

A Regular Meeting of the County Board of Arlington County, Virginia, held virtually thereof on July 18, 2020 at 8:30 AM.

PRESENT: Libby Garvey, Chair
Matt de Ferranti, Member
Katie Cristol, Member
Christian Dorsey, Member
Takis Karantonis, Member

ALSO PRESENT: Mark Schwartz, County Manager
Stephen MacIsaac, County Attorney
Kendra Jacobs, County Clerk

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CERTIFICATION OF CLOSED MEETING DISCUSSIONS

Prior to public comment, a motion was made by LIBBY GARVEY, Chair, seconded by KATIE CRISTOL, Member, by a vote of 4 to 0 by roll call, the voting recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Ms. Garvey	Aye
Mr. Dorsey	Aye
Ms. Cristol	Aye
Mr. De Ferranti	Aye
Mr. Karantonis	Abstain

The Board certified that, at the recently concluded closed session: (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered by the Board.

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Resolution finding need to conduct Board Meetings Electronically

Prior to Public Comment, on a motion by LIBBY GARVEY, Chair, seconded by MATT DE FERRANTI, Member, the County Board adopted the Resolution Finding Need to Conduct the July 18, 2020 County Board Meeting electronically.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: LIBBY GARVEY, Chair – AYE; CHRISTIAN DORSEY, Member – Aye; KATIE CRISTOL, Member – Aye; MATT DE FERRANTI, Member – Aye; TAKIS KARANTONIS, Member – Aye.

The adopted resolution reads as follows:

RESOLUTION FINDING NEED TO CONDUCT
July 18, 2020 COUNTY BOARD MEETING ELECTRONICALLY

June 13, 2020

WHEREAS, on March 12, 2020, the Governor of Virginia declared a state of emergency in Virginia in response to the spread of novel coronavirus, or COVID-19, a communicable disease of public health threat as so declared by the State Health Commissioner on February 7, 2020 ("COVID-19"); and

WHEREAS, on March 13, 2020, the County Manager of Arlington County declared a local emergency to enable the County to respond to the public health threat posed by COVID-19, which local emergency declaration was consented to by the County Board of Arlington County on March 14, 2020; and

WHEREAS, in subsequent Executive Orders, particularly Executive Order Nos. 53 and 55, as amended, the Governor of Virginia, among other measures designed to ensure safe physical distancing between individuals, prohibited public and private in person gatherings of 10 or more individuals and ordered all individuals in Virginia to remain at their place of residence, with limited exceptions, to mitigate the impacts of COVID-19 and prevent its spread; and

WHEREAS, the County Board finds that it has a responsibility to demonstrate to the public, through the Board's conduct, the importance of maintaining proper physical distance from others and to avoid gathering in public where the risks of infection are highest, and to take measures that promote physical distancing in order to protect the public health and mitigate the impacts and spread of COVID-19, including, among others, conducting meetings electronically whenever possible; and

WHEREAS, on April 22, 2020, the Virginia General Assembly adopted, and the Governor signed, budget bill amendments to HB 29 that expressly authorize "any public body, including any state, local, [or] regional body" to "meet by electronic means without a quorum of the public body . . . physically assembled at one location when the Governor has declared a state of emergency . . ., provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body . . . to assemble in a single location; (ii) the purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body . . . and the discharge of its lawful purposes, duties, and responsibilities" among other provisions; and

NOW, THEREFORE, BE IT RESOLVED, that the County Board of Arlington County, Virginia, hereby finds that the nature of the declared emergency makes it both impracticable and unsafe for the Board to assemble in a single location on July 18 and July 21, 2020, to discuss and transact the business of the County listed on the July 18, 2020 County Board Meeting Agenda; and

BE IT FURTHER RESOLVED, that the County Board hereby finds that the items on the July 18, 2020 County Board Meeting Agenda are statutorily required or necessary to continue operations of the County government and the discharge of the County Board's lawful purposes, duties, and responsibilities; and

BE IT FURTHER RESOLVED, that the County Board hereby finds that the items on the July 18, 2020 County Board Meeting Agenda are encompassed with the continuity of operations ordinance adopted on March 24, 2020, as matters necessary to address the disaster posed by the public health emergency resulting from COVID-19 and matters essential to the continued operation of County government.

Adopted the 18th day of July 2020.

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I. PUBLIC COMMENT

Audrey Clement shared Arlingtonians for Our Sustainable Future's concerns regarding Missing Middle Housing affordability.

Jim Hurysz shared concerns regarding WETA and smart growth generally.

Howard Goldstein shared concerns regarding plans for distance learning for younger students and asked for prioritization of measures to return to in-person learning.

Whitney Beer-Kerr, speaking on behalf of EcoAction Arlington, requested that the county adopt a 5 cent plastic bag tax.

John Ikeda spoke in favor of renaming the Lee Community Center and Park.

Irma Corado speaking for LaColectiva advocated for defunding of ACPD.

Kristen Johnson presented a petition in favor of renaming the S. Abingdon Street Bridge to "Black Lives Matter" bridge.

Eloisa C. Spoke to rent and eviction related concerns faced by tenants as a result of COVID-19.

Iris E. spoke regarding police funding, and advocated for reallocation towards schools, hospitals, and other facilities that would benefit the community at large.

Rose Espinola shared concerns with the use of surveillance technology and its applications in policing.

Dean Amel advocated for the addition of curbside food waste pickup.

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ANALYSIS OF CONTINGENT ACCOUNTS

The Board received a Summary of Fiscal Year 2020 Contingent Accounts showing balances of \$250,000 in General, \$7,771,228 in Economic and Revenue Budget Stabilization, and \$14,058,158 in Affordable Housing Investment Fund as of July 16, 2020.

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II. CONSENT ITEMS (Items 1-53) Public testimony on removed items will occur at the Recessed Meeting on Tuesday, July 21, 2020, at 6:30 p.m. (No testimony taken on Saturday).

Prior to the Consent Motion, TAKIS KARANTONIS, Member, read the below Disqualification from Participation regarding item #13:

Consent Agenda item 13 involves review of a use permit for the Ethiopian Community Development Council (ECDC). I am advised that, under § 2.2-3112.A.1 of the State and Local Government Conflict of Interests Act, I am prohibited from participating in the Board’s discussion of and any vote on this matter because of a personal interest in the ECDC arising out of my employment with the Enterprise Development Group an affiliate of ECDC located at 901 South Highland Street in Arlington. Accordingly, I will not be voting on item 13 as part of the Consent Agenda action.

On a motion by LIBBY GARVEY, Chair, seconded by KATIE CRISTOL, Member, the County Board approved the Manager’s recommendation for items #1-10, #12-27, #28-38, and #40-52.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: LIBBY GARVEY, Chair – AYE; CHRISTIAN DORSEY, Member – Aye; KATIE CRISTOL, Member – Aye; MATT DE FERRANTI, Member – Aye, TAKIS KARANTONIS, Member – Aye, with the exception of item #13, which was adopted and carried by a vote of 4-0, the voting recorded as follows: LIBBY GARVEY, Chair – AYE; CHRISTIAN DORSEY, Member – Aye; KATIE CRISTOL, Member – Aye; MATT DE FERRANTI, Member – Aye, TAKIS KARANTONIS, Member – Abstain

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*** Public Hearing Items (Items 1-30) The following items on the consent agenda are subject to public hearing requirements. Citizens interested in removing an item from the list below must submit a speaker slip to the Clerk at the Saturday, July 18, 2020, meeting before 9 a.m.**

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Site Plans Requests, Amendments and Reviews

- 1. SP #39 and SP #419 Site Plan Amendment Review for the conversion of office space to school use for the Diplomatic Language Services (DLS); located at 1901 N. Fort Myer Drive (RPC# 16-020-001).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board adopted the attached ordinance to renew the site plan amendment, subject to all previously approved

conditions and amended Condition #5, with an administrative review in six (6) months (January 2021) and a County Board review in three years (July 2023).

The adopted ordinance reads as follows:

SITE PLAN AMENDMENT ORDINANCE

WHEREAS, an application for a Site Plan Amendment dated November 3, 2000, for Site Plan #39, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in the Staff Report(s) provided for the July 18, 2020, 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 numerous 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 July 18, 2020, 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 as amended:

- 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:
 - o Conversion of office space to school use; 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 November 3, 2000, for Site Plan #39, for a Site Plan Amendment for the conversion of office space to school use for the Diplomatic Language Services (DLS), for the parcel of real property known as 1901 N. Fort Myer Drive (RPC# 16-020-001) approval is granted and the parcel so described shall be used according to the Site Plan Amendment Application, with a County Board review in July 2020~~23~~, subject to all previously approved conditions, and amended condition five (5) specifying that the use is temporary for a term of three (3) years and will expire on July 2020~~23~~ unless renewed by the County Board.

5. The applicant agrees that the school use permitted at 1901 N. Fort Myer Drive is a temporary use that has been approved for a limited three (3) year period, and not longer. During the three (3) year period, the use is permitted subject to all site plan conditions, and subject to the same reviews that could otherwise be made of any site plan use. The applicant further agrees that approval for the use will terminate after a period three (3) years, on July 31, 2020~~23~~, without further action by the County Board. The applicant agrees that it will cease use of the approximately 17,213 square foot spaces on the 2nd and 6th floors of the building for the purposes of a school use, and shall convert the space to another approved use, or fully vacate the space, on or before July 31, 2020~~23~~. The applicant acknowledges and agrees that after July 31, 2020~~23~~, it shall have no right to use the 17,213 square foot spaces on the 2nd and 6th floors of the building for the purposes of a school use, unless specific approval for that use is obtained from the County Board.

[Board Report #1](#)

2. SP #76 Site Plan Amendment for the conversion of 187 hotel units to 180 residential dwelling units; with modifications of zoning standards including reduced parking, increased compact parking percentage, and

increased lot coverage, and all other modifications necessary to approve the proposed development plan; located at 1200 N. Courthouse Road (RPC# 18-003-531).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board deferred the subject Site Plan Amendment (SP #76) to the October 17, 2020, County Board meeting.

[Board Report #2](#)

3. SP #241 Site Plan Amendment to amend Conditions #8, #30 and #31 to permit a rooftop sign at Potomac Towers; located at 1001 19th St. N. (RPC# 16-018-007).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board adopted the attached ordinance to approve a site plan amendment to permit a rooftop sign at the Potomac Towers office building, subject to all previously approved conditions and amended Conditions #8, #30 and #31.

The adopted ordinance reads as follows:

SITE PLAN AMENDMENT ORDINANCE

WHEREAS, an application for a Site Plan Amendment dated May 11, 2020, for Site Plan #241, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in the Staff Report prepared for the July 18, 2020, 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 July 18, 2020 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:
- 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 11, 2020 for Site Plan #241, 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 Conditions #8, #30 and #31, for the parcel of real property known as RPC# 01-021-001 located at 1001 19th St. N., approval is granted and the parcel so described shall be used according to the Site Plan as originally approved on January 25, 1986, 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 #241, amended Conditions #8, #30 and #31.

Amended Conditions:

~~8.—Any building sign shall require a site plan amendment.~~

~~30.—The applicant agrees to limit the rooftop signage to one tenant identification sign on the northern corner of the east façade at the location and in the design shown on the drawings submitted to the County from Signs Unlimited Inc. dated April 21 and May 12,~~

~~2005 and presented to the County Board on July 9, 2005. The total area for the rooftop sign shall be limited to no more than 52 square feet. The Zoning Administrator may approve a change to the wording of this rooftop sign provided that the sign area is not greater than 52 square feet and the location, lighting and structure of the sign remain the same.~~

~~31. The sign shall be illuminated only as shown on the drawings dated May 12, 2005, and the illumination shall be limited to the hours from 5:00 p.m. until 11:00 p.m., seven (7) days a week.~~

[Board Report #3 \(Posted 07-13-2020, Updated RPC #\)](#)

4. International Place in Rosslyn, 1735 N. Lynn St.

A. SP #335 Site Plan Amendment for the conversion of retail space to office, façade changes, street scape improvements, addition of roof top amenities, and ADA improvements (International Place); located at 1735 N. Lynn St. (RPC# 16-039-018).

B. Ordinance of encroachment to permit the encroachment of an existing building into a proposed public sanitary sewer easement; 1735 N. Lynn St.; RPC # 16-039-018, with conditions.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board deferred the request to amend Site Plan #335 for the conversion of retail space to office, facade changes, streetscape improvements, addition of rooftop amenities, and ADA improvements to the September 12, 2020, County Board meeting, and deferred consideration of the proposed Ordinance of Encroachment until the September 12, 2020, County Board meeting.

[Board Report #4 A.](#)

[Board Report #4 B.](#)

5. SP #349 Site Plan Amendment for conversion of approximately 2,690 square feet of ground floor retail space to an educational use and modification of Condition #50 to allow conversion of retail space (George Mason University Foundation Building); located at 3434 Washington Blvd. (RPC# 15-087-032).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board adopted the attached ordinance to approve the site plan amendment to allow for the conversion of approximately 2,690 square feet of ground floor retail space to an educational use, and modification of Condition #50 to allow further conversions of retail space within the building located at 3434 Washington Blvd. (George Mason University Foundation Building), subject to all previously approved conditions, amended Condition #50 and new Condition #62, as set forth in the attached ordinance.

The adopted ordinance reads as follows:

SITE PLAN AMENDMENT ORDINANCE

WHEREAS, an application for a Site Plan Amendment dated March 6, 2020, for Site Plan #349, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report provided to the County Board for its July 18, 2020 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 numerous 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 July 18, 2020, 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 as amended:

- 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:
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated March 6, 2020 for Site Plan #349, and as such application has been modified, revised, or amended as set forth in the Zoning Administration records for a Site Plan Amendment to allow for educational uses within an existing retail space at the George Mason University Foundation Building, on the parcel of real property known as RPC# 15-087-032 and 3434 Washington Boulevard approval is granted and the parcel so described shall be used according to the revised site plan application, subject to all previously approved conditions (numbers 1 through 61) with amended Condition #50 and Condition #62 (as proposed below), with no further scheduled County Board review:

Amended Condition #50:

50. The developer agrees to develop a retail attraction and marketing plan for the retail space located on the first floor of the development. The plan shall identify the types of retail desired, the marketing strategy to attract the retail, and strategies to retain the retail. The spaces shall be designed and constructed to include interior and exterior improvements necessary to ensure that they are functional and attractive to prospective retailers, including, but not limited to, floor to floor heights of at least 16 feet and access to the service corridor/areas as shown on the architectural plans dated June 27, 2001, provision of direct street frontage and access, and provision for any venting systems required for any full service restaurant use. The Zoning Administrator may allow retail equivalent uses, as defined by the Arlington County Retail Action Plan, as amended, administratively. Any change in the use of the retail space from retail to office or another type of non-retail equivalent, or office use shall require a site plan amendment. The retail attraction and marketing plan shall be reviewed by the Department of Economic Development before being submitted to the Zoning Administrator. The Zoning Administrator shall receive this plan prior to the issuance of the footing to grade permit.

New Condition #62 (only for permitted educational uses within ground level space of 3434 Washington Boulevard):

62. The applicant agrees that approximately 2,690 square feet of existing retail on the ground level of 3434 Washington Boulevard may be converted to educational uses. Furthermore, the applicant agrees to ensure that the tenant complies with all requirements set forth in all applicable ordinances and regulations, including, by way of illustration and not limitation, those administered by the Inspection Services Division, the Zoning Office and the Fire Marshal's Office.

[Board Report #5 \(Posted 07-13-2020, Updated RPC #\)](#)

6. SP #449 Site Plan Amendment for Arlington Partnership for Affordable Housing (APAH) to amend certain site plan conditions regarding the granting of utility easements; located at 3445 Washington Blvd. (American Legion), (RPC# 15-086-011).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board accepted withdrawal of the subject site plan amendment request.

[Board Report #6](#)

Use Permit Requests, Amendments and Reviews

7. SP105-9-U-15-2 Use Permit associated with a site plan review for an outdoor cafe at Whole Foods Market; located at 520 12th St. S. (RPC# 35-003-840).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board renewed the use permit associated with a site plan to permit an outdoor café, subject to all previously approved conditions, with an administrative review in six (6) months (January 2021), and a County Board review in five (5) years (July 2025).

The approved Use Permit conditions read as follows:

1. The applicant agrees that an outdoor café is permitted on 12th Street South only as shown between Vestibules 2 and 3 on the "Whole Foods Market Seating Plan" (dated May 26, 2016) (the "Plan"), and that the outdoor café shall not be used until a certificate of occupancy has been obtained for that use. The applicant agrees to maintain a minimum of nine (9) feet of clearance width along all sidewalks for pedestrians.
2. The applicant agrees to comply with all requirements set forth in all applicable ordinances, codes and regulations, including, by way of illustration and not limitation, those administered by the Zoning Office (including the applicable requirements listed in the Arlington County Zoning Ordinance (ACZO) Section for "Outdoor Cafes"), the Inspection Services Division, the Community Code Enforcement Office, the Police Department, and the Fire Marshal's Office.
3. The applicant agrees that no live entertainment or dancing are permitted in the outdoor café area at any time. The applicant agrees to comply with and follow the requirements listed in the Arlington County Zoning Ordinance (ACZO) Section for "Outdoor Cafes" as they relate to "sound or audio or video entertainment".
4. The applicant agrees that any umbrellas in the outdoor café shall not encroach beyond the railing shown on the Plan nor interfere with pedestrian movement along the sidewalk. The applicant also agrees that the railing and all other equipment as shown in the outdoor café on the Plan, including tables, chairs and recycling containers shall not be permanently affixed to the sidewalk.
5. The applicant agrees to designate a neighborhood liaison to communicate with the nearby residents and neighbors to address concerns which may be related to the outdoor café and an on-site liaison (this may be the same person) that shall be available during the hours of the business operation to receive and respond to developer/landlord and community concerns. The name, telephone number and electronic mail address (if available) of the on-site liaison shall be submitted to the Zoning Administrator and a copy sent to the Crystal City Civic Association and the Aurora Highlands Civic Association prior to the issuance of a certificate of occupancy for the outdoor café.
6. The applicant agrees that the County Board shall review the use permit upon any change in tenancy of the subject space. Such review shall occur prior to the issuance of a certificate of occupancy for a new business.
7. The applicant agrees that outdoor display of merchandise shall occur only subject to County Manager approval and in conformance with Condition #81 of SP #105; SP-9.

