent to an inset pick-up/drop-off lane)*
- *Minimum clear sidewalk width: 6 feet*
- *Tree pits/planting strip dimensions: 0 feet (where adjacent to an inset pick-up/drop-off lane) to 6 feet (where not adjacent to an inset pick-up/drop-off lane) and distance from back of curb: minimum zero (0) inches*

25th Court South (north side only):

- *Minimum streetscape width measured from the back of curb:5 feet (east of garage entry to Building E) to 10 feet (west of garage entry to Building E)*
- *Minimum clear sidewalk width: 5 feet*
- *Tree pits/planting strip dimensions: 0 feet (east of garage entry to Building E) to 5 ft (west of garage entry to Building E) and distance from back of curb: minimum zero (0) inches*

25th Court South (south side only):

- *Minimum streetscape width measured from the back of curb:0 feet (east of Building D frontage) to 10.9 feet (Building D frontage) to 12 feet (Building A frontage)*
- *Minimum clear sidewalk width: 0 feet (east of Building D frontage) to 6 feet (Buildings D and A frontages)*
- *Tree pits/planting strip dimensions: 4.9 feet (Building D frontage) to 6 feet (Building A frontage) and distance from back of curb: minimum zero (0) inches*

South Fillmore Court:

- *Minimum clear sidewalk width: 5 feet*

b. Public sidewalks designed in conformance with the Department of Environmental Services Construction Standards and Specifications Manual or subsequent standards as amended and as required to be shown on the Final Landscape Plan per Condition #21.B.8.

c. The clear sidewalk along all street frontages of the site shall be in compliance with applicable streetscape guidelines or standards, and shall be not less than six (6) feet wide at any point, except for the five (5)-foot-wide sidewalks listed in Condition 19.B.9.a above which shall be no less than five (5) feet, including across all driveways, with no obstructions to impede the passage or flow of pedestrian traffic (clear sidewalk). However, pinch points may be permitted in conformance with the Master Transportation Plan and/or other applicable plans.

d. Street trees shall be spaced 28-32 feet apart on center, or as approved by the County Manager. The location and planting details for street trees shall be in compliance with the Arlington County Landscape Standards; the Standards for Planting and Preservation of Trees on Site Plan Projects, Administrative Regulation 4.3: Tree Planting on Public Land; and other applicable streetscape guidelines or standards, or urban design standards approved by the County Board.

e. Individual or multi-space parking meters per the County Manager's determination shall be located where parking meters are called for along the site frontages, based on County plans and policies and the operation of the street.

19) Visitor Bicycle Parking

Provide visitor bicycle parking spaces in the following amounts:

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

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

20) Street Lighting

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

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

21) Traffic Signal Equipment

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

i. Install a new pedestrian push button pole at the southwest corner of the intersection of South Glebe Road and 24th Road South.

22) Communication Conduit

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

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

4) (Shell and Core Certificate of Occupancy for Building E or First Partial Certificate of Occupancy for Tenant Occupancy for Buildings A, B, C, and D) The Developer agrees to construct and/or install the following improvements as shown and approved on the Civil Engineering Plan, as applicable, prior to the issuance of the Shell and Core Certificate of Occupancy for Building E or First Partial Certificate of Occupancy for Tenant Occupancy for Buildings A, B, C, and D:

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

g. Public water main and appurtenances, including fire hydrants and fire department connections.

h. Public sanitary sewer main and appurtenances.

i. Public storm sewer improvements.

j. Communication conduit.

The Zoning Administrator may, through the 4.1 administrative change process, allow reasonable modifications to the timing of Condition #19.C.1) a. above if the Zoning Administrator determines that: 1) the Developer has installed all necessary conduit and other infrastructure required to implement the utility undergrounding; 2) the Developer can demonstrate that it has made all reasonable efforts to implement the required undergrounding; 3) the only remaining work is the responsibility of private utility companies and related completion of streetscape; 4) the timing of these elements will unnecessarily impede progress of the project; and 5) the Developer agrees that completion of this work will occur by the time approved by the Zoning Administrator but in no case later than prior to issuance of the Master Certificate of Occupancy for the building(s) adjacent to the utility pole(s) and/or utility line(s).

5) (First Partial Certificate of Occupancy for Tenant Occupancy) The Developer agrees to construct and/or install the following improvements as shown and approved on the Civil Engineering Plan, as applicable, prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy for the respective phases of construction:

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

l. Fire Apparatus Access Roads (Fire Lanes).

m. Street lighting elements including but not limited to: poles, meters, service cabinets and power connection appurtenances, and all conduit and junction boxes necessary for the lighting system, or, at the County's option, full payment to the County to cover the cost for such improvements and relocation.

n. Traffic signal improvements and the relocation of existing traffic signal equipment or, as determined by the County Manager, pay in full to the County, the cost to cover such improvements and relocation.

o. Parking meters, or, as determined by the County Manager, pay in full to the County, the cost to cover such parking meters.

p. Parking space sensors and space delineations, as applicable, or, as determined by the County Manager, pay in full to the County, the cost to cover such parking space sensors and space delineations.

q. Transit facilities.

r. Visitor bicycle facilities.

s. Stormwater management facilities, (SWMF) with accepted certification letter(s) and construction inspection checklist(s) for each SWMF on the approved plan, such letters and inspection checklists to be certified by a licensed professional (licensed in Virginia), except those provided pursuant to Condition #19.C.3) below.

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

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

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

6) Final Partial Certificate of Occupancy for Tenant Occupancy) The Developer agrees to construct and/or install the following improvements as shown and approved on the Civil Engineering Plan, as applicable, prior to the issuance of the Final Partial Certificate of Occupancy for Tenant Occupancy for the respective phases of construction:

a. Vegetated stormwater management facilities (SWMF) 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 with accepted certification letter(s) and construction inspection checklist(s) for each SWMF on the approved plan, such letters and inspection checklists to be certified by a licensed professional (licensed in Virginia).

The Zoning Administrator may, through the 4.1 administrative change process, allow reasonable modifications to the timing of Condition #19.C.2) above, requiring construction or installation of public improvements, if the Zoning Administrator determines that: 1) the Developer is diligently pursuing the work; 2) timing of improvements as

approved above will unnecessarily impede progress of the project; 3) the installation of the public improvements during extreme weather conditions will not meet County Standards and Specifications; and 4) the Developer has provided reasonable assurances that the work will be completed in accordance with the Site Plan's approved design.

G. As-Built Civil Engineering Plan (Master Certificate of Occupancy)

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

H. Maintenance of Public Infrastructure.

The Developer agrees to maintain, repair and replace all sidewalks and street trees shown on the approved Civil Engineering Plan and approved Final Landscape Plan, which are installed within the public right-of-way or public easement for the life of the Site Plan.

21. Final Landscape Plan (Land Disturbing Activity/ Footing to Grade for each phase of development)

A. **Submission (Land Disturbing Activity)**

1) The Developer agrees to submit a detailed Final Landscape Plan prior to issuance of the Land Disturbing Activity Permit for each phase of development. The plan shall conform to the approved 4.1 site plan drawings per Condition #2, and, where applicable, the following administrative guidelines. In the event there are conflicts between administrative standards and the approved drawings per Condition #2, the approved 4.1 site plan drawings shall rule.
    a. The landscaping requirements contained herein;
    b. The landscaping, planting, and sidewalk and driveway construction specifications and standards;
    c. Arlington County Landscape Standards, including the Standards for Planting and Preservation of Trees on Site Plan Projects;
    d. All applicable streetscape guidelines or standards or urban design standards approved by the County Board and in effect at the time of the Final Landscape Plan approval.

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. Drawings from the Civil Engineering Plan showing the location of utilities, lighting, equipment, and other elements which may impact landscape elements on the site.

b. Exterior building security measures for office developments only, if applicable.

c. The locations of all trees, showing that there are no conflicts between trees and existing or proposed 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, and other landscape elements or structures.

n. The location, design and details of the retail visitor/customer bicycle spaces, pursuant to Condition #19 above.

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

p. The location of public use and access easement areas, including final landscape design and installations in these areas.

q. Location of green or "living" walls on the façade, if any, including details of planting location, irrigation and other manufacturer details.

r. The location, dimensions, and materials of the fence located on-site and adjacent to the shared property line with the Lomax AME Zion Church parcel (RPC# 31-034-023), pursuant to Condition #56.

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

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

1) The plans shall be drawn to on sheets 24 inches by 36 inches in size.

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

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

4) 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 may be placed above grade, per Condition 19.B.5 between the building and the street as shown on Sheet C401 entitled "Plot and Location Plan" of the 4.1 Plans approved by the County Board, and shall be in locations so as not to be clearly visible from the public right-of-way and shall otherwise be screened from public view.

6) The Developer agrees that the location of all ventilation, intake or other grates shall not be located within public sidewalks or streets, or within areas between the street curb and any building which is used as a

walkway. The Developer agrees that ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way.

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 or his/her/their designee for conformity with adopted Sector Plans or other urban design standards approved by the County Board as a part of review and approval of the Final Landscape Plan.

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

   a. The clear sidewalk along all street frontages of the site shall be in compliance with the 4.1 site plan drawings per Condition #2 and all applicable streetscape design guidelines or standards, and shall:

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

      (2) Be not less than six (6) feet wide at any point, including across all driveways, with no obstructions to impede the passage or flow of pedestrian traffic (clear sidewalk), except for the five (5)-foot-wide sidewalks listed in Condition 19.B.9.a above which shall be no less than five (5) feet. However, pinch points may be permitted only as specifically permitted in conformance with the Master Transportation Plan and/or other applicable plans.

      (3) Be designed and installed in compliance with Department of Environmental Services Construction Standards and Specifications.

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

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

      (6) Any garage entrance adjacent to a sidewalk shall be designed and constructed so that the location of the garage doors are recessed a minimum distance of six (6) inches from the building wall's surface.

   b. The 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:

South Glebe Road:

- *Minimum streetscape width, clear sidewalk width, and planting strip dimensions shall be as required by Civil Engineering Plan condition 19.B.9.a*
- *Tree size: minimum 3½ inches caliper*
- *Tree spacing: 25-30 feet apart on center, or as approved by the County Manager or his/her/their designee per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects*

24th Road South:

- *Minimum streetscape width, clear sidewalk width, and planting strip dimensions shall be as required by Civil Engineering Plan condition 19.B.9.a*
- *Tree size: minimum 3½ inches caliper*
- *Tree spacing: 25-30 feet apart on center, or as approved by the County Manager or his/her/their designee per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects*

South Garfield Street (east side):

- *Minimum streetscape width, clear sidewalk width, and planting strip dimensions shall be as required by Civil Engineering Plan condition 19.B.9.a*
- *Tree size: minimum 3½ inches caliper*
- *Tree spacing: 25-30 feet apart on center, or as approved by the County Manager or his/her/their designee per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects*

25th Court South (south side):

- *Minimum streetscape width, clear sidewalk width, and planting strip dimensions shall be as required by Civil Engineering Plan condition 19.B.9.a*
- *Tree size: minimum 3½ inches caliper*
- *Tree spacing: 25-30 feet apart on center, or as approved by the County Manager or his/her/their designee per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects*

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; 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, except for structures used for soil expansion, per Condition #19.B.1.

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

a. Major deciduous trees (shade or canopy trees) other than street trees–a minimum caliper of 2-2 ½ inches.

b. Evergreen trees–a minimum height of 7 to 8 feet.

c. Ornamental deciduous trees–a minimum caliper of 2 to 2 ½ inches for single stem trees. Multi-stem trees shall not be less than 8 feet in height.

d. Shrubs–a minimum spread of 18 to 24 inches.

e. Groundcover–in minimum 2 inch pots.

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

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

1) **Installation (First Partial Certificate of Occupancy for Tenant Occupancy)**. The Developer agrees that all improvements shall be constructed and/or installed prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy of any space above grade for the respective Phase of construction (as "Phase" is determined pursuant to the approved Phasing Plan required in Condition #5 above).

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

b. The following standards for Installation apply:

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

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

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

(4) Continuous soil panels shall be used instead of individual street tree pits. Soil and drainage material depth shall be as specified in appropriate Arlington County tree planting standard details,

and as approved by the County Manager or his/her/their designee on the landscape plan. Soil volume, depth, and drainage requirements also apply to trees in raised planters.

(5) Finished grades shall not exceed a slope of three to one, unless otherwise shown on the approved plans.

(6) The Developer agrees to install approved lighting before the issuance of the First 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 Site Plan)** The Developer agrees to maintain the site in a clean and well-maintained condition and ensure that the entirety of the site and its landscaping, including all hardscape, site furniture, and plantings, are kept in a clean and well-maintained condition for the life of the Site Plan in accordance with the approved Final Landscape Plan and the Landscape Maintenance Management Program per the Arlington County Landscape Standards.

The Developer agrees to contact the Department of Parks and Recreation to arrange for a site meeting with an Urban Forester to review and approve the scope of work prior to performing any pruning of street trees. An International Society of Arboriculture (ISA) Certified Arborist must be on site during all pruning of street trees.

D. **Administrative Changes.** The County Manager or his/her/their designee may consider minor revisions to landscape plans as long as such changes are consistent with the intent of the Site Plan approval. The Developer agrees that any change to the approved landscape plan requires approval of a revised landscape plan by the County Manager. The Final Landscape Plan shall govern construction and/or installations of elements and features shown thereon, except as amendments may be specifically approved by the County Manager. If proposed changes impact the Civil Engineering Plan, then a revision to the Civil Engineering Plan must also be reviewed and approved.

#6 – Board Report

#6 – Item Attachment – LOCATION MAP

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- **Use Permit Requests, Amendments and Reviews**

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7. SP196-U-20-1 Use Permit Review for an outdoor café (Thai Treasure); located at 3811 Fairfax Drive and identified as RPC # 14-030-55.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board discontinued the use permit associated with a site plan for an outdoor café (Thai Treasure); located at 3811 Fairfax Drive.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#7 – Board Report

#7 – Item Attachment – PREVIOUS COUNTY BOARD ACTIONS

#7 – Item Attachment – ZONING MAP

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8. U-3606-21-1/ UPER21-00046 Use Permit Review for an open-air market (Clarendon Urban Village Market); located at 2100 Clarendon Blvd. (RPC# 18-004-065 and 18-004-067).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board renewed the use permit for an open-air market, subject to the approved conditions, and with a County Board review in one (1) year (September 2027).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The approved Conditions read as follows:

Approved Conditions:

1. The applicant agrees that the hours of operation for the Clarendon Urban Village Market will be limited to Saturdays 9 a.m. to 4 p.m. The applicant further agrees that vendors will be permitted to begin set-up on Saturdays no earlier than 7:30 a.m. and vendors must complete clean-up and depart from the site no later than 5 p.m.

2. The applicant agrees that no more than 40 vendors will be allowed.

3. The applicant agrees to identify a person who will serve as liaison to the community and a person who will serve as an on-site manager (this may be the same person) throughout the operation of the use. The liaison and on-site manager's names and contact information (electronic mail address and/or telephone number) shall be submitted to the Zoning Administrator. These individuals' names and contact information shall be shared with the Clarendon-Courthouse and the Radnor/Fort

Myer Heights civic associations, the Lyon Village Citizens Association, and the Arlington Farmer's Market manager and posted to the Clarendon Alliance website before issuance of the certificate of occupancy.

The applicant further agrees to update the Zoning Administrator and the aforementioned civic associations if the liaison or on-site manager changes.

4. The applicant agrees to comply with the requirements of all applicable laws, ordinances and regulations, including by way of illustration and not limitation, the County's Noise Ordinance, the County's Snow Removal Ordinance, and the County's Zoning Ordinance regulations for signs. Additionally, the applicant agrees to meet all applicable County requirements and work cooperatively with the Department of Parks and Recreation, the Police Department, the Fire Marshal's Office, the Community Code Enforcement Office, and the Department of Environmental Services. Specifically, the applicant agrees to obtain any necessary right-of-way permits and licenses from the Department of Environmental Services Real Estate Division for operation of the open-air market.

5. The applicant agrees to lay out the vendor and patron parking spaces generally in accordance with the attached Clarendon Urban Village Market Parking Plan attached to the report. If the applicant proposes changes to the approved parking plan, the applicant agrees to file a revised parking plan which shall be subject to administrative review of the Zoning Administrator. The applicant agrees that any revised parking plan may be approved by the Zoning Administrator if he/she finds that the revised plan is: (1) drawn to scale, showing the number and location of vendor and patron parking spaces; and (2) finds the parking available for market use to be sufficient to not have an adverse impact on the surrounding neighborhoods.

6. The applicant agrees to lay out the vendor spaces generally in accordance with the attached Clarendon Urban Village Market Location Plan attached to the report. If the applicant proposes changes to the approved location plan, the applicant agrees to file a revised location plan which shall be subject to administrative review of the Zoning Administrator. The applicant agrees that any revised location plan may be approved by the Zoning Administrator if he/she finds that the revised plan is: (1) drawn to scale, showing the number and location of vendor spaces.

7. The applicant agrees that the open-air market shall take all practical measures to encourage the use of public transportation and other non-vehicular modes of transportation. The applicant agrees that such measures will include but will not be limited to verbal instructions and written documents (including maps) directing patrons to public transportation access points and to public parking areas. Such information shall, at a minimum, be placed in market advertising, on the Clarendon Alliance website, and in on-site signage. A copy of the proposed advertising measures shall be provided to the Zoning Administrator before issuance of the Certificate of Occupancy.

#8 – Board Report

#8 – Item Attachment – MAP U-3606-21-1 UPER21-00046

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9. UPER25-00004 Use Permit Review for live entertainment (Abi's Azteca Grill and Restaurante Abi); located at 3005 Columbia Pike (RPC #25-014-001).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board renewed the use permit for live entertainment at Azteca Grill (3005 Columbia Pike), subject to all previously approved and amended conditions of the staff report, with an administrative review in three (3) years (September 2029) and a County Board review in five (5) years (September 2031).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The approved and amended Conditions read as follows:

Approved and Amended Conditions:

1. The applicant agrees that this use permit solely allows for live entertainment to be operated at 3005 Columbia Pike as approved by the County Board on September 13, 2025 and renewed on September 19, 2026.

2. The applicant agrees that live entertainment is permitted only between the hours of 8:00 p.m. – 1:30 a.m., Friday – Monday.

3. The applicant agrees to comply, by way of illustration and not limitation, with all applicable requirements of County Ordinances and State Codes, the Noise Control Ordinance, the Environmental Health Bureau, and the Fire Marshal, the Police Department, and the Alcohol Beverage Control Board (ABC).

4. The applicant agrees to comply with the Arlington County Noise Ordinance, as may be amended, and further agrees that under no circumstances shall live entertainment be permitted in a location outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors and windows shall remain closed and shall not be propped open during live entertainment.

5. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification (or equivalent training accepted by the Alcohol Beverage Control Board (ABC)). The applicant agrees to keep a record of TIPS training certification for all restaurant staff, including all new staff, and submit this information upon the County's request.

6. The applicant agrees that under no circumstances shall dancing activities be permitted unless approved by use permit amendment.

7. The applicant agrees to post signs in windows which inform patrons to respect the peace of residential neighborhoods and to avoid parking in the residential neighborhood.

8. The applicant agrees to ensure that any patrons queuing outside keep noise to a minimum.

9. The applicant agrees to designate an onsite neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment use. The onsite liaison shall be available during business hours to receive and promptly respond to community concerns regarding the live entertainment use. The applicant agrees that the name, telephone number, and electronic mail address (if available) of the onsite neighborhood liaison shall be submitted to the Zoning Administrator and a copy sent to the Arlington Heights,

Penrose, Douglas Park, and Columbia Heights Civic Associations prior to commencing the live entertainment use.

10. The applicant agrees that in the event that any of the following occurs:
    a. three (3) or more documented violations of the Live Entertainment Use Permit conditions during any three (3) calendar month period; or

    b. three (3) or more violations of the Virginia Statewide Building Code, Virginia Property Maintenance Code, and/or the Virginia Statewide Fire Prevention Code during any three (3) calendar month period; or

    c. Any combination of violations in (a) and (b) during any three (3) calendar month period totaling three (3) or more violations (i.e., one (1) violation of use permit conditions, one (1) violation of the Virginia Statewide Building Code), and one (1) violation of the Virginia Statewide Fire Prevention Code; or

    d. Any significant instance of repeated public safety issues is documented by the Arlington County Police Department, including but not limited to any of the following occurring onsite, as documented in a formal written incident report by the Arlington County Police Department:

        (i) the death of any person, as documented in an Arlington County Police Department incident report;

        (ii) the discharge of a firearm at the premises;

        (iii) the use of a knife, blade, or other sharp instrument to inflict bodily injury upon any person at the premises;

        (iv) an arrest or issuance of a criminal summons for a violation of the Virginia Drug Control Act (Va. Code § 54.1-3400 et seq.) occurring at the premises

    that this use permit may be subject to review by the County Board outside of any scheduled review period, which may result in revisions to these conditions or revocation of this use permit. Before referring the Live Entertainment Use Permit to the County Board for review, the County Manager or his designee shall provide the permittee with written notice within thirty (30) calendar days in advance of the scheduled County Board hearing. The notice shall specify: (i) each violation or incident forming the basis for the referral, with reference to the applicable Notice of Violation or incident report; (ii) the date, time, and location of the County Board hearing; and (iii) the range of potential outcomes, including revision of permit conditions, suspension of the use permit for a period of time, or termination of the use permit.

#9 – Board Report

#9 – Item Attachment – CALLS TO SERVICE

#9 – Item Attachment – ZONING LOCATOR MAP

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10. UPER25-00016 Use Permit Review for an off-site contractors' storage and staging yard for the Red Lion Inn development (SP #233); located at 1601 Fairfax Drive (RPC# 17-027-008).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board renewed the use permit to allow operation of an off-site contactors' storage and staging yard at 1601 Fairfax Drive in support of construction activity for the Red Lion Inn development (SP #233), subject to the conditions of the staff report and with a County Board review in one (1) year (September 2027).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The approved Conditions read as follows:

Approved Conditions (UPER25-00016):

1. The applicant agrees that the off-site contractors' storage and staging yard shall be used only in connection with the construction of the residential development at 1501 N. Pierce St, 1523 Fairfax Dr., 1501 Arlington Blvd. (collectively comprising the property for SP #233).