[Board Report #7](#)

8. SP196-U-20-1 Use Permit associated with a site plan for outdoor seating (Thai Treasure); located at 3811 Fairfax Drive (RPC# 14-030-055).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board deferred the use permit associated with SP#196 for outdoor seating to the September 12, 2020, County Board meeting.

[Board Report #8](#)

9. SP362-U-19-1 Use Permit associated with a site plan for live entertainment (Buena Vida/TTT/UP); located at 2900 Wilson Blvd. (RPC# 18-011-008).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board renewed the subject use permit for live entertainment at the Buena Vida/TTT/UP restaurant, subject to all previously approved conditions, and with a County Board review in four (4) months (November 2020)

1. The approved use permit conditions read as follows:
2. The applicant agrees that live entertainment is permitted only from 8:00 p.m. to 12:00 a.m., Thursdays; from 8:00 p.m. to 1:30 a.m. Fridays, Saturdays, and Sundays on the eve of Federal holidays; and all other Sundays not of the eve of Federal holidays from 8:00 p.m. to 11:00 p.m.
3. No dancing is permitted.
4. The applicant agrees to comply with all applicable requirements of County ordinances and State statutes, including by way of illustration and not limitation, the laws and regulations enforced by the Community Health Protection Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board (ABC).
5. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Control Ordinance (Arlington County Code Chapter 15) and further agrees that the restaurant's windows and doors shall remain closed during the times of live entertainment except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment.
6. 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 to the County upon the County's request.
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 where possible.
8. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
9. The applicant shall make customers aware of proximity to Metro, available parking and any special parking arrangements through postings in the restaurant and on their website.
10. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating, if applicable.
11. The applicant agrees to participate in the established Clarendon Live Entertainment Neighborhood Advisory Group, consisting of representatives of the Clarendon live

entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Fire Marshal, Code Enforcement, and Planning. The advisory group meets at least two (2) times per year and more as necessary to work through issues associated with the live entertainment uses. One (1) of the meetings will consist of an educational seminar to review requirements and regulations of various departments, codes, and policies. The applicant agrees to have a representative with management authority in the restaurant attend all such meetings.

12. The applicant agrees to designate and make available a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and dancing, an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment and dancing. The name, telephone number, and electronic mail address (if available) of the neighborhood liaison shall be submitted to the Zoning Administrator and a copy sent to the Lyon Village Civic Association prior to the issuance of a certificate of occupancy.
13. The applicant agrees that the approval for live entertainment at 2900 Wilson Boulevard is valid only for the current tenant/owner of TTT/Buena Vida/UP. In the event that any other tenant/owner occupies the premises, the use permit shall be subject to review and renewal by the County Board at the time of such change in occupancy.

[Board Report #9](#)

10. U-2973-99-1 Use Permit Review for live entertainment and dancing at Pike Bolivian Restaurant; located at 4111 Columbia Pike (RPC# 23-033-075).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board renewed the use permit for live entertainment and dancing subject to all previously approved conditions, with administrative reviews in six (6) months (January 2021) and three (3) years (July 2023) and with a County Board review in five (5) years (July 2025).

The approved use permit conditions read as follows:

1. The applicant agrees that live entertainment and dancing shall be limited to the hours between 10:30 p.m. and 1 a.m. on Thursdays, Fridays, Saturdays, Sundays, and Mondays. The applicant agrees that dancing is not permitted unless and until a dance hall permit is obtained from the Zoning Office.
2. The applicant shall post a sign in Spanish that advises all patrons who wish to depart to call for taxicab service if they are intoxicated. The applicant agrees that all staff members will attend the Training Intervention Procedures for Servers (TIPS) Program provided by the State Alcohol Beverage Control (ABC) Board.
3. The applicant agrees to contract for the services of a security guard during the week. The applicant further agrees that on-site dedicated security shall be provided from 9:30 pm until closing on nights in which live entertainment is provided. The on-site security may consist of "in-house" staff, so long as that staff is dedicated to security only.
4. By way of illustration and not limitation, the applicant agrees to comply with the limits established in the Arlington County Noise Ordinance and further agrees that the restaurant's windows and doors shall remain closed during the times of live entertainment, except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment.

5. The applicant agrees to comply with all requirements of County and State Ordinances, including by way of illustration and not limitation, the Environmental Health Bureau, and the Fire Marshall, the Police Department, and the Virginia Department of Alcoholic Beverage Control (ABC).
6. The applicant agrees to identify an on-site liaison that shall be available during the hours of operation to receive and respond to community concerns. The name and telephone number of the liaison shall be clearly posted on site for the benefit of community residents. This information shall also be sent to the presidents of the Alcova Heights and Douglas Park Citizens Associations, the Columbia Pike Revitalization Organization (CPRO) and the County Zoning Administrator.
7. The applicant agrees to post signs in windows telling patrons to respect the peace of residential neighborhoods and to avoid parking in the residential neighborhood where possible.
8. The applicant agrees to ensure that any patrons queuing outside keep noise to a minimum.
9. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping and picking up cigarette butts and litter, which may have accumulated overnight.

[Board Report #10](#)

11. U-3224-09-1 Use Permit Amendment to modify Condition #19 regarding undergrounding of aerial utilities (Axumite Village); located at 1036, 1100, and 1106 S. Highland St. (RPC#'s 32-007-167, -168, and -022).

This item was removed from Consent for a hearing at the July 21st Recessed Meeting.

[Board Report #11](#)

12. U-3301-11-1 Use Permit Review for a health club (Little River Yoga); located at 6025 Wilson Blvd. (RPC #12-024-001).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board discontinued the use permit for a health club, located at 6025 Wilson Blvd.

[Board Report #12](#)

13. U-3304-11-1 Use Permit Review for Ethiopian Community Development Council (ECDC) for educational and community building uses (including community events); located at 901 & 903 S. Highland St. and 3045 Columbia Pike (RPC# 25-014-003; - 006).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board renewed the use permit subject to all previously approved conditions, with administrative reviews in six (6) months (January 2021) and three (3) years (July 2023) and a County Board review in five (5) years (July 2025).

The approved use permit conditions read as follows:

1. The applicant agrees that educational uses for ECDC/EDG shall be permitted on the third and first floors and lower lobby level of the building located at 901 S. Highland Street, in the spaces identified on the attached plans dated June 2011 and prepared by Highland Holdings, LLC. Educational uses shall be permitted on the fourth floor of the building at 901 S. Highland Street and on the third and fourth floors of the building at 3045 Columbia Pike, provided the applicant obtains approval by the Zoning Administrator of administrative change to this use permit identifying the location and amount of office gross floor area to be used for such purposes.

2. The applicant agrees that community events shall be permitted in the 3,764-square foot ballroom space located on the ground floor of the building located at 903 S. Highland Street/3045 Columbia Pike and in the 1,982-square foot spaced located on the lower level of the building located at 901 S. Highland Street, in the spaces identified on the attached plans dated June, 2011 and prepared by Highland Holdings, LLC, and in the approximately 1,437 square feet of space on the first floor/lobby level of the building located at 901 S. Highland Street, in the spaces identified on the attached plans dated June 2019, prepared by Highland Holdings LLC, and entitled "First Floor Plan." The applicant agrees that community events are permitted during the days and times specified below:

Permitted Community Events Spaces and Hours and Days of Operation

Space	Building	Days Permitted	Hours Permitted
Lower Lobby (1982 sf)	901 S. Highland Street	Mondays through Thursdays	Until 10 pm.
		Fridays, Saturdays, Holiday Sundays	Until 12 am
		Regular Sundays (no holiday)	Until 10 pm
First Floor (1,437 sf)	901 S. Highland Street	Mondays through Thursdays	Until 10 pm.
		Fridays, Saturdays, Holiday Sundays	Until 12 am
		Regular Sundays (no holiday)	Until 10 pm
Ballroom (3,764 sf)	903 S. Highland Street/3045 Columbia Pike	Mondays through Thursdays	Until 10 pm
		Fridays, Saturdays, Holiday Sundays	Until 2 am
		Regular Sundays (no holiday)	Until 10 pm

The applicant agrees to take all necessary steps to ensure that all event-goers shall leave the premises by the times specified in this Condition #2; provided that those cleaning the event space are permitted to remain on the premises after the event has ended, music is turned off, and event goers are actively and expeditiously leaving the premises. Community events shall be generally non-commercial in nature and shall be defined as:

- Wedding receptions;
- Birthday parties, graduation parties, engagement parties, and other private parties;
- Poetry readings;
- Memorial and mourning services; Fundraising for charitable causes; Cultural ceremonies (not including regularly scheduled religious ceremonies);

And other similar events.

Religious services are a by-right use and are not subject to the restrictions of this use permit.

3. The applicant agrees that community events may only take place within the building, and that windows and doors to the outside shall remain shut during all events. The applicant further agrees to comply with the Arlington County Noise Ordinance. The applicant agrees to install soundproofing for the event space at 3045 Columbia Pike, in accordance with a soundproofing plan approved by the County Manager or his designee. The applicant agrees to submit a soundproofing plan, and obtain approval for such plan, from the County Manager or his designee prior to May 12, 2016. The soundproofing plan shall include a plan for the installation of sound dampening panels inside the event space. The County Manager or his designee will not approve the plan unless it is found that the type of sound dampening material and location of the installations will reasonably reduce the level of noise from music, including bass, from the 3,764-square foot space at 3045 Columbia Pike during events. All sound dampening material shall be installed no later than June 12, 2016. The applicant further agrees to maintain the soundproofing in good condition for the life of this use permit.
4. The applicant agrees that a minimum of two ECDC staff members, or security personnel shall be present during all community events, for the purpose of monitoring the conduct of event-goers. All personnel working security during events shall be uniformed or wear brightly colored vests with ECDC lettering/logo visible. The applicant agrees that a minimum of one personnel be stationed outside the venue during events to monitor the parking situation on S. Highland Street and to monitor the behavior of event-goers entering and exiting the event-space. The applicant further agrees to post signs during events only, directing event-goers from the venue space through the rear of the property to the parking garage. The applicant agrees that all ECDC staff working security during events shall participate in public safety training with the Police Department.
5. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to educational uses or community events and an on-site liaison that shall be available during the hours in which classes are provided and community events are held, to receive and respond to community concerns regarding these uses. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Arlington Heights Civic Association, and to all abutting residential property owners with addresses along S. Highland Street directly across from the ECDC buildings. The applicant further agrees to organize and host annual meetings with the abutting residential property owners and the president of the Arlington Heights Civic Association, the purpose of which is to discuss community events and any suggested improvements to events management. The applicant agrees to submit to the Zoning Administrator a copy of the attendance sheet for these meetings.
6. The applicant agrees to prepare an Events Management Plan that shall govern how community events are managed at the site, the intent of which is to ensure that noise from music, noise from events-goers, and parking issues do not adversely impact abutting residential properties. The applicant agrees that the Events Management Plan shall be submitted to the Zoning Administrator, the president of the Arlington Heights Civic Association, and the abutting property owners along S. Highland Street, prior to the issuance of an amended Certificate of Occupancy to allow community events in the 1,437 sf space on the ground floor/lobby level of the 901 S. Highland Street building. The Events Management Plan shall contain the following elements:
 - a. A plan for stationing and protocols for security personnel required by Condition #4, including requirements for security personnel to be stationed at the parking garage, along S. Highland Street, in the parking lot adjacent to Columbia Pike to direct event-goers and rideshare users to the proper location, and in the events-space itself.
 - b. A plan for routing event-goers to and from the parking garage into the entrance at 903 S. Highland Street behind the building, including a plan for striping a pathway on the subject property so that this route is clearly marked, for the purpose of

- preventing event-goers from loitering on S. Highland Street before and after events. The pathway shall be striped on ECDC property in a crosswalk pattern using reflective white paint and shall clearly demarcate visually the route by which event-goers shall walk to and from the parking garage from the Ballroom space. In addition, the applicant agrees that the gate leading to the pathway behind the 901 S. Highland Street building shall remain open for the duration of community events.
- c. A plan for encouraging that event-goers taking rideshare/taxi or being picked up by a private vehicle do not loiter on S. Highland Street, and that all pick-up/drop-off activity is encouraged to occur from the parking lot adjacent to Columbia Pike.
 - d. A plan for provision of information to community events-goers, including information about parking, pick-up and drop-off, and the flyer prepared by the Police Department entitled "Common Arlington County Parking Violations." The plan shall also require this information to be posted inside the events spaces.

7. Provision of Schedules for Community Events

- a. The applicant agrees to provide to the Police Department and the Zoning Administrator, on a quarterly basis, a schedule of all previously conducted community events for the preceding quarter as well as all known upcoming community events to be conducted at the site by Condition #2, in addition to making this information available to the Police Department and the Zoning Administrator upon request. The schedule of events provided to the Police Department and the Zoning Administrator shall include the dates, times, and types of events booked. The schedule of events may be emailed to the Police Liaison and the Zoning Administrator quarterly.
- b. The applicant further agrees to post a weekly schedule of community events in all locations on the site permitted by Condition #2, including start times and end times, on the vestibule doors of the entrances at 901 S. Highland Street, 903 S. Highland Street, and 3045 Columbia Pike in a manner so as the schedule is visible to the public.

[Board Report #13](#)

14. U-3318-11-1 Use Permit Amendment to modify the location of an existing open-air market (FRESHFARM Crystal City Farmers Market), to be temporarily located at 400 11th St. S. (RPC# 35-001-028).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the use permit amendment, subject to all previously approved conditions and additional Condition #10.

The approved Use Permit conditions read as follows:

1. The applicant agrees that the hours of operation for the open-air market will be limited to Tuesdays from 3 p.m. to 7 p.m., April through November. The times for vendor set-up and breakdown shall be in accordance with any existing and future license agreement with the County.
2. The applicant agrees to identify a person who will serve as liaison to the community throughout the operation of the use. The liaison's name shall be submitted to the Zoning Administrator and shared with the Crystal City Citizen Review Council prior to the issuance of a certificate of occupancy.
3. The applicant agrees to meet all applicable County requirements and work cooperatively with the Police Department, the Fire Department, the Community Code Enforcement Office, the Department of Environmental Services and the Department of Public Works in doing so, including obtaining, where applicable, right-of-way permits and licenses from the Department of Environmental Services Real Estate Division.

4. The applicant agrees to provide all vendors associated with the Market with a document that lays out the preferred approach routes for vehicles and identifying major arterial roadways to avoid the use of neighborhood residential streets. This document shall be provided to the Zoning Administrator before issuance of the Certificate of Occupancy.
5. The applicant agrees that the Market shall take all practical measures to encourage the use of the Metro and also to encourage customer parking in adjacent parking facilities as designated in the parking plan. The applicant agrees that such measures will include but will not be limited to verbal and written documents (including maps) directing patrons to the Metro access points and to public parking garages in the area.
6. The applicant agrees to comply with the requirements of the County's Noise Ordinance.
7. The applicant agrees to lay out the vendor spaces generally in accordance with the Temporary Crystal City Farmers' Market Vendor and Parking Plan attached to the County Board Report dated September 13, 2019.
8. The applicant agrees to maintain a minimum six (6) foot of clear sidewalk space along Crystal Drive.
9. The applicant agrees to relocate the open-air market in the layout shown in the "Proposed Layout of Farmers Market at 2011-2121 Crystal Drive", attached to the County Board report for the September 21, 2019 meeting, from the Crystal City Courtyard Green at 2011-2121 Crystal Drive subject to approval of an amendment to this use permit prior to commencement of construction of the retail additions approved by the County Board on June 16, 2018, through Site Plan Amendment SP #167.
10. The applicant agrees to lay out the vendor spaces at 400 11th Street South generally in accordance with the "Market Plan" attached to the County Board Report for the July 18, 2020 County Board meeting. The applicant further agrees to end operation of the farmers market at 400 11th Street South (RPC #35-001-028) prior to the first permit issued for Site Plan Amendment SP #244, approved by the County Board on October 19, 2019, and return to the approved location at 2011 – 2121 Crystal Drive (RPC #34-020-233, -234) unless otherwise approved through use permit amendment.

[Board Report #14](#)

15. U-3442-16-1 Use Permit Review of live entertainment at Mazagan Restaurant; located at 2901 Columbia Pike (RPC# 25-013-002).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board discontinued the use permit for live entertainment, located at 2901 Columbia Pike.

[Board Report #15](#)

16. U-3443-16-1 Use Permit Review for a child care center for up to 24 children at the Shelton Apartments; located at 3215 24th St. S. (RPC# 31-022-101).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board discontinued the subject use permit for a child care center.

[Board Report #16](#)

17. U-3349-15-3 Use Permit Review for live entertainment and dancing at El Salvador restaurant; located at 4805 Columbia Pike (RPC #23-006-001).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board renewed the subject use permit for live entertainment and dancing at El Salvador Restaurant, subject to all

previously approved conditions, and with administrative reviews in six (6) months (January 2021) and one (1) year (July 2021) and a County Board review in three (3) years (July 2023).

The approved Use Permit conditions read as follows:

1. The applicant agrees that live entertainment and dancing is permitted only from 9 p.m. to 2 a.m., and only on Tuesdays, Fridays, Saturdays and Sundays.
2. The applicant agrees to comply, by way of illustration and not limitation, with all applicable requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board (ABC).
3. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights on which live entertainment is provided. The applicant further agrees that, dedicated security will consist of at least two (2) security persons working on-site at all times, as follows: at least one (1) person will be stationed at the door of the restaurant; and at least one (1) security person will be working within the restaurant.
4. The applicant agrees to comply with the Arlington County noise ordinance and further agrees that the restaurant's windows and doors shall remain closed during the times of live entertainment except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment. The applicant agrees that live entertainment shall be restricted to the restaurant space, which is depicted on the floor plan attached to this report (the applicant further specifically agrees that dancing is not permitted under this use permit). The applicant expressly agrees that only the area shown on the attached plan may be used for live entertainment. To the extent that live entertainment is amplified using an internal speaker system, the applicant agrees that live entertainment shall not be piped to areas other than the space depicted in the attached floor plan.
5. The applicant agrees to provide, to all staff, TIPS (Training for Intervention Procedures), RSVP (Responsible Sellers and Servers), or similar certification. All staff shall receive certification prior to the commencement of live entertainment. Evidence of the completion of such training shall be submitted to the County Manager upon his request.
6. The applicant agrees that dancing is not permitted unless and until a dance hall permit is obtained from the Zoning Office.
7. The applicant agrees to post signs inside all entrances that ask patrons to respect the residential neighborhoods and to avoid parking in the residential neighborhood. The signs shall be readily visible to entering patrons and will be in both English and Spanish.
8. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.

[Board Report #17](#)

18. U-3515-18-1 Use Permit Review for a child care center for up to 235 children (The Childrens School); located at 4770 Lee Highway (RPC# 07-006-248).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board renewed the use permit for a child care center for up to 235 children (The Children's School), subject to the previously approved conditions with a one (1) year County Board review (July 2021).

The approved Use Permit conditions read as follows:

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 6:30 a.m. to 6:00 p.m. Monday through Friday. The applicant further agrees that the maximum permitted enrollment is 235 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 identify a person who will serve as liaison to the community throughout the duration of construction. This individual shall be on the construction site throughout the hours of construction. The name and telephone number of this individual shall be provided in writing to residents, property managers, and business owners whose property abuts or is adjacent to the site, and properties across Lee Highway, the GlebeWood Civic Association, Old Dominion Civic Association, Lee Highway Alliance, Zoning Administrator, and posted at the entrance of the project, prior to issuance of the Demolition Permit.
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 operation of the 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, GlebeWood Civic Association, Old Dominion Civic Association, and Lee Highway Alliance prior to issuance of the Certificate of Occupancy.
5. The applicant agrees to submit a traffic management plan (TMP) and obtain the review and approval of such plan by the Zoning Administrator. This plan shall demonstrate how drop-off and pick-up procedures will be managed at the site to mitigate potential queueing on Lee Highway or cause a hazard to pedestrians. The applicant agrees that the plan shall be approved only if it includes:
 - a. The number and location of parking spaces within the on-site underground parking garage dedicated for staff of The Children's School;
 - b. The number and location of parking spaces within the on-site underground parking garage dedicated for parent drop-off and pick-up procedures.
 - c. Operational procedures for drop-off and pick-up of children attending The Children's School.

The parking spaces within the on-site underground parking garage shall comply with all requirements set forth in all applicable ordinances and regulations, including, by way of illustration and not limitation, those administered by Section 14 of the Arlington County Zoning Ordinance. The TMP shall demonstrate that the child care center meets the parking requirements of the Arlington County Zoning Ordinance (1 parking space /employee). The Zoning Administrator's approval of the TMP shall be obtained prior to issuance of a certificate of occupancy for the child care use.

6. The applicant agrees to ensure that a staff member will be located at the entrance of the building during regular drop-off and pick-up hours to assist in the arrival and departure of children.
7. The applicant agrees that the design and layout of The Children's School shall substantially conform with the conceptual drawings submitted as part of this application and dated December 2, 2019, with the exception that the outdoor children's garden on the eastern side of the building along Lee Highway may be replaced with a planted area enclosed by a seat wall or other enclosure

not including a fenced treatment. Other minor modifications of the approved drawings may be made through administrative change approved by the Zoning Administrator.

[Board Report #18](#)

19. U-3533-19-1 Use Permit Review for live entertainment at Ambar Clarendon and BABA Bar; located at 2901 Wilson Blvd. (RPC #15-066-019).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board renewed the subject use permit for live entertainment at Ambar Clarendon and BABA Bar, subject to all previously approved conditions, and with a County Board review in four (4) months (November 2020).

The approved use permit conditions read as follows:

1. The applicant agrees that live entertainment is permitted only from 8 p.m. to 12 a.m., Thursday through Saturday and from 8:00 p.m. to 11:00 p.m. on Sundays for Ambar, and for BABA Bar from 8 p.m. to 12 a.m. on Wednesday, Thursday, and Sunday (8 p.m. to 1:30 a.m. allowed on the first Sunday of the month), and from 8 p.m. to 1:30 a.m. on Friday and Saturday.
2. The applicant agrees to comply, by way of illustration and not limitation, with all applicable requirements of County Ordinances and State statutes, including the laws and regulations enforced by the Community Health Protection Bureau, and the Fire Marshal, the Police Department and the Virginia Alcohol Beverage Control Board (ABC).
3. The applicant agrees to comply with the Arlington County Code Chapter 15, Noise Control, as may be amended, and further agrees that under no circumstances shall live entertainment and dancing 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 and dancing.
4. 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 to the County upon the County's request.
5. The applicant agrees that dancing is not permitted unless a use permit amendment for dancing is approved by the County Board and until a dance hall permit for dancing is obtained from the Zoning Office.
6. 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 where possible.
7. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
8. The applicant agrees to make customers aware of proximity to Metro, available parking and any special parking arrangements through postings in the restaurant and on their website.
9. The applicant agrees to clean the sidewalk and plaza in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.
10. The applicant agrees to participate in the established Clarendon Live Entertainment Neighborhood Advisory Group, consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Civic Association, and

representatives of various County staff including Police, Fire Marshal, Code Enforcement, and Planning. The advisory group meets bi-annually as required to work through issues associated with the live entertainment uses. One (1) of the bi-annual meetings will consist of an educational seminar to review requirements and regulations of various departments, codes, and policies. The applicant agrees to have a representative with management authority in the restaurant attend all such meetings.

11. The applicant agrees to designate and make available a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment, an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name, telephone number, and electronic mail address (if available) of the neighborhood liaison shall be submitted to the Zoning Administrator and a copy sent to the Lyon Village Citizen's Association and Clarendon-Courthouse Civic Association prior to the issuance of a Certificate of Occupancy.
12. The applicant agrees that the approval for live entertainment at 2901 Wilson Boulevard is valid only for the current tenant/owner of Ambar Clarendon / BABA Bar. In the event that any other tenant/owner occupies the premises, the use permit shall be subject to review and renewal by the County Board at the time of such change in occupancy.

[Board Report #19](#)

20. The Goddard School, 5222 Lee Highway

A. U-3535-19-1 Use Permit Review for a childcare center of up to 60 children (The Goddard School); located 5222 Lee Highway (08-004-005).

B. U-3536-19-1 Use Permit Review for a childcare center of up to 208 children with parking modifications (off-site) (The Goddard School); located 5328 Lee Highway (RPC# 09-001-028).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board renewed the subject use permit for a child care center of up to 60 children, subject to the conditions of the staff report, with a County Board review in one (1) year (July 2021), and renewed the subject use permit for a child care center of up to 208 children with parking modifications (off-site), subject to the previously approved conditions, with a County Board review in one (1) year (July 2021).

The approved Use Permit Conditions for 5222 Lee Highway read as follows:

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 6:30 a.m. to 6:30 p.m. Monday through Friday. The applicant further agrees that the maximum permitted enrollment is 60 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 designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to the operation of the

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, John M. Langston Civic Association, Leeway-Overlee Civic Association, Yorktown Civic Association, and Lee Highway Alliance prior to issuance of the Certificate of Occupancy.

4. The applicant agrees to submit a parking plan to the Zoning Administrator, which will only be approved if it shows at least the minimum number of parking spaces required by the Arlington County Zoning Ordinance. The applicant agrees that the plan shall show the location and total number of spaces. The applicant further agrees that those parking spaces will be available for staff persons of the after-school program between the hours of operation specified for the facility. The parking spaces shall comply with all requirements set forth in all applicable ordinances and regulations, including, by way of illustration and not limitation, those administered by Section 14 of the Arlington County Zoning Ordinance. The applicant further agrees that the new spaces depicted on this plan will be made available to support the subject use prior to issuance of a certificate of occupancy for the child care use.

The approved Use Permit Conditions for 5328 Lee Highway read as follows:

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 6:30 a.m. to 6:30 p.m. Monday through Friday. The applicant further agrees that the maximum permitted enrollment is 208 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 designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to the operation of the 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, Leeway-Overlee Civic Association, Yorktown Civic Association, John M. Langston Civic Association, and Lee Highway Alliance prior to issuance of the Certificate of Occupancy.
4. The applicant agrees to submit a parking plan to the Zoning Administrator, which shall only be approved if it shows at least the minimum number of parking spaces required by the Arlington County Zoning Ordinance. The applicant agrees that the plan shall show the location and total number of spaces. The applicant further agrees that those parking spaces will be available for staff persons of the after-school program between the hours of operation specified for the facility. The parking spaces located at 5328 and 5222 Lee Highway shall comply with all requirements set forth in all applicable ordinances and regulations, including, by way of illustration and not limitation, those administered by Section 14 of the Arlington County Zoning Ordinance. The applicant further agrees that the new spaces depicted on this plan will be made available to support the subject use prior to issuance of a certificate of occupancy for the child care use.

[Board Report #20 A.](#)

[Board Report #20 B.](#)

21. Eye Smile Dental Care & Optometry, 4231 Columbia Pike

A. U-3538-19-1 Use Permit Review for a medical/dental office (Eye Smile Dental Care); located at 4231 Columbia Pike (RPC #23-034-017 and -018).

B. U-3539-19-1 Use Permit Review for a medical/dental office (Eye Smile Optometry); located at 4231 Columbia Pike (RPC #23-034-017 and -018).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board renewed the use permit, subject to all previously approved conditions, for a medical/dental office with administrative reviews in six (6) months (January 2021) and three (3) years (July 2023) and a County Board review in five (5) years (July 2025), and renewed the use permit, subject to all previously approved conditions, for a medical/dental office with administrative reviews in six (6) months (January 2021), and three (3) years (July 2023), and a County Board review in five (5) years (July 2025).

The approved Use Permit conditions for U-3538-19-1 read as follows:

1. The applicant agreed to comply, by way of illustration and not limitation, with all applicable requirements of County Ordinances and State statutes, including the laws and regulations enforced by Virginia State Code, and the Fire Marshal, and the Police Department.
2. The applicant agrees that the permitted hours of operation shall be from 8 a.m. to 6 p.m., Monday through Friday and from 9 a.m. to 3 p.m. on Saturday.
3. The applicant agrees that any alterations or modifications to the permitted façade approved by the County Board on February 17, 2016, will be subject to further review by staff and shall only be permitted subject to the approval of an administrative change by the Zoning Administrator.

The approved Use Permit conditions for U-3539-19-1 read as follows:

1. The applicant agreed to comply, by way of illustration and not limitation, with all applicable requirements of County Ordinances and State statutes, including the laws and regulations enforced by Virginia State Code, and the Fire Marshal, and the Police Department.
2. The applicant agrees that the permitted hours of operation shall be from 8 a.m. to 6 p.m., Monday through Friday and from 9 a.m. to 3 p.m. on Saturday.
3. The applicant agrees that any alterations or modifications to the permitted façade approved by the County Board on February 17, 2016, will be subject to further review by staff and shall only be permitted subject to the approval of an administrative change by the Zoning Administrator.

[Board Report #21 A.](#)

[Board Report #21 B.](#)

22. U-3543-19-1 Use Permit Review for an after-school program (Aspire); located at 909 S. Dinwiddie St. (Arlington Mill Community Center) (RPC #22-001-725).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board renewed the use permit, subject to all previously approved conditions and with administrative reviews in six (6) months (January 2021) and three (3) years (July 2023), and with a County Board review in five (5) years (July 2025).

The approved Use Permit conditions read as follows:

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 would be 3 p.m. to 6 p.m. Monday through Friday. The applicant further agrees that the maximum permitted enrollment is 100 students, 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 designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this after school program. The name, telephone number, and electronic mail address of the liaison shall be submitted by the applicant to the Zoning Administrator and the Barcroft School and Civic League, Arlington Mill, Columbia Forest, and Douglas Park Civic Associations prior to issuance of a Certificate of Occupancy.
4. The applicant agrees to submit a parking plan to the Zoning Administrator, and obtain approval for such plan, which will only be approved if provides at least the minimum number of parking spaces required by the Arlington County Zoning Ordinance. The applicant agrees that the plan shall show the location and total number of spaces. The applicant further agrees that those new parking spaces will be available for staff persons of the after-school program between the hours of operation specified for the facility. The parking spaces shown on the parking plan shall comply with all requirements set forth in all applicable ordinances and regulations, including, by way of illustration and not limitation, those administered by Section 14 of the Arlington County Zoning Ordinance. The applicant further agrees that the spaces depicted on this plan will be made available to support the subject use prior to issuance of a certificate of occupancy for the child care use.

[Board Report #22](#)

23. U-3574-19-1 Use Permit for a drive-through window for a fast food restaurant (McDonalds); located at 4834 Lee Highway (RPC# 07-006-002, -003, -004).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board deferred the use permit for a new drive-through window for an existing restaurant (McDonald's) to the September 12, 2020, County Board meeting.

[Board Report #23](#)

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

24. Fillmore Park, 33 N. Fillmore St.
 - A. Second amendment to the license agreement (Relocatable Classrooms) between the County Board of Arlington County, Virginia, as Licensor, and the Arlington County School Board, as Licensee, on a portion of county-owned property known as Fillmore Park located at 33 N. Fillmore St., Arlington, Va. (RPC# 18-074-060);

B. License agreement (Playground) between the County Board of Arlington County, Virginia, as Licensor, and the Arlington County School Board, as Licensee, on a portion of county-owned property known as Fillmore Park located at 33 N. Fillmore St., Arlington, Va. (RPC# 18-074-060)

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the attached Second Amendment to License Agreement (Relocatable Classrooms) between the County Board of Arlington County, Virginia, as Licensor, and the Arlington County School Board, as Licensee, on a Portion of County-Owned Property known as Fillmore Park located at 33 N. Fillmore St., Arlington County, Virginia (RPC No. 18-074-060); approved the attached License Agreement (Playground) between the County Board of Arlington County, Virginia, as Licensor, and the Arlington County School Board, as Licensee, on a Portion of County-Owned Property known as Fillmore Park located at 33 N. Fillmore St., Arlington, Virginia (RPC# 18-074-060); and authorized the Real Estate Bureau Chief, Department of Environmental Service, or his designee, to execute on behalf of the County Board, the Second Amendment to License Agreement (Relocatable Classrooms), the License Agreement (Playground) and all related documents, subject to approval as to form of all documents by the County Attorney.

[Board Report #24](#)

25. This item is now #4 B.

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Ordinances, Plans and Policies

26. ZOA-2020-02. Amendments to Arlington County Zoning Ordinance (ACZO) Section 16, Nonconformities, specifically Section 16.2, Nonconforming Buildings and Structures to enable expansions and additions to nonconforming two-family dwellings in Article 6 RA Districts.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board deferred the subject ordinance to amend, reenact and recodify Article 16 of the Arlington County Zoning Ordinance, (ACZO) §16, Nonconformities, specifically §16.2, Nonconforming Buildings and Structures to enable expansions and additions to nonconforming two-family dwellings in Article 6 RA Districts until the September 12, 2020, County Board meeting.

[Board Report #26](#)

27. Amendment to the County's Continuity Of Government Ordinance to authorize an extension of the time period in which Board of Zoning Appeal (BZA) approved variances and use permits must be acted upon and put into effect.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board adopted the attached Amendments to Arlington County Continuity of Government Ordinance associated with the COVID-19 Pandemic tolling of the time period specified and suspension of the enforcement of AZCO §15.6.5 Time limits.

The adopted Ordinance reads as follows:

BE IT ORDAINED, by the County Board of Arlington County, Virginia, that the ordinance adopted by the County Board on March 24, 2020 and last amended on June 13, 2020 to assure continuity of government associated with the COVID-19 pandemic disaster ("Arlington County Continuity of Government Ordinance") is amended, reenacted and recodified to read in pertinent part, as follows:

WHEREAS, the Governor of Virginia, by Executive Order No. 51, declared a state of emergency in Virginia on March 12, 2020, in response to the spread of novel coronavirus, or COVID-19, a communicable disease of public health threat as so declared by the State Health Commissioner on February 7, 2020 ("COVID-19"), stating that the anticipated effects of COVID-19 constituted a disaster as described in § 44-146.16 of the Code of Virginia, 1950, as amended, and

directed state and local governments to “render appropriate assistance to prepare for this event, to alleviate any conditions resulting from the situation, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions as much as possible”; and

6. The application and enforcement of §15.6.5 of the Arlington County Zoning Ordinance, which requires any variance or use permit granted by the BZA to be acted upon and put into effect within one year of the approval, shall be tolled suspended for the duration of this ordinance.