2. The applicant agrees that approval of the use shall expire September 13, 2028, three (3) years from the date of County Board approval, unless the use is renewed or extended by the County Board prior to expiration. In connection with the scheduled use permit reviews, the County Board may amend the use permit term and/or conditions as may be needed to facilitate the use of the off-site contractors' storage and staging yard for construction of the development at 1501 N. Pierce St., 1523 Fairfax Dr., 1523 Arlington Blvd. (collectively comprising the property for SP #233).

3. The applicant agrees to ensure that the off-site contractors' storage and staging yard complies, by way of illustration and not limitation, with all applicable requirements of County Ordinances and State Codes, the Zoning Division, Inspection Services Division, and the Fire Marshal.

4. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the off-site contractors' storage and staging yard use and an on-site liaison that shall be available during construction hours to receive and respond to community concerns regarding this use. The proposed neighborhood and on-site liaison may be the same person. The name, telephone number, and electronic mail address of the designee(s) shall be submitted to the Zoning Administrator and a copy sent to the Radnor/Ft. Myer Heights Civic Association and the Union on Queen management company prior to issuance of a Certificate of Occupancy for the use.

5. The developer agrees to abide on this site by the construction hours required in Condition #10. B. of the 1501 Arlington Blvd Site Plan (SP #233) approved by the County Board in January 2024, which 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.

#10 – Board Report

#10 – Item Attachment – LOCATION MAP UPER25-00016

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11. UPER26-00007 Use Permit for an adult day care center (Eden Adult Day Care) at First Vietnamese-Arlington United Methodist Church; located at 4701 Arlington Blvd. (RPC #20-025-001).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the use permit for an adult day care center (Eden Adult Day Care Center, LLC) at First Vietnamese-Arlington United Methodist Church, located at 4701 Arlington Blvd., subject to the conditions of the staff report, with a County Board review in one (1) year (September 2027).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The approved Conditions read as follows:

Approved Conditions (UPER26-00007)

1. The applicant agrees to comply with all applicable requirements set forth in all applicable ordinances, codes, and regulations, including but not limited to the currently adopted editions of the Virginia Uniform Statewide Building Code, Parts I, II, and III, and its related regulations; the Virginia Fire Prevention Code; the Arlington County Zoning Ordinance; and the Arlington County Health Regulations. Furthermore, the applicant agrees to actively and promptly pursue obtainment of all required associated building and operational permits and occupancy certificates from the various administrative and regulating agencies.

2. The applicant agrees that the hours of operation shall be 9:00 a.m. to 3:00 p.m., Monday through Friday. The applicant further agrees that the maximum permitted enrollment at any one time shall be 80 participants, or such number as determined by the appropriate state licensing agency, which may be fewer than the maximum noted above. The applicant further agrees that the maximum total occupant load, inclusive of participants and adults, shall be as determined and designated by the Inspection Services Division in accordance with the Virginia Uniform Statewide Building Code, which may also be fewer than the maximum noted above.

3. The applicant agrees to designate, within 90 days of the County Board's approval of the use permit, a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this adult day care center. The name, telephone number, and electronic mail address (if available) of the liaison shall be submitted by the applicant to the Zoning Administrator, Arlington County Police Department, and provided to the Buckingham Community Civic Association and the Arlington Forest Citizens' Association prior to issuance of a Certificate of Occupancy.

4. The applicant agrees to provide at least eight (8) off-street parking spaces on-site for this use during its operational hours. The applicant further agrees that existing parking spaces supporting the subject use may be utilized and counted toward the required parking supply for this use (minimum of 8 parking spaces), so long as they are not physically altered unless to become conforming under Article 14 of the Arlington County Zoning Ordinance.

5. The applicant agrees to subscribe to the Arlington Alert System within 90 days of the County Board's approval of the use permit at its September 19, 2026, meeting.

#11 – Board Report

#11 – Item Attachment – UPER26-00007 MAP

#11 – Supplemental Board Report

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12. UPER26-00012 Use Permit for live entertainment at Quinn's on the Corner; located at 1776 Wilson Blvd. (RPC# 17-010-195).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the use permit for live entertainment at Quinn's on the Corner (1776 Wilson Blvd.), subject to the proposed conditions attached to the staff report, with a County Board review in one (1) year (September 2027).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The approved Conditions read as follows:

Approved Conditions (Quinn's on the Corner – UPER26-00012):

1. This use permit for live entertainment (UPER26-00012) was approved by the County Board on September 19, 2026, and is applicable for the establishment located at 1776 Wilson Boulevard.

2. The applicant agrees that live entertainment is permitted only during the following days and times:

Day	**Hours**
Thursday	7:30 PM to 11 PM
Friday	11 PM to 1:30 AM
Saturday	11 PM to 1:30 AM

3. The applicant agrees to comply, by way of illustration and not limitation, with all applicable requirements of County Ordinances (i.e., Zoning Ordinance) and Codes (i.e., Noise Control Ordinance), and State statutes, including the laws and regulations enforced by the Community Health Protection Bureau, the Fire Marshal, the Police Department and the Virginia Alcohol Beverage Control Board (ABC).

4. The applicant agrees that on-site dedicated security shall be provided for the purpose of ensuring orderly conduct of patrons at any time when live performance bands, solo performers, comedians, karaoke, and open mic events are operating within the establishment. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only, and their presence shall be made visible to all patrons through identifiable clothing indicating their role as security.

5. The applicant agrees that under no circumstances shall live entertainment be permitted in areas outside of the enclosed portion of the establishment, i.e., unenclosed portions of the outdoor dining area.

6. The applicant agrees that under no circumstances shall dancing activities be permitted, unless approved by the Chief Building Official.

7. The applicant agrees that windows and doors shall remain closed, with the exception of allowing the passage of patrons and goods into and out of the establishment and shall not be propped open during the operation of live entertainment.

8. The applicant agrees that no sound or audio or video entertainment, including but not limited to television or audio device playing of music and/or sports events, may be piped into by use of speakers, played, or projected so as to be visible or audible from the unenclosed portion of the outdoor dining area before 9 am or after 11 pm on Fridays and Saturdays and before 9 am or after 10 pm on Sundays through Thursdays.

9. The applicant agrees that during live entertainment performances, the unenclosed portion of the outdoor dining area will be used for outdoor dining only. The applicant further agrees that during live entertainment events the patio seating in the unenclosed portion of the outdoor dining area will not be reconfigured to add/remove and/or relocate tables and chairs in the unenclosed portion of the outdoor dining area.

10. The applicant agrees that all staff employed by the establishment who serve alcohol to customers shall have TIPS (Training for Intervention Procedures) certification (or equivalent training accepted by the Virginia Alcohol Beverage Control Board (ABC). The applicant agrees to keep a record of TIPS training certification for all employed restaurant staff, including all new staff, and submit this information to the County upon the County's request.

11. The applicant agrees to post signs in the windows of the establishment which inform patrons to respect the peace of residential neighborhoods, refrain from littering and/or loitering in the neighborhood, and to avoid parking in the residential neighborhoods.

12. The applicant agrees to utilize employees of the establishment, which may include security members, so that any patrons queuing outside of the establishment while waiting to enter during Live Entertainment Events will remain in an orderly line for the purpose of not obstructing pedestrian passage of the sidewalk or vehicular movements in the travel ways.

13. The applicant agrees to make customers aware of the establishment's proximity to the Rosslyn and Court House Metro Stations, available parking for the establishment, and any special parking arrangements available for customers of the establishment through clearly recognizable postings inside of the establishment and on their website.

14. The applicant agrees to timely broom sweep and remove trash from the sidewalk (using non-motorized tools and methods) in front of the establishment along Wilson Boulevard and N. Quinn Street within one (1) hour of its closing for the evening.

15. The applicant agrees to designate a representative of the establishment with management authority or an ownership interest in the establishment as a neighborhood liaison for the purpose of communicating with nearby residents and neighbors to address concerns which may be related to the operation of the establishment's live entertainment The applicant agrees to the following:

    - That the onsite liaison shall be available during the hours of the business's operation to receive and respond to community concerns

regarding issues related to the establishment's live entertainment and dancing operations.

- That the name, telephone number, and email address of the neighborhood liaison shall be provided to the following:
  i. Radnor/Ft. Myer Heights Civic Association President
  ii. Colonial Village Civic Association President
  iii. North Rosslyn Civic Association
  iv. The Le Mar Apartments
  v. The Arlington County Zoning Administrator
- Promptly update the community groups listed in this condition of any changes to the establishment's designated neighborhood liaison.

16. The applicant agrees to become a participating member of the Arlington Restaurant Initiative (ARI) within three (3) months of County Board approval of this use permit on September 19, 2026.

17. The applicant agrees to either post a copy of these approved conditions in a visible location near the front door of the establishment or to make them immediately available for inspection by County staff upon request.

18. The applicant agrees that in the event that any of the following occurs:
    e. three (3) or more documented violations of the Live Entertainment Use Permit conditions during any three (3) calendar month period; or

    f. three (3) or more violations of the Virginia Statewide Building Code, Virginia Property Maintenance Code, and/or the Virginia Statewide Fire Prevention Code during any three (3) calendar month period; or

    g. Any combination of violations in (a) and (b) during any three (3) calendar month period totaling three (3) or more violations (i.e., one (1) violation of use permit conditions, one (1) violation of the Virginia Statewide Building Code, and one (1) violation of the Virginia Statewide Fire Prevention Code; or

    h. Any significant instance of repeated public safety issues is documented by the Arlington County Police Department; including but not limited to any of the following occurring onsite, as documented in a formal written incident report by the Arlington County Police Department:

        (i) the death of any person, as documented in an Arlington County Police Department incident report;

        (ii) the discharge of a firearm at the premises;

        (iii) the use of a knife, blade, or other sharp instrument to inflict bodily injury upon any person at the premises;

        (iv) an arrest or issuance of a criminal summons for a violation of the Virginia Drug Control Act (Va. Code § 54.1-3400 et seq.) occurring at the premises

that this use permit may be subject to review by the County Board outside of any scheduled review period, which may result in revisions to these conditions or revocation of this use permit. Before referring the Live Entertainment Use Permit to the County Board for review, the County Manager or his designee shall provide the permittee with written notice within thirty (30) calendar days in advance of the scheduled County Board hearing.

The notice shall specify: (I) each violation or incident forming the basis for the referral, with reference to the applicable Notice of Violation or incident report; (ii) the date, time, and location of the County Board hearing; and (iii) the range of potential outcomes, including revision of permit conditions, suspension of the use permit for a period of time, or termination of the use permit.

#12 – Board Report

#12 – Item Attachment – CALLS FOR SERVICE

#12 – Item Attachment – LOCATION MAP

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13. UPER26-00021 Use Permit Amendment to increase the hours of operation of live entertainment and dancing for Clarendon Ballroom; located at 3185 Wilson Blvd. (RPC# 15-075-003).

This item was removed from Consent and scheduled for a hearing at the September 22, 2026, County Board Recessed Meeting.

#13 – Board Report

#13 – Item Attachment - MAP

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14. UPER26-00027 Use Permit for a childcare center for up to 65 children (Little Panda Daycare); located at 1012 S. Cleveland St. (RPC# 32-003-008).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the use permit for a childcare center for up to 65 children, subject to the conditions of the staff report and with a County Board review in one (1) year (September 2027).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The approved Conditions read as follows:

Approved Conditions (UPER26-00027):

1. The applicant agrees to comply with all applicable requirements set forth in all applicable ordinances, codes, and regulations, including but not limited to the currently adopted editions of the Virginia Uniform Statewide Building Code, Parts I, II, and III, and its related regulations; the Virginia Fire Prevention Code; the Arlington County Zoning Ordinance; the Arlington County Health Regulations; and the Arlington County Child Care Center Regulations. Furthermore, the applicant agrees to actively and promptly pursue obtainment of all required associated building and operational permits and occupancy certificates from the various administrative and regulating agencies.

2. The applicant agrees that the hours of operation will be Monday through Friday, 7 a.m. to 6 pm. The applicant further agrees that the maximum permitted

enrollment is 65 children, or such number as determined by the Department of Human Services Child Care Office, which may be fewer than the maximum noted above. The applicant further agrees that the maximum total occupant load, inclusive of children and adults, shall be as determined and designated by the Inspection Services Division in accordance with the Virginia Uniform Statewide Building Code, which may also be fewer than the maximum noted above.

3. The applicant agrees to provide a minimum of seven (7) parking spaces through a combination of on and off-site parking spaces. The applicant agrees that parents of students attending the program or employees of the child care center shall escort students to and from the child care center space at all times. Pick-up and drop-off times by vehicle shall be staggered. The applicant shall submit a copy of the staggered pick-up and drop-off procedures to the Zoning Administrator prior to submitting for a certificate of occupancy. Parents arriving for pick-up and drop-off by vehicle shall use the rear, curbside gate area (rear gate leading to the child care facility) within the shared parking lot as demonstrated within the applicant's pick-up and drop-off plan. For children who require special accessibility needs, child care staff shall escort students from their parents' vehicle to the on-grade, side entrance of the finished, walkout basement of the facility (located adjacent to the driveway of 1012 S. Cleveland St.).The applicant further agrees that if at any point in time, the adjacent property owner terminates their permission to allow off-site parking for this childcare use on their property in association with the modification approved by the County Board with this use permit on September 19, 2026, that a use permit amendment will be submitted to address parking accommodations for this use.

4. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this family day care. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator, Arlington County Police Department, as well as Columbia Heights Civic Association, Douglas Park Civic Association, Arlington Heights Civic Association, Penrose Neighborhood Association, and Columbia Pike Partnership prior to the issuance of the Certificate of Occupancy for a family day care on the site.

The applicant agrees to subscribe to the Arlington Alert System within 90 days of the County Board's approval to renew the use permit at its September 19, 2026, meeting.

#14 – Board Report

#14 – Item Attachment – LOCATION MAP

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15. UPER26-00028 Use Permit Amendment to increase the hours of operation for live entertainment (Buena Vida); located at 2900 Wilson Blvd. (RPC #18-011-008).

This item was removed from Consent and scheduled for a hearing at the September 22, 2026, County Board Recessed Meeting.

#15 – Board Report

#15 – Item Attachment – POLICE MEMO

#15 – Item Attachment – LOCATION MAP

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16. UPER26-00029 Use Permit for a personal service retail use (instruction to children under 18 years of age) with a maximum enrollment of 23 students (District Martial Arts); located at 927 N. Quincy St. (RPC #14-043-031).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the use permit for a personal service retail use (instruction to children under 18 years of age) with a maximum enrollment of 23 students (District Martial Arts) subject to the proposed conditions and with a County Board review in one year (September 2027).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The approved Conditions read as follows:

Proposed Conditions (District Martial Arts, UPER26-00029):

1. The applicant agrees to comply with all applicable requirements set forth in all applicable ordinances, codes, and regulations, including but not limited to the currently adopted editions of the Virginia Uniform Statewide Building Code, Parts I, II, and III, and its related regulations; the Virginia Fire Prevention Code; the Arlington County Zoning Ordinance; the Arlington County Health Regulations; and the Arlington County Child Care Center Regulations. Furthermore, the applicant agrees to actively and promptly pursue obtainment of all required associated building and operational permits and occupancy certificates from the various administrative and regulating agencies.

2. The applicant agrees that the hours of operation will be Monday through Friday 4:00 PM – 4:45 PM, Saturday 12:00 PM – 2:00 PM, and Sunday 3:00 PM – 4:00 PM. The applicant further agrees that the maximum permitted enrollment is 23, or such number as determined by Inspection Services Division in accordance with the Virginia Uniform Statewide Building Code, which may also be fewer than the maximum noted above.

3. The applicant shall utilize the existing public parking garage for all pick-up and drop-off services for the use.

4. The applicant agrees to designate an onsite neighborhood liaison to communicate with nearby residents and neighborhoods to address concerns which may be related to the personal service retail use. The onsite liaison shall be available during business hours to receive and promptly respond to community concerns regarding the use. The applicant agrees that the name, telephone number, and electronic mail address (if available) of the onsite neighborhood liaison shall be submitted to the Zoning Administrator and a copy sent to the Ballston-Virginia Square Civic Association.

#16 – Board Report

#16 – Item Attachment – ZONING LOCATOR MAP

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17. UPER26-00030 Use Permit for a personal service retail use (instruction to children under 18 years of age) for KidStrong; located at 1101 S. Joyce St. (RPC #35-005-031).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the use permit for a personal service retail use (instruction to children under 18 years of age) with a maximum enrollment of 40 students (KidStrong), subject to the proposed conditions and with a County Board review in one (1) year (September 2027).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The approved Conditions read as follows:

Proposed Conditions (UPER26-00030; KidStrong):

1. The applicant agrees to comply with all applicable requirements set forth in all applicable ordinances, codes, and regulations, including but not limited to the currently adopted editions of the Virginia Uniform Statewide Building Code, Parts I, II, and III, and its related regulations; the Virginia Fire Prevention Code; the Arlington County Zoning Ordinance; the Arlington County Health Regulations; and the Arlington County Child Care Center Regulations. Furthermore, the applicant agrees to actively and promptly pursue obtainment of all required associated building and operational permits and occupancy certificates from the various administrative and regulating agencies.

2. The applicant agrees that the hours of operation will be Sunday – Saturday, 8:00 AM – 8:00 PM. The applicant further agrees that the maximum permitted enrollment will be 40 students or such number determined by the maximum total occupant load, inclusive of children and adults, as determined by the Inspection Services Division in accordance with the Virginia Uniform Statewide Building Code, which may also be fewer than the maximum noted above.

3. The applicant shall utilize the existing public surface parking area and public parking garage for all pick-up and drop-off services for the use.

4. The applicant agrees to designate an onsite neighborhood liaison to communicate with nearby residents and neighborhoods to address concerns which may be related to the personal service retail use. The onsite liaison shall be available during business hours to receive and promptly respond to community concerns regarding the use. The applicant agrees that the name, telephone number, and electronic mail address (if available) of the onsite neighborhood liaison shall be submitted to the Zoning Administrator and a copy sent to the Aurora Highlands Civic Association, the Crystal and Pentagon Cities Council, the National Landing BID, and the Arlington Ridge Civic Association.

#17 – Board Report

#17 – Item Attachment – ZONING LOCATOR MAP

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18. UPER26-00031 Use Permit for live entertainment at the Commentary Restaurant within the Westin Arlington Gateway Hotel; located at 801 N. Glebe Road (RPC# 14 051 356).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the use permit for indoor live entertainment at The Westin Arlington Gateway, subject to the proposed conditions of the staff report and with a County Board review in one (1) year (September 2027).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

Proposed Conditions (UPER26-00031)

1. This use permit for live entertainment (UPER26-00031) was approved by the County Board on September 19, 2026 and is applicable to The Commentary restaurant within The Westin Arlington Gateway Hotel, located at 801 N. Glebe Road.

2. The applicant agrees that live entertainment shall be limited to Fridays and Saturdays between the hours of 6:00 p.m. and 10:00 p.m.

3. The applicant agrees that all live entertainment shall occur entirely within The Commentary restaurant and shall not occur outdoors.

4. The applicant agrees that no music, sound, or amplified entertainment shall be projected outdoors from the establishment.

5. The applicant agrees that no dancing is permitted unless authorized by the County Board through a use permit amendment.

6. The applicant agrees to comply, by way of illustration and not limitation, with all applicable County ordinances, County codes, and State statutes, including the Noise Control Ordinance and the regulations enforced by the Fire Marshal, Police Department, and Virginia Alcoholic Beverage Control Board.

7. The applicant agrees that windows and doors shall remain closed during live entertainment, except as necessary to allow normal ingress and egress.

8. The applicant agrees that in the event of a change of ownership or operation of the establishment, the new owner/operator shall notify Arlington County prior to operating under this use permit.

9. The applicant agrees to either post a copy of these approved conditions in a visible location or make them immediately available for inspection upon request.

1. The applicant agrees that in the event that any of the following occurs:
    i. three (3) or more documented violations of the Live Entertainment Use Permit conditions during any three (3) calendar month period; or

    j. three (3) or more violations of the Virginia Statewide Building Code, Virginia Property Maintenance Code, and/or the Virginia Statewide Fire Prevention Code during any three (3) calendar month period; or

    k. Any combination of violations in (a) and (b) during any three (3) calendar month period totaling three (3) or more violations (i.e. one (1) violation of use permit conditions, one (1) violation of the Virginia Statewide Building Code, and one (1) violation of the Virginia Statewide Fire Prevention Code; or

    l. Any significant instance of repeated public safety issues is documented by the Arlington County Police Department; including but not limited to: any of the following occurring onsite, as documented in a formal written incident report by the Arlington County Police Department:

        (i) the death of any person, as documented in an Arlington County Police Department incident report;

        (ii) the discharge of a firearm at the premises;

        (iii) the use of a knife, blade, or other sharp instrument to inflict bodily injury upon any person at the premises;

        (iv) an arrest or issuance of a criminal summons for a violation of the Virginia Drug Control Act (Va. Code § 54.1-3400 et seq.) occurring at the premises

    that this use permit may be subject to review by the County Board outside of any scheduled review period, which may result in revisions to these conditions or revocation of this use permit. Before referring the Live Entertainment Use Permit to the County Board for review, the County Manager or his designee shall provide the permittee with written notice within thirty (30) calendar days in advance of the scheduled County Board hearing. The notice shall specify: (i) each violation or incident forming the basis for the referral, with reference to the applicable Notice of Violation or incident report; (ii) the date, time, and location of the County Board hearing; and (iii) the range of potential outcomes, including revision of permit conditions, suspension of the use permit for a period of time, or termination of the use permit.

2. The applicant agrees to designate a representative of the establishment with management authority or an ownership interest in the establishment as a neighborhood liaison for the purpose of communicating with nearby

residents, civic associations, and neighboring properties to address concerns which may be related to the operation of the establishment's live entertainment. The applicant further agrees to the following:

(i) That the onsite liaison shall be available during the hours of the business's operation to receive and respond to community concerns regarding issues related to the establishment's live entertainment operations. That the name, telephone number, and email address of the neighborhood liaison shall be provided to the following: Arlington County Zoning Administrator; The Ballston-Virginia Square Civic Association President; The Bluemont Civic Association President; and Adjacent property management representatives upon request. Promptly update Arlington County staff and the community groups listed in this condition of any changes to the establishment's designated neighborhood liaison.