7. Except for those grants which require specific approval of the County Board, the County Manager is authorized to sign and accept grants on behalf of the Board, and execute required grant agreements in a form approved by the County Attorney, when deemed essential to the management and continued operation of the County during the emergencies declared by the Governor and the County Manager and where delaying the submission would negatively impact the County.

8. The County Manager is authorized to apply for any federal or State funding, reimbursement, or aid related to the attack, crisis, disaster, or emergency and its impacts on the County, and its businesses and residents, and to execute required grant agreements in a form approved by the County Attorney.

9. Nothing in this ordinance shall prohibit the County Board or other public and regional bodies from convening in-person public meetings provided that public health and safety measures, including appropriate physical distancing, are utilized.

BE IT FURTHER ORDAINED that this ordinance shall be effective upon adoption and shall be in effect for six (6) months from the end of the COVID-19 disaster, unless sooner repealed by the County Board, at which time the measures instituted hereunder shall end and the government operations, practices, and procedures modified hereunder shall resume and be carried out in the manner that existed prior to adoption of this ordinance.

Adopted the 18th day of July, 2020.

[Board Report #27 \(Posted 07-16-2020\)](#)

- 28. Adoption of amendment of Arlington County Code Chapter 31, Human Rights, to add gender identity as a protected basis and update the definition of sexual orientation, consistent with recent changes to the Virginia Code.

This item was removed from Consent for a hearing at the July 21st Recessed Meeting.

[Board Report #28 \(Posted 07-14-2020\)](#)

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Other

- 29. Revised Memorandum of Agreement (MOA) between Arlington County and the U.S. Department of Transportation Federal Highway Administration Eastern Federal Lands Highway Division (EFLHD) to establish the terms under which EFLHD will carry out the environment documentation, final design, and permitting for the construction of a multi-use trail along Washington Boulevard (Route 27).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the Revised Memorandum of Agreement (MOA) between Arlington County and the Department of Transportation Federal Highway Administration Eastern Federal Lands Highway Division (EFLHD),

set forth in Attachment A, for funding to cover engineering activities through final design and bid documents for a multi-use trail along Washington Boulevard (Rte. 27), adjacent to Arlington National Cemetery, and authorize the County Manager or his designee to execute the Agreement on behalf of the County Board in a form approved by the County Attorney.

[Board Report #29 \(Posted 07-17-2020\)](#)

- 30. This item was removed.

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*** Non-Public Hearing Items (Items 31-53) County Board members ONLY may request removal of the following items:**

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Capital Projects

- 31. Interim agreement between the County Board of Arlington County, Virginia and CESC Square, L.L.C., regarding proposed development of the east entrance to the Crystal City Metrorail Station under an unsolicited proposal made pursuant to Virginia Public-Private Education Facilities and Infrastructure Act of 2002, VA Code Ann. 56-575 et. seq. (PPEA).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the attached Interim Agreement between the County Board of Arlington County and CESC Square, L.L.C., a subsidiary of JBG Smith Properties LP ("the Developer") in the amount of \$3.57 million, with a possible option task of co-location in the amount of \$60,000, and a contingency of \$100,000, for a total authorization amount of \$3.73 million, and authorized the County Manager to execute the Interim Agreement, subject to legal review by the County Attorney.

[Board Report #31](#)

- 32. Agreement between the Washington Metropolitan Area Transit Authority (WMATA) and the Arlington County Board for design support services for the Crystal City Metrorail Station East Entrance Project.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the attached Design Support Agreement ("Agreement") for the Crystal City Metrorail Station East Entrance Project ("Project") in an amount not to exceed \$230,000, and authorized the County Manager to execute the Agreement subject to approval as to form by County Attorney.

[Board Report #32](#)

- 33. Award of Contract No. 20-123-9-6 to Procon Consulting, LLC for construction management services for the Pentagon City Metrorail Station second elevator construction.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the award of Contract 20-123-9-6 between the Arlington County Board and Procon Consulting, LLC to provide Construction Management Services for the Pentagon City Metro Station Second Elevator construction (PC2E) located at 1252 S. Hayes St. in the amount of \$742,985.18 plus a contingency of \$74,298.52 for a total contract authorization of \$817,283.70, and authorized the Purchasing Agent to execute the Contract, subject to legal review by the County Attorney.

[Board Report #33](#)

- 34. Award of Contract 20-036-ITB to provide slurry sealing on selected streets countywide.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the award of Contract 20-036-ITB to Slurry Pavers Inc. to provide slurry seal treatment, using the

Virginia Department of Transportation's (VDOT) approved mix of asphalt emulsion and aggregates on selected streets throughout the County in an amount not to exceed approved funding each fiscal year, and authorized the Purchasing Agent to execute the contract documents, subject to legal review by the County Attorney.

[Board Report #34 \(Posted 07-14-2020\)](#)

35. Award of Contract No. 20-250-ITB to M&F Concrete Inc. for the construction and streetscape improvements - three (3) capital projects: (1) South Arlington Ridge Road and South Lang Street, (2) Carlin Spring Road intersection with North Edison Street and with North Wakefield Street and (3) Military Road intersection with Marcey Road and with 36th Road North (DC13, DC14, & DC17 respectively).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the award of Contract No. 20-250-ITB to M&F Concrete Inc. for the Construction and Streetscape Improvements – three (3) Capital Projects (DC13, DC14, & DC17) in the amount of \$549,906.78 and an allocation of \$82,486.02 as a contingency for change orders or increased quantities for a total contract authorization of \$632,392.80, and authorized the Purchasing Agent to execute the contract documents subject to legal review by the County Attorney upon final approval of the Project Award Submittal Package by Virginia Department of Transportation (VDOT).

[Board Report #35](#)

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Appropriations, Grant Applications and Other Contracts

36. Fiscal Year (FY) 2021 Arlington Commission for the Arts Grant Recommendation, allocating the FY 2021 adopted amount of \$215,810 in financial support of Arlington County arts organizations.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the allocation of \$215,810 for the FY 2021 direct financial support of Arlington County arts organizations and artists as recommended by the Arlington Commission for the Arts, and authorized the County Manager, or his designee, to execute grant agreements with grant recipients in a form approved by the County Attorney.

[Board Report #36](#)

37. Intergovernmental Collaboration Agreement to conduct a regional Analysis of Impediments to Fair Housing jointly with other Metropolitan Washington Council of Governments jurisdictions.

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

1. Approved the terms of the substantially final attached Intergovernmental Collaboration Agreement for the 2021-2025 Metropolitan Washington Regional Analysis of Impediments to Fair Housing (Intergovernmental Agreement) (Attachment 1), to conduct a regional analysis of impediments to fair housing jointly with other Metropolitan Washington Council of Governments jurisdictions with a cost of \$20,000 in one-time funds.
2. Authorized and directed the County Manager to execute, on behalf of the County Board, the attached Intergovernmental Agreement, subject to approval as to final form by the County Attorney; and
3. Authorized the County Manager, with the concurrence of the County Attorney, to act as the County Board's representative in approving revisions to the Intergovernmental 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 Intergovernmental Agreement.

[Board Report #37](#)

38. Acceptance and appropriation of Virginia Department of Housing & Community Development's (DHCD) Rent and Mortgage Relief Grant Program funds through state Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding.

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

1. Authorized the County Manager or his designee to accept \$450,000 in start-up grant funds from DHCD for rent and mortgage financial relief for Arlington residents affected by the COVID-19 pandemic;
2. Appropriated \$450,000 from DHCD (101.374900) for rent and mortgage financial relief to the Department of Human Services (101.51101) for rent and mortgage financial relief on behalf of Arlington residents affected by the COVID-19 pandemic; and
3. Ratified execution of the 2020 Rent and Mortgage Relief Program 20-RMRP-004 Grant Agreement, dated June 22, 2020 for the release of emergency RMRP funding, attached to the staff report as Attachment 1.

[Board Report #38 \(Posted 07-14-2020\)](#)

39. Authorization to submit applications to the Commonwealth of Virginia for the Round Four SMART SCALE Program.

This item was removed from Consent for a hearing at the July 21st Recessed Meeting.

[Board Report #39 \(Posted 07-13-2020\)](#)

[#39-Letters from the Public \(Updated 07-12-2020\)](#)

40. Resolution of support for the City of Alexandria application to the Commonwealth of Virginia for the Round Four SMART SCALE Program.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board adopted the below resolution of support for the City of Alexandria application for Upper King Street Multimodal Improvements in the Commonwealth of Virginia's Round Four SMART SCALE program.

The adopted resolution reads as follows:

RESOLUTION OF SUPPORT FOR THE CITY OF ALEXANDRIA UPPER KING STREET MULTIMODAL IMPROVEMENTS APPLICATION TO THE COMMONWEALTH OF VIRGINIA FOR THE ROUND FOUR SMART SCALE PROGRAM

WHEREAS, in 2014, House Bill 2 was signed into law, and in June 2016, the program was renamed SMART SCALE. SMART stands for System Management Allocation of Resources for Transportation and SCALE stands for Safety, Congestion mitigation, Accessibility, Land use, Environmental and economic development; and

WHEREAS, the purpose of SMART SCALE is to fund the right transportation projects through a prioritization process that evaluates each project's merits using key factors, including: improvements to safety, congestion reduction, accessibility, land use, economic development and the environment. The evaluation focuses on the degree to which a project addresses a problem or need relative to the requested funding for the project; and

WHEREAS, the City of Alexandria intends to apply for up to \$40 million in Round Four SMART SCALE for the Upper King Street Multimodal Improvements project; and

WHEREAS, the project limits of the Upper King Street Multimodal Improvements include the Arlington / Alexandria border and the adjacent Arlington community of Fairlington, necessitating ongoing coordination and cooperation for the life of the project; and

WHEREAS, the County finds that the City's goal of rethinking and reconstructing this section of King Street to be complete and accessible to all users is consistent with County transportation plans and policies; and

WHEREAS, the Fairlington Civic Association has indicated its support for the City's SMART SCALE application on July 6, 2020..

NOW, THEREFORE, BE IT RESOLVED THAT the County Board hereby supports Alexandria's application for up to \$40 million for the Upper King Street Multimodal Improvements through the Commonwealth of Virginia's Round Four SMART SCALE program.

ADOPTED this 18th day of July 2020.

[Board Report #40](#)

41. Approval of a Master Agreement for use of Commonwealth Transportation Funds between Arlington County and the Virginia Department of Rail and Public Transportation (DRPT).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the Master Agreement for use of Commonwealth Transportation Funds between the DRPT and Arlington County, and authorize the County Manager, or his designee, to execute the agreement subject to approval of the agreement as to form by the County Attorney.

[Board Report #41 \(Posted 07-13-2020\)](#)

42. Congestion Mitigation and Air Quality Improvement (CMAQ) grant UPC 106474 from the Virginia Department of Transportation (VDOT); Authority to accept grant funds and execute the grant agreement with VDOT.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board accepted and executed, on behalf of the County Board, an Agreement with VDOT for the utilization of CMAQ funds in the form attached to this Board Report as Attachment 1 for a total amount of \$111,675 and accept such funds granted to the County Board, and appropriated \$111,675 in CMAQ grant revenues from VDOT (101.364005) to the Department of Environmental Services (DES) Division of Transportation (101.41150)

[Board Report #42 \(Posted 07-17-2020\)](#)

43. Acceptance and appropriation of a seven-month, \$109,155 Workforce Innovation and Opportunity Act (WIOA) Wagner-Peyser Service Provision (WPSP) grant from the Virginia Employment Commission (VEC) to the Department of Human Services (DHS) Employment Services.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board authorized the County Manager or his designee to accept \$109,155 from VEC in WIOA WPSP grant funds and to execute related grant documents in a form approved by the County Attorney, and appropriated \$109,155 in WIOA WPSP grant funds from VEC (101.371434) to DHS (101.51131) to provide Wagner-Peyser Service Provision funding to Arlington County and Alexandria City businesses during the COVID-19 national emergency.

[Board Report #43 \(Posted 07-13-2020\)](#)

44. Acceptance and appropriation of a six-month, \$87,619 Workforce Innovation and Opportunity Act (WIOA) Virginia Rapid Response COVID-19 Business Support Initiative (RRC19) grant from the Virginia Community College System (VCCS) to the Department of Human Services (DHS) Employment Services.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board authorized the County Manager or his designee to accept \$87,619 from VCCS in WIOA RRC19 grant funds, and to execute required grant documents in a form approved by the County Attorney, and appropriated \$87,619 in WIOA RRC19 grant funds from VCCS (101.371434) to DHS (101.51131) to provide layoff aversion funding to Arlington County and Alexandria City businesses during the COVID-19 national emergency.

[Board Report #44](#)

45. Creation of 1.0 grant-funded FTE (the full-time equivalent of one position) for the Virginia Insurance Counseling and Assistance Program (VICAP) Counselor and Data Coordinator in the Department of Human Services (DHS).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board authorized the creation of a 1.0 grant-funded FTE in the Department of Human Services (101.53105).

[Board Report #45 \(Posted 07-13-2020\)](#)

46. Acceptance and appropriation of Virginia Department of Behavioral Health and Developmental Services (DBHDS) grant funds to expand Behavioral Health Docket program services through the addition of a temporary (two-year) 1.0 FTE (the full-time equivalent of one position).

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

1. Authorized the County Manager or his designee to accept \$146,000 in DBHDS grant funds, and to execute associated grant agreements in a form approved by the County Attorney;
2. Appropriated \$73,000 in DBHDS Grant funds (101.364601) to the Department of Human Services (101.52341) to increase access to services for Behavioral Health Docket participants; and
3. Authorized the creation of 1.0 temporary grant-funded Human Services Specialist for two years.

[Board Report #46](#)

47. Arlington Community Services Board Fiscal Year (FY) 2021 Performance Contract with Virginia Department of Behavioral Health and Developmental Services (DBHDS).

On the Consent Agenda vote, after a duly advertised public hearing, the County Board approved the FY 2021 Performance Contract between the Arlington Community Services Board (CSB) and the Virginia Department of Behavioral Health and Developmental Services.

[Board Report #47](#)

48. Acceptance and appropriation of Virginia Department of Behavioral Health and Developmental Services (DBHDS) funds, and authorization of 2.75 FTE grant-funded positions in the Department of Human Services (DHS) for Permanent Supportive Housing (PSH) services.

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

1. Authorized the County Manager or his designee to accept \$490,000, with \$425,000 in ongoing and \$65,000 in one-time grant funding, from DBHDS, and to execute required grant documents in a form approved by the County Attorney;
2. Appropriated \$490,000, with \$425,000 in ongoing grant funding and \$65,000 in onetime funding, from DBHDS (101.364900) to the Department of Human Services (101.51108); and

3. Authorized the creation of the following 2.75 FTE grant-funded positions within the Department of Human Services:
 - o 1.25 FTE Permanent Supportive Housing Management Specialist positions;
 - o 1.0 FTE Mental Health Therapist position; and
 - o 0.50 FTE Permanent Supportive Housing Eligibility worker position.

[Board Report #48 \(Posted 07-13-2020\)](#)

49. Acceptance and appropriation of United States Department of Housing and Urban Development Section 811 Housing Choice Vouchers (known as Mainstream Vouchers) grant funds under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board authorized the County Manager or his designee to accept \$155,323 from HUD, and to execute required grant documents in a form approved by the County Attorney, and appropriated \$155,323 from HUD (208.372704) to the Department of Human Services (208.51181) for additional Mainstream Housing Choice Voucher to support increased need related to COVID-19.

[Board Report #49 \(Posted 07-13-2020\)](#)

50. Acceptance of a U.S. Department of Justice Fiscal Year (FY) 2020 Coronavirus Emergency Supplemental Funding for Arlington County Public Safety award.

On the Consent Agenda vote, after a duly advertised public hearing, the County Board authorized the County Manager or his designee to accept \$136,727 in non-competitive grant funds under the FY 2020 Coronavirus Emergency Supplemental Funding (CESF) Program from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), and to execute required grant agreements in a form approved by the County Attorney.

[Board Report #50](#)

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Acquisitions or Leases of Real Property

51. Columbia Pike Branch Library, 816 S. Walter Reed Drive
 - A. Memorandum of Understanding Between the County Board of Arlington County, Virginia and the Arlington County School Board concerning the Columbia Pike Branch Library and its related facilities during renovation of the Arlington Career Center and Arlington Tech High School located at 816 S. Walter Reed Drive, Arlington, Va. (RPC# 25-014-004);
 - B. Deed of Lease between Arlington County School Board, as Landlord, and the County Board of Arlington County, Virginia, as Tenant, for the Columbia Pike Branch Library located at 816 S. Walter Reed Drive, Arlington, Va. (RPC# 25-014-004).

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

1. Approved the attached Memorandum of Understanding Between the County Board of Arlington County, Virginia and the Arlington County School Board concerning the Columbia Pike Branch Library and its related facilities during renovation of the Arlington Career Center and Arlington Tech High School located at 816 S. Walter Reed Drive, Arlington, Virginia (RPC# 25-014-004) ("MOU");

- 2. Approved the attached Deed of Lease between Arlington County School Board, as Landlord, and the County Board of Arlington County, Virginia, as Tenant, for the Columbia Pike Branch Library located at 816 S. Walter Reed Drive, Arlington, Virginia (RPC# 25-014-00) ("Lease"); and
- 3. Authorized the Real Estate Bureau Chief, or his designee, to execute on behalf of the County Board, the MOU, Lease and related documents, subject to approval as to form of all documents by the County Attorney.

Board Report #51

52. Swanson Middle School

- A. Deed of easement for public sidewalk, utilities and drainage purposes on property owned by the County School Board of Arlington County, Virginia, known as Swanson Middle School, 5800 Washington Blvd., Arlington, Va. (RPC# 10-037-054);
- B. Deed of temporary easement and construction agreement on property owned by the County School Board of Arlington County, Virginia, known as Swanson Middle School, 5800 Washington Blvd., Arlington, Va. (RPC# 10-037-054).

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

- 1. Approved the attached Deed of Easement for Public Sidewalk, Utilities and Drainage Purposes on property owned by the County School Board of Arlington County, Virginia, known as Swanson Middle School, 5800 Washington Blvd., Arlington, Virginia (RPC# 10-037-054);
- 2. Approved the attached Deed of Temporary Easement and Construction Agreement on property owned by the County School Board of Arlington County, Virginia, known as Swanson Middle School, 5800 Washington Blvd., Arlington, Virginia (RPC# 10-037054); and
- 3. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept, on behalf of the County Board, the attached Deed of Easement, subject to approval as to form by the County Attorney

Board Report #52

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Other (Housing Loans, Minutes, etc.)

53. This item was removed

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III. REGULAR HEARING ITEMS

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54. Consideration of the following actions pertaining to the Shirlington Special General Land Use Plan (GLUP) Study Plus:

- A. Adoption of the Shirlington Special General Land Use Plan Study Plus and Concept Plan.
- B. GP-350-20-1 Adoption of amendments to the General Land Use Plan Map and Booklet.
- C. Authorize advertisements of future public hearings by the Planning Commission and County Board to consider a GLUP amendment from "Low" Office-Apartment-Hotel to "Medium" Office-Apartment-Hotel for

that area of the Village at Shirlington generally bounded by Arlington Mill Drive to the north, South Randolph Street to the south, Interstate 395 to the east and the Arlington County Trades Center to the west.

Following a duly advertised public hearing, at which there were speakers, a motion was made by CHRISTIAN DORSEY, Member, seconded by MATT DE FERRANTI, Member, to:

1. Adopt the attached Resolution [Attachment 1] to adopt the Shirlington Special General Land Use Plan Study Plus and Concept Plan, as shown in Attachment A; with the revisions outlined in Attachment D;
2. Adopt the attached Resolution [Attachment 2] to amend the GLUP Map and Booklet, as shown in Attachment 2 and Attachment B; and
3. Adopt the attached Resolution to authorize advertisements [Attachment 3] for notice of public hearings by the Planning Commission and County Board to consider GLUP amendments for a portion of the area of the Village at Shirlington generally bounded by Arlington Mill Drive to the north, South Randolph Street to the south, Interstate 395 to the east and the Arlington County Trades Center to the west, concurrent with consideration of future PDSP amendments and site plan and rezoning applications associated with each site as shown in Attachment C.

Additionally, an amendment was made to Page 95 of the plan to note the following:

Plan Note – Page 95

Additional height may be considered as part of a future SP or PDSP application provided it is consistent with the Plan's Vision and Guiding Principles including, but not limited to, compatibility with adjacent and nearby buildings, minimization of shadow impacts on nearby properties, and use of architectural sculpting and design to achieve a visually distinctive and dynamic skyline while managing the negative visual impacts of additional height, and, in accordance with section 15.5.9 of the Zoning Ordinance, offers additional features that contribute to fulfilling Plan goals for the community including affordable housing, community facilities, arts and cultural uses and amenities, and other priorities identified in County plans and policies.

A substitute motion was then made by KATIE CRISTOL, Member, seconded by CHRISTIAN DORSEY, Member, to amend the above Plan Note.

The substitute motion failed by a vote of 1-4, the voting recorded as follows: LIBBY GARVEY, Chair – Nay; CHRISTIAN DORSEY, Member – Nay; KATIE CRISTOL, Member – Aye; MATT DE FERRANTI, Member – Nay; TAKIS KARANTONIS, Member – Nay.

The original motion was then adopted and carried by a vote of 5-0, the voting recorded as follows: LIBBY GARVEY, Chair – AYE; CHRISTIAN DORSEY, Member – Aye; KATIE CRISTOL, Member – Aye; MATT DE FERRANTI, Member – Aye; TAKIS KARANTONIS, Member – Aye.

The adopted resolutions read as follows:

RESOLUTION TO ADOPT THE SHIRLINGTON SPECIAL GENERAL LAND USE PLAN (GLUP) STUDY PLUS AND CONCEPT PLAN

WHEREAS, the County Board of Arlington County has been presented with a proposed *Shirlington Special GLUP Study Plus and Concept Plan* ("*Study Plus and Concept Plan*") to serve as a long-range planning guide for potential future redevelopment of land located northwest of the intersection of the subject street; and

WHEREAS, in 2019, a Special GLUP Study was initiated to examine the potential appropriateness of requested GLUP amendments for three (3) properties in the Village at Shirlington; and

WHEREAS, during this planning process, the study area was extended to include the balance of commercial properties in the area located within the Village at Shirlington; and

WHEREAS, the proposed *Study Plus and Concept Plan* communicates a general vision for this area within the Village at Shirlington, and incorporates a set of guiding principles that express aspirational goals and general public benefits and improvements that should be realized with redevelopment, communicated in a written and pictorial format; and

WHEREAS, the *Study Plus and Concept Plan* also includes concept plan recommendations that provide guiding parameters for circulation, public space, building height and form, and land use, among others, that reinforce and are derived from the aforementioned guiding principles; and

WHEREAS, the *Study Plus and Concept Plan* identifies a near-term GLUP Map and Booklet amendments, and potential future GLUP amendments that could be considered in conjunction with appropriate PDSP amendments and site plan and rezoning applications that are consistent with, and significantly advance, recommendations of the *Study Plus and Concept Plan*; and

WHEREAS, revisions to the *Study Plus and Concept Plan* have been identified in the comment and response matrix in Attachment D; and

WHEREAS, the County Manager has recommended that the proposed *Study Plus and Concept Plan* be adopted; and

WHEREAS, the Planning Commission held a duly advertised public hearing on July 6, 2020, and has recommended adoption of the *Study Plus and Concept Plan*; and

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 *Shirlington Special GLUP Study Plus and Concept Plan*, set forth in Attachment A should be, and is hereby, adopted. with the revisions set forth in Attachment D.

RESOLUTION ADOPTING AMENDMENTS TO THE GENERAL LAND USE PLAN

WHEREAS, the County Board of Arlington County has been presented with proposed amendments of the General Land Use Plan (GLUP) Map, which is are part of the County's Comprehensive Plan to:

1. Amend the GLUP map to add a note ("6") identifying the *Shirlington Special GLUP Study Plus and Concept Plan* as a guiding document that further articulates the County's adopted future vision for this area as shown below.
2. Amend the GLUP Booklet to add a description of and references to this plan, including an update to the description of the Shirlington PDSP, a description of the Shirlington Special GLUP Study, an addition to the Special GLUP Studies list and map and updates to the appendices, as shown below.

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

WHEREAS, the Planning Commission recommends adoption of the proposed GLUP amendment;
and

WHEREAS, the Planning Commission held a duly advertised public hearing on the proposed amendment to the GLUP on July 6, 2020.

NOW, THEREFORE, be it resolved that, based on the aforementioned considerations, deliberations and all public comments, the County Board of Arlington County hereby adopts the proposed amendments to the GLUP Map set forth in Attachment B and the GLUP Booklet as shown below.

GLUP Map

Note 6: This area is subject to further planning guidance in the *Shirlington Special GLUP Study and Concept Plan*, adopted by the County Board on ____, 2020.

GLUP Booklet

* * *

Other Planning Areas

* * *

(pg. 28) Shirlington

Shirlington Phased-Development Site Plan

On December 4, 1984, the County Board amended a Phased-Development Site Plan (PDSP) for the area near I-395 and Shirlington Road. This included the Shirlington shopping center, an older retail development. The revised plan, and subsequent amendments in 1997, 2000, 2001, and 2003, outlined a mixed-use destination center with office space, retail space, hotel, housing, and additional land area. The PDSP includes an urban design manual and when fully built out will contain approximately 282,566 square feet of retail space, 585,111 square feet of office space, 150 hotel rooms, and 1,049 housing units.

A Special GLUP Study Plus was undertaken in 2019-2020 for the Village of Shirlington to consider a land use designation change to promote reinvestment to ensure that the Village remains a vibrant and thriving center not only for the immediate area and its businesses and residents, but also for the broader Arlington community. The study process culminated with the adoption of the *Shirlington Special GLUP Study Plus and Concept Plan* on _____. Already an established mixed-use center, the 22 guiding principles and the planning recommendations contained in the plan and focused on land use, building height and form, public spaces, circulation, historic preservation, tree conservation, sustainability and connectivity, will reinforce the mixed-use character and other priorities that should be considered when future PDSP amendments and corresponding site plan and rezoning applications are evaluated. To further implement the vision, the plan identified the need for future amendments to the General Land Use Plan to change the land use designation to "Medium" Office-Apartment-Hotel for the core of the Village of Shirlington.

* * *

Reviewing the Comprehensive Plan and Amending the General Land Use Plan

(pg. 37)

The Village at Shirlington area will be added to the list of studies shown on the accompanying map.

* * *

Appendices

Other updates will be made to reference the *Shirlington Special GLUP Study Plus and Concept Plan* as needed.

RESOLUTION TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS BY THE PLANNING COMMISSION AND COUNTY BOARD ON THE FOLLOWING:

GENERAL LAND USE PLAN AMENDMENTS TO CHANGE THE LAND USE DESIGNATION FOR THAT AREA OF THE VILLAGE AT SHIRLINGTON GENERALLY BOUNDED BY ARLINGTON MILL DRIVE TO THE NORTH, SOUTH RANDOLPH STREET TO THE SOUTH, INTERSTATE 395 TO THE EAST AND THE ARLINGTON COUNTY TRADES CENTER TO THE WEST FROM "LOW" OFFICE-APARTMENT-HOTEL TO "MEDIUM" OFFICE-APARTMENT-HOTEL AND FOLLOWING THE CORE STUDY AREA OF THE SHIRLINGTON SPECIAL GLUP STUDY PLUS AND CONCEPT PLAN.

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 amendments would be consistent with the County's development and growth goals stated in the General Land Use Plan, would preserve residential neighborhoods and 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; and

Whereas the County Board of Arlington desires to consider whether the subject General Land Use Plan amendments are appropriate for the subject Properties.

Therefore, the County Board of Arlington hereby resolves to authorize advertisement of public hearings by the Planning Commission and County Board for dates concurrent with future public hearings by the Planning Commission and County Board for an appropriate associated site plan application on the following:

General Land Use Plan amendment to change the land use designation for that area of the Village at Shirlington generally bounded by Arlington Mill Drive to the north, South Randolph Street to the south, Interstate 395 to the east and the Arlington County Trades Center to the west from "Low" Office-Apartment-Hotel to "Medium" Office-Apartment-Hotel and following the core study area of the Shirlington Special GLUP Study Plus and Concept Plan.

[#54-Staff Presentation](#)

[Board Report #54 \(Posted 07-14-2020\)](#)

[#54-Letter from the Planning Commission \(Posted 07-15-2020\)](#)

[#54-Letters from the Public \(Updated 07-17-2020\)](#)

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Items Associated with the Greater Washington Educational Telecommunication Association, Inc. (WETA, #55-57. Please note the change in order since original posting of the agenda.)

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- 55. Purchase Agreement and attached Lease-Back Lease, by and between Greater Washington Educational Telecommunications Association, Inc. (WETA) , a District of Columbia corporation, as Seller, and the County Board of Arlington County, Virginia, as Purchaser, for the sale and purchase of the property located at 3620 27th St. S. Arlington, Va., RPC No. 29-002-001.**

Items 55, 56, and 57 were considered in the same motion – see under #57.

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- 56. Administration of up to \$2,270,000 in Economic Development Incentive (EDI) Grant funds from Arlington County for the purpose of retaining the Greater Washington Educational Telecommunication Associations, Inc. (WETA) in Arlington and incentivizing WETA to construct or lease a new studio at its headquarters location in Arlington subject to the terms and conditions of the EDI Grant Agreement (Agreement) among Arlington County, the Industrial Development Authority (IDA) and WETA.**

Items 55, 56, and 57 were considered in the same motion – see under #57.

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57. WETA-PDSP #106 Phased Development Site Plan Amendment & SP #106 (SP-3) Site Plan Amendment 3939 Campbell Ave.

- A. PDSP #106 Phased Development Site Plan Amendment to amend Condition #2 of the Shirlington Phased Development Site Plan; located at 3939 Campbell Ave. (RPC# 29-023-005).
- B. SP #106 (SP-3) Site Plan Amendment for WETA to construct an approximately 17,150 square foot addition to the existing office building, with modifications for additional density and parking ratio, and a large media screen; located at 3939 Campbell Ave. (RPC# 29-023-005).

Following a duly advertised public hearing, at which there were speakers, a motion was made by KATIE CRISTOL, Member, seconded by CHRISTIAN DORSEY, Member, to:

- 1. Approve the Purchase Agreement and attached Lease-Back Lease (attached to the staff report), by and between Greater Washington Educational Telecommunications Association, Inc. (WETA), a District of Columbia corporation, as Seller, and the County Board of Arlington County, Virginia, as Purchaser, for the sale and purchase of the property located at 3620 27th St. S., Arlington, Va., RPC No. 29-002-001. In addition, authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the Purchase Agreement, the Option Agreement, the attached Lease-Back Lease (all attached to the staff report), and all related documents, subject to approval as to form of all such documents by the County Attorney;
- 2. Approve and authorize the County Manager to sign, on behalf of the Arlington County Board, the agreement (attached to the staff report) among Arlington County, the IDA and WETA, which outlines the disbursement and management terms and conditions of the EDI Grant, subject to approval as to form by the County Attorney. In addition, allocate to WETA, subject to the terms and conditions of the agreement, up to \$2,270,000 over a 15-year period for the economic development purpose of retaining in Arlington WETA's 292 Jobs and 88,045 occupied square feet, as those terms are defined in the agreement, and incentivizing WETA to construct or lease a new studio in Arlington; and
- 3. Adopt the ordinance (attached to the staff report) for a Phased Development Site Plan Amendment (SP #106) to the Shirlington Phased Development Site Plan to revise Condition #2 subject to all previously approved conditions and the amended conditions of the ordinance (attached to the staff report). In addition, adopt the ordinance (attached to the staff report) to approve an amendment to SP #106, SP-3, to approve a four (4) story, 17,150 square foot addition to the WETA office building, with modifications for additional density and parking ratio, and a large media screen, subject to all previous conditions and the amended conditions in the ordinance (attached to the staff report).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: LIBBY GARVEY, Chair – AYE; CHRISTIAN DORSEY, Member – Aye; KATIE CRISTOL, Member – Aye; MATT DE FERRANTI, Member – Aye; TAKIS KARANTONIS, Member – Aye.

The adopted Ordinances read as follows:

PHASED DEVELOPMENT SITE PLAN AMENDMENT ORDINANCE

WHEREAS, an application for a Phased Development Site Plan Amendment dated February 21, 2020 for Phased Development Site Plan #106, was filed with the Office of the Zoning Administrator; and

WHEREAS, the Planning Commission held a duly advertised public hearing on that Phased Development Site Plan Amendment on July 6, 2020 and recommended that the County Board approve it, subject to all previously adopted and proposed revised conditions and has provided a letter dated July 13, 2020; and

WHEREAS, as indicated in Staff Report[s] prepared for the July 18, 2020, 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 Phased Development Site Plan Amendment subject to all previously adopted conditions and the proposed revised conditions as set forth in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Phased Development Site Plan Amendment on July 18, 2020, 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 Phased Development 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
- 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 February 21, 2020 for a Phased Development Site Plan Amendment (SP #106) to the Shirlington Phased Development Site Plan to revise Condition #2, for the parcel of real property known as 3939 Campbell Avenue (RPC# 29-023-005), approval is granted and the parcel so described shall be used according to the Phased Development Site Plan Amendment Application, subject all previous conditions and with Condition #2 amended as follows:

2. The approved uses, densities, and parking for each parcel, as parcels are designated on plans titled "Development Summary" Sheet 4 of 9 dated September 20, 2000, as such have been amended by the Board from time to time, of the Phased Development Site Plan are as follows:

Parcel	Site Area	Office GFA	Retail GFA	Hotel Rooms	Residential DU	Parking
1. WETA	2.67 acres	85,895 105,195 s.f.	7,515 s.f.		245	650 spaces
2. FRIT	8.43 acres	304,216 s.f.	190,211 s.f.			1,363 spaces
3. FRIT	10.22 acres	195,000 s.f.	72,560 s.f.*	142 rooms	400 DU	1,865 spaces
4. Windsor	5.13 acres				404 DU	530 spaces
5. Star Enterprises	.78 acres		4,400 s.f.			20 spaces
Totals	27.23 acres	585,111 604,411 s.f.	282,566 s.f.	150 rooms	1,049 DU	4,428 spaces

* Does not include library/live theatre density (54,396 s.f.)