#18 – Board Report

#18 – Item Attachment – UPER26-00031

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19. UPER26-00033/UPER20-00007/U-2221-79-1 Use Permit Amendment for a childcare center (Building Kidz) to increase enrollment up to 136 children and expand hours of operation; located at 4444 Arlington Blvd. and 4441 1st Place S. (RPC #23-003-004, 006, 031, 043, And 044).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the use permit amendment to extend hours of operation and increase enrollment of a childcare center (Building Kidz) for up to 136 children, subject to the approved and amended conditions of the staff report, and with a County Board review in one (1) year (September 2027).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

Amended Conditions:

1. The applicant agrees to comply with all applicable requirements set forth in all applicable ordinances, codes, and regulations, including but not limited to the currently adopted editions of the Virginia Uniform Statewide Building Code, Parts I, II, and III, and its related regulations; the Virginia Fire Prevention Code; the Arlington County Zoning Ordinance; the Arlington County Health Regulations; and the Arlington County Child Care Center Regulations. Furthermore, the applicant agrees to actively and promptly pursue obtainment of all required associated building and operational permits and occupancy certificates from the various administrative and regulating agencies.

2. The applicant agrees that the hours of operation will be weekdays from ~~9:30 a.m. to 3 p.m.~~ 7 a.m. to 6 p.m. Monday through Friday. The applicant agrees that the maximum capacity of the preschool is ~~60~~ 136 children or a lesser amount as may be approved in association with the use's certificate of occupancy.

3. The applicant agrees that parents of children receiving care shall escort their children both to and from the center at all times.

4. The applicant agrees to designate, within 90 days of the County Board's approval of the use permit at their September 19, 2026, meeting, a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this child care center. The name, telephone number, and electronic mail address (if available) of the liaison shall be submitted by the applicant to the Zoning Administrator, Arlington County Police Department, Barcroft School and Civic League, Buckingham Civic Association and the Alcova Heights Civic Association prior to issuance of a Certificate of Occupancy.

5. The applicant agrees to subscribe to the Arlington Alert System within 90 days of the County Board's approval of the use permit amendment at its September 19, 2029, meeting.

#19 – Board Report

#19 – Item Attachment – LOCATION MAP

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- **Vacations, Easements, Encroachments, Leases and Other Dispositions of Public Property**

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20. Ordinance to permit the encroachment of an outdoor seating leveling platform into a portion of an existing easement for public purposes and a portion of the fee simple right-of-way for South Adams Street, located along the South Adams Street frontage of the building located at 2301 Columbia Pike, Arlington, Va., RPC No. 25-017-098, with conditions.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board enacted the ordinance (attached the staff report) to permit the encroachment of an outdoor seating leveling platform into a portion of an existing easement for public purposes and a portion of the fee simple right-of-way for South Adams Street, located along the South Adams Street frontage of the building located at 2301 Columbia Pike, Arlington, Va., RPC No. 25-017-098, with conditions.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The enacted Ordinance reads as follows:

ATTACHMENT 1

ORDINANCE TO PERMIT THE ENCROACHMENT OF AN OUTDOOR SEATING LEVELING PLATFORM INTO A PORTION OF AN EXISTING EASEMENT FOR PUBLIC PURPOSES AND A PORTION OF THE FEE SIMPLE RIGHT-OF-WAY FOR SOUTH ADAMS STREET, LOCATED ALONG THE SOUTH ADAMS STREET FRONTAGE OF THE BUILDING LOCATED AT 2301 COLUMBIA PIKE, ARLINGTON, VIRGINIA, RPC NO. 25-017-098, WITH CONDITIONS.

BE IT ORDAINED by the County Board of Arlington County, Virginia, that the Applicant, Vintage II Restaurant, Inc., doing business as William Jeffrey's Tavern ("Applicant"), with the consent of the underlying fee simple owners, HSC Siena Park, LLC, is hereby permitted to allow the continued encroachment of an outdoor seating leveling platform into a portion of County-owned right-of-way constituting South Adams Street and a portion of an existing easement for public purposes along the South Adams Street frontage of the buildings located at 2301 Columbia Pike, Arlington, Virginia, RPC Nos. 25-017-098. The dimensions and spatial location of the permitted encroachment is depicted in Attachment 2 to the report to the County Board, entitled: "William Jeffrey's Tavern 2301 Columbia Pike Patio Plan," prepared by Peter F. Hapstak, III, dated April 17, 2012, revised through July 13, 2026 ("Exhibit"). No other structures are permitted to be installed or constructed by the Applicant, or to exist within the County property shown on the Exhibit.

BE IT FURTHER ORDAINED that this permission for the encroachment authorized by this Ordinance shall continue until such time as the structure encroaching into the public street and public purposes easement are destroyed, removed, no longer in use, or not continuously and promptly maintained by the Applicant. Nothing in this Ordinance shall be construed to either allow the installation by Applicant of any structures other than the outdoor seating leveling platform shown on the Exhibit, or to allow any greater encroachment beyond the dimensions and spatial areas shown on the Exhibit.

BE IT FURTHER ORDAINED that the Applicant, its successors and assigns, shall continuously and promptly maintain the encroaching structure, and maintain, restore, repair, and replace all County owned facilities, within and adjacent to the right-of-way, including any facilities that are damaged by the installation, maintenance, destruction, continued existence, repair or removal of the encroaching structure, in accordance with all applicable County standards.

BE IT FURTHER ORDAINED that this Ordinance shall not be construed to release the Applicant, its successors and assigns, of negligence on their part on account of such encroachment, and the Applicant, by constructing, or causing to be constructed, and by continuing to have the structure encroach within the public right-of-way and easement, thereby agrees for itself, its successors and assigns, to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, and agents from all claims, negligence, damages, costs and expenses arising out of the construction, maintenance, repair and removal of the structure, and the permission for the structure to encroach within the right-of-way and easement permitted by this Ordinance.

BE IT FURTHER ORDAINED that on or before October 31, 2026, the Applicant, at its sole expense, shall cause a certified copy of this Ordinance and the Exhibit, to be recorded in the land records of the Arlington County Circuit Court and evidence thereof shall be promptly delivered by the Applicant to the Real Estate Bureau Chief, Department of Environmental Services. The Applicant shall pay all fees, including the fees for recordation, associated with this Ordinance.

#20 – Board Report

#20 – Item Attachment – ATTACHMENT 2 – ENROACHMENT EXHIBIT

#20 – Item Attachment – ATTACHMENT 3 – VICINITY MAPS

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21. Construction Crane Swing License Agreement between the County Board of Arlington County, Virginia, as Licensor, and PDCREF2 Ballston LLC, as Licensee, on portions of County-owned property, known as Ballston Wetland Park, located at 4711 Fairfax Drive Arlington, Va., RPC No. 14-063-004.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the Construction Crane Swing License Agreement (attached to the staff report) between the County Board of Arlington County, Virginia, as Licensor, and PDCREF2 Ballston LLC, as Licensee, on portions of County-owned property, known as Ballston Wetland Park, located at 4711 Fairfax Drive, Arlington, Va., RPC No. 14-063-004. In addition, the County Board authorized the Real Estate Bureau Chief, Department of Environmental Services, to execute, on behalf of the County Board, the Construction Crane Swing License Agreement set forth in Attachment 1 (of the staff report), and any other related documents, subject to approval of all such documents as to form by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#21 – Board Report

#21 – Item Attachment – ATTACHMENT 1 – CRANE SWING LICENSE AGREEMENT

#21 – Item Attachment – ATTACHMENT 2 – VICINITY MAPS

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- **Ordinances, Plans and Policies**

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22. Board of Equalization

A. Amendment to Arlington County Code §20-2 to reflect the approved Board of Equalization compensation rate.

B. Request to advertise a public hearing at the October 17, 2026, County Board meeting to consider adoption of an ordinance to amend the Code of Arlington County, Virginia ("Code") to extend the authority of the Board of Equalization to December 31st of each year.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board:

(A) Adopted the ordinance (attached to the staff report) amending Chapter 20-2 (Board of Equalization of Real Estate Assessments Established; Powers; Compensation) of the Arlington County Code to increase compensation for each Board of Equalization (BOE) member from $200 to $300 per meeting or recessed meeting, consistent with the compensation level approved in the Fiscal Year (FY) 2025 Adopted Budget.

(B) Adopted a resolution (Attachment A of the staff report) to authorize advertisement of a public hearing at the October 17, 2026, County Board meeting to consider adoption of proposed amendments to Chapter § 20-5(D) (Procedures Governing Director of Real Estate

Assessments, General Reassessment Board and Board of Equalization of Real Estate Assessments) of the Code of Arlington County, Virginia ("Code") to extend the authority of the Board of Equalization to December 31 of each year.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The adopted Ordinance reads as follows:

ORDINANCE TO AMEND CHAPTER 20 (REAL ESTATE ASSESSMENTS), ARTICLE I (IN GENERAL) SECTION 2 (BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS) OF THE ARLINGTON COUNTY CODE TO REFLECT THE UPDATED COMPENSATION RATE OF $300 PER MEETING FOR EACH MEMBER, AS ADOPTED IN THE FY 2025 BUDGET.

BE IT ORDAINED by the County Board of Arlington County, Virginia, that Chapter 20 (Real Estate Assessments), Article I (In General), Section 2 (Board of Equalization of Real Estate Assessments Established; Powers; Compensation) of the Arlington County Code is amended as follows:

§ 20-2. Board of Equalization of Real Estate Assessments Established; Powers; Compensation. All duties imposed and all powers conferred by law in the review for equalization of assessments of real estate in the county shall be exercised by a board of equalization, herein called the "Board of Equalization of Real Estate Assessments," which shall also have the power to review all assessments and changes of assessments previously made by the Director of Real Estate Assessment, the General Reassessment Board or any other assessing officer, board, or authority in the County in accordance with applicable law. Such Board of Equalization of Real Estate Assessments shall consist of not less than five (5) and not more than (7) members appointed by the County Board. Each member shall be a resident of the County, and at least all members but one must be freeholders in the County. The Board of Equalization of Real Estate Assessments shall have authority, on its own motion or upon protest as herein provided, to change any assessment of real estate in the County, to add to the tax rolls any real estate erroneously omitted, and to correct errors in tax assessment records, in accordance with the policies and procedures prescribed in this chapter. Effective ~~June 1, 2009,~~July 1, 2024, the members of the Board of Equalization of Real Estate Assessments shall each receive as compensation the sum ~~two~~ three hundred dollars ~~($200.00)~~ ($300.00) per meeting or recessed meeting attended. (12-18-76; Ord. No. 83-4, 1-10-83; Ord. No. 92-56, 1-1-93; Ord. No. 09-18, 07-14-09, effective 06-1-09; Ord. No 11 07, 5-14-11; Ord. No. 15-07, 6-13-15; Ord. No. 17-01, 1-28-17).

The adopted Resolution reads as follows:

Attachment A

RESOLUTION TO AUTHORIZE ADVERTISEMENT OF A PUBLIC HEARING AT THE OCTOBER 17, 2026 COUNTY BOARD MEETING TO CONSIDER ADOPTION OF AN ORDINANCE TO AMEND CHAPTER 20 (REAL ESATE ASSESSMENTS), ARTICLE I (IN GENERAL), SECTION 5(D) (PROCEDURES GOVERNING DIRECTOR OF REAL ESTATE ASSESSMENTS, GENERAL REASSESSMENT BOARD AND BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS) OF THE ARLINGTON COUNTY CODE TO EXTEND THE

AUTHORITY OF THE BOARD OF EQUALIZATION (BOE) TO DECEMBER 31ST OF EACH YEAR.

The County Board of Arlington County, Virginia, hereby resolves that the following item shall be advertised for a public hearing at the October 17, 2026 County Board meeting to consider the following:

Adoption of an ordinance to amend Chapter 20 (Real Estate Assessments), Article I (In General), Section 5(D) (Procedures Governing Director of Real Estate Assessments, General Reassessments Board and Board of Equalization) of the Arlington County Code to extend the authority of the BOE to December 31st of each year as follows:

ORDINANCE TO AMEND CHAPTER 20 (REAL ESATE ASSESSMENTS), ARTICLE I (IN GENERAL), SECTION 5(D) (PROCEDURES GOVERNING DIRECTOR OF REAL ESTATE ASSESSMENTS, GENERAL REASSESSMENT BOARD AND BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS) OF THE ARLINGTON COUNTY CODE TO EXTEND THE AUTHORITY OF THE BOARD OF EQUALIZATION (BOE) TO DECEMBER 31ST OF EACH YEAR.

BE IT ORDAINED, by the County Board of Arlington County, Virginia, that Chapter 20 (Real Estate Assessments), Article I (In General) Section 5(D) (Procedures Governing Director of Real Estate Assessments, General Reassessments Board and Board of Equalization) of the Arlington County Code is amended as follows:

§ 20-5. Procedures Governing Director of Real Estate Assessments, General Reassessment Board and Board of Equalization of Real Estate Assessments

The Director of Real Estate Assessments, the General Reassessment Board and the Board of Equalization of Real Estate Assessments shall be governed by the following general procedures in the assessment and changes of assessment of real estate in the County:

A. The Director of Real Estate Assessments shall assemble and; compile records showing the facts and data upon which assessments and changes in assessment are made, separately for each piece or parcel of real estate in the County, filing with such records any letter, statement or documentary evidence submitted by the owner or affected taxpayer of such real estate, or by any person on his behalf, concerning the valuation or assessment of such real estate.

B. The Department of Real Estate Assessments shall notify each affected taxpayer in writing for any year in which a new or change assessment for each property is made or proposed by the Director of Real Estate Assessments within such reasonable time after the first day of January as practically possible. Such notice shall state the final date set by the Director of the Department of Real Estate Assessments to hear objections to the assessments, provided such date shall not be earlier than thirty (30) days following the date of the notice of assessment. Such notice shall be given by mail addressed to the last known address furnished to County tax officials by the affected taxpayer. If the address of such affected taxpayer is unknown, then notice shall be made by publication of such on or before March 15 in a newspaper having general circulation in the County.

C. Any owner of real property or affected taxpayer, any person with a substantial legal or equitable interest in the property involved, or any authorized

representative of the County Board may file protest against any assessment affecting such property within thirty (30) days after the final date set by the Director of Real Estate Assessments to hear objections to assessments, or by April 15 of the calendar year for which the Board was appointed, whichever is later, or within sixty (60) days from the date of assessment when an amendment has been made after the final date set by the Director of Real Estate Assessments for hearing objections to assessments for any year. Such protest shall be filed with the Department of Real Estate Assessments. The protest shall be transmitted forthwith to the Board of Equalization of Real Estate Assessments, which shall grant appeal of the assessment or change of assessment as necessary to equalize any assessment, and shall accord the protestant an opportunity for hearing in person, with witnesses, by counsel or by submission of memoranda verified under oath. The Board of Equalization of Real Estate Assessments may, in its discretion, grant an appeal and opportunity for hearing for just cause shown and on any protest filed after such date, but no later than July 1 of any year.

D. Hearings shall be scheduled by the Board of Equalization of Real Estate Assessments with due regard for the convenience of the protestant and with due regard for the time required by the Director of Real Estate Assessments to investigate the protest and to respond the protested assessment. The Board of Equalization of Real Estate Assessments shall publish notice in a newspaper having general circulation in the County, giving the regular time and place of its hearings. The Board of Equalization of Real Estate Assessments shall determine and rule upon all protested assessments and all proposed reduced assessments within ninety (90) days of the date of the hearing. All actions of such Board affecting assessments of real estate in such County shall be certified by such Board to the Director of Real Estate Assessments on forms prepared by and prescribed by the Director. The authority of such Board shall cease as of ~~October 31 of each year. However, for tax year 2009, the authority of the Board of Equalization shall be extended to November 14. For tax year 2022, the authority of the board of equalization shall be extended to November 15~~ December 31 of each year. Notice of the decision of the Board of Equalization of Real Estate Assessments shall be prepared, and a copy thereof shall be given to the protestant and affected taxpayer by the Department of Real Estate Assessments through mails promptly after the decision is so certified.

E. The board of equalization of real estate assessments may sit in panels of at least three (3) members each under the following terms and conditions:

1. The presence of all members of the panel shall be necessary to constitute a quorum.

2. The chairman of the board of equalization of real estate assessments shall assign the members to panels and, insofar as practicable, rotate the membership of the panels.

3. The chairman of the board of equalization of real estate assessments shall preside over any panel of which he is a member and shall designate the presiding member of the other panels.

4. Each panel shall perform its duties independently of the others.

5. The board of equalization shall sit en banc (i) when there is a dissent in the panel to which the matter was originally assigned and an aggrieved party requests an en banc hearing within ten (10) days of the decision of the panel or (ii) upon its own motion at any time in any matter in which the majority of the board of

equalization of real estate assessments determines it is appropriate to do so. The board of equalization of real estate assessments sitting en banc shall consider and decide the matter and may affirm, overrule or modify any previous decision by any panel. (5-25-57; 9-21-74; 1-1-79; Ord. No. 84-26, 9-8-84; Ord. No. 84-31, 10-13-84; Ord. No. 85-32, 8-17-85; Ord. No. 92 27, 1-1-93; Ord. No. 92-56, 1-1-93; Ord. No. 09-20, 10-24-09; Ord. No. 11-07, 5-14-11; Ord. No. 22-17, 10-15-2022).

#22(A) – Board Report

#22(A) – Item Attachment – RTA AMENDMENT 20-2 BOE COMPENSATION

#22(B) – Board Report

#22(B) – Item Attachment – RTA AMENDMENT 20-5(D) BOE AUTHORITY EXTENSION

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- **Other**

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23. Virginia Department of Health vital records fee increase.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board adopted an increase in vital records fees in accordance with the amendments to and reenactment of Chapter 7, Vital Records, fees for certified copies, searches of files, etc.; disposition; annual report (§ 32.1-273) of the Code of Virginia, relating to the Office of Vital Records and fees for certified copies.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#23 – Board Report

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24. Short-term financing credit agreement between the County, the Arlington County Industrial Development Authority (IDA), and Wells Fargo, N.A., to be used to finance the acquisition and installation of certain land, facilities, and equipment.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the resolution (Attachment 1 of the staff report) authorizing the County to issue revenue notes to finance the acquisition of certain land, equipment and other capital projects on a revolving credit basis.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The approved resolution reads as follows:

A RESOLUTION OF THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA REQUESTING THAT THE INDUSTRIAL DEVELOPMENT AUTHORITY OF ARLINGTON COUNTY, VIRGINIA ISSUE REVENUE NOTES TO FINANCE CAPITAL PROJECTS AND OTHER EXPENSES ON AN INTERIM AND REVOLVING CREDIT BASIS

The County Board (the "County Board") of Arlington County, Virginia (the "County") has determined that it is necessary or advisable to obtain financing for (i) the acquisition, construction and equipping of certain facilities of the County that have been identified for financing in the County's Capital Improvement Plan (including, without limitation, the acquisition of equipment), as the County Board may amend it from time to time and other capital projects of the County that are approved by the County Board (collectively, the "Projects"), and (ii) financing, if and as needed, capitalized interest, and the closing costs associated with the financing (the "Plan of Finance").

The County desires to finance the Plan of Finance by having the Industrial Development Authority of Arlington County, Virginia (the "Authority") issue its revenue notes (the "Notes") on behalf of the County. The County has determined that it is advisable to have the proceeds of the Notes advanced, repaid and readvanced under the terms of a credit agreement (the "Credit Agreement"), the current form of which is on file with the Director of the Department of Management and Finance. The County has also determined that it is advisable to have the Authority issue one or more series of Notes to evidence the advances made under the Credit Agreement.

The Notes will be payable solely from the revenues and monies budgeted and appropriated by the County in accordance with the Credit Agreement. Under the Credit Agreement, the County will agree to make payments, subject to annual appropriation, sufficient to pay the principal of and interest on the Notes and all fees payable thereunder.

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

Issuance of Notes. The County requests the Authority to (a) issue its Notes in one or more series, to be paid from revenues derived from payments made by the County under the Credit Agreement, and (b) apply the proceeds of the Notes to undertake the Plan of Finance in accordance with the Credit Agreement.

Authorization of Basic Documents. The Credit Agreement and the form of Notes (collectively, the "Basic Documents") are approved in substantially the forms on file with the Director of the Department of Management and Finance, with such changes, insertions or omissions (including, without limitation, changes of the dates thereof) as may be approved by the County Manager, the Director of the Department of Management and Finance or the Chair of the County Board, whose approval shall be evidenced conclusively by the execution and delivery of the Credit Agreement. The execution and delivery of and performance by the County under the Basic Documents to which it is a party are authorized.

Execution of Documents. The Chair and the Vice Chair of the County Board, the County Manager and the Director of the Department of Management and Finance, or any of them, are authorized to execute on behalf of the County the Basic Documents to which the County is a party and, if required, the Clerk of the County Board is authorized and directed to affix or to cause to be affixed the seal of the County to the Basic Documents and to attest such seal. The Chair and the Vice Chair of the County Board, the County Manager and the Director of the Department of Management and Finance or their designees are authorized to execute and deliver on behalf of the County such instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Basic Documents (including amendments to the Basic Documents as long as the Basic Documents, as amended, are consistent with the requirements of this Resolution);

and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.

Terms of Notes. The County Manager and the Director of the Department of Management and Finance, or either of them, is authorized and directed to request the Chair or Vice Chair of the Authority to approve the final terms of the Notes, and award the Notes; all provided that (i) the aggregate principal amount of the Notes shall not exceed $250,000,000, (ii) the term of the Credit Agreement shall not be later than June 30, 2030, (iii) the Notes shall bear interest at a variable rate, and (iv) the initial interest rate shall not exceed 6.00%. The County Manager and the Director of the Department of Management and Finance, or either of them, are authorized and directed, to award the Notes to one or more lenders. The County Board hereby approves of the Notes being issued on a revolving credit basis such that the proceeds of the Notes may be advanced, repaid and readvanced in accordance with the Credit Agreement.

Nature of Obligations. Nothing in this Resolution or the Basic Documents shall constitute a debt of the County and the Authority shall not be obligated to make any payments under the Basic Documents except from payments made by or on behalf of the County under the Credit Agreement. The County Manager is directed to submit for each fiscal year a request to the County Board for an appropriation to the Authority for an amount equal to the payments coming due under the Credit Agreement for the next fiscal year. The County's obligations to make payments to the Authority pursuant to this Resolution shall be subject to and dependent upon annual appropriations being made from time to time by the County Board for such purpose. Nothing in this Resolution, the Notes or the Credit Agreement shall constitute a pledge of the full faith and credit of the County.