SITE PLAN AMENDMENT ORDINANCE

WHEREAS, an application for a Site Plan Amendment to SP #105; SP-3, dated February 21, 2020 was filed with the Office of the Zoning Administrator; and

WHEREAS, the Planning Commission held a duly advertised public hearing on that Site Plan Amendment on July 6, 2020 and recommended that the County Board approve it, subject to numerous conditions and has provided a letter dated July 13, 2020; and

WHEREAS, as indicated in Staff Report[s] prepared for the July 18, 2020 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 numerous conditions as set forth in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on July 18, 2020 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:
 - **Modification to reduce the required office parking ratio to 1:353 (ACZO Section 14.3.7.A);**
 - **Modification for additional density of 17,150 square feet for advancing public priorities identified in the Arlington County Comprehensive Plan or other adopted County Board plans and policies (ACZO Section 15.5.9.D.); 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 February 21, 2020 for Site Plan Amendment SP #106; SP-3, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements (which drawings, etc. are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment to construct a four-story building addition, located at 3939 Campbell Avenue (RPC# 29-023-005), approval is granted and the parcel so described shall be used according to the Site Plan Application, subject to all previous conditions, the deletion of existing site plan conditions #41-46, 49-53,56-60, and the following renumbered existing and new conditions:

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

The general sequence of permits is as follows: Demolition Permit; Land Disturbance Permit; Excavation, Sheeting and Shoring Permit; Footing to Grade Permit; and Final Building Permit. In the event that the Developer does not obtain all permits separately, the Developer agrees that the requirements for all permits as set forth 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 Disturbance Permit; Excavation, Sheeting and Shoring Permit; and Footing to Grade Permit must also be met prior to issuance of the Final Building Permit.

54. 41. The owner of the WETA parking structure ("Owner") agrees to provide 49 spaces on the entry level of the parking structure and 43 spaces on the second level and ramp of the parking structure to be used by the general public for personal automobiles, vans and small trucks, after 5:00 p.m. and until 2:30 a.m. on weekdays, and from 8:00 a.m. until to 2:30 a.m. on Saturdays, Sundays and Federal Holidays. The remaining spaces on the first and second level shall be under the full control of the Owner. In no event shall this condition constitute or be construed as a dedication of any portion of the garage to the public.

~~The Owner agrees to make these spaces available to the public beginning no later than thirty (30) days after County Board approval of this condition.~~

The Owner agrees to post appropriate signs, easily visible to the public, indicating the availability of such parking and directing the public to the parking spaces.

The Owner shall be able to charge up to reasonable market rates for such public parking in the event other owners and/or managers of parking facilities in the Village at Shirlington charge the public for the parking.

For the period beginning on the date of the issuance of the Clearing and Grading permit for the Building, and continuing thereafter until the date of the issuance of the first Certificate of Occupancy for the Building, the Owner may permit the parking of construction vehicles or the storage of construction equipment for the Building on the top level of the garage. Such permission shall not result in the reduction of public parking as described in this condition.

The Owner may request (1) the relocation of some or all of the public spaces to different locations within the garage, (2) a change in the hours public parking is available or (3) a permanent reduction of up to ~~10~~ 15 spaces in the available public parking or some combination of the foregoing by filing a request for an Administrative Change with the Zoning Administrator, who may approve the request for good cause shown, including, without limitation, an increase in the number of persons working at the Owner's office space during the hours of public parking in the garage. Any request for a reduction greater than ~~ten~~ 15 spaces in available public parking shall be made through the filing of a Minor Site Plan Amendment.

The Owner may temporarily close some or all of such public parking for security purposes upon written notification to the Arlington County Zoning Office. The Owner also may temporarily close to the general public some or all of the parking structure for unusual circumstances requiring additional parking for WETA its employees or guests, upon written notification to the Zoning Administrator, provided, however, that Owner shall not temporarily close all of the garage for such unusual circumstances more than twelve (12) days in a year. If the Owner exercises this right, it will post temporary signs, easily visible to the public, indicating that the garage is temporarily closed to public parking.

Unless otherwise indicated, the following conditions #42-80 shall only apply to the area of land disturbance and/or new construction activity as shown on Sheet C-105 ("Plot and Location Plan") of the 4.1 plans dated April 8, 2020.

42. 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 #44) 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 with Permit Arlington.

43. 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 April 8, 2020 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 #106-3) and made a part of the public record on July 18, 2020, 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 July 18, 2025 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.

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

The Developer agrees to submit via the Permit Arlington system copies of a Site Plan and the Site Plan Specification Form called for in Administrative Regulation 4.1 within 90 days of the County Board approval, and before issuance of the Land Disturbance Permit or Demolition Permit. The Developer also agrees to submit digital copies via the Permit Arlington system 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.

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

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

46. Multi-Building Phasing Plan (Demolition and Land Disturbance 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. Prior to the issuance of any Demolition or Land Disturbance 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 of any revisions to the approved Phasing Plan prior to the issuance of any subsequent permits for the project.

47. Vacations and Encroachments (Demolition and Land Disturbance Permits)

- A. Approval of Ordinance (Demolition and Land Disturbance Permits)** The Developer agrees to obtain approval of, and fulfill all required conditions of, all ordinances of vacation and/or ordinances of encroachment associated with and/or required to build the site plan project, or any portion thereof, as shown on the plans referenced in Condition #43, prior to the issuance of Demolition and Land Disturbance Permits, with the exception of demolition or land disturbance permits solely for buildings and structures not owned by the County and not located on property within which the County has an interest.
- B. Obtain Ordinance (Excavation, Sheeting and Shoring Permit)** Further, the Developer agrees that no building, structure or utility of any type shall encroach upon, or interfere with, the use of any County property or the exercise by the County of any property right or interest, unless the Developer has first, before any Excavation, Sheeting and Shoring Permit is issued: a) obtained an ordinance of vacation or an ordinance of encroachment, enacted by the County Board, permitting such use, encroachment or interference; and, b) met all of the conditions of such ordinance(s).
- 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 #46, 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.

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

- A. (Demolition and Land Disturbance Permits)** The Developer agrees to do the following prior to the issuance of the Demolition and Land Disturbance Permits, 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) review and approval of, a bond estimate for the trees to be saved based upon Arlington County's Tree Replacement Formula or an amount approved by the County Manager. The Developer agrees to protect all trees designated to be saved on the tree protection plan, and those specified to be saved by the approved Site Plan and shown on any filing in connection with this Site Plan.

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

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

- 1) **Tree Replacement.** Unless otherwise specified, any tree required to be saved pursuant to this condition, which dies, as determined by the County's Urban Forester, prior to or within three (3) years of the issuance of the Master Certificate of Occupancy, shall be removed and replaced by the Developer at his expense with the number of major deciduous and evergreen trees consistent with the Tree Replacement Guidelines. Failure to provide the required number of replacement trees on site shall cause a default under the Tree Protection Bond. The County shall draw from the Tree Protection Bond not more than 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. Notwithstanding the foregoing, any tree that must be replaced pursuant to this condition may also be replaced in the manner prescribed in Condition 57.A.2.a.2.
- 2) **Final Inspection & Bond Release.** The Developer agrees to request a final inspection of all trees required to be preserved, consistent with the approved Tree Protection Plan, three (3) years after the issuance of the Master Certificate of Occupancy. The bond will be released upon satisfaction of all tree protection requirements, including preservation of protected trees.

C. Tree Protection and Tree Protection Plan Standards

- 1) The tree survey shall show existing conditions of the site and locate and identify all trees which are three (3) inches in diameter or greater. The survey shall include any tree on adjacent sites whose critical root zone extends onto the subject site.
- 2) The tree protection plan will designate any trees proposed to be saved by the Developer. This plan shall include any tree on adjacent sites whose critical root zone extends onto the subject site. The tree protection plan shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in tree protection techniques on urban sites. At a minimum, this plan shall include:
 - a. 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.

49. Construction Trailers Located in Whole or In Part on Private Property (Demolition and Land Disturbance 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 Disturbance Permits, and prior to locating any trailers on the site. The plan may show construction trailers located within the setback area as long as they are not located in the vision obstruction area or tree protection area.

50. Photographic Record of Development (Demolition and Land Disturbance Permits)

A. The Developer agrees to produce and submit to the Zoning Administrator a photographic record of development, starting with a record of the site as it appears before demolition is begun, including photographic records during construction, and ending with a photographic record of the development as it appears after completion of construction, for placement in the

Arlington County Library Community Archives. These submissions shall comply with the standards provided in subparagraph B below.

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

- 1) **(Demolition and Land Disturbance Permits)** Before issuance of the Demolition and Land Disturbance Permits for the site – Views of north, south, east and west facades, as location permits, of buildings to be demolished, as well as at least one photo of the site before any clearing or grading including the existing physical relationship with adjacent buildings and streets.
- 2) **(Footing to Grade Permit)** Before issuance of the Footing to Grade Permit – Photos of Site Clearance: Views of cleared site facing north, south, east and west, as location permits, with adjacent buildings and streets included.
- 3) **(Shell and Core Certificate of Occupancy)** Before issuance of the Shell and Core Certificate of Occupancy– Photos of Construction Phase: At a minimum, views of the site during excavation, upon construction of the first floor above grade, at topping out, and during the exterior cladding phase.
- 4) **(Master Certificate of Occupancy)** Before issuance of the Master Certificate of Occupancy – Photos of Site Completion: north, south, east and west facades of completed building or buildings, as well as at least one view of completed project in context of adjacent buildings and streets. Photographs on compact disc must be submitted in addition to print copies of photographs and the photo contact sheet.

B. Photographic Record of Development Submittal Standards

All photographic records shall be submitted as either 8" x 10" prints on photographic paper, on thumb drive, or another comparable electronic format as approved by the Zoning Administrator, and must be date stamped. The photographs shall be either color or black and white.

51. Construction Related Measures (Demolition and Land Disturbance Permits)

A. Maintenance of Traffic Plans

- 1) All Maintenance of Traffic Plans (MOT) for this site plan shall include the hours permitted for construction activities in the public right-of-way. Construction activity within the public right-of-way may occur between 9:00 a.m. and 3:30 p.m., Monday through Friday and/or between 10:00 a.m. and 6:00 p.m. on weekends and holidays. Construction activity within the public right-of-way shall not occur between 6:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:30 p.m., Monday through Friday. The foregoing construction hours may be modified by the County Manager if he/she finds that, 1) for right-of-way improvements required by the site plan, construction activity must be 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, Independence Day, Labor Day, Presidential Election Day, Veterans' 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 a 5-foot minimum clear width pedestrian access along South Quincy Street throughout construction. Exceptions may be made during an emergency as defined in condition #52.C, when the County Manager 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 Quincy Street.

- 3) The Developer agrees to: a) submit one (1) copy of each approved Construction Hauling Route Plan to the Zoning Administrator and; b) document to the Zoning Administrator that the Developer has provided one (1) copy of each approved Construction Hauling Route Plan to the Shirlington and Fairlington Civic Associations and one (1) copy to the Arlington County Police Department. Copies of plans or maps shall also be posted in the construction trailer and given to each subcontractor and construction vehicle operator before they commence work on the project.

- B. **On-Site Construction Activity Hours (Demolition and Land Disturbance 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, Independence Day, Labor Day, Presidential Election 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 Disturbance Permits. Lighting shall be turned on between dusk and dawn 7 days a week. Any high-intensity overhead lighting, such as lighting placed on construction cranes, shall be used only during construction hours (except lower levels after hours for safety and security reasons), and shall be placed so as not to directly illuminate residential dwellings or be a nuisance to neighboring property owners. The approved temporary lighting plan shall be implemented

prior to issuance of the Excavation Sheeting and Shoring Permit and prior to the shut-down or removal of any existing lighting and operated from implementation until lighting fixtures as approved in Condition #55 are in place and operational around the perimeter of the site.

E. Off-Street Parking for Construction Workers (Demolition and Land Disturbance Permits).

The Developer agrees to develop and submit to the Zoning Administrator a plan for off-street parking for construction workers prior to the issuance of the Demolition and Land Disturbance Permits. The Developer agrees to obtain the review and approval by the Zoning Administrator of such plan prior to the issuance of the Excavation, Sheeting and Shoring Permit. The Developer agrees that the plan shall provide for off-street parking and shall be provided for all construction workers, including 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, 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 which may include parking spaces within the onsite parking garage. The Developer may temporarily limit the use of parking spaces within the onsite parking garage, as such spaces are noted on the approved off-street parking plan for construction workers, without the need for a Parking Management Plan amendment.
- 2) The number of parking spaces that will be provided at various stages of construction.
- 3) The number of construction workers that will be assigned to the work site at various stages of construction.
- 4) Mechanisms which will be used to encourage the use of Metro, carpooling, vanpooling, and other similar efforts.
- 5) The location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes, and carpooling and vanpooling information.
- 6) The contact person responsible for communicating parking and transportation options to workers.

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

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

- A. Community Liaison.** The Developer agrees to identify a person(s) who will serve as liaison to the community throughout the duration of construction. This individual shall be on the construction site or readily accessible throughout the hours of construction, including weekends. The name, e-mail address and telephone number of the individual(s) shall be provided in writing to residents, property managers and business owners whose property abuts the site (including the Shirlington and Fairlington Civic Associations), and to the Zoning Administrator, and shall be posted at the entrance of the project.
- B. Community Meeting.** Before commencing any clearing or grading of the site, the Developer agrees to hold a community meeting with those whose property abuts the project to review the Construction Hauling Route Plan, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, 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 Disturbance Permits – 7 days in advance of street closures)** The Developer agrees to notify the appropriate civic associations and all abutting property owners in writing (or, by mutual agreement, e-mail) at least seven calendar days in advance of any street closure, except in the case of an emergency, of more than one hour duration on any street. "Emergency" street closures may include, but not be limited to, those relating to rupture or potential rupture of a water or gas main, unsecured building façade, or similar unforeseeable public danger. "Emergency" street closures shall not include closures for setting up or dismantling of a crane, exterior building construction, materials deliveries, utilities work, or similar situations.
- D. Throughout construction of the project, the Developer agrees to advise abutting property owners in writing (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.

53. Construction Site Maintenance Requirements (Demolition and Land Disturbance 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 once begun, 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. The Developer may submit a request for the County Manager's review and approval of an off-site location, which the County Manager may approve provided that he/she finds that the storage of construction materials equipment and vehicles do not adversely impact the public health or safety of the off-site location.

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

- A. For Development without Bonus Density
 - 1) **First Partial Certificate of Occupancy.** The Developer agrees to include the following:

a. **Electric vehicle charging stations.** Two percent (2%) of all parking spaces shall be equipped with electric vehicle charging stations.

b. **Lighting Power Reduction.** Within the new addition to be constructed on the property as shown on the plans dated April 8, 2020, and within the existing office building, reduce the need for lighting power in common areas (including but not limited to corridors, lobbies, stairwells) by 20% as compared to the energy code maximum allowable lighting power. The Developer agrees to submit a Comcheck Lighting Power Density report to confirm the percent reduction in lighting power prior to issuance of the First Partial Certificate of Occupancy. : This condition shall not apply to: (i) any area of the new addition used by the Developer as a production center and studio or (ii) the existing parking garage located on the property, except that the Developer will replace light bulbs within the existing parking garage, whenever any such light bulb is or must be replaced, with LED lightbulbs or an energy efficient equivalent.

c. **Low emitting materials.** Within the new addition to be constructed on the property as shown on the plans dated April 8, 2020, and within the existing office building, at least seventy-five percent of each of the following new materials shall meet the LEED version 4 criteria for low emitting materials: interior paints, coatings, flooring, insulation, adhesives, and sealants. The Developer agrees to submit a summary table, and manufacturer documentation upon request, to demonstrate the components selected are low emitting prior to issuance of the Shell and Core Certificate of Occupancy.

d. **Energy efficient windows.** All new exterior windows installed in the project shall have a window u-value of less than or equal to 0.26 and a solar heat gain coefficient of less than or equal to 0.40. The Developer agrees to submit to the County Manager manufacturer documentation sufficient to confirm that the components meet such performance criteria prior to issuance of the Shell and Core Certificate of Occupancy.

e. **Light pollution reduction.** All new exterior light fixtures shall be full cut-off to reduce light pollution, except for County-required streetlamps and any large media screens installed by the Developer. The Developer agrees to submit to the County Manager manufacturer documentation sufficient to confirm that the components meet such performance criteria prior to issuance of the Shell and Core Certificate of Occupancy.

f. **Heat Island Reduction.** All new hardscape and roof areas shall meet the LEED version 4 criteria for heat island reduction be designed to reduce heat island effects. The Developer agrees to submit to the County Manager manufacturer documentation sufficient to confirm that the components meet such performance criteria prior to issuance of the Shell and Core Certificate of Occupancy.

2) **Report Submittals.** The Developer further agrees to submit to the Department of Environmental Services (DES) (with notification of submission to the Zoning Office), reports of the sustainable design elements 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:

a. First Building Permit

b. First Partial Certificate of Occupancy

c. Partial Certificate of Occupancy for occupancy of any part of the last floor of space to be construed within the new addition located on the property.

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

- 4) All sustainable design elements and innovative technologies incorporated into the project shall remain as part of the Site Plan for the life of the Site Plan. No part of the sustainable building elements as described above 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 changes are equivalent to or greater than the sustainability of the eliminated elements.
- 5) **Energy Reporting (March 31st of year after issuance of Partial Certificate of Occupancy of last floor)** The Developer agrees to provide a complete 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 January 31 of the year following issuance of the Partial Certificate of Occupancy of the last floor of space. The Developer may base energy monitoring and report findings upon energy bills received by the Developer's utility provider.
- 6) **Corporate Sustainability Statement (Master Certificate of Occupancy)**. Prior to issuance of the Master Certificate of Occupancy, the Developer shall develop, in coordination with the Arlington County Green Building Program Manager or her designee, a corporate sustainability policy statement (the "Sustainability Statement"). The Sustainability Statement must consider and integrate, among other things and as applicable, the goals of the Arlington County Community Energy Plan. The Developer must provide a copy of the official Sustainability Statement to the Arlington County Green Building Program Manager or her designee within six (6) months of the issuance of the Master Certificate of Occupancy. The Developer agrees to maintain the Sustainability Statement throughout the life of the site plan.
- 7) **Site Energy Use Intensity (Life of Site Plan)**. Throughout the life of the site plan, the Developer will maintain for the existing office building and proposed production studio addition a combined Site Energy Use Intensity not to exceed 166 EUI.

54. Civil Engineering Plan (Land Disturbance Permits)

A. Submission and Approval (Land Disturbance Permits)

- 1) **Submission (Land Disturbance Permits)** The Developer agrees to submit a complete set, as determined by the Department of Environmental Services, of a Civil Engineering Plan for each applicable phase of the project consistent with the approved Phasing Plan for the development, pursuant to Condition #46 above, based on the Minimum Acceptance Criteria and Guidelines dated February 16, 2018 or subsequent amended acceptance criteria document, prior to the issuance of the Land Disturbance Permit for that phase.
- 2) **(Excavation, Sheeting and Shoring Permit)** The Developer agrees that in the event it seeks an Excavation Sheeting and Shoring Permit prior to approval of the Civil Engineering Plan, such permit may only be issued if the following requirements have been met for the applicable phase pursuant to Condition #46:
 - a. **Finding of no substantial risk to County.** A minimum of one complete County staff review of the Civil Engineering Plan has been completed that results in a finding by the County Manager that the limits of Excavation, Sheeting and Shoring proposed on the plan will not interfere with, limit, damage, or pose a substantial risk of damage, to existing and proposed public infrastructure and adjacent public or private property; and
 - b. **Maintenance of Traffic Plan.** Approval by the County Manager of a Maintenance of Traffic Plan for, at a minimum, the Excavation, Sheeting and Shoring phase of work.

- 3) **Approval of Plan (Footing to Grade Permit)** The Developer agrees to obtain approval of the Civil Engineering Plan by the County Manager prior to the issuance of the Footing to Grade Permit, for any phase of the project (approved pursuant to Condition #46). 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 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 of a revised Final Landscape Plan per Condition #57.

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

- i. Intentionally Omitted

2) Water Mains and Services

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

- i. none

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

3) Sanitary Sewer

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

- i. none

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

- b. 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. Intentionally Omitted.

6) Undergrounding of Aerial Utilities

- a. Intentionally Omitted

7) Underground Utility Vaults

- a. Intentionally Omitted

8) 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 Quincy Street:

- *Minimum streetscape width measured from the back of curb: 14', or as per existing conditions*
- *Minimum clear sidewalk width: 9' 10", or as per existing conditions.*
- *Tree pits/planting strip dimensions: 4' 2", or as per existing conditions, and distance from back of curb: ~~minimum~~ zero setback, or as per existing conditions.*

- 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 #57.B.8., except where such design standards would conflict with the existing conditions.
- c. For any sidewalks to be installed by the Developer as part of this application, 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. Except where in conflict with the existing site conditions, street trees shall be spaced 28-32 feet apart on center, or as approved by the County Manager. Except where in conflict with the existing conditions, the location and planting details for street trees shall be in compliance with the Arlington County Landscape Standards; the Standards for Planting and Preservation of Trees on Site Plan Projects; and other applicable streetscape guidelines or standards, or urban design standards approved by the County Board.

9) Visitor Bicycle Parking

Provide visitor bicycle parking spaces in the following amounts:

- a. Office uses: one (1) visitor space for every 20,000 square feet, or portion thereof, of office floor area.
- b. Residential uses: one (1) visitor space for every 50 residential units, or portion thereof. Intentionally Omitted.
- c. Retail uses: two (2) visitor spaces for every 10,000 square feet, or portion thereof, of the first 50,000 square feet of retail floor area; and one (1) additional visitor space for every 12,500 square feet, or portion thereof, of additional retail floor area.

Intentionally Omitted.

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

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 or existing site conditions 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.

Any existing visitor bicycle parking in place at the time of approval may be counted toward this requirement if found to be generally consistent with current standards and securely installed.

10) Pavement, Curb and Gutter

- a. Pavement, curb and gutter along all site frontages, as listed below, and as shown on the approved Civil Engineering Plan.
- i. South Quincy Street: street cross section varies, approximately 63.5 feet face-of-curb to face-of-curb as shown on the Civil Engineering Plan approved by the County Manager, or as per existing conditions.
- b. Pavement, curb, and gutter, including all improvements for pedestrian and/or vehicular access or circulation along all frontages shall be designed and constructed in compliance with the Department of Environmental Services Construction Standards and Specifications Manual or subsequent standards as amended.

11) Street Lighting

- a. Intentionally Omitted

12) Traffic Signal Equipment

- a. Relocation of existing traffic signal poles, traffic signal cabinets, and any other existing traffic-related items and appurtenances in the public right-of-way along all frontages of the site, and installation of new traffic signal poles, traffic signal cabinets, and any other traffic-related items and appurtenances in the public right-of-way as listed below, in locations as determined by the County Manager at the time of the review of the Civil Engineering Plan:
- i. none

13) Communication Conduit

- a. Intentionally Omitted

- 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.

- 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 #55.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. Stormwater management facilities.
- g. 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 #55.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 of an as-built Civil Engineering Plan for each phase of the site plan pursuant to Condition #46, 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.

56. Utility Company Notification (Land Disturbance 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 Disturbance 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.

57. Final Landscape Plan (Excavation, Sheeting and Shoring/ Footing to Grade)

A. Submission (Excavation Sheeting and Shoring)

- 1) The Developer agrees to submit to the Zoning Administrator a detailed Final Landscape Plan prior to issuance of the Excavation Sheeting and Shoring Permit, the plan shall conform to, where applicable:
 - a. The landscaping requirements contained herein;
 - b. Rosslyn-Ballston Corridor Streetscape Standards;
 - c. Sector Plans;
 - d. The landscaping, planting, and sidewalk and driveway construction specifications and standards;
 - e. Arlington County Landscape Standards, including the Standards for Planting and Preservation of Trees on Site Plan Projects;
 - f. Master Transportation Plan;
 - g. Other applicable streetscape guidelines or standards or urban design standards approved by the County Board and in effect at the time of the Final Landscape Plan approval.
- 2) The Developer agrees that the Final Landscape Plan shall, at a minimum, contain the following information, in accordance with the checklist in the Arlington County Landscape Standards:
 - a. **Submission of Tree Replacement Plan and Calculations (Excavation, Sheeting, and Shoring)**
 - (1) In addition to saving identified trees, consistent with Condition #48 above, the Developer also agrees to replace all trees shown on the Tree Survey that are removed as a result of the new construction. Such replacement shall be completed in accordance with the Arlington County Tree Replacement Guidelines and these conditions. The Developer agrees to submit a Tree Replacement Plan, and Tree Replacement Calculations, as part of the Final Landscape Plan.

(2) **Approval of Tree Replacement Plan and Calculations, and Tree Canopy Fund Donation (Footing to Grade)**

The Developer agrees that any replacement trees that cannot be accommodated on site shall be either (i) provided in a monetary amount to the Tree Canopy Fund prior to the issuance of the Footing to Grade Permit or (ii) replaced at offsite locations reviewed and approved by the Arlington County Urban Forester. The Developer agrees to make a contribution to the County's Tree Canopy Fund of at least \$2,400.00 per tree, or a greater amount specified by the County Board, for every tree that cannot be planted on site. The contribution shall be required when tree planting requirements cannot be met on the property, except to the extent that the Arlington County Urban Forester approves the replacement of such trees at suitable offsite locations. 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

- b. Drawings from the Civil Engineering Plan showing the location of utilities, lighting, equipment, and other elements which may impact landscape elements on the site.
- c. Exterior building security measures for office developments only.
 - (1) The Developer agrees to coordinate with County staff on the design of exterior office building security measures in order to limit or mitigate any adverse impacts that these measures may have on the project's urban design (including street and retail base) and streetscape. All exterior office building security measures shown on and approved as part of the landscape plan shall also be shown on and approved as part of the façade elevation drawings, consistent with Condition #61. The Developer may include exterior office building security measures on shown on the plans approved by the County Board on July 18, 2020.
 - (2) The Developer agrees that the design of exterior office building security measures shall not adversely impact the base of the office buildings, as shown in the drawings dated April 8, 2020, and that have been designed to accommodate retail uses and provide interest and activate the streetscape.
- d. The locations of all trees, showing that there are no conflicts between trees and existing or proposed utilities.
- e. The location and depth of all above and below-grade existing and proposed utility meters, underground utility vaults and boxes, utility lines, transformers, and at-grade mechanical equipment.
- f. The location of all existing, proposed and relocated traffic signal poles, traffic signal cabinets, and any other traffic-related items and equipment located on or in the public sidewalk contiguous to the site.
- g. The location of all existing and proposed fire hydrants and standpipes, storm sewers and storm water management facilities, and sanitary sewers and appurtenances.
- h. The location of all on-street parking spaces, bus stops, bicycle rack locations, bike share stations, and other facilities as identified during the review of the plans.

- i. The location and dimensions of intake and exhaust garage ventilation grates and screening for ventilation grates, which shall meet the requirements of the conditions contained herein.
 - j. The location of all street light fixtures, poles, meters, service cabinets and power connection appurtenances along the frontages of the site.
 - k. The location, dimensions, materials, and pavement pattern for driveways and access drives, automobile drop-off areas, curb ramps, driveway aprons, service drives, crosswalks, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Interior walkways shall have a minimum width of four (4) feet.
 - l. The final streetscape design, including sidewalks, street trees, tree pits, bicycle racks, and sidewalk pattern/design and final selection of materials and colors to be used except that this condition may be satisfied by identifying the existing streetscape design around the perimeter of the property.
 - m. The limits of clear pedestrian zones of all public sidewalks and pedestrian access.
 - n. Landscaping for open space areas, plaza areas, courtyards, raised planters (including cross-sections of raised planters), surface parking areas, and service drives, including a listing of plant materials; details of planting, irrigation and drainage; and details of proposed furnishings for all areas, including, but not limited to, dimensions, size, style(s), materials(s), finish(s), and manufacturer(s) of seating, bollards, trash receptacles, lighting, arbors, trellises, water features, and other landscape elements or structures.
 - o. The location, design and details of any existing or proposed bicycle racks;
 - p. The location of public use and access easement areas, including final landscape design and installations in these areas.
- 3) **Approval of Plan (Footing to Grade Permit).** The Developer agrees to obtain approval of the Final Landscape Plan by the County Manager, prior to issuance of the Footing to Grade Permit. The Developer further agrees that the approved Final Landscape Plan shall conform to the Civil Engineering Plan, and the sequence of construction, and shall be consistent with the conceptual Final Landscape Plan approved by the County Board as a part of the Site Plan approval, all site plan approval requirements, and all County codes, standards and specifications, and policies.
- B. Standards and Requirements.** The Developer agrees that the Final Landscape Plan shall, at a minimum, meet the following standards and requirements:
- 1) The plans shall be drawn to 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 shall not be placed above grade between the building and the street except that transformers, whether existing or proposed, may be placed along the property's Shirlington Road frontage in areas where transformers are currently installed at the time of this approval.
- 6) The Developer agrees that the location of any new intake and exhaust garage ventilation grates shall not be located within public sidewalks or streets, or within areas between the street curb and any building which is used as a walkway. The Developer agrees that any new ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way.
- 7) All plaza areas, access drives, automobile drop-off areas, interior walkways and roadways shall contain special treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager for conformity with 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, or as currently constructed. To the extent that the County's requirements and policies for sidewalk pattern/design and materials/colors change, subsequent to this Site Plan approval, the County Manager shall review, at the time of construction, for approval, the final treatment for compliance with the then current standards.
 - a. The clear sidewalk along all street frontages of the site shall be in compliance with the Rosslyn-Ballston Corridor Streetscape Standards or other applicable streetscape guidelines or standards, and shall:
 - (1) Continue across all driveway aprons for loading and garage entrances along all frontages of the Site Plan, and not contain any barriers that would impede the flow of pedestrian traffic.
 - (2) Be not less than six (6) feet wide at any point, including across all driveways, with no obstructions to impede the passage or flow of pedestrian traffic (clear sidewalk). However, pinch points may be permitted only as specifically permitted in conformance with the Master Transportation Plan and/or other applicable plans.
 - (3) Be designed and installed in compliance with Department of Environmental Services Construction Standards and Specifications.
 - (4) Use plain, un-tinted concrete or, subject to approval, an integral tint that harmonizes with its setting. Non-standard materials or surface treatments may be used subject to approval by the County Manager, and under the provisions of the Rosslyn-Ballston Corridor Streetscape Standards or other applicable streetscape guidelines or standards.
 - (5) Not contain joints or use patterns that create gaps of ¼-inch in depth or greater at a spacing of less than 30 inches.
 - (6) 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:

- None.

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, or as previously approved by the County Board. For any new street tree pits or continuous soil panels proposed with this application, the location, soil volume enhancements, and planting details for street trees shall be in compliance with The Rosslyn-Ballston Corridor Streetscape Standards; Sector Plans; the Arlington County Landscape Standards; the Standards for Planting and Preservation of Trees in Site Plan Projects; and other applicable streetscape guidelines or standards, or urban design standards approved by the County Board. Street trees shall not be placed within the vision clearance (corners), as defined in Section 3.2.6.A.4 of the Zoning Ordinance.

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

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

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

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

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

e. Groundcover—in 2-inch pots.

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

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

1) **Installation (First Partial Certificate of Occupancy for Tenant Occupancy)**. The Developer agrees that all improvements shall be constructed and/or installed prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy of any space above grade for the respective Phase of construction (as "Phase" is determined pursuant to the approved Phasing Plan required in Condition #46 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, declared public health emergencies, 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 unless in conflict with existing site conditions. Soil and drainage material depth shall be as specified in appropriate Arlington County tree planting standard details, and as approved by the County Manager on the landscape plan. Soil volume, depth, and drainage requirements also apply to trees in raised planters.
- (5) Finished grades shall not exceed a slope of three to one, unless otherwise shown on the approved plans.
- (6) The Developer agrees to install approved lighting before the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy, exclusive of the garage, for the applicable Phase of the project pursuant to the approved Phasing Plan required in Condition #46 above.

- 2) **Maintenance and Replacement (Life of Site Plan)** The Developer agrees to maintain the site in a clean and well-maintained condition and ensure that 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.

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

58. 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.

59. 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 that for each Phase of the project, pursuant to the approved Phasing Plan required in Condition #46 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 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.
60. **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 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, 2016 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.
 - 4) The Developer agrees to provide the following shower and locker facilities:

- a. For office/retail/hotel buildings between 100,001 square feet of GFA and 300,000 square feet of GFA, three (3) showers per gender. Showers satisfying this condition may be provided within the main office building located on the property.
- b. For every required employee bicycle parking space, either 1) a minimum of one (1) clothes storage locker per gender shall be installed in gender-specific changing rooms, or 2) a minimum of one (1) clothes locker shall be installed adjacent to, but outside of changing rooms. The lockers shall be a minimum size of 12 inches in width, 18 inches in depth, and 36 inches in height. Lockers satisfying this condition may be provided within the main office building located on the property.

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

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

Any existing secure bicycle parking facilities, including showers and lockers, in place at the time of approval may be counted toward this requirement if found to be largely consistent with current standards and securely installed.

B. Installation of Secure Bicycle Parking, Shower and Locker Facilities (First Partial Certificate of Occupancy for Tenant Occupancy)

The Developer agrees that all secure bicycle parking, shower and locker facilities on the site, as described above, shall be fully installed and operational prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy for the applicable building.

61. Facade 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 #43 as presented to the County Board and made a part of the public record on the date of County Board approval of this Site Plan.
- B. **Submission of Facade Elevation Drawings and Material Samples (Footing to Grade)**
The Developer agrees to submit to the Zoning Office, for review by the County Manager prior to the issuance of the Footing to Grade Permit, three (3) copies of colored elevations and one (1) copy of black and white architectural elevations at 24" x 36", which label the materials and colors for each elevation of the building, including interior facade elevations (e.g. elevations adjacent to interior courtyards, plazas and access drives), and which identify any proposed change from the drawings identified in Condition #43, along with a written summary and explanation of the proposed changes, as well as one (1) sample material board at no larger than 24" x 36".
- C. **Approval of Facade Elevation Drawings and Material Samples (Final Building Permit)**
The Developer agrees to obtain the approval of the County Manager of the facade elevation drawings and material samples submitted per this Condition, 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 of the built building façades as being consistent with the approved facade elevations and materials prior to the issuance of the Shell and Core Certificate of Occupancy.
- E. **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 except that screening for mechanical equipment located on the ground may be screened with vegetation. 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) **Architectural Illumination.** The Developer agrees that the illumination, up-lighting, or the like, of any architecture, including buildings, structures, sites and facades, shall not be permitted unless specifically called out on the Site Plan and approved by the County Board. Any architectural illumination shown on the façade elevations that was not specifically shown on the Site Plan approved by the County Board shall require a Site Plan amendment.