Tax Certifications. The appropriate officers and agents of the County are hereby authorized and directed to execute and deliver simultaneously with the issuance of any series of the Notes, the interest on which is intended to be excludable

from gross income for federal income tax purposes, a Non-Arbitrage Certificate and Tax Compliance Agreement or similar document (the "Tax Certificate") setting forth the expected use and investment of the proceeds of the Notes and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Tax Code"), including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The County Board hereby agrees on behalf of the County that the proceeds from the issuance and sale of any such series of the Notes will be invested and expended as set forth in the Tax Certificate and that the County will comply with the other covenants and representations contained in it. The Chair and the Vice Chair of the County Board, the County Manager and the Director of the Department of Management and Finance, any of whom may act, are each authorized to take such actions, on more than one occasion, to preserve the tax-exempt status of any Note (that was originally issued on a tax-exempt basis), including actions to establish a new program if the Notes are treated as a "commercial paper program" for purposes of the Tax Code and the applicable regulations. Except as may be provided in the Tax Certificate, no further action shall be required to be taken by the County Board to establish a new program. The establishment of a new program, in and of itself, shall not require the consent of the holders of any Notes.

Interest Rate Protections. The County Manager and the Director of the Department of Management and Finance, or either of them, are hereby authorized upon consultation with the County's financial advisor and to the extent they deem if to be in the best interests of the County to procure, for any series of Notes, an Interest Rate Cap to protect the County against increases in interest rates, if the Notes bear interest at a variable rate. The County Manager and the Director of the Department of Management and Finance are hereby authorized to procure an Interest Rate Cap; provided that (i) the notional amount of the Interest Rate Cap shall not exceed the maximum amount available under the Credit Agreement, (ii) the premium for the purchase of the Interest Rate Cap shall not exceed 3% of the par

amount of the Notes for which the Interest Rate cap is obtained, and (iii) the rate of the Interest Rate Cap shall not exceed 10%. The documents evidencing the Interest Rate Cap and the County's obligations in connection therewith shall be typical for such arrangements and the County Manager and the Director of the Department of Management and Finance are hereby authorized to execute and deliver the same on behalf of the County.

Effective Date. This Resolution shall take effect immediately.

#24 – Board Report

#24 – Item Attachment – 1 – AUTHORIZING RESOLUTION

#24 – Item Attachment – 2 – DRAFT CREDIT AGREEMENT

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25. Resolution to initiate amendments to the Arlington County Zoning Ordinance.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board adopted the Initiating Resolution for Amendments to the Arlington County Zoning Ordinance (ACZO) (Attachment 1 of the staff report).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The adopted Resolution reads as follows:

ATTACHMENT 1: Resolution 2026-02

RESOLUTION TO INITIATE AMENDMENTS TO THE ARLINGTON COUNTY ZONING ORDINANCE (ACZO)

WHEREAS, in accordance with Code of Virginia Sections 15.2-2285 and 15.2-2286, the County Board of Arlington County ("County Board") may amend the Arlington County Zoning Ordinance (ACZO) whenever it determines that public necessity, convenience, general welfare, and good zoning practice require such change; and

WHEREAS, zoning regulations related to several topics have been identified by the County Board, staff, and others for review, including the definition of "Food delivery service"; and

WHEREAS, this topic was identified for further study as part of the Commercial Market Resiliency Initiative effort; and

WHEREAS, the County Board has determined that amending the ACZO is required by public necessity, convenience, general welfare, and good zoning practice, and is consistent with Code of Virginia Section 15.2-2283; and

NOW, THEREFORE, BE IT RESOLVED, that the County Board hereby initiates amendments to the Arlington County Zoning Ordinance, related to the definition of "Food delivery service."

#25 – Board Report

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- **Capital Projects**

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26. Award of contract to Sagres Construction Corp. to provide on-call traffic calming device installation, utility patching maintenance, and construction services at various locations throughout the County.

On the Consent Agenda vote, the County Board approved the award of the contract resulting from negotiation number N1455 to Sagres Construction Corp. for on-call traffic calming device installation, utility patching maintenance and construction services at various locations throughout the County. In addition, the County Board authorized the Purchasing Agent to execute the contract documents, subject to legal review by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#26 – Board Report

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27. Ballston Metrorail Station West Entrance

A. Award of Contract to Clark Construction Group, LLC for design confirmation and design implementation up to 60% design for the Ballston-MU Metrorail Station West Entrance Project.

B. Agreements between the Washington Metropolitan Area Transit Authority (WMATA) and The Arlington County Board for The Ballston-MU Metrorail West Entrance Project, and appropriation of Northern Virginia Transportation Commission (NVTC) I-66 Commuter Choice Program funds.

On the Consent Agenda vote, the County Board:

A. Approved the award of the contract resulting from Negotiation No. RFQ N1066-2 between Arlington County Board and Clark Construction Group, LLC to provide design confirmation and design implementation up to 60% design, as required to construct a second entrance at the Ballston-MU Metrorail Station West Entrance, in

the amount of $9,845,787.00, plus a County-held contingency amount of $984,579.00, for a total contract authorization of $10,830,366.00. In addition, the County Board authorized the Purchasing Agent to execute the contract documents subject to legal review by the County Attorney.

B. Approved the Project Coordination Agreement (PCA, attached to the staff report) for the Ballston-MU Metrorail West Entrance Project Final Design and Construction ("Project") in an amount not to exceed $10,450,747 which includes WMATA's cost estimate of $9,500,679 and a 10% contingency of $950,068. (2) Approved an increase of $77,266 for Design Support Services Agreement (DSA) for WMATA for a total authorization of $258,516 for the for Ballston-MU Metrorail West Entrance Project. (3) Authorized the County Manager to execute the PCA and all related documents necessary for the execution of the PSA, subject to approval as to form for all documents by the County Attorney. (4) Accepted $20,000,000 in funding from the Northern Virginia Transportation Commission (NVTC). In addition the County Board (5) Appropriated $20,000,000 in NVTC I-66 Commuter Choice Program funds to the Department of Environmental Services (331.4024003.451616.ZMA41.EN127.0000) for the Ballston-MU Metrorail Station West Entrance.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#27(A) – Board Report

#27(B) – Board Report

#27(B) – Item Attachment – AGREEEMENT

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28. Amended Project Coordination Agreement (PCA) between the Washington Metropolitan Area Transit Authority (WMATA) and the Arlington County Board for the bus bay expansion at the East Falls Church Metrorail Station.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board:

(1) Approved the Amended Project Coordination Agreement (PCA, attached to the staff report) for the Bus Bay Expansion at the East Falls Church Metrorail Station ("Project") in an amount not to exceed $299,145 which includes WMATA's cost estimate of $271,950 and a 10% contingency of $27,195 for reimbursement of the fabrication and delivery of bus shelters and associated amenities ("amenities').

(2) Approved the increase in the Project Coordination Agreement (PCA) for staff support costs in the amount of $347,083 which includes $315,530 and a 10% contingency of $31,553 for construction of the Project. In addition, the County Board

(3) Authorized the County Manager or his designee to execute the agreement subject for approval as to form by County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#28 – Board Report

#28 – Item Attachment – EFC BUS BAY EXPANSION PCA AMENDMENT

#28 – Item Attachment – WMATA SUPPORT COSTS FOR EFC BUS BAY EXPANSION PCA AMENDMENT

#28 – Item Attachment – ORIGINAL PCA FOR EFC BUS BAY EXPANSION

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- **Appropriations, Grant Applications and Other Contracts**

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29. Fiscal Year (FY) 2027 Arlington Commission for the Arts grant recommendations, allocating the FY 2027 adopted amount of $365,810 in financial support of Arlington County arts organizations and artists.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the allocation of $365,810 for the FY 2027 direct financial support of Arlington County arts organizations and artists as recommended by the Arlington Commission for the Arts. In addition, the County Board authorized the County Manager, or his designee, to execute grant agreements with grant recipients in a form approved by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#29 – Board Report

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30. Authorization of a Memorandum of Agreement (MOA) between the County Board and National Innovation Quarter (National IQ) Regarding a $150,000 Regional Innovation Fund (RIF) Grant from the Virginia Innovation Partnership Corporation (VIPC) to Arlington Economic Development to NIQ.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board authorized the County Manager or his designee to execute the MOA (attached to the staff report) between the County Board and National IQ, subject to approval by the County Attorney. In addition, the County Board authorized the County Manager to disburse $150,000 to National IQ.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#30 – Board Report

#30 – Item Attachment – AED NIQ AGREEMENT

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31. Resident Resilience and Wellbeing Grant Agreements for funding awarded in the Supplemental Fiscal Year 2027 Budget Guidance.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board authorized the County Manager or designee to sign and amend, on behalf of Arlington County Board ("Board"), the grant agreements between the Board and Arlington Community Foundation, Arlington Free Clinic, and OAR of Arlington, Alexandria, and Falls Church ("OAR"), in a form approved by the County Attorney. In addition, the County Board appropriated $150,000 from DHS (101.5016001) to Non-departmental (101.9011002) for administration of the grants for Arlington Free Clinic and OAR.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#31 – Board Report

#31 – Item Attachment – ACF GRANT AGREEMENT

#31 – Item Attachment – ARLINGTON FREE CLINIC GRANT AGREEMENT

#31 – Item Attachment – OAR GRANT AGREEMENT

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32. Memorandum of Agreement between Arlington County and Arlington Sister Cities Association.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the Memorandum of Agreement ("MOA," attached to the staff report) between the County Board of Arlington County, Virginia, and the Arlington Sister Cities Association, a Virginia nonprofit corporation ("Grantee"). In addition, the County Board authorized the County Manager, or his designee, to sign the MOA (attached to the staff report).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#32 – Board Report

#32 – Item Attachment – SISTER CITIES MEMORANDUM OF AGREEMENT

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33. Acceptance of (a) Virginia Housing Community Impact Grant (CIG) and authorization to execute the CIG Grant Agreement and a contract agreement with Urban Land Institute (ULI)-Washington to enable a ULI Technical Assistance Panel in Arlington.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board:

(1) Authorized the County Manager or his designee to accept a Virginia Housing CIPG in the amount of $20,000 on a reimbursement basis to support an ULI-Washington Technical Assistance Panel.

(2) Approved the Virginia Housing CIPG Grantee Agreement (Attachment 1 of the staff report) and the Technical Assistance Panel Contract (Attachment 2 of the staff report), subject to approval as to final form by the County Attorney.

(3) Authorized the County Manager to execute. on behalf of the County Board, the Virginia Housing CIPG Grantee Agreement with Virginia Housing and the Technical Assistance Panel Contract with ULI-Washington, to conduct a Technical Assistance Panel to examine strategies or actions that could help support the development of affordable senior housing in Arlington. In addition, the County Board

(4) Appropriated $20,000 in Virginia Housing Community Impact Grant funds (101.451301) to CPHD-Housing (101.8205001) for Fiscal Year (FY) 2027.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye

#33 – Board Report

#33 – Item Attachment – VIRGINIA HOUSING GRANT AGREEMENT

#33 – Item Attachment – ULI AGREEMENT

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34. Adjustments to the Fiscal Year (FY) 2027 Community Development Fund, including appropriation of additional Community Services Block Grant (CSBG) funds and revisions to Habitat for Humanity's Critical Home Repair Project, including allocation of Affordable Housing Investment Fund (funds).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board:

(1) Appropriated an additional $38,902.50 in FY 2027 state Community Services Block Grant Temporary Assistance for Needy Families (CSBG-TANF) funds (206.8205006.461101) to the Housing and Community Development Fund (206.8205006.593201). This will bring the final FY 2027 CSBG-TANF funding amount for Arlington to $521,185.50.

(2) Allocated $35,000 in Community Services Block Grant (CSBG) funding to Arlington Neighborhood Village (ANV) to support the Senior Ambassador Program (206.8205006.593202).

(3) Authorized the County Manager to execute, on behalf of the County Board, subrecipient agreement with Arlington Neighborhood Village (Attachment # 1 of the staff report).

(4) Allocated an additional $3,902.50 in Community Services Block Grant (CSBG) funding for Planning and Administration costs (206.8205006.593202).

(5) Allocated an additional $50,000 in Affordable Housing Investment Fund (AHIF) Housing Services funding (101.9011002.593201) to Habitat for Humanity DC-NOVA to support the FY 2027 Critical Home Repair program (101.9011002.593202). In addition, the County Board

(6) Approved the First Amendment to the Habitat for Humanity subrecipient agreement, and authorized the County Manager to execute, on behalf of the County Board (Attachment #2 of the staff report).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#34 – Board Report

#34 – Item Attachment – ANV SUBRECIPIENT AGREEMENT

#34 – Item Attachment – FIRST AMENDMENT TO HABITAT FOR HUMANITY AHIF GRANT AGREEMENT

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35. One-Way Non-Disclosure Agreement ("NDA") between Arlington County Government and the University of Texas at Arlington ("University").

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the non-disclosure agreement ("NDA") (Attachment A of the staff report) between the County Board of Arlington County, Virginia, and the University of Texas at Arlington. In addition, the County Board authorized the County Manager, or his designee, to execute, in a form approved by the County Attorney, the NDA and anything necessary to effectuate the purpose of the NDA.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#35 – Board Report

#35 – Item Attachment – ATTACHMENT A – UTA NDA

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36. Acceptance and appropriation of Virginia Department of Housing and Community Development (DHCD) Virginia Homeless Solutions Program (VHSP) grant funding to the Department of Human Services (DHS).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board:

(1) Authorized the County Manager or his designee to accept $115,415 of DHCD VHSP funding of which $81,900 will be utilized for Targeted Prevention and $33,515 for CoC Planning activities. Further authorize the County Manager, or his designee, to execute associated grant agreements in a form approved by the County Attorney.

(2) Appropriated $115,415 in DHCD VHSP funds (101.471101) to the Department of Human Services (101.5015002) for FY 2027 (July 1, 2026, through June 30, 2027) for the use of Targeted Prevention and CoC Planning activities. In addition, the County Board

(3) Approved and authorized the County Manager or his designee to execute the attached grant agreement (27-VHSP-05) between the County Board through

the Arlington Department of Human Services and Virginia Department of Housing and Community Development (DHCD).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#36 – Board Report

#36 – Item Attachment – AGREEMENT

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37. Agreement with the Virginia Association of Area Agencies on Aging (V4A) for the Senior Medicare Patrol Program (SMP) in Arlington's Area Agency on Aging (AAA).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board authorized the County Manager or his designee to accept and execute related grant documents in a form approved by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#37 – Board Report

#37 – Item Attachment – AAA SMP SUBCONTRACT 26-27

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38. Grant agreement with the Virginia Department for Aging and Rehabilitative Services (DARS) for the Virginia Insurance Counseling and Assistance Program (VICAP) in the Arlington Area Agency on Aging (AAA).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board authorized the County Manager or his designee to accept the $50,279 VICAP grant from DARS and execute the agreement and related grant documents in a form approved by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#38 – Board Report

#38 – Item Attachment – AGREEMENT

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39. Acceptance and execution of the Department of Housing & Urban Development (HUD), Continuum of Care (CoC) Planning grant (agreement) with the Department of Human Services (DHS).

On the Consent Agenda vote the County Board approved and authorized the County Manager or his designee to accept and execute the grant agreement (VA0534L3G002500, attached to the staff

report) and related grant documents in a form approved by the County Attorney between the County Board of Arlington and the Department of Housing and Urban Development (HUD).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#39 – Board Report

#39 – Item Attachment – AGREEMENT

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40. Arlington Community Services Board Fiscal Year (FY) 2026 and FY 2027 Performance Contract with Virginia Department of Behavioral Health and Developmental Services.

On the Consent Agenda vote the County Board approved the FY 2026 and FY 2027 Performance Contract ("Performance Contract") between the Arlington Community Services Board ("CSB") and the Virginia Department of Behavioral Health and Developmental Services ("DBHDS"). In addition, the County Board authorized the County Manager or his designee to execute the performance contract, subject to approval by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#40 – Board Report

#40 – Item Attachment – PERFORMANCE CONTRACT

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41. Memorandum of Understanding (MOU) with the Washington/ Baltimore High Intensity Drug Trafficking Area (W/B HIDTA).

On the Consent Agenda vote the County Board approved the MOU (attached to the staff report) between W/B HIDTA and The County Board of Arlington County, Virginia concerning County participation on the W/B HIDTA Executive Board. In addition, the County Board authorized the County Manager or his designee to execute the MOU (attached to the staff report) and all related documents in a form approved by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#41 – Board Report

#41 – Item Attachment - MOU

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42. Appropriation of funds from the Opioid Settlement Direct Distribution for the purchase of opioid overdose resuscitation training devices and resuscitation equipment by the

Arlington County Fire Department (ACFD) as part of the County's response to the opioid epidemic.

On the Consent Agenda vote the County Board authorized $15,000 annually from the Opioid Settlement Direct Distribution Fund for the purchase of opioid overdose resuscitation training devices and resuscitation equipment by the ACFD to improve the emergent medical treatment and medical resuscitation of patients who are found to be suffering from the effects of opioid use and opioid overdose. In addition, the County Board appropriated $15,000 from the Opioid Settlement Direct Distribution Fund (199.9013003.TAG: NOPS) to ACFD (101.3201004).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#42 – Board Report

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43. Acceptance and appropriation of a U.S. Department of Justice Fiscal Year (FY) 2025 Edward Byrne Memorial Justice Assistance Grant award.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board authorized the County Manager or his designee to accept $69,097 in non-competitive grant funds under the Edward Byrne Memorial Justice Assistance Grant (JAG) Local Solicitation Program from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), act in connection with the application related to such grant funds, provide additional information as may be required, and execute, in a form approved by the County Attorney, the grant agreement (attached) and anything else necessary to effectuate the County's grants. In addition, the County Board appropriated $69,097 in federal grant funds from the DOJ (101.3021002.471101) to the Arlington County Police Department (ACPD) (101.3021002) in FY 2027 for costs associated with the administration of the grant program.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#43 – Board Report

#43 – Item Attachment – AWARD PACKAGE

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44. Donation of an Electronic Storage Detection Canine (ESD) from OUR Rescue to be implemented as a new specialized investigative resource.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board authorized the County Manager to accept a donation of an Electronic Storage Detection Canine (ESD) from OUR Rescue to assist the Police Department in detecting and locating concealed electronic storage devices, including USB drives, cell phones, micro-SD memory cards, solid-state drives, and other electronic media that may contain evidence of criminal activity.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#44 – Board Report

#44 – Item Attachment - MOU

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- **Requests to Advertise**

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45. Request to authorize advertisement of a public hearing to consider adoption of an ordinance to establish new fees for the use of County-owned electric vehicle charging stations.

On the Consent Agenda vote, the County Board adopted a resolution (Attachment A of the staff report) authorizing advertisement of a public hearing no sooner than the October 17, 2026, County Board meeting to consider adoption of an ordinance, effective November 1, 2026, to amend and reenact a non-codified ordinance titled: "Ordinance to amend and reenact a non-codified ordinance enacted at the July 16, 2022, County Board meeting establishing an interim rate, effective January 1, 2025, for County-owned electric vehicle charging stations ("County Stations") to (i) repeal the interim rate, (ii) enact a new base fee for use of County Stations, (iii) establish a dwell time fee for County Stations, and (iv) authorize and direct the County Manager or the County Manager's designee to update the base fee commensurate with changes in electricity costs in the Virginia Energy Purchasing Governmental Associations (VEPGA) rate schedule to (i) repeal the existing base fee, (ii) enact a new base fee, (iii) amend the dwell time fee and apply it only between 7:00 a.m. and 10:00 p.m., (iv) clarify where fees are charged, and (v) retitle the ordinance to "The Arlington County, Virginia, Electric Vehicle Charging Fee Ordinance."

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The adopted Resolution reads as follows:

Attachment A

RESOLUTION TO AUTHORIZE ADVERTISEMENT OF A PUBLIC HEARING NO SOONER THAN THE OCTOBER, 2026, COUNTY BOARD MEETING TO CONSIDER ADOPTION OF AN ORDINANCE, EFFECTIVE NOVEMBER 1, 2026, TO AMEND AND REENACT A NON-CODIFIED ORDINANCE TITLED

AN ORDINANCE TO AMEND AND REENACT A NON-CODIFIED ORDINANCE ENACTED AT THE JULY 16, 2022, COUNTY BOARD MEETING ESTABLISHING AN INTERIM RATE, EFFECTIVE JANUARY 1, 2025, FOR COUNTY-OWNED ELECTRIC VEHICLE CHARGING STATIONS ("COUNTY STATIONS") TO (I) REPEAL THE INTERIM RATE, (II) ENACT A NEW BASE FEE FOR USE OF COUNTY STATIONS, (III) ESTABLISH A DWELL TIME FEE FOR COUNTY STATIONS, AND (IV) AUTHORIZE AND DIRECT THE COUNTY MANAGER OR THE COUNTY MANAGER'S DESIGNEE TO UPDATE THE BASE FEE COMMENSURATE WITH CHANGES IN ELECTRICITY COSTS IN THE VIRGINIA ENERGY PURCHASING GOVERNMENTAL ASSOCIATIONS (VEPGA) RATE SCHEDULE.

TO (I) REPEAL THE EXISTING BASE FEE, (II) ENACT A NEW BASE FEE, (III) AMEND THE DWELL TIME FEE AND APPLY IT ONLY BETWEEN 7:00 A.M. AND 10:00 P.M., (IV) CLARIFY WHERE FEES ARE CHARGED, AND (V) RETITLE THE ORDINANCE TO

"THE ARLINGTON COUNTY, VIRGINIA, ELECTRIC VEHICLE CHARGING FEE ORDINANCE

The County Board of Arlington County, Virginia, hereby resolves that the following item shall be advertised for a public hearing no sooner than the October, 2026, County Board meeting to consider the following:

Adoption of an ordinance, effective November 1, 2026, to amend and reenact a non-codified ordinance titled

An ordinance to amend and reenact a non-codified ordinance enacted at the July 16, 2022, County Board meeting establishing an interim rate, effective January 1, 2025, for County-owned electric vehicle charging stations ("County Stations") to (i) repeal the interim rate, (ii) enact a new base fee for use of County Stations, (iii) establish a dwell time fee for County Stations, and (iv) authorize and direct the County Manager or the County Manager's designee to update the base fee commensurate with changes in electricity costs in the Virginia Energy Purchasing Governmental Associations (VEPGA) rate schedule to (i) repeal the existing base fee, (ii) enact a new base fee, (iii) amend the dwell time fee and apply it only between 7:00 a.m. and 10:00 p.m., (iv) clarify where fees are charged, and (v) retitle the ordinance to "The Arlington County, Virginia, Electric Vehicle Charging Fee Ordinance, as follows:

ORDINANCE, EFFECTIVE NOVEMBER 1, 2026, TO AMEND AND REENACT A NON-CODIFIED ORDINANCE TITLED

AN ORDINANCE TO AMEND AND REENACT A NON-CODIFIED ORDINANCE ENACTED AT THE JULY 16, 2022, COUNTY BOARD MEETING ESTABLISHING AN INTERIM RATE, EFFECTIVE JANUARY 1, 2025, FOR COUNTY-OWNED ELECTRIC VEHICLE CHARGING STATIONS ("COUNTY STATIONS") TO (I) REPEAL THE INTERIM RATE, (II) ENACT A NEW BASE FEE FOR USE OF COUNTY STATIONS, (III) ESTABLISH A DWELL TIME FEE FOR COUNTY STATIONS, AND (IV) AUTHORIZE AND DIRECT THE COUNTY MANAGER OR THE COUNTY MANAGER'S DESIGNEE TO UPDATE THE BASE FEE COMMENSURATE WITH CHANGES IN ELECTRICITY COSTS IN THE VIRGINIA ENERGY PURCHASING GOVERNMENTAL ASSOCIATIONS (VEPGA) RATE SCHEDULE.

TO (I) REPEAL THE EXISTING BASE FEE, (II) ENACT A NEW BASE FEE, (III) AMEND THE DWELL TIME FEE AND APPLY IT ONLY BETWEEN 7:00 A.M. AND 10:00 P.M., (IV) CLARIFY WHERE FEES ARE CHARGED, AND (V) RETITLE THE ORDINANCE TO "THE ARLINGTON COUNTY, VIRGINIA, ELECTRIC VEHICLE CHARGING FEE ORDINANCE

BE IT ORDAINED, effective November 1, 2026, by the County Board of Arlington County, Virginia, that the ordinance titled

An ordinance to amend and reenact a non-codified ordinance enacted at the July 16, 2022, County Board meeting establishing an interim rate, effective January 1, 2025, for County-owned electric vehicle charging stations ("County Stations") to (i) repeal the interim rate, (ii) enact a new base fee for use of County Stations, (iii) establish a dwell time fee for County Stations, and (iv) authorize and direct the County Manager or the County Manager's designee to update the base fee commensurate with changes in electricity costs in the Virginia Energy Purchasing Governmental Associations (VEPGA) rate schedule is amended and reenacted as follows:

I. BE IT ORDAINED by the County Board of Arlington County, Virginia, that the title of this ordinance is "The Arlington County, Virginia, Electric Vehicle Charging Fee Ordinance."

II. BE IT FUTHER ORDAINED that the ~~following noncodified~~this ordinance is hereby enacted and a base fee and dwell time fee, as described below, for electric vehicle charging at County owned electric vehicle charging stations for public use, ~~shall become effective on January 1, 2025~~shall be charged as established herein.

The fees shall apply to all electric vehicle charging stations owned and operated by Arlington County, Virginia ("County") that are available for use by the public.

County electric vehicle charging stations fees will be billed as follows:

- Base Fee: $0.~~174~~630 per kilowatt hour charged.

- Dwell Time Fee: $3.00 per hour, prorated. To the extent permitted by the technology used, the~~The~~ Dwell Time Fee shall be charged after (a) a 15-minute grace period after vehicle charging is completed if the technology used permits the 15-minute increment or, if otherwise, then (b) the smallest increment greater than 15-minutes that the technology supports. The maximum amount of a Dwell Time Fee is $25.00. The Dwell Time Fee shall only be charged within the period beginning at 7:00 a.m. and ending at 10:00 p.m. Unless the technology used permits otherwise, the Dwell Time Fee does not apply for chargers where the parking fees are included in the charging payment.

- Notwithstanding the fee amounts established hereinabove, the County Manager or the County Manager's designee is authorized and directed to update the Base Fee commensurate with changes in electricity costs in the Virginia Energy Purchasing Governmental Associations (VEPGA) rate schedule, including rounding the Base Fee up to the nearest cent if required by the technology used.

Payment of electric vehicle charging station services shall be collected directly from the customer at the point of sale through credit card or other payment processing services.

#45 – Board Report

#45 – Item Attachment – ATTACHMENT A – RTA ELECTRIC CHARGING RATES

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- **Other (Housing Loans, Minutes, etc.)**

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46. Updates to the Moderate-Income Purchase Assistance Program (MIPAP) Loan Origination Guidelines, Loan Servicing Guidelines and MIPAP County Loan Documents to reflect program and administrative changes.

On the Consent Agenda vote, the County Board:

(1) Approved the updated Fiscal Year (FY) 2027 MIPAP Loan Origination Guidelines (Attachment 1 of the staff report) and Loan Servicing Guidelines (Attachment 2 of the staff report) to reflect program and administrative changes, as outlined in this report.

(2) Approved the updated MIPAP loan document templates (collectively the "MIPAP County Loan Documents"): (a) MIPAP Promissory Note; (b) MIPAP Loan Agreement and; (c) MIPAP Purchase Money Deed of Trust (Attachment 3 of the staff report).

(3) Authorized and Directed Jason McCandless and Kevin Black to act as the Trustees for the County Board (either of whom may act for both) and to execute MIPAP County Loan Documents and associated documents (if required), subject to approval as to final form by the County Attorney. In addition, the County Board

(4) Authorized the County Manager or his designee to administer the MIPAP program in conformance with the FY27 Loan Origination Guidelines and Loan Servicing Guidelines and to execute MIPAP County Loan Documents on templates approved as to form by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#46 – Board Report

#46 – Item Attachment – MIPAP GUIDELINES

#46 – Item Attachment – MIPAP SERVICING GUIDELINES

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47. Affordable Senior Housing and Permanent Supportive Housing Donation Acceptance Agreement.

On the Consent Agenda vote, the County Board approved the substantially final Affordable Senior Housing and Permanent Supportive Housing Donation Acceptance Agreement ("Donation Acceptance Agreement," attached to the staff report) and authorized the County Manager to execute it on behalf of the County Board in a form approved by the County Attorney. In addition, the County Board authorized the County Manager or his designee to accept funds according to the terms in the Donation Acceptance Agreement for the purpose of supporting affordable senior housing and permanent supportive housing opportunities in Arlington.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#47 – Board Report

#47 – Item Attachment – DONATION ACCEPTANCE AGREEMENT

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48. Barcroft Apartments Rehabilitation Loan Documents

A. Arlington County loan documents for a $21,581,466 Affordable Housing Investment Fund (AHIF) loan to an affiliate of Jair Lynch Real Estate Partners to help facilitate the rehabilitation of 182 units at Barcroft Apartments located at 1100 S. Thomas St. (the "Bravo 3 Rehab Phase"),

B. Amendments to the County Acquisition Fund Loan Agreement and associated documents to reduce the County Acquisition Fund Loan by this same amount, and

C. Amendments to the Phasing Reserve Fund Escrow Agreement between the borrower, Amazon, and Arlington County.

On the Consent Agenda vote, the County Board:

(1) Approved the terms of the following substantially final Bravo 3 Rehab Phase loan documents and ancillary agreements (collectively the "Bravo 3 County Loan Documents", attached to the staff report): Bravo 3 AHIF Promissory Note; (b) Bravo 3 AHIF Loan Agreement; (c) Bravo 3 Deed of Trust, Assignment of Rents and Leases and Security Agreement; (d) Bravo 3 Deed of Declaration of Restrictive Covenants; (e) Bravo 3 Right of First Refusal Agreement; (f) Bravo 3 Subordination and Intercreditor Agreement with Virginia Housing; (g) Bravo 3 Subordination Agreement with Amazon; (h) Bravo 3 Limited Guaranty; (i) Fifth Supplementary Agreement to Shared Amenities and Easement Agreement; and (j) Fourth Amendment to Condominium Instruments for Barcroft Land Condominium Adding Additional Land (Land Unit 8)

(2) Approved the substantially final attached amendments to the County Acquisition Fund loan documents (collectively, the "Revised County Loan Documents") to reduce the principal of the County Acquisition Fund Loan by the Bravo 3 AHIF loan amount of $21,581,466 and release the Bravo 3 property from the County Acquisition Fund Loan: (a) Fifth Omnibus Amendment to Arlington County Acquisition Fund Loan Documents (b) Fifth Allonge to County Acquisition Fund Promissory Note; and (c) Certificate of Partial Satisfaction for Bravo 3.

(3) Approved the Supplement No. 4 to Phasing Reserve Fund Escrow Agreement between the Borrower, Amazon, and Arlington County that describes how funds will be withdrawn to support the Bravo 3 Rehab Phase.

(4) Authorized and direct Jason McCandless and Kevin Black to act as the Trustees for the County Board (either of whom may act for both) and to execute the attached Bravo 3 Subordination and Intercreditor Agreement with Virginia Housing, the Bravo 3 Subordination Agreement with Amazon, and the Revised County Loan Documents and associated documents (if required), subject to approval as to final form by the County Attorney.

(5) Authorized and directed the County Manager to execute, on behalf of the County Board, the attached Bravo 3 County Loan Documents, the Revised County Loan Documents, the Supplement No. 4 to the Phasing Reserve Fund Escrow Agreement subject to approval as to final form by the County Attorney. In addition, the County Board

(6) Authorized and directed the County Manager, with the concurrence of the County Attorney, to act as the County Board's representative in approving revisions to the attached Bravo 3 County Loan Documents, the Revised County Loan Documents, and the Supplement No. 4 to the Phasing Reserve Fund Escrow Agreement, that are necessary to remove any ambiguity or inconsistency or which improve the County Board's financial security or financial position, and which revisions do not adversely affect the County financially, prior to or after execution of the documents.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#48 – Board Report

#48 – Item Attachment – BRAVO 3 LOAN DOCUMENTS – CB APPROVAL

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49. Minutes from Past County Board Regular, Recessed & Special Meetings.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the Regular, Recessed, and Special Meeting minutes identified in the board (staff) report.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#49 – Board Report

#49 – Item Attachment – MINUTES FROM COUNTY BOARD REGULAR, RECESSED, ETC. MEETINGS (FEBRUARY – SEPTEMBER 2026).

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III REGULAR HEARING ITEMS

50. Air & Space Force Association Site Redevelopment, 1501 Langston Blvd.

A. GP-374-26-1 General Land Use Plan Amendment to change the land use designation from "Low" Office-Apartment-Hotel, "Medium" Residential, and "Public" to all "Low" Office-Apartment-Hotel; located at 1501 Langston Blvd. (RPC #16-005-001).

B. SPLA25-00018 Site Plan Amendment (SP #361) to construct a mixed-use building with 88 residential units, a ground-floor museum use, and a below-grade parking garage, with modifications for proposed setbacks, lot coverage, density exclusions, and other modifications as necessary to achieve the proposed development; located at 1501 Langston Blvd. (RPC #16-005-001).

C. UPER25-00038 Use Permit for an institutional use for a museum; located at 1501 Langston Blvd. (RPC #16-005-001).

After a duly advertised public hearing, at which there were speakers, a motion was made by TAKIS KARANTONIS, Member, seconded by JULIUS D. "JD" SPAIN, SR., Member, to:

(1) Adopt the resolution (attached to the staff report) to approve the General Land Use Plan amendment (GP-374-26-1) to change the designation from "Low" Office-Apartment-Hotel, "Medium" Residential, and "Public" to all "Low" Office-Apartment-Hotel; located at 1501 Langston Blvd. (RPC #16-005-001).

(2) Adopt the ordinance (attached to the staff report) to permit construction of a mixed-use building with 88 residential units, a ground-floor museum use, and a below-grade parking garage, with modifications for proposed setbacks, lot coverage, density exclusions, and other modifications as

necessary to achieve the proposed development; located at 1501 Langston Blvd. (RPC #16-005-001). In addition, the County Board

(3) Approve the Use Permit (UPER25-00038) for an institutional use for a museum; located at 1501 Langston Blvd. (RPC #16-005-001) subject to the proposed conditions with a County Board review in three (3) years (September 2029).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

The adopted Resolution reads as follows:

RESOLUTION TO CHANGE THE LAND USE DESIGNATION FOR 1501 LANGSTON BOULEVARD (RPC #16-005-001), FROM "MEDIUM" RESIDENTIAL, "PUBLIC", AND "LOW" OFFICE-APARTMENT-HOTEL TO ALL "LOW" OFFICE-APARTMENT-HOTEL FOR AN APPROXIMATELY 1.31-ACRE AREA LOCATED AT 1501 LANGSTON BOULEVARD (RPC #16-005-001)

WHEREAS, the County Board of Arlington County has been presented with a proposed amendment to the General Land Use Plan ("GLUP"), a part of the County's Comprehensive Plan, to:

- Amend the General Land Use Plan map to change the land use designation for 1501 Langston Boulevard (RPC #16-005-001), from "Medium" Residential, "Public", and "Low" Office-Apartment-Hotel to all "Low" Office-Apartment-Hotel, as shown on the General Land Use Plan Amendment (GP374-26-1) Map attached to the County Board report for the September 19, 2026 meeting.

WHEREAS, the County staff has, pursuant to County policy, studied the area, and the County's policies and goals that apply to this area; and

WHEREAS, the proposed General Land Use Plan amendment would be consistent with the County's development and growth goals stated in the General Land Use Plan, would accomplish the harmonious development of the County or promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants as set forth in the General Land Use Plan Booklet;

WHEREAS, the County Board adopted the Langston Boulevard Area Plan on November 11, 2023; and

WHEREAS, the County Manager has recommended that the proposed amendment be adopted; and

WHEREAS, the County Board of Arlington County held a duly advertised public hearing on the proposed amendment to the GLUP on September 19, 2026.

NOW, THEREFORE, be it resolved that, based on the aforementioned considerations, deliberations and all public comments, the County Board of Arlington County finds that the aforementioned proposed amendment to the GLUP should be, and hereby is, approved.

SITE PLAN AMENDMENT ORDINANCE (SPLA25-00018) (SP #361)

AN ORDINANCE TO CONSTRUCT A MIXED-USE BUILDING WITH 88 RESIDENTIAL UNITS, A GROUND-FLOOR MUSEUM USE, AND A BELOW-GRADE PARKING GARAGE, WITH MODIFICATIONS FOR SETBACKS, LOT COVERAGE, DENSITY EXCLUSIONS, AND OTHER MODIFICATIONS AS NECESSARY TO ACHIEVE THE PROPOSED DEVELOPMENT; LOCATED AT 1501 LANGSTON BOULEVARD (RPC #16-005-001).

WHEREAS, an application for a Site Plan dated April 14, 2025, for SPLA25-00018 (SP #361), was filed with the Office of the Zoning Administrator; and

WHEREAS, the Planning Commission held a duly advertised public hearing on the Site Plan on September 9, 2026, and recommended that the County Board approve it; and

WHEREAS, as indicated in the Staff Report prepared for the September 19, 2026, County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan subject to conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan on September 19, 2026, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
    - Increase in lot coverage requirements (ACZO §15.5.7.A)
    - Reduce the street centerline setback from Langston Boulevard (ACZO §15.5.7.A)
    - Reduce the side and rear yard setbacks along the northern and western property lines (ACZO §15.5.7.A)
    - Exclude 7,066 square feet of gross floor area dedicated to below-grade mechanical space, storage, trash, and security office and above-grade mechanical room, stairs, and elevator; and
    - Other modifications necessary to achieve the proposed development project.

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

- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated April 14, 2025, for SPLA25-00018 (SP #361), and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 below and dated June 12, 2026, (which drawings, etc.… are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan to construct an 8-story mixed-use building with 88 units and a ground-floor museum, with modifications of zoning ordinance requirements described above, for the parcel of real property known as RPC# 16-005-001, located at 1501 Langston Boulevard approval is granted, all

previously approved conditions for SP #361 are void, and the parcel so described shall be used according to the conditions of this Site Plan Ordinance provided below.

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.

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.

20. Overall Compliance Requirements

The Developer agrees that nothing in these conditions relieves the Developer from complying with all Federal, State and/or local laws and regulations. The Developer agrees that these conditions are valid for the life of the Site Plan. The Developer also agrees that no changes to the approved post-4.1 plans (referred to in Condition #3) shall be made in the field. The Developer agrees to obtain the Zoning Administrator's review and approval of all post-4.1 plan changes, who will determine whether the changes are acceptable, need an administrative change, or require site plan amendment approval. Unless otherwise stated in the conditions below, all required submissions shall be filed through the PermitArlington (or any successor) system, or by electronic submission with the Zoning Administrator.

21. Site Plan Compliance and Expiration

D. **Compliance (Life of the Site Plan)** The Developer agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1, and the revised plans dated June 12, 2026 and reviewed and approved by the County Board as part of the Site Plan approval (as used in these conditions, the term "Site Plan" shall refer to the approved special exception SP #361 (SPLA25-00018)) and made a part of the public record on September 19, 2026, 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.

E. **Expiration (Footing to Grade Permit)** If a Footing to Grade Permit has not been issued for the first building to be constructed pursuant to the approved Site Plan, then this Site Plan approval expires on September 30, 2029 unless otherwise extended by the County Board. Extension of this approval shall be at the sole discretion of the County Board. The Developer agrees that this discretion shall include a review of this Site Plan and its conditions for their compliance with then current County policies for land use, zoning and special exception uses.

Extension of the Site Plan is subject to, among other things, inclusion of amended or additional Site Plan conditions necessary to bring the plan into compliance with then current County policies and standards together with any modifications proposed by the owner and accepted by the County Board or vice versa.

F. The Zoning Administrator is authorized to administer and interpret the conditions of this Site Plan in the same manner as she administers and interprets the Arlington County Zoning Ordinance, but in no event shall such administration and interpretation allow the Zoning Administrator to alter, amend, waive, delete, or add any condition(s) to this Site Plan, except to the extent allowed under Section 15.5.3.C ("Administrative Change") of the Arlington County Zoning Ordinance, as amended, or as provided for in the specific conditions of this Site Plan. The Zoning Administrator is authorized to enforce violations of the conditions of this Site Plan in the same manner as violations of the Arlington County Zoning Ordinance.

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

A. The Developer agrees to submit Site Plan drawings and the Site Plan Specification Form called for in Administrative Regulation 4.1 within 90 days of the County Board approval, and before issuance of the Land Disturbing Activity Permit or Demolition Permit. The Developer also agrees to submit, color images of all renderings and photos of presentation boards, and PowerPoint presentations shown to the County Board, including any changes made during the County Board meeting, of the approved 4.1 plans. The submittal shall comply with the final approval of the County Board and with Administrative Regulation 4.1. No permits shall be issued for this Site Plan until the post-County Board 4.1 filings have been approved by the County Manager or his/her/their designee.

B. The Developer agrees to submit to the Planning Division, digital files by way of an electronic submission, copies of the approved Post-County Board 4.1 drawings and color images of all renderings in the following formats: JPEG, PDF, DWF, and DXF.

23. Site Plan Conditions Review Meeting (Demolition and Land Disturbing Activity Permits)

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

24. Multi-Building Phasing Plan (Demolition and Land Disturbing Activity Permits)

The developer agrees that improvements shown on the Civil Engineering Plan and Final Landscape Plan ("Improvements") shall be provided and operational prior to any tenant occupancy of site plan buildings, unless otherwise stated in these conditions. For purposes of this condition, one stick of townhouses is the equivalent of one building. Prior to the issuance of any Demolition or Land Disturbing Activity Permits, for site plans having

more than one building, the developer may submit a phasing plan ("Phasing Plan") to the County Manager, for his review and approval, that permits phasing of construction of Improvements reasonably associated with one or more buildings (for example streetscape along the frontages of each building and landscape surrounding each building) in separate phases ("Phases"). The developer agrees that the County Manager will require certain Improvements to be constructed in certain phases in order to support the associated buildings and provide or maintain, during construction and between phases, good design and proper functioning of infrastructure (for example water and sewer, streetlight, or stormwater management facilities). The developer further agrees that no Phase of such Phasing Plan may consist of Improvements without an associated building. The developer agrees that installation and construction of such Improvements, and satisfaction of all requirements concerning property vacations and encroachments, in each associated Phase, shall be: a) constructed consistent with the approved Phasing Plan; and b) be completed per the timing for the applicable Phase pursuant to the applicable condition. The developer agrees to obtain approval from the County Manager or his/her/their designee for any revisions to the approved Phasing Plan prior to the issuance of any subsequent permits for the project.

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

A. **Approval of Ordinance (Demolition and Land Disturbing Activity Permits)** The Developer agrees to obtain approval of, and fulfill all required conditions of, all ordinances of vacation and/or ordinances of encroachment associated with and/or required to build the site plan project, or any portion thereof, as shown on the plans referenced in Condition #2, prior to the issuance of Demolition and Land Disturbing Activity Permits, with the exception of demolition or Land Disturbing Activity Permits solely for buildings and structures not owned by the County and not located on property within which the County has an interest.

B. **Obtain Ordinance (Excavation, Sheeting and Shoring Permit)** Further, the Developer agrees that, in addition to vacations and encroachments shown on the plans referenced in Condition #2, no building, structure or utility of any type shall encroach upon, or interfere with, the use of any County property or the exercise by the County of any property right or interest, unless the Developer has first, before any Excavation, Sheeting and Shoring Permit is issued:

a) Obtained an ordinance of vacation or an ordinance of encroachment, enacted by the County Board, permitting such use, encroachment or interference; and,

b) Met all of the conditions of such ordinance(s).

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

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

Completion of the requirements and conditions of Vacation and/or Encroachment Ordinance(s) associated with and/or required to build the site plan project may be phased pursuant to a Phasing Plan approved per Condition #5, provided that:

i. Density from the vacated area is not required to support the density approved by the site plan;

ii. Each pertinent phase is limited to construction of a separate structure or facility located on a discrete physical area of the site plan property for which separate building permits can be issued; and

iii. The County Board has enacted separate Ordinance(s) of Vacation and/or Encroachment applicable solely to such approved phase; and

a. Each such Ordinance has its own separate conditions, including any designated compensation; and

b. The conditions of each such Ordinance can be satisfied without negatively affecting the existing utilities or public infrastructure serving the site plan property or any surrounding properties.

Any phased completion of the requirements of a Vacation and/or Encroachment Ordinance shall not affect or change the timing of completion of all conditions set forth in the Ordinance, or the timing of completion of all conditions set forth in any other Vacation and/or Encroachment Ordinance required to build the site plan project.