62. Plat of Excavated Area (Footing to Grade Permit)

- A. **Submission (Footing to Grade Permit)** The Developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the building's ground floor elevation(s) at the building's lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #43 and #44 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.

63. 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 #46 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.

64. 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.

65. 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. Parking space width and drive aisle width is permitted to remain as exists on site as of the date of the adoption of this site plan.
- 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

Office -

Approved Parking Ratio

1 space per 353 square feet of GFA (to include office employees, office visitors, building management employees, and accessible spaces)

- c. The Developer agrees that the number of compact spaces counted toward the total number of "Required Spaces", be as existing on site. Spaces provided in excess of the "Required Spaces" total may be either standard or compact spaces.
- d. The Developer may use spaces not designated as retail or visitor for carshare, which shall count toward the required parking ratio for the applicable use.
- e. The Developer agrees that the "Required Spaces" shall not be converted to storage or other non-parking use without approval of a Site Plan amendment. Parking spaces constructed in excess of the "Required Spaces" may be converted from automobile parking to parking for other modes of transportation (i.e., motorcycles, scooters, bicycles, etc.) at the discretion of the Developer.

B. Operation and Management-Related Requirements

1) Office Parking

- a. The Developer agrees that in office buildings, no more than 20% of the total parking supply shall be reserved for individual persons except as may be provided pursuant to Condition 51.E.
- b. The developer agrees to make a minimum of six, and not more than 26, parking spaces in the WETA garage available to the residential building at 2727 S. Quincy Street for residential visitor parking spaces depending on demand.

2) External Signs

- a. The Developer agrees to install "P" parking sign(s) except where currently installed on the property, per County standards on the outside of the building in those cases where parking is available for retail or the general public. The "P" sign(s) shall be visible from every vehicular approach as appropriate except where building design obstructs their visibility.
 - b. In cases where parking is available to the public, the Developer agrees to install rate and hour signs on the interior entrance wall of the garage, visible from the street.
- 3) **Garage and Parking Management Plans (Footing to Grade Permit)**
- a. **Garage Plan (Footing to Grade Permit)**
The Developer agrees to submit to, and obtain approval from, the County Manager of a Garage Plan prior to the issuance of the Footing to Grade Permit. The Garage Plan shall show where parking for the different user groups, including, when applicable, residents, visitors, employees, retail patrons, and the general public, including overnight public parking, will be located. The Garage Plan shall also show the location(s) of any parking control equipment, locations of queueing, and a queueing analysis that demonstrates vehicle queueing will be accommodated entirely within the garage or other privately controlled areas of the site plan. 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. The Developer may satisfy this condition through the submission of any existing and approved garage plan for the property as of the date of these conditions.
 - b. **Parking Management Plan (First Partial Certificate of Occupancy for Tenant Occupancy)** The Developer agrees to submit to, and obtain approval from the County Manager of a Parking Management Plan prior to the issuance of the First Partial Certificate of Occupancy for Tenant Occupancy. The Parking Management Plan shall follow the *Guidelines and Minimum Acceptance Criteria for the Preparation and Submission of Parking Management Plans* dated February 15, 2016 or subsequent version. The Developer further agrees that the plan shall be designed to ensure that vehicle queueing for site parking shall not occur in the public right-of-way. The Zoning Administrator may approve a parking count of 98% or more of the required number of spaces, if causes beyond the control of the Developer makes compliance impractical.
 - c. **Implementation.** The Developer agrees to implement the approved Parking Management Plan for the life of the Site Plan. The Developer agrees to obtain the prior review and approval of any amendments to the approved Parking Management Plan by the County Manager.

66. Wall Check Survey (Final Building Permit)

- A. **Walls/Elevations at Below Grade Structure (Final Building Permit)** The Developer agrees to submit one (1) original and three (3) copies of a wall check survey to confirm its consistency with the plans approved by the County Board, as referenced in Conditions #43 and #44 above, prior to the issuance of the Final Building Permit. The Developer further agrees that the wall check survey shall show the location of the walls at the top level of the below-grade structure and the elevation of the highest parking slab.
- B. **Walls/Elevations of Slab at Grade (Prior to pouring the second floor slab or at completion of the slab on grade)** The Developer further agrees to submit to the Zoning Administrator, and obtain the Zoning Administrator's approval as meeting the requirements of this approval, of a wall check survey showing the location of the walls, and the elevation of the slab, at grade, prior to pouring the second floor slab, or at completion of the slab on grade.

67. 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 the existing penthouse on the existing

office building shall be limited to mechanical equipment and equipment maintenance space and/or telecommunication transmitter and/or receiver equipment as required in Condition #69 below, unless otherwise approved as part of this Site Plan with such uses subject to approval of Inspections Services Division where applicable.

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

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

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

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

- a. a donor antenna in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both;
- b. single mode fiber optic backbone;
- c. conditioned and secured-access space with dedicated backup power to locate fiber distribution equipment;
- d. secured head-end equipment to support bi-directional radio transmissions over the air and via internet protocol fiber optic link;
- e. related hardware in a number and configuration that is appropriate for radio transmission in frequencies established by the County;
- f. dedicated communications conduits from property line to the head-end equipment room;
- g. alarm reporting to the County's designated recipient.

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

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

70. Transportation Management Plan (First Partial Certificate of Occupancy for Tenant Occupancy)

The Developer agrees to obtain approval from the County Manager 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 #46. Such approval shall be given if the County Manager finds that the TMP for each building includes a schedule and description of implementation and continued operation, throughout the life of the Site Plan, of all elements outlined below under 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 ACCS, to provide, transit, bike, walk, rideshare and other information provided by Arlington County intended to assist with transportation to and from the site.

B. Facilities and Improvements

- 1) Provide in the lobby or lobbies, a transportation information display(s), the number/content/design/location of which will be approved by ACCS. 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) Provide, within the TMP a Bicycle Facilities Management Plan to support the infrastructure provided through Conditions #55 and #60. 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.

C. Carpool and Vanpool Parking

Carpools and Vanpools (for buildings with a minimum of 50,000 square feet of gross floor area of non-residential uses)

- 1) Operate a carpool/vanpool program with required elements including, at minimum:
 - a. Provide reserved, signed, spaces for carpools and vanpools conveniently located with respect to main entrances/elevators serving the building.
 - b. Provide two-person or more carpools with a parking subsidy equal to one-half the single-occupant vehicle monthly rate.
 - c. Provide vanpools, as recognized by the Internal Revenue Service (IRS), with free parking.

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, administer, or cause the provision of a sustainable commute benefit program for each on-site 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.
- 3) Provide, under a "transportation information" heading or similar heading within the Developer's employee intranet portal regarding this development:
 - a. Links to the most appropriate Arlington County Commuter Services and/or external transportation-related web page(s). Obtain confirmation of most appropriate link from ACCS.
 - b. A description of key transportation benefits and services provided at the building, pursuant to the TMP.

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 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.

71. 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.

72. 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.

73. Structural Modifications (Life of Site Plan)

- A. The Developer agrees that any structural modification or changes to the facades or materials shall be subject to the approval of the County Manager. If the County Manager determines that any proposed changes to the facades or materials have a significant impact on the Site Plan, or otherwise meet Zoning Ordinance requirements for Site Plan amendments that require approval by the County Board, a Site Plan amendment shall be required.
- B. The Developer agrees that no balconies, other than those identified in the approved Site Plan, shall be enclosed. Enclosure of any additional balconies shall constitute additional gross floor area and shall require a Site Plan amendment.

74. Building Security Measures (Life of Site Plan)

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

75. Snow Removal (Life of Site Plan)

The Developer agrees to remove snow and ice from all sidewalks within or adjacent to the entire 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).

76. 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.

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

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

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

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

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

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

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

79. Rooftop Lighting Plan (Life of Site Plan)

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

80. Large Media Screen (Life of Site Plan)

The Developer may install large media screens along the property's South Quincy Street frontage, as generally shown and described in the plans approved by the County Board dated April 8, 2020. Any large media screens installed by the Developer shall be in accordance with Article 13 of the Zoning Ordinance, as the same may be amended from time to time. The developer further agrees to consult with the Zoning Administrator on permitted content before operation of the large media screen commences.

**Attachment A
In-Building First Responder Network Definitions and Testing Protocol**

Definitions

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

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

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

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

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

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

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

Testing Protocol

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

1. Each floor of the building shall be divided into a grid of 20 approximately equal areas.
2. The test shall be conducted using a calibrated portable radio of the latest brand and model used by the County.

3. The test shall be considered failed if more than two nonadjacent grid areas do not meet the signal strength requirements.
4. In the event that three nonadjacent areas fail the test, in order to be more statistically accurate, the floor shall be divided into 40 equal areas. The test shall be considered failed if more than four nonadjacent grid areas do not meet the signal strength requirements. If the system fails the 40-area test, the system shall be modified to meet the 95 percent coverage requirement.
5. A test location approximately in the center of each grid area shall be selected for the test. The radio shall be enabled to verify two-way communications to and from the outside of the building through the public agency's radio communications system. Once the test location has been selected, that location shall represent the entire area. If the test fails in the selected test location, that grid area shall fail. Prospecting for a better location within the grid area shall not be allowed.
6. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file within the building so that the measurements can be verified during annual tests. In the event that the measurement results become lost, the developer shall be required to rerun the acceptance test to reestablish the gain values.
7. As part of the installation a spectrum analyzer or other suitable test equipment shall be utilized to ensure false oscillations are not being generated by the subject signal booster.
8. The antennas, cable, and other passive components of the system shall be rated to operate at least between 400MHz and 5.0 GHz.

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

1. A valid FCC-issued General Radio Operators License; and
2. Certification of in-building system training issued by a nationally recognized organization or school or a certificate issued by the manufacturer of the equipment being installed.

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

[#55-56 -Join Staff Presentation](#)

[Board Report #55 \(Posted 07-14-2020\)](#)

[Board Report #56 \(Posted 07-14-2020\)](#)

[Board Report #57 \(Posted 07-13-2020\)](#)

[#57-Letter from the Planning Commission \(Posted 07-15-2020\)](#)

[#57-Letters from the Public \(Posted 07-14-2020\)](#)

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58. U-3480-17-1 Use Permit Amendment to amend Condition #37 to allow parking on the parking lot on the southwest corner of the site for up to two (2) years (July 31, 2022) at Alice West Fleet Elementary School; located at 125 S. Old Glebe Road (RPC# 24-011-037, -058).

Following a duly advertised public hearing, at which there were speakers, a motion was made by MATT DE FERRANTI, Member, seconded by CHRISTIAN DORSEY, Member, to approve the use permit amendment to allow parking on the parking lot on the southwest corner of the site for up to two (2) years (July 31, 2022) at Alice West Fleet Elementary School, subject to all previously approved conditions and amended Condition #37, with an administrative review in January 2022, and a County Board review in July 2022.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: LIBBY GARVEY, Chair – AYE; CHRISTIAN DORSEY, Member – Aye; KATIE CRISTOL, Member – Aye; MATT DE FERRANTI, Member – Aye; TAKIS KARANTONIS, Member – Aye.

The amended condition #37 reads as follows:

37. Parking (Footing to Grade Permit or Final Building Permit)

Arlington Public Schools agrees to provide a minimum of 227 parking spaces on site, as shown on the plans referenced in Condition #2. Arlington Public Schools further agrees to maintain all on-site parking spaces for the life of the use permit. In addition, Arlington Public Schools agrees that they may utilize the 23-space parking lot on the southwest corner of the site as parking on an interim basis until such time as the County Board determines the appropriate ultimate use (parking, modest landscaping and/or plaza improvements) for this 23-space parking lot at the July 2022 County Board meeting. ~~When the new elementary school at Thomas Jefferson is open and construction activities on the site completed, the 23-space parking lot on the Southwest corner of the site should not be used as parking. Following the Parking Utilization Study (condition #47), if the parking spaces in the 23-space lot are not necessary to support activities at the site, as determined by the County Manager, the plans may be updated administratively to remove the lot and landscape the area.~~

~~Additionally, the County Manager will collaborate with the Superintendent and APS Facilities Staff to provide recommendations for an amount (between \$100,000 – \$400,000) and source (such as the Joint Contingent) of funding for modest landscaping or plaza improvements which will create a sense of public place, while protecting mature trees, on this lot for the two-year duration before the Parking Utilization Study.~~

[#58-Staff Presentation](#)

[Board Report #58](#)

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IV. ADDITIONAL ITEMS

Without objection, at 3:01 PM, The County Board Regular Meeting recessed.

ATTEST:

LIBBY GARVEY, Chair

KENDRA JACOBS, Clerk
Approved:

A Recessed Meeting of the County Board of Arlington County, Virginia, held virtually, on July 21, 2020 at 3:00 PM.

PRESENT: Libby Garvey, Chair
Matt de Ferranti, Member
Katie Cristol, Member
Christian Dorsey, Member
Takis Karantonis, Member

ALSO PRESENT: Mark Schwartz, County Manager
Stephen MacIsaac, County Attorney
Kendra Jacobs, County Clerk

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COUNTY BOARD RECESSED MEETING

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I. COUNTY BOARD BUSINESS AND REPORTS

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• County Board Reports

Matt de Ferranti discussed the Neighborhood College Program and recognized recent graduates of the program.

Libby Garvey offered remarks in remembrance of Jim Pebley.

Katie Cristol offered remarks in remembrance of George Keating.

Christian Dorsey offered remarks in remembrance of Mary Ann Moran.

Libby Garvey highlighted the Columbia Gardens Cemetery, which was recently granted the ArbNet Level 1 Accreditation.

Katie Cristol provided an update on the ongoing Census 2020 efforts.

Christian Dorsey gave a one-year update on the Arlington's Equity initiative.

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• Appointments

On a motion by LIBBY GARVEY, Chair, the County Board made the following appointments:

Aquatics Committee

Appoint Trish Madden for a term ending on July 31, 2022
Appoint David Pilch for a term ending on July 31, 2022
Appoint Howard Seamens for a Vice Chair term ending on July 31, 2022

Community Services Board

Appoint Adele McClure for a term ending on June 30, 2023

Economic Development Commission

Appoint Daron Coates for a term ending on July 31, 2023
Appoint Steven Cooper for a term ending on July 31, 2023
Appoint Catherine Lynch for a term ending on July 31, 2023

Fiscal Affairs Advisory Commission

Appoint Chanda Choun for a term ending on July 31, 2022

Joint Committee on Transportation Choices

Appoint Josh Folb for a Chair term ending on July 31, 2021
Designate Elizabeth Kiker as Vice Chair Term ending on July 31, 2021

Human Rights Commission

Appoint Jose Quinonez for a term ending on July 31, 2023

Neighborhood Complete Streets Commission

Reappoint Willis 'Bill' Braswell for a term ending on July 31, 2023
Reappoint Francesca Guerrero for a term ending on July 31, 2023
Reappoint Ed Hilz for a term ending on July 31, 2023
Reappoint Dwight Hlustick for a term ending on July 31, 2023
Reappoint Kevin Sweeney for a term ending on July 31, 2023

Sports Commission

Reappoint Shirley Brothwell for term ending on July 31, 2021
Designate Shirley Brothwell as Chair for a term ending on July 31, 2021

Tenant-Landlord Commission

Reappoint Kellen MacBeth for term ending on July 31,2021
Designate Kellen MacBeth as Chair for a term ending on July 31, 2021

The motion was adopted and carried by a vote of 5 to 0, the voting recorded as follows: LIBBY GARVEY, Chair - Aye, MATT DE FERRANTI, Member – Aye, KATIE CRISTOL, Member - Aye, CHRISTIAN DORSEY, Member – Aye, TAKIS KARANTONIS, Member – Aye.

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• Regional Reports

Katie Cristol provided an update on the NVTA Six Year Plan Update and outlined projects impacting the County.

Katie Cristol provided an update on the Virginia Municipal League’s Legislative Special Session on Public Safety.

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• County Manager Reports

Mark Schwartz provided an overview of rental and food assistance trends observed by the County during the ongoing COVID-19 crisis.

Mark Schwartz provided an update on the functions and scope of the recently created Police Practices Citizen Advisory Group.

Mark Schwartz gave a presentation on restorative justice initiative as part of Restorative Arlington.

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Closed Session

On a motion by LIBBY GARVEY, Chair, seconded by CHRISTIAN DORSEY, Member, the County Board convened a closed meeting, as authorized by Virginia Code 2.2-3711.A 7 and 8 for the following purposes:

Consultation with the County Attorney and necessary staff concerning litigation with TB Venture, LLC involving the Odyssey condominium; litigation with the National Council on Independent Living concerning

handicapped parking in the County; and litigation with Arthur Construction Company concerning Contract Number 642-12;

Consultation with the County Attorney concerning the workers compensation claim JCN 140 1338, and the personal injury claim of Amparo Munoz-Zapata; and

Consultation with the County Attorney and necessary staff concerning the authority of the Arlington Public Schools and the County Board to individually or collectively provide broadband internet services to student households.

The motion was adopted and carried by a vote of 5 to 0, the voting recorded as follows: LIBBY GARVEY, Chair - Aye, MATT DE FERRANTI, Member – Aye, KATIE CRISTOL, Member - Aye, CHRISTIAN DORSEY, Member – Aye, and TAKIS KARANTONIS, Member - Aye.

CERTIFICATION OF CLOSED MEETING DISCUSSIONS

A motion was made by LIBBY GARVEY, Chair, seconded by KATIE CRISTOL, Member, by