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

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

5) **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).

6) **Tree Protection Plan.** Submit to and obtain the County Manager's review and approval of a tree protection plan for those trees identified on the tree protection plan to be saved according to the standards set forth below in paragraph C, and consistent with the Chesapeake Bay Preservation Ordinance (County Code 61).

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

8) 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.

F. Tree Replacement and Tree Replacement Bond for Conservation of Trees on Developed or Adjacent Property (Post Master Certificate of Occupancy)

3) **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 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.

4) **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.

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

3) 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.

4) **Approval of Tree Replacement Plan and Calculations, and Tree Canopy Fund Donation (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 Final Building Permit. The Developer agrees to make a contribution to the County's Tree Canopy Fund of at least $4,000.00 per tree, or a greater amount specified by the County Board, for every tree that cannot be planted on site. The contribution shall be required when tree planting requirements cannot be met on the property. If the Developer fulfills the requirements through a monetary contribution, the Developer shall make the check payable to the Arlington County Treasurer, and deliver the check to the Arlington County Urban Forest Manager, accompanied with a letter outlining the tree replacement calculations and referencing the project / site plan number. The Developer shall also provide evidence of compliance with this condition to the Zoning Administrator in the form of a letter at the time of payment.

H. Tree Protection and Tree Protection Plan Standards

3) 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.

4) 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:

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

e. 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.

f. The location of all construction trailers, which may not be located within any tree protection area.

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

The Developer agrees, if there are to be construction trailers located on private property either in whole or in part, to submit and obtain the approval of the Zoning Administrator of a construction trailer plan, which shall show the location of construction trailers, prior to the issuance of the Demolition and Land Disturbing Activity Permits, and prior to locating any trailers on the site, for each applicable phase of the project consistent with the provisions of Condition #5. Construction trailers may not be located above public utilities, within public easements for said utilities or within 10 feet of each actual utility when easements do not provide such minimum clearances, unless otherwise approved by the County Manager or his/her/their designee as providing sufficient protection for structural and maintenance purposes. The plan may show construction trailers located within the setback area as long as they are not located in the vision obstruction area or tree protection area. If all construction trailers for the project are shown on the Tree Protection Plan (Condition #7.A), then that Plan can be used to satisfy this condition's submittal requirements, provided it has been reviewed and approved as set forth herein. Construction trailers and field offices may be permitted above the covered walk structure, subject to review, approval, and permitting through Inspection Services Division.

28. 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:

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 #32 below.

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

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

4) **(Master Certificate of Occupancy)** Before issuance of the Master Certificate of Occupancy – Photos of Site Completion: north, south, east and west facades of completed building or buildings, as well as at least one view of completed project in context of adjacent buildings and streets.

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

29. Construction Related Measures (Demolition and Land Disturbing Activity Permits)

E. **Maintenance of Traffic Plans**

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

5) The Developer agrees to maintain a 5-foot minimum clear width pedestrian access along North Oak Street adjacent to the site throughout construction. The Developer agrees to maintain a 10-foot minimum clear width trail access along the Custis Trail adjacent to the site throughout construction. However, if the Developer is unable to maintain a 5-foot minimum clear width pedestrian access along North Oak Street or a 10-foot minimum clear trail width along the Custis Trail, alternative pedestrian/trail access routes may be approved with the Maintenance of Traffic Plan review process. The alternative pedestrian/trail access routes

will be reviewed to balance: a) safety; b) use of the public sidewalk/right of way for construction activities; and c) operation of the transportation network in a safe, efficient, and accessible manner. Exceptions may be made during an emergency as defined in condition #13.C, when the County Manager or his/her/their designee has determined that pedestrian access adjacent to the site should be limited for safety reasons, and/or for such limited periods as are unavoidable for utility upgrades or construction of the sidewalk along North Oak Street and the Custis Trail.

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

F. **On-Site Construction Activity Hours (Demolition and Land Disturbing Activity Permits to Throughout Construction of the Site Plan)** On-site construction activity, including, by way of illustration and not limitation, delivery of materials and equipment, except for construction worker arrival to the construction site and indoor construction activity, shall commence no earlier than 7:00 a.m. and end by 9:00 p.m. on weekdays, and shall commence no earlier than 9:00 a.m. and end by 9:00 p.m. on weekends and holidays. Indoor construction activity defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors shall end at midnight each day. The Developer may submit to the Zoning Administrator, through the 4.1 administrative change process, a request to permit on-site construction activity during hours other than those identified above. The Zoning Administrator may approve such request only if the Developer can show that the on-site construction activity requires certain utility work and/or street closures outside the hours stated above. "Holidays" are defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, and Christmas Day. The Developer agrees to place a minimum of one sign per street front around the construction site, indicating the permissible hours of on-site construction, to place one additional sign within the construction trailer 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.

G. **Maintenance of Street Surfaces.** The Developer agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period. Whenever a significant portion of an adjacent road surface is disturbed for reasons relating to the construction, including utility work, the Developer agrees to repair promptly the disturbed portion(s) of pavement with hot patching to return the road surface to a clean, smooth condition. The Developer agrees to ensure that the road surface is promptly repaired regardless of whether the excavation work or other damage to the road surface was done by the Developer, the Developer's contractors, or private utility companies for work associated with this Site Plan. The Developer agrees to make reasonable efforts to schedule construction work so that digging in the street surfaces will not occur during the winter months. The term "significant portion of a road" is understood

to include, but not be limited to, a cut in the road surface that exceeds 10 feet in length or 100 square feet in size. This condition is in addition to any other conditions in this Site Plan and any County requirements relating to reconstruction and repaving of streets at the completion of construction. All temporary street patching shall be performed per Arlington County Construction Standards and Specifications

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

E. **Off-Street Parking for Construction Workers (Demolition and Land Disturbing Activity Permits).** The Developer agrees to develop and submit to the Zoning Administrator a plan for off-street parking for construction workers prior to the issuance of the Demolition and Land Disturbing Activity Permits. The Developer agrees to obtain the review and approval by the Zoning Administrator of such plan prior to the issuance of the Excavation, Sheeting and Shoring Permit. The Developer agrees that the plan shall provide for off-street parking and shall be provided for all construction workers, including sub-contractors, without charge to the workers. In lieu of providing parking, the Developer may provide a subsidy for the construction workers in order that they may use Metro or another form of public transportation, provide a van for van pooling, or use another established method of transportation to provide for construction workers to arrive at the site. The Developer agrees to implement the approved plan throughout all phases of construction on the project. If the plan is found to be either not implemented or violated during the course of construction, a notice to correct the violation will be issued to the Developer. If the violation is not corrected within ten (10) days, appropriate enforcement actions will be taken in accordance with Article 17 of the Zoning Ordinance. The Developer agrees that the plan shall include the following:

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

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

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

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

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

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

30. Residential Relocation (Demolition and Land Disturbing Activity Permits)
Intentionally omitted.

31. Retail Relocation (Demolition and Land Disturbing Activity Permits)
Intentionally omitted.

32. 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 North Highlands Civic Association and Palisades Park Homeowners Association), and to the Zoning Administrator, and shall be posted at the entrance of the project.

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

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

for setting up or dismantling of a crane, exterior building construction, materials deliveries, utilities work, or similar situations.

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

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

A. The Developer agrees to the following site maintenance requirements during construction of the site plan:

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

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

3) In the event that construction activity on the site or portions of the site ceases for a period of ten (10) consecutive months, then the Developer shall prepare, and receive the approval of the County Manager, of an interim condition plan for site improvements only in the event that such improvements are intended to include more than permitted landscaping, fencing, and publicly accessible pathways, and that such interim condition plan will be implemented within twelve (12) months of the dates that construction activities on the site or portions of the site have ceased or not yet begun.

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

B. **Storage of Construction Materials (Throughout Construction of the Site Plan)**
The Developer agrees that storage of construction materials, equipment and vehicles shall occur only on the site, unless otherwise approved by the County Board at an off-site location.

34. Historic Sites (Demolition and Land Disturbing Activity Permits)
Intentionally omitted.

35. Green Building Fund Contribution (Demolition and Land Disturbing Activity Permits) ***[For development without bonded LEED or Earthcraft commitments.]***
Intentionally omitted.

36. Public Art (Demolition and Land Disturbing Activity Permits)
The Developer agrees to either commission public art or provide a public art fund contribution as set forth below.

A. Commissioning Public Art (Demolition and Land Disturbing Activity Permits)

Commission Professional Artist. The Developer agrees to follow the *Public Art Program Guidelines for Site Plan/Developer Projects* for commissioning art on-site. The Developer agrees to commission a professional artist to create public art for a minimum cost of $75,000, inclusive of artist fees, artist travel/expenses, fabrication, transportation, and installation, but exclusive of art consultant fees, fees for coordinating with artist or with other design professionals on the project (architect, landscape architect, engineer, etc.), and other in-house costs or fees. If the commission is made more than 12 months after Site Plan approval, the minimum cost will be increased by the same percentage as the percentage change in the Consumer Price Index (CPI-U) from the date of initial County Board approval of the Site Plan to the first day of the month on which the contribution is made. The public art shall support the themes and priorities discussed in the Public Art Master Plan (adopted November 2021) and the goals of the Public Art Policy (adopted September 2000). The developer retains ownership of the work of art and is responsible for its maintenance in perpetuity. The developer agrees that the artwork cannot be relocated or removed without approval by the County Manager. Should the owner desire to permanently remove the artwork from the site, the removal must go through a formal de-accessioning process, per the *Public Art Program Guidelines,* as may be amended from time to time. Should an artwork be permanently removed from the site, it should be replaced by (a) a new artwork of equivalent or greater cost increased by the same percentage as the percentage change in the CPI-U since issuance of the Partial Certificate of occupancy for any part of the top floor of the building, and, approved through the standard approval process for site plan negotiated on site public art projects, or; (b) a contribution to the Public Art Fund of $75,000 or the original required contribution amount in Condition #17.B., increased by the same percentage as the percentage change in the CPI-U since issuance of the Partial Certificate of occupancy for any part of the top floor of the building.

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

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

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

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

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

of Occupancy that permits occupancy of any part of the top floor of the building.

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

B. Public Art Fund Contribution (Final Building Permit)

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

37. LEED Credits and Sustainable Design Elements (Demolition and Land Disturbing Activity Permits)

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

A. For Development without Bonus Density:

1). **LEED Certification**. The Developer agrees to include a LEED® Accredited Professional (LEED-AP) 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 U.S. Green Building Council's LEED green building rating system. Specifically, the Developer agrees to meet the requirements for all LEED Prerequisites and achieve at least the number of LEED credits necessary to achieve LEED certification at the Gold ~~Silver~~ level using the LEED version 4 or 4.1 green building rating system or a more recent version as approved by the County Manager. As part of the LEED Gold ~~Silver~~ certification, the Developer agrees to achieve the following:

The project will be designed to meet minimum energy optimization performance as follows:

- ~~At least 10% performance improvement for LEED version 4.1 EA credit Optimize Energy Performance~~
- At least 20% performance improvement for LEED version 4 EA credit Optimize Energy Performance/Annual Energy Use
- HERS index of 65 or lower if pursuing LEED version 4.1 Multifamily EA credit Optimize Energy Performance Option 3 HERS index rating
- ~~HERS index of 65 or lower if pursuing Earthcraft Multifamily certification~~

The Developer also agrees to submit all appropriate documentation to the USGBC (or their designee) for review and evaluation for LEED certification.

The Developer further agrees to incorporate the following:

- **Bird-Friendly Materials.** For the exterior wall envelope associated openings between 8 feet and 36 feet above grade, the use of bird friendly materials with a maximum threat factor of 30 in accordance with the American Bird Conservancy Collision Deterrence Material Threat Factor Reference Standard. Alternatively, the exterior wall envelope between 8 feet and 36 feet above grade, and any associated openings, shall on a weighted average be constructed to achieve a maximum total building Bird Collision Threat Rating (BCTR) of 15 or less according to the methodology of LEED credit Bird Collision Deterrence. Materials other than bird friendly materials shall not exceed an aggregate of 10 square feet within any 10 feet by 10 feet square area of exterior wall between 8 and 36 feet above grade.
- **Electric vehicle charging stations** for at least 4% of all parking spaces and electric vehicle ready infrastructure for at least 15% of all parking spaces.
- **Light Pollution Reduction.** At least 90% of exterior fixtures, excluding streetlights as required by the County, shall meet Dark Sky-approved criteria. Exterior emergency lighting and lighting required by code for health and safety purposes shall be exempted from the following requirements:
    - Motion sensor controls, integrative photovoltaic cells, photosensors or astronomic time-clock operation.
    - Fully shielded luminaires emitting no light above 90 degrees without sag or drop lenses, without side light panels, and without up-light panels.
    - Luminaires employing warm-toned (3000K and lower) white light, amber, or filtered LED light sources.

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 an 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 or his/her/their designee documentation sufficient to confirm that such components are ENERGY STAR qualified (or equivalent as approved by the County Manager) prior to issuance of the Shell and Core Certificate of Occupancy.

(2) **WaterSense 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 or his/her/their designee documentation sufficient to confirm that such components are WaterSense qualified (or equivalent as

approved by the County Manager) prior to issuance of the Shell and Core Certificate of Occupancy.

b. **Report Submittals.** The Developer further agrees to submit to the Department of Environmental Services (DES) (with notification of submission to the Zoning Office), reports prepared by the LEED-AP and documentation upon request to substantiate the report. Such reports 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) Excavation, Sheeting & Shoring Permit
(3) Final Building Permit
(4) Shell and Core Certificate of Occupancy
(5) Partial Certificate of Occupancy for occupancy of any part of the last floor of space
(6) Master Certificate of Occupancy

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

d. **LEED AP Verification (Partial Certificate of Occupancy for space on last floor)** The Developer agrees to provide a verification letter by a LEED-AP prior to 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 LEED credits, as set forth above in the reporting mechanisms, have been incorporated into the building for which the Certificate of Occupancy permit has been issued, and that, in the professional's opinion, the project will qualify for at least a LEED version 4 or 4.1 Gold ~~Silver~~ Certification or a more recent version as approved by the County Manager.

e. ~~-~~**Bond or Letter of Credit (Partial Certificate of Occupancy for space on last floor)** The Developer agrees to provide to the County financial security (in the form of a bond or letter of credit or other form approved by the County Attorney) in the amount of $221,523 [($1 per s.f.) x (221,523) s.f. building GFA)] prior to the issuance of the Partial Certificate of Occupancy for any space on the last floor of space for which a Certificate of Occupancy is issued guaranteeing that, within twenty-four (24) months from the date of the issuance of the Partial Certificate of Occupancy for any space on the last floor of space for which a Certificate of Occupancy is issued, the Developer will have received from the U.S. Green Building Council its LEED Gold Silver certification. If the total number of LEED points earned by that date through certification is less than the number of points required to achieve the agreed upon LEED certification level, or if the

Developer misses any "Arlington Priority" credits listed above, the Developer shall automatically forfeit a percentage of the financial security as follows:

Points missed	Percentage of financial security forfeited
1-2	25%
3-4	50%
5- 6	75%

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

2) **Energy Reporting (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 U.S. Green Building Council's LEED green building rating system shall remain as part of the Site Plan for the life of the Site Plan. No part of the LEED-related building elements for which LEED 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 LEED points associated with the change are equivalent to or greater than the points for the eliminated elements.

4) The Developer agrees that the LEED points referenced in this condition refer to the LEED version 4 or 4.1 rating system. If the Developer requests to use an updated version of LEED, then any point valuations incorporated into future updates to the LEED Green Building Rating System must be equal to or exceed the requirements outlined in the LEED version 4 or 4.1.

38. Civil Engineering Plan (Land Disturbing Activity Permits)

A. **Submission and Approval (Land Disturbing Activity Permits)**

6) **Submission (Land Disturbing Activity Permits)** The Developer agrees to submit a complete set, as determined by the Department of Environmental Services, of a Civil Engineering Plan for each applicable phase of the project consistent with the approved Phasing Plan for the development, pursuant to Condition #5 above, based on the Minimum Acceptance Criteria and Guidelines dated December 17, 2020 or subsequent amended acceptance criteria document, prior to the issuance of the Land Disturbing Activity Permit for that phase.

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

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

8) **Approval of Plan (Footing to Grade Permit)** The Developer agrees to obtain approval of the Civil Engineering Plan by the County Manager or his/her/their designee prior to the issuance of the Footing to Grade Permit, for any phase of the project (approved pursuant to Condition #5). The Developer further agrees that the approved Civil Engineering Plan shall conform to this Site Plan approval, the approved Final Landscape Plan, and the sequence of construction, and shall be consistent with all site plan approval requirements and all County codes, standards and specifications, and policies. The Developer further agrees that any changes to the approved Civil Engineering Plan shall be subject to the same conformance requirements. The Developer agrees to obtain approval from the County Manager or his/her/their designee of a revised Civil Engineering Plan for such changes, and if such changes are also features shown on the Final Landscape Plan, shall also obtain approval from the County Manager or his/her/their designee of a revised Final Landscape Plan per Condition #21.

   The Developer agrees that Virginia Department of Transportation (VDOT) and/or Federal Highway Administration (FWHA) approval of the Civil Engineering Plan and any other VDOT or FHWA plans and permits are required in order to perform work in or immediately adjacent to VDOT right-of way (including the removal of travel lanes or sound barriers or access management exceptions). If VDOT or FHWA requests Civil Engineering Plan revisions subsequent to Civil Engineering Plan approval, the Developer agrees to submit and obtain approval from the County Manager or his/her/their designee of a revised Civil Engineering Plan for such changes, and if such changes are also features shown on the Final Landscape Plan, shall also obtain approval from the County Manager or his/her/their designee of a revised Final Landscape Plan per Condition #21.

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

9) Structure Free Zone

a. In order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the Civil Engineering Plan shall provide a structure-free zone under the public sidewalk along all street frontages.

i. This zone shall be a minimum of five (5) feet in depth, as measured from the approved finished sidewalk elevation, and shall extend from the back of the final location of the street curb, to the far edge of the public sidewalk.

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

iii. Notwithstanding the foregoing provisions, there shall be a minimum of fifteen (15) feet in depth, as measured from the approved finished sidewalk elevation, at specific street intersections adjacent to the site, within the triangular zone formed by the Point of Intersection and fifteen (15) feet beyond the Points of Tangent and Points of Curvature of the two intersecting street curbs, as listed below.

(1) N/A

(2) N/A

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

10) Water Mains and Services

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

i. Construct approximately 370 linear feet of new 12" water main in Langston Boulevard along the site's frontage to connect with the existing 12" water main along Langston Boulevard on both ends. Abandon the portion of the existing 12" water main along the site's frontage once the proposed 12" water main is installed. Transfer all existing services to the proposed 12" water main.

ii. N/A

Their exact sizes, lengths, and locations shall be determined by the County as part of the Civil Engineering Plan review, which will be based on final engineering design and on evaluation of existing conditions and capacity of the water mains to serve the subject site, while maintaining the reliability of the water system. These improvements shall be constructed in accordance with the standards set out in the DES Construction Standards and Specifications Manual, and VDOT standards as applicable.

11) Sanitary Sewer

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

i. N/A

ii. N/A

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

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

12) Storm Sewer

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

i. Construct approximately 195 linear feet of new 18" storm sewer in North Oak Street from existing storm structure 2937 to storm structure 3102.

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

23) Electric Service and Appurtenances

a. All new electric transformers and all associated appurtenances shall be installed in underground utility vaults.

24) Undergrounding of Aerial Utilities

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

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

25) Underground Utility Vaults

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

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

both Dominion Virginia Power and County design and construction standards and specifications.

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

xiii. The location and placement of underground utility vaults shall not conflict with the physical operation or placement of other existing or proposed public or private utility facilities.

xiv. Underground utility vaults shall have a minimum horizontal clearance of five (5) feet to conduits, manholes, public water mains and public sanitary sewers, unless a lesser clearance is specifically approved by the County Manager.

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

26) Pavement, Curb and Gutter

a. Pavement, curb and gutter<u>, parking spaces, and parking space sensors,</u> along all site frontages, as listed below, and as shown on the approved Civil Engineering Plan. <u>Additionally, the Developer will be responsible for the cost of installation of new sensors if existing sensors are damaged or paved over during construction.</u>

ix. <u>Langston Boulevard – Subject to VDOT approval, remove a portion of the existing VDOT soundwall to support construction of a street section of approximately 28.5 feet as shown on the civil engineering plan approved by the County. Construct an Americans with Disabilities Act (ADA) compliant curb ramp at the northwest corner of North Oak Street and Langston Boulevard (one ramp) to support the northern leg Custis Trail crossing of North Oak Street and Langston Boulevard.</u>

x. <u>North Oak Street - Construct a street section of approximately 28.5 feet as shown on the civil engineering plan approved by the County.</u>

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

27) Streetscape

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

Custis Trail

- *Minimum streetscape width measured from the back of curb: 21 feet, except at the western edge of the Property where it narrows down to 20.1 feet concurrent with the widening of Langston Boulevard*
- *Minimum clear trail width: 12 feet (west segment behind remaining soundwall and adjacent to North Oak Street crossing) to 16 feet (segment east of the remaining soundwall)*
- *Tree zone: 9 feet*
- *Subject to VDOT standards, as applicable.*

North Oak Street

- *Minimum streetscape width measured from the back of curb: 13 feet*
- *Minimum clear sidewalk width: 6 feet*
- *Tree zone: 7 feet*

b. Public sidewalks designed in conformance with the Department of Environmental Services Construction Standards and Specifications Manual or subsequent standards as amended, VDOT standards as applicable and as required to be shown on the Final Landscape Plan per Condition #21.B.8.

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

d. Street trees shall be spaced 28-32 feet apart on center, or as approved by the County Manager. The location and planting details for street trees shall be in compliance with the Arlington County Landscape Standards; the Standards for Planting and Preservation of Trees on Site Plan Projects, Administrative Regulation 4.3: Tree Planting on Public Land; and other applicable streetscape guidelines or standards, or urban design standards approved by the County Board.

e. Individual or multi-space parking meters per the County Manager's determination shall be located where parking meters are called for along the site frontages, based on County plans and policies and the operation of the street.

28) Visitor Bicycle Parking

Provide visitor bicycle parking spaces in the following amounts:

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

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

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

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

~~g.~~ Other uses: Institutional uses (museum): one (1) visitor space for every 20,000 square feet, or portion thereof, of institutional floor area.

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

29) Street Lighting

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

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

30) Traffic Signal Equipment

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

i. N/A

31) Communication Conduit

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

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

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

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

l. Public water main and appurtenances, including fire hydrants and fire department connections.

m. Public sanitary sewer main and appurtenances.

n. Public storm sewer improvements.

o. Communication conduit.

The Zoning Administrator may, through the 4.1 administrative change process, allow reasonable modifications to the timing of Condition #19.C.1) a. above if the Zoning Administrator determines that: 1) the Developer has installed all necessary conduit and other infrastructure required to implement the utility undergrounding; 2) the Developer can demonstrate that it has made all reasonable efforts to implement the required undergrounding; 3) the only remaining work is the responsibility of private utility companies and related completion of streetscape; 4) the timing of these elements will unnecessarily impede progress of the project; and 5) the Developer agrees that completion of this work will occur by the time approved by the Zoning Administrator but in no case later than prior to issuance of the Master Certificate

of Occupancy for the building(s) adjacent to the utility pole(s) and/or utility line(s).

8) **(First Partial Certificate of Occupancy for Tenant Occupancy)** The Developer agrees to construct and/or install the following improvements as shown and approved on the Civil Engineering Plan, as applicable, prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy for the respective phases of construction:

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

v. Fire Apparatus Access Roads (Fire Lanes).

w. Street lighting elements including but not limited to: poles, meters, service cabinets and power connection appurtenances, and all conduit and junction boxes necessary for the lighting system, or, at the County's option, full payment to the County to cover the cost for such improvements and relocation.

x. Traffic signal improvements and the relocation of existing traffic signal equipment or, as determined by the County Manager, pay in full to the County, the cost to cover such improvements and relocation.

y. Parking meters, or, as determined by the County Manager, pay in full to the County, the cost to cover such parking meters.

z. Parking space sensors and space delineations, as applicable, or, as determined by the County Manager, pay in full to the County, the cost to cover such parking space sensors and space delineations.

~~aa. Transit facilities.~~

bb. Visitor bicycle facilities.

cc. Stormwater management facilities, (SWMF) with accepted certification letter(s) and construction inspection checklist(s) for each SWMF on the approved plan, such letters and inspection checklists to be certified by a licensed professional (licensed in Virginia), except those provided pursuant to Condition #19.C.3) below.

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

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

The Zoning Administrator may, through the 4.1 administrative change process, allow reasonable modifications to the timing of

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

9) **Final Partial Certificate of Occupancy for Tenant Occupancy)** The Developer agrees to construct and/or install the following improvements as shown and approved on the Civil Engineering Plan, as applicable, prior to the issuance of the Final Partial Certificate of Occupancy for Tenant Occupancy for the respective phases of construction:

   a. Vegetated stormwater management facilities (SWMF) 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 with accepted certification letter(s) and construction inspection checklist(s) for each SWMF on the approved plan, such letters and inspection checklists to be certified by a licensed professional (licensed in Virginia).

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

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

K. Maintenance of Public Infrastructure. The Developer agrees to maintain, repair and replace all sidewalks and street trees shown on the approved Civil Engineering Plan and approved Final Landscape Plan,

which are installed within the public right-of-way or public easement for the life of the Site Plan.

39. Utility Company Notification (Land Disturbing Activity Permit)

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

40. Final Landscape Plan (Land Disturbing Activity/ Footing to Grade)

E. **Submission (Land Disturbing Activity)**

1) The Developer agrees to submit a detailed Final Landscape Plan prior to issuance of the Land Disturbing Activity Permit. The plan shall conform to the approved 4.1 site plan drawings per Condition #2, and, where applicable, the following administrative guidelines. In the event there are conflicts between administrative standards and the approved drawings per Condition #2, the approved 4.1 site plan drawings shall rule.
   a. The landscaping requirements contained herein;
   b. The landscaping, planting, and sidewalk and driveway construction specifications and standards;
   c. Arlington County Landscape Standards, including the Standards for Planting and Preservation of Trees on Site Plan Projects;
   d. All applicable streetscape guidelines or standards or urban design standards approved by the County Board and in effect at the time of the Final Landscape Plan approval.

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. Drawings from the Civil Engineering Plan showing the location of utilities, lighting, equipment, and other elements which may impact landscape elements on the site.

   b. ~~Exterior building security measures for office developments only, if applicable.~~

   c. The locations of all trees, showing that there are no conflicts between trees and existing or proposed 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.

s. 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.

t. The location of all street light fixtures, poles, meters, service cabinets and power connection appurtenances along the frontages of the site.

u. 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.

v. 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.

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

x. 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, and other landscape elements or structures.

y. The location, design and details of the retail visitor/customer bicycle spaces, pursuant to Condition #19 above.

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

aa. The location of public use and access easement areas, including final landscape design and installations in these areas.

bb. Location of green or "living" walls on the façade, if any, including details of planting location, irrigation and other manufacturer details.

cc. Custis Trail amenities and furnishings to support multi-modal transportation activities as shown on Sheet L102 of the 4.1 site plan, subject to final design and approval with this Final Landscape Plan.

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

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

12) The plans shall be drawn to on sheets 24 inches by 36 inches in size.

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

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

15) 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.

16) Transformers shall not be placed above grade between the building and the street.

17) The Developer agrees that the location of all ventilation, intake or other grates shall not be located within public sidewalks or streets, or within areas between the street curb and any building which is used as a walkway. The Developer agrees that ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way.

18) 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 or his/her/their designee for conformity with adopted Sector Plans or other urban design

standards approved by the County Board as a part of review and approval of the Final Landscape Plan.

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

b. The clear sidewalk along all street frontages of the site shall be in compliance with the 4.1 site plan drawings per Condition #2 and all applicable streetscape design guidelines or standards, and shall:

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

(4) 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.

(5) Be designed and installed in compliance with Department of Environmental Services Construction Standards and Specifications.

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

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

(8) Any garage entrance adjacent to a sidewalk shall be designed and constructed so that the location of the garage doors are recessed a minimum distance of six (6) inches from the building wall's surface.

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:

Langston Boulevard:

- *Minimum streetscape width, clear sidewalk width, and planting strip dimensions shall be as required by Civil Engineering Plan condition 19.B.9.a*
- *Tree size: minimum ~~3½~~2-2 1/2 inches caliper*

- *Tree spacing: 28-32 feet apart on center, or as approved by the County Manager or his/her/their designee per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects*

North Oak Street:

- *Minimum streetscape width, clear sidewalk width, and planting strip dimensions shall be as required by Civil Engineering Plan condition 19.B.9.a*
- *Tree size: minimum2-2 1/2 inches caliper*
- *Tree spacing: 28-32 feet apart on center, or as approved by the County Manager or his/her/their designee per the Arlington County Landscape Standards and the Standards for Planting and Preservation of Trees in Site Plan Projects*

20) 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; 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.

21) The plan shall provide a structure free zone, except for structures used for soil expansion, per Condition #19.B.1.

22) 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~~6 to ~~8~~7 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.

G. Installation and Maintenance of Landscape Plan Elements (First Partial Certificate of Occupancy for Tenant Occupancy)
The Developer agrees to implement the approved sidewalk, landscaping and street tree improvements of the Final Landscape Plan as follows:

2) **Installation (First Partial Certificate of Occupancy for Tenant Occupancy)**. The Developer agrees that all improvements shall be constructed and/or installed prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy of any space above grade for the respective Phase of

construction (as "Phase" is determined pursuant to the approved Phasing Plan required in Condition #5 above).

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

b. The following standards for Installation apply:

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

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

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

(4) Continuous soil panels shall be used instead of individual street tree pits. Soil and drainage material depth shall be as specified in appropriate Arlington County tree planting standard details, and as approved by the County Manager or his/her/their designee on the landscape plan. Soil volume, depth, and drainage requirements also apply to trees in raised planters.

(5) Finished grades shall not exceed a slope of three to one, unless otherwise shown on the approved plans.

(6) The Developer agrees to install approved lighting before the issuance of the First 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.

4) **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).

5) **Maintenance and Replacement (Life of Site Plan)** The Developer agrees to maintain the site in a clean and well-maintained condition and ensure that the entirety of the site and its landscaping, including all hardscape, site furniture, and plantings, are kept in a clean and well-maintained condition for the life of the Site Plan in accordance with the approved Final Landscape Plan and the Landscape Maintenance Management Program per the Arlington County Landscape Standards.

The Developer agrees to contact the Department of Parks and Recreation to arrange for a site meeting with an Urban Forester to review and approve the scope of work prior to performing any pruning of street trees. An International Society of Arboriculture (ISA) Certified Arborist must be on site during all pruning of street trees.

H. **Administrative Changes.** The County Manager or his/her/their designee may consider minor revisions to landscape plans as long as such changes are consistent with the intent of the Site Plan approval. The Developer agrees that any change to the approved landscape plan requires approval of a revised landscape plan by the County Manager. The Final Landscape Plan shall govern construction and/or installations of elements and features shown thereon, except as amendments may be specifically approved by the County Manager. If proposed changes impact the Civil Engineering Plan, then a revision to the Civil Engineering Plan must also be reviewed and approved.

41. FAA Documentation (Excavation, Sheeting and Shoring Permit)
The Developer agrees to obtain from the Federal Aviation Administration (FAA) a written statement, based on the highest points (including the penthouse) of the building, that the project is not a hazard to air navigation, or that the project does not require notice to or approval by the FAA, prior to the issuance of the Excavation, Sheeting and Shoring Permit.

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

A. **Fee Interests**. Unless otherwise specifically provided for elsewhere in these Site Plan conditions, the Developer agrees to convey real estate interests called for by this Site Plan approval to the County for public street or public right-of-way purposes or for the conveyance of parcels or portions thereof, in fee simple ("Fee Interests"), free and clear of all liens and encumbrances. Unless otherwise deemed unnecessary by the County Attorney, for all Fee Interests, the Developer agrees to provide to the County: i) a Phase 1 Environmental Site Assessment; ii) an ALTA Land Title Survey; and iii) a Title Report (collectively, "Property Documentation") acceptable to the County Attorney, demonstrating to the County's satisfaction, in its sole discretion, that the Fee Interests are in a condition suitable for the County's intended uses.

B. **Easement Interests**. Where public improvements or public uses, including, but not limited to, sidewalks, street trees or other streetscape plantings, water mains, storm sewers, sanitary sewers, and other public utilities and facilities (collectively, "Public Improvements") are not

located, or to be located, in the public street or public right-of-way, the Developer agrees to convey to the County by deed(s) of easement, all real estate interests for such Public Improvements. The Developer further agrees that all liens and encumbrances shall be subordinated to the easement rights of the County conveyed by such deed(s) of easement.

C. **General Requirements**. Unless otherwise specifically provided elsewhere in these Site Plan conditions, the Developer agrees for each Phase of the project, pursuant to the approved Phasing Plan required in Condition #5 above, all required plats, deeds of conveyance, deeds of dedication, and deeds of easement associated with, and/or required by the final approved Civil Engineering Plan for the construction of any public street, public infrastructure, public utility, public facility or public improvements, or required by these Site Plan conditions, to:

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

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

D. As long as the Developer is diligently pursuing construction of the Site Plan, or an approved Phase of the Site Plan, if the Site Plan is being phased, once the Developer records any easements required by this Condition #23, the Developer may continue construction of Site Plan improvements located within such easement area without a right-of-way permit provided that the Developer meets the requirements set forth in Condition #19.C.

43. Secure Bicycle Parking, Shower and Locker Facilities (Footing to Grade Permit)

The Developer agrees to provide, as a part of the project and at no charge to the user, secure bicycle parking, shower and locker facilities for each building as described below:

A. Design of Class I Secure Bicycle Parking, Shower and Locker Facilities (Footing to Grade)

1) The Developer agrees to obtain approval by the County Manager or his/her/their designee of the secure bicycle parking, shower and locker facilities for each building that comply with the standards below as part of the applicable architectural floor plans, prior to issuance of the Footing to Grade Permit for that building. If no secure bicycle facilities for a building are located below grade, then approval shall be obtained prior to the issuance of the Final Building Permit for that building.

2) The Developer agrees that all Class I (secure) bicycle parking shall meet Arlington County Bicycle Parking Standards, 2020 Update, or subsequent revision in effect on the date of site plan approval or be approved as equal to that shown in the Standards.

3) The Developer agrees to provide the following Class I bicycle parking spaces:

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

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

~~c. Retail uses: One (1) employee bicycle parking space for every 25,000 square feet, or portion thereof.~~

~~d. Hotel uses: One (1) space for every 10 hotel room units, or portion thereof. In addition, the hotel shall provide adequate space in a locked luggage storage facility, controlled by the hotel staff, inside the hotel, to accommodate guest's bicycles along with guest's luggage.~~

e. Other - Institutional (Museum) uses: One (1) employee bicycle parking space for every 6,000 square feet, or portion thereof, of institutional floor area.

~~4) The Developer agrees to provide the following shower and locker facilities:~~

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

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

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

~~d. In residential buildings, for retail uses equal to or greater than 25,000 square feet of GFA and less than 50,000 square feet of GFA, a minimum of one (1) unisex shower. For retail uses equal to or greater than 50,000 square feet of GFA, a minimum of one (1) shower per gender.~~

~~e. If retail employees will not have access to shower facilities required for office or hotel employees, shower facilities for retail employees shall be provided in accordance with the ratios specified in Condition #24 A.4).d. above.~~

~~f. For every required employee bicycle parking space, either 1) a minimum of one (1) clothes storage locker per gender if in gender-specific changing rooms, or 2) a minimum of one (1)~~

~~clothes locker if outside of gender specific changing rooms. Each locker shall be a minimum size of 12 inches in width, 18 inches in depth, and 36 inches in height.~~

~~The showers and lockers shall be located adjacent to one another in a safe and secure area. If there is no shower required, clothes locker(s) shall be located adjacent and convenient to the bicycle parking location itself.~~

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

B. Installation of Secure Bicycle Parking, ~~Shower and Locker Facilities~~ (First Partial Certificate of Occupancy for Tenant Occupancy)

The Developer agrees that prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy for each respective building or phase of construction per Condition #5, all secure bicycle parking, shower and locker facilities in approved permit drawings per Condition #24.A.1) above for that building or phase of construction, shall be fully installed and operational.

44. Façade Treatment of Buildings (Footing to Grade)

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

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

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

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

The Developer agrees to obtain the approval of the County Manager or his/her/their designee of the façade elevation drawings and material samples submitted per this Condition #25, as being consistent with the intent of the County Board's approval of the Site Plan, including any changes approved administratively or through site plan amendment, prior to the issuance of the Final Building Permit.

D. **Inspection and Approval of Built Façade (Shell and Core Certificate of Occupancy)**
The Developer agrees to obtain approval of the County Manager or his/her/their designee of the built building façades as being consistent with the approved façade elevations and materials prior to the issuance of the Shell and Core Certificate of Occupancy.

E. ~~**Ground Floor and Retail Storefront**~~ **Facades.**

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

a. **Creative design of storefront facades.** Intentionally omitted.

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

For the purposes of this subparagraph E.1), Minor adjustments shall include only the following: (i) adjustment in the location of the access points and window or door placements ~~for retail~~ along the street frontage on the ground floor; and (ii) changes to the materials, provided that the proposed materials are in keeping with the general intent of the approved Site Plan design; and (iii) adjustments required due to adjustments of the elements of the retail space as described in Condition #38 below. All other changes to the approved retail will require a Site Plan amendment.

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

3) **Temporary Retail Facades Permitted**. Intentionally omitted.

F. **Standards for Façade Treatment of Buildings:**

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

2) **Window Transparency.** Intentionally omitted.

3) **Architectural Illumination.** The Developer agrees that the illumination, up-lighting, or the like, of any architecture, including buildings, structures, sites and facades, shall not be permitted unless specifically called out on the Site Plan and approved by the County Board. Minor adjustments to architectural illumination shown on the façade elevations that were not specifically shown on the Site Plan approved by the County Board may be approved by the Zoning Administrator through the administrative change process subject to the standards of this subparagraph F.3). The Zoning Administrator may approve minor adjustments to architectural lighting located on building base or podium facades provided such changes do not result in excessive up-lighting, wall washing, hot spots, glare, obtrusive light, light pollution, light trespass, or visual nuisance, and are designed in a coordinated fashion to accentuate key architectural elements of the building. Any architectural illumination that includes lighting of roof lines of buildings at heights greater than 75 feet as defined in Section 13.2.3.D ("Architectural lighting and embellishments and lighting of rooflines") of the Arlington County Zoning Ordinance, shall require a Site Plan Amendment.

45. Plat of Excavated Area (Footing to Grade Permit)

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

B. **Spot Elevations at 50% (Footing to Grade Permit)** The Developer agrees to provide the Zoning Administrator spot elevations which shall, at a minimum, consist of two corners and spot elevations from 50% of the total area to be excavated, prior to the issuance of the Footing to Grade Permit. If the excavated area will be greater than 20,000 square feet, the Zoning Administrator or her designee may agree to reduce the area for which elevations must be provided before issuance of a Footing to Grade Permit.

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

46. Public Improvements Bond (Footing to Grade Permit)

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

B. **Bond (Final Building Permit)** Upon approval of the performance bond estimate by DES, the Developer agrees to submit to DES a performance bond, in the approved amount of the estimate, and an agreement for the construction or installation of all facilities (to include street trees and all landscape materials) within the public rights-of-way or easements, erosion and sediment controls, and storm water management facilities; which bond shall be executed by the Developer in favor of the County before the issuance of the Final Building Permit.

C. **Repair/Replace Infrastructure (Release of Public Improvement Bond)** The Developer agrees to replace any curb, gutter and sidewalk in poor condition and/or existing or new infrastructure damaged during construction, at the direction of the County Manager, prior to release of the public improvement bond.

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

The Developer agrees to obtain approval from the Zoning Administrator of drawings showing compliance with this condition prior to the issuance of the Footing to Grade Permit. The Developer agrees to provide and use interior space for the collection, storage, compaction, and removal of trash. The space shall not be outside the interior loading space and shall not conflict with the use of a loading berth. The Developer agrees to provide and use appropriate interior facilities for the recycling of reusable materials as defined by the County. Interior spaces for trash collection shall be consistent with the loading space dimensions provided for in Condition #29.

48. Interior Loading Spaces (Footing to Grade Permit)

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

A. Minimum 12-foot clear width, including entrances, and minimum 14-foot clear height, however, any loading dock to be used for trash removal shall have a minimum interior height clearance of 15 feet.

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

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

D. All loading docks shall contain closable doors.

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

F. The loading dock door shall be closed when the loading dock is in use, except when necessary for entry or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures.

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

The Developer agrees that the requirements and standards of this condition shall be incorporated in the construction drawings, which shall be submitted to the Inspection Services Division for the Footing to Grade Permit. The

Footing to Grade Permit shall not be issued until evidence has been provided to the Zoning Administrator that the terms of this condition have been met.

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

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

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

50. Parking (Footing to Grade Permit)

A. Site Plan Requirements

1) Site Plan Parking Requirements

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

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

Use Type	**Approved Parking Ratio**
Residential -	0.5 spaces per unit (to include residents, residential visitors, accessible spaces & residential building employees)
~~Residential Visitor *[for projects utilizing the Residential Parking Guidelines.]*~~	~~0.05 spaces per unit for the first 200 units of a building designated residential visitor parking. Visitor spaces shall be available for visitor use at all times and must be located on-site within each building.~~
~~Office -~~	~~1 space per ____ square feet of GFA (to include office employees, office visitors, building management employees, and accessible spaces)~~
~~Commercial/Retail -~~	~~1 space per ____ square feet of GFA, after approved exclusion for proximity to Metro Station (to include retail customers, retail employees and accessible spaces)~~

~~Hotel -~~	~~___ spaces per guest room (to include hotel employees, guests, visitors, and accessible spaces)~~
Other - – Institutional (Museum Use)	1 space per 500 square feet of GFA

c. The Developer agrees that the number of compact spaces counted toward the total number of "Required Spaces", ~~exclusive of those spaces required for retail,~~ shall not exceed 15% of the total number of "Required Spaces". ~~"Required Spaces" for retail and guest or visitor parking shall not be compact.~~ Spaces provided in excess of the "Required Spaces" total may be either standard or compact spaces.

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

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

f. The Developer agrees that no fewer than one (1) accessible parking space shall be provided for each "Type A" accessible dwelling unit being provided consistent with the requirements of Condition #41, if applicable.

B. Operation and Management-Related Requirements

1) Residential Parking

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

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

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

2) **Office Parking**
Intentionally omitted.

3) **Shared Parking**
Intentionally omitted.

4) **External Signs**
Intentionally omitted.

5) **Garage and Parking Management Plans (Footing to Grade Permit)**

a. **Garage Plan (Footing to Grade Permit)**
The Developer agrees to submit to, and obtain approval from, the County Manager or his/her/their designee of a Garage Plan prior to the issuance of the Footing to Grade Permit. The Garage Plan shall show where parking for the different user groups, including, when applicable, residents, visitors, employees, retail patrons, and the general public, including overnight public parking, will be located. The Garage Plan shall also show the location(s) of any parking control equipment, locations of queueing, and a queuing analysis that demonstrates vehicle queuing will be accommodated entirely within the garage or other privately controlled areas of the site plan, with all parking spaces designed to be accessible to the public located outside of parking control equipment that prohibits entry to the public. The Garage Plan shall incorporate all elements for such plan listed in the *Department of Environmental Services Minimum Acceptance Criteria for Garage Plans* dated February 15, 2016, or subsequent version.

b. **Parking Management Plan (First Partial Certificate of Occupancy for Tenant Occupancy)** Intentionally omitted.

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

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

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

C. 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.

52. Underground Utility Fund Contribution (Final Building Permit)

The Developer agrees to contribute to the County underground utility fund in the amount specified by this site plan condition, in addition to funding and constructing the utility undergrounding work required by this Site Plan approval, prior to the issuance of the Final Building Permit. The total utility fund contribution for this site is $ 93,747.53 ($71,563 x 1.31 acres). [The Underground Utility Fund Contribution of $50,000 per acre (2011 dollars) has been adjusted by the change in the Consumer Price Index All Urban Consumers (CPI-U) from 2011 Annual Average to 2025 Annual Average,

reflecting a 43.13% increase. The rate shall be fixed from County Board approval until the payment is made by the Developer prior to issuance of the Final Building Permit.] The Developer may request and obtain approval from the County Manager or his/her/their designee (DES) to prorate the total utility fund contribution for this site consistent with the approved Phasing Plan for the development pursuant to Condition #5 above. These funds may, but need not, be used by the County for the purpose of providing for undergrounding of utilities along the properties which are not redeveloping in this undergrounding district. If the area of the Site Plan is subdivided, the contribution to be made by each owner shall be based proportionally on the amount of site area allocated to each subdivided parcel. The contribution, if not obligated by the County to pay for utility undergrounding projects within 10 years from the date of payment, will be refunded upon receipt of written request without any accrued interest to the development owners of record at the time of any refund.

53. Wall Check Survey

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.

54. Use of Penthouse (Final Building Permit)

The Developer agrees that requirements of this condition shall be incorporated in project drawings prior to the issuance of the Final Building Permit. The use of any penthouse shall be limited to mechanical equipment and equipment maintenance space and/or telecommunication transmitter and/or receiver equipment as required in Condition #38 below, unless otherwise approved as part of this Site Plan such as with rooftop amenity spaces as shown on the plans referenced in Condition 2.A, with such uses subject to approval of Inspections Services Division where applicable.

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

Intentionally omitted.

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

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

a. a donor antenna in a location and design that is acceptable to the County.
b. single mode fiber optic backbone;
c. conditioned and secured-access space with dedicated backup power to locate fiber distribution equipment;
d. secured head-end equipment to support bi-directional radio transmissions over the air and via internet protocol fiber optic link;
e. related hardware in a number and configuration that is appropriate for radio transmission in frequencies established by the County;
f. dedicated communications conduits from property line to the head-end equipment room;
g. alarm reporting to the County's designated recipient.

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

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

57. Ground Floor Elements (Final Building Permit)

Intentionally omitted.

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

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

59. Transportation Management Plan (First Partial Certificate of Occupancy for Tenant Occupancy or as specified below)

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

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

Upon approval of the TMP by the County Manager, the Developer agrees to implement all elements of the plan with assistance, when appropriate, by agencies of the County. Unless otherwise specified, the Developer agrees that all individual elements of this TMP shall be operational prior to issuance of the First Partial Certificate of Occupancy for Tenant Occupancy.

Unless otherwise specified, all dollar denominated rates shall be adjusted for inflation by the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index (CPI) Inflation Calculator from the date of first approval of this condition.

A. Participation and Funding

1) Establish and maintain an active, ongoing relationship with Arlington Transportation Partners (ATP), or successor entity, on behalf of the property owner.

2) Designate and keep current a member of building management as Property Transportation Coordinator (PTC) to be primary point of contact with the County and undertake the responsibility for coordinating and completing all Transportation Management Plan (TMP) obligations. If applicable, designate and keep current a regional manager, or equivalent, as a secondary point of contact. The PTC shall be trained, to the satisfaction of TRAC (Transportation Resources for Arlington County)~~ACCS~~, to provide, transit, bike, walk, rideshare and other information provided by Arlington County intended to assist with transportation to and from the site.

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

B. Facilities and Improvements

1) Provide in the lobby or lobbies, a transportation information display(s), the umber/content/design/location of which will be approved by TRAC ~~ACCS~~ prior to the issuance of the Final Building Permit. The developer agrees that the required transportation information displays shall meet the Arlington County Neighborhood Transportation Information Display Standards in effect on the date of the site plan approval, or equivalent as approved by the County Manager.

2) Intentionally omitted.

3) Provide, within the TMP a Bicycle Facilities Management Plan to support the infrastructure provided through Conditions #19 and #24. This plan shall include a description of how the facilities will be managed and operated, including:

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

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

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

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

   e. Policy for abandoned bicycles.

6) Bus stops, shelters, and bikeshare stations on the sidewalk within 50 feet of the property within the site plan or on the periphery of the site plan, shall be maintained free of snow, ice, trash, and debris. A minimum six (6) foot wide path, clear of snow and ice, to the main entrance of building(s) shall be maintained for these bus stops and bikeshare stations.

C. Carpool and Vanpool Parking

Intentionally omitted.

D. Promotions, Services, and Policies

1) Prepare, reproduce and distribute, in digital or hard copy, materials provided by Arlington County, which includes site-specific transit, bike, walk, and rideshare-related information, to each new residential lessee or purchaser, and office, retail, hotel, property management, or maintenance employee, from initial occupancy through the life of the site plan. These materials shall be distributed as a part of prospective tenant marketing materials, as well as communications associated with lease signing, on-boarding, or similar activities.

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

   a. $65.00 Metro fare on a SmarTrip card or successor fare medium

   b. A one year bikeshare membership

   c. A one year carshare membership

   Purchase 50% of the anticipated need for such fare medium options prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy, and maintain stock on hand thereafter.

   The County Manager or his/her/their designee may approve additions to, or substitution of one or more of these choices with a comparable transportation program incentive, as technology and service options change, if he/she finds that an incentive shall be designed to provide the individual with an option other than driving alone in a personal vehicle, either by removing a barrier to program entry, such as a membership cost, or by providing a similar level of subsidized access to a public or shared transportation system, program or service.

3) Provide, administer, or cause the provision of a sustainable commute benefit program for each on-site property management, maintenance, and hotel employee, whether employed part-time or full-time, directly employed or contracted. This commute benefit program shall offer, at a minimum, a monthly pre-tax transit and vanpool benefit, as defined by the IRS, or a monthly subsidized/direct transit and vanpool benefit, as defined by the IRS.

4) Provide, under a "transportation information" heading on the Developer and property manager's websites regarding this development:

   a. Links to the most appropriate Transportation Resources for Arlington County ~~Arlington County Commuter Services~~ and/or external transportation-related web page(s). Obtain confirmation of most appropriate link from TRAC ~~ACCS~~.

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

E. Performance and Monitoring

1) During the first year of start-up of the TMP and on an annual basis thereafter, the Developer shall submit an annual report, which may be of an online, or e-mail variety, to the County Manager, describing completely and correctly, the TDM-related activities of the site and changes in commercial tenants during each year.

2) The Developer agrees to reimburse the County the full cost up to a maximum of $16,000 ($8,000 per land use type for multi-use buildings and $10,000 total for a single-use building) for, and

participate in, a transportation and parking performance monitoring study at two years, five years, and each subsequent five years (at the County's option), after issuance of the First Partial Certificate of Occupancy for Tenant Occupancy, for the life of the site plan. The County may conduct the study or ask the owner to conduct the study (in the latter case, no reimbursement payment shall be required). As part of the study, a report shall be produced as specified below by the County. The study may include:

a. building occupancy rates,
b. average vehicle occupancy,
c. average garage occupancy for various day of the week and times of day,
d. parking availability by time of day,
e. average duration of stay for short term parkers on various days of the week and times of day,
f. pedestrian traffic,
g. a seven-day count of site-generated vehicle traffic,
h. a voluntary mode-split survey,
i. Hourly, monthly, and special event parking rates.

The building owner and/or operator shall notify, assist, and encourage building occupants and visitors on site to participate in mode-split surveys which may be of an on-line or email variety.

60. Affordable Housing Contribution

A. For Development with Base Density for Affordable Housing (ACZO Section 15.5.8 (C) (Shell and Core Certificate of Occupancy)

1) Prior to the issuance of the Shell and Core Certificate of Occupancy, the Developer must provide written notification to the County Manager or his/her/their designee, of how the requirements of subsection 15.5.8 (C) of the Arlington County Zoning Ordinance (ACZO) will be fulfilled (either through a monetary contribution or provision of on-site or off-site residential units).

2) If the Developer elects to fulfill the requirements of ACZO 15.5.8 (C) through a monetary contribution, then the Developer shall, prior to issuance of the Shell and Core Certificate of Occupancy, deliver a check or provide another form of payment acceptable to the County Manager or his/her/their designee, to the Arlington County CPHD Housing Division, made payable to the Arlington County Treasurer for the requisite amount of the monetary contribution as provided under ACZO 15.5.8(C)(4).

3) If the Developer elects to fulfill the requirements of ACZO 15.5.8 (C) through the provision of either on-site or off-site committed affordable housing (CAF) units, the Developer shall, prior to the issuance of the Shell and Core Certificate of Occupancy, execute all necessary documents, as determined by the County Attorney for meeting the requirements of providing on-site or off-site CAF Units, including a CAF Agreement ("Implementation Documents"), and deliver the Implementation Documents to the County Manager and County Attorney for approval and execution.

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

The Developer agrees to submit proof to the County Manager or his/her/their designee that it has satisfied this Site Plan Condition prior to the issuance of the Shell and Core Certificate of Occupancy for the building.

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

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

62. 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.

63. 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.

64. Structural Modifications and Balconies (Life of Site Plan)

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

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

65. Building Security Measures (Life of Site Plan)

Intentionally omitted.

66. Snow Removal (Life of Site Plan)

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).

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

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

68. Retention of Approved Parking Ratio over Subdivided Site (Life of Site Plan)

The Developer agrees to provide parking for each building according to the approved parking ratio; when parking is not located within the parcel designation of each building but located within the overall project, it shall continue to be committed to the entire project for purposes of administering the Zoning Ordinance.

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

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

B. Intentionally omitted.

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

The Developer agrees to deliver all refuse, as defined by the Arlington County Code, to an operating refuse disposal facility designated by the County Manager, 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 Site Plan.

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

The Developer agrees that it will not construct or permit to be constructed any structures within areas dedicated, or to be dedicated, as public sidewalk easements and public sidewalk and utilities easements pursuant to the conditions of this site plan, except canopies, awnings and/or other similar architectural details as depicted in the final site plan or subsequent site plan amendments or administrative changes on the face of the building

("canopies and awnings"), within such easement areas, provided that all such canopies and awnings shall be consistent with the final design and site engineering plans approved by the County Manager. Such canopies and awnings shall also, among other requirements, meet the following minimum standards: each canopy or awning shall (i) be suspended from the face of a building or structure; (ii) have no ground supports; (iii) extend no more than six (6) feet into the adjoining public sidewalk easement or public sidewalk and utility easements; (iv) contain no permanent fixtures, such as, among other things, fans, heaters and sprinklers; (v) extend no more than six feet in any location from the face of the building to the outer edge of the canopy or awning; (vi) extend into the easement area no further than to a point that is five feet behind the back of the curb line; (vii) not be located in the clear space above any utility vault; and, (viii) maintain a clearance of at least eight feet above the public sidewalk to the lowest part of the canopy or awning, provided, that if such canopy or awning incorporates a sign, the canopy or awning and the sign shall meet all applicable zoning ordinance provisions.

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

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

The Developer agrees that, if the County Manager or his/her/their designee determines that any canopy or awning, whether or not approved, interferes with public access or is otherwise inconsistent with the public welfare, zoning ordinance requirements, or future development, the Developer agrees to, at its sole cost and expense, to remove the canopy or awning and fully restore any affected surface areas of the canopy, building or easement. The Developer agrees to complete removal of any canopy or awning upon notice of the County Manager's determination. The Developer agrees that, if the Developer fails to remove the canopy or awning within the time specified, the County may remove the canopy or awning, at the

expense of the Developer, and that the County shall not be liable for any loss or damage that may occur as a result of such removal.

72. Public Use and Access Easement – AFA Plaza and along Custis Trail

a. Grant Easements to County (First Partial Certificate of Occupancy for Tenant Occupancy)
The Developer agrees to grant a permanent public use and access easement(s), free and clear of all liens and encumbrances to the County Board of Arlington County providing for public use and access by pedestrians and for use and access by fire, police, and other emergency services, over, above and through the areas labeled "Proposed Public Access Easement #1" (approximately 4,489 sq. ft.) as shown on the 4.1 Site Plan sheet titled "C-02 Public Easement Exhibit", approved by the County Board on September 19, 2026. The Public Use and Access Easement shall be approved and recorded prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy. The final location and configuration of the Public Use and Access Easement may slightly change with the preparation of the approved final engineering and landscape plans, but combined shall total approximately 4,489 square feet.

b. Construction and Landscaping (Prior to recording the public use and access easement) The Developer agrees to construct and landscape the areas of the Public Use and Access Easement(s) as shown on the plans approved by the County Board on September 19, 2026. Final design and installation shall be approved by the County Manager or his/her/their designee as part of the Final Landscape Plan and the Final Engineering Plan. Construction and landscaping of the Public Access Easements shall be completed prior to the granting of the Public Use and Access Easements.

c. The Developer agrees that the Public Use and Access Easement(s) shall be granted by deed, in a form acceptable to the County Attorney and in substance acceptable to the County Manager and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County. Among other things, the Public Use and Access Easements shall include, as applicable, the consent and subordination of any lien, mortgage or deed of trust and the consent and subordination of all parties and entities having any priority property interest, in any portion of the Public Use and Access Easement area(s).

d. The Developer agrees it shall be responsible for, and the Public Use and Access Easements shall include, a provision stating, that the Developer shall, at its sole cost and expense, provide for the continued care, maintenance, repair, and replacement, including, but not limited to snow and ice removal, of all the areas within the Public Use and Access Easements and all facilities and improvements, including, but not limited to, landscaping, fountains, water features, benches, fixed seating, tables, banners and signage (if approved pursuant to ACZO by the Zoning Administrator), hardscape, pavement, lighting, art work, trash and recycling receptacles, stairways, bicycles racks, landscaping and any other structural or decorative features located within the area of the Public Use and Access Easements.

e. In addition to the above requirements, the Developer agrees that the Public Use and Access Easement(s) shall include the following requirements:

a. The Developer, and its successors and assigns, shall remain the owner of all structures, facilities and features located within or on the Public Use and Access Easements area.
b. A provision indemnifying and holding harmless the County Board, its elected and appointed officials, employees and agents from all liability, claims, damages, cost and expenses of whatever nature concerning or arising out of the construction, maintenance, repair, replacement, removal and regulation of the area of the Public Use and Access Easements and the facilities and improvements therein; provided, however, that such indemnification shall not be required for any damages arising from the direct sole gross negligence of the County in accordance with applicable law. This is not to be considered a waiver of sovereign immunity.
c. The Developer may temporarily limit access to the Public Use and Access Easements area, except for fire, police and other emergency personnel, (i) in order to conduct emergency repairs or (ii) in order to address conditions causing an immediate risk to health or safety of the public.
d. The Public Use and Access Easements area shall remain open 24 hours a day, seven days a week, for use by fire, police and other emergency personnel.
e. In addition to the above, the Public Use and Access Easements area shall remain open at all times to pedestrians except during temporary, limited times, as approved by the County Manager, or his designee, for the Developer to complete normal maintenance or repairs or undertake other safety related activities.
f. The Developer shall provide appropriate signage in accordance with the Public Spaces Master Plan (PSMP), the Arlington County Zoning Ordinance (ACZO), and other applicable County standards and policies.

73. Public Use and Access Easement – Conservation Easement Pathway -First Partial Certificate of Occupancy for Tenant Occupancy

a. Grant a public use and access easement for a pathway to County

Following a recordation of an amendment to a "Conservation Easement" held by the Northern Virginia Conservation Trust, affecting the underlying property (Instrument #2006151121 recorded in the Arlington County Circuit Court Clerk's Office) necessary to allow the pathway described herein (identified on sheet "C-02 Public Easement Exhibit"), the Developer agrees to grant a permanent public use and access easement, free and clear of all other liens and encumbrances, over the real property described in C-02 Public Easement Exhibit (the "Property") to the County Board of Arlington County providing for public use and access by pedestrians, over, above and through the areas of the Property labeled "Public Access Easement #2" (approximately 695

sq. ft.) as shown on the 4.1 Site Plan sheet titled "C-02 Public Easement Exhibit", approved by the County Board on September 19, 2026 and approved by the Executive Director of the Northern Virginia Conservation Trust subsequent to the County Board's approval. The Public Use and Access Easement shall be approved and recorded prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy. The final location and configuration of the Public Use and Access Easement may slightly change with the preparation of the approved final engineering and landscape plans, but combined shall total approximately 695 square feet.

b. Construction and Landscaping (Prior to recording the public use and access easement). The Developer agrees to construct and landscape the areas of the Property subject to the Public Use and Access Easement as shown on the plans approved by the County Board on September 19, 2026 as aforesaid (the "Project"). Final design and installation of the Project shall be approved by the County Manager or his/her/their designee as part of the Final Landscape Plan and the Final Engineering Plan, and by the Executive Director of the Northern Virginia Conservation Trust as to work within the area of the Conservation Easement. Construction and landscaping of the Public Access Easement shall be completed prior to the granting of the Public Use and Access Easement. The Project shall involve no paving or other hard-surfacing of land subject to the Conservation Easement and shall be undertaken only in a manner that is consistent with the Conservation Purposes and Values stated in the Conservation Easement.

c. The Developer agrees that the Public Use and Access Easement over the Property shall be granted by deed, in a form acceptable to the County Attorney and the Northern Virginia Conservation Trust, and in substance acceptable to the County Manager and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County. Among other things, the Public Use and Access Easement shall include reference to the Conservation Easement by Instrument number and, as applicable, the consent and subordination of any other lien, mortgage or deed of trust and the consent and subordination of all parties and entities having any priority property interest, in any portion of the Property subject to the Public Use and Access Easement area(s).

d. The Developer agrees it shall be responsible for, and the Public Use and Access Easement shall include, a provision stating, that the Developer, and its successors and assigns in title to the Property, shall, at its sole cost and expense, provide for the perpetual care, maintenance, repair, and replacement of all the areas within the Public Use and Access Easement and all facilities and improvements that are part of the Project. This includes pathway maintenance and inspection of any mulch washout onto the Custis Trail following a storm event by property management and a reasonable time to restore the Trail to a safe, passable condition.

e. In addition to the above requirements, the Developer agrees that the Public Use and Access Easement shall include the following requirements:

g. The Developer, and its successors and assigns in title to the Property, shall remain the owner of all structures, facilities and features located within or on the Public Use and Access Easement area.
h. A provision indemnifying and holding harmless the County Board, its elected and appointed officials, employees and agents, and the Northern Virginia Conservation Trust, its board members, employees, and agents, from all liability, claims, damages, cost and expenses of whatever nature concerning or arising out of the construction of the Project, and the maintenance, repair, replacement, removal and regulation of the area of the Public Use and Access Easement and the facilities and improvements therein; provided, however, that such indemnification shall not be required for any damages arising from the sole direct gross negligence of the County in accordance with applicable law, or the Northern Virginia Conservation Trust. The foregoing is not a waiver of the County's sovereign immunity.
i. The Developer may temporarily limit access to the Public Use and Access Easement area (i) in order to conduct emergency repairs or (ii) in order to address conditions causing an immediate risk to health or safety of the public.
j. In addition to the above, the Public Use and Access Easement area shall remain open at all times to pedestrians except during temporary, limited times, as approved by the County Manager, or his designee, for the Developer to complete normal maintenance or repairs or undertake other safety-related activities.

Attachment A

In-Building First Responder Network Definitions and Testing Protocol
Edited 10/5/2023

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

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

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

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

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

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

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

Testing Protocol
When an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the radio system "the system" tested to ensure that two-way coverage on each floor of the building reveals a minimum signal strength of -95 dBm in 95 percent of the building's area. In addition, the quality of radio signal should be no less than Delivered Audio Quality (DAQ) 3.4 as defined by the Telecommunications Industry Association (TIA). Critical areas, including fire command centers, fire pump rooms, exit stairs, exit passageways, elevators, elevator lobbies, standpipe cabinets, sprinkler sectional valve locations, and other areas deemed critical by the AHJ, shall be provided with 99 percent floor area radio coverage. The test procedure shall be conducted as follows:

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

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

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

4. In the event that three nonadjacent areas fail the test, in order to be more statistically accurate, the floor shall be divided into 40 equal areas. The test shall be considered failed if more than four nonadjacent grid areas do not meet the signal strength requirements. If the system fails the 40-area test, the system shall be modified to meet the 95 percent coverage requirement, or 99 percent coverage requirement in critical areas.

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

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

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

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

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

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

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

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

The approved Conditions read as follows:

USE PERMIT CONDITIONS (UPER25-00038)

1. The applicant agrees to comply with all applicable requirements set forth in all applicable ordinances, codes, and regulations, including but not limited to the currently adopted editions of the Virginia Uniform Statewide Building Code, Parts I, II, and III, and its related regulations; the Virginia Fire Prevention Code; the Arlington County Zoning Ordinance; and the Arlington County Health Regulations. Furthermore, the applicant agrees to actively and promptly pursue obtainment of all required associated building and operational permits and occupancy certificates from the various administrative and regulating agencies.

2. The applicant agrees that only the ground floor space shown on the 4.1 plan sheet A0204 titled, "Terrace Level Floor Plan" dated June 12, 2026 and approved by the County Board on September 19, 2026 and identified as "AFA Gallery Museum" may be used for museum use.

3. The applicant agrees that the maximum total occupant load shall be as determined and designated by the Inspection Services Division in accordance with the Virginia Uniform Statewide Building Code.

4. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to the museum. The applicant agrees that the name, telephone number, and electronic mail address (if available) of the liaison shall be submitted by the applicant to the Zoning Administrator and the North Highlands Civic Association prior to issuance of a Certificate of Occupancy for the museum use.

#50 – Board Report

#50 – Item Attachment – GLUP AMENDMENT MAP

#50 – Item Attachment – UPER LOCATION MAP

#50 – Item Attachment – SPLA/GLUP LOCATION MAP

#50 – Item Attachment – 4.1 DRAWINGS

#50 – Item Attachment – STAFF PRESENTATION

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51. Vision Zero Action Plan Update (2026-2030)

After a duly advertised public hearing, at which there were speakers, a motion was made by MAUREEN COFFEY, Vice-Chair, seconded by JULIUS D. "JD" SPAIN, SR., Member, to adopt the Vision Zero Action Plan Update (2026-2030) (Attachment A of the staff report).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Matt de Ferranti, Chair – Aye; Maureen Coffey, Vice-Chair – Aye; Susan Cunningham, Member – Aye; Julius D. "JD" Spain, Sr. – Aye; and Takis Karantonis, Member – Aye.

#51 – Board Report

#51 – Item Attachment – ATTACHMENT A – VISION ZERO PLAN UPDATE

#51 – Item Attachment – STAFF PRESENTATION

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IV ADDITIONAL ITEMS

There were no additional items heard or considered by the Board.

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V ADJOURNMENT

Without objection, at 2:27 PM, the September 19th, 2026 Regular County Board Meeting was recessed.

Matt de Ferranti, Chair

ATTEST:

_____
Mason Kushnir, Clerk
Approved: October 17, 2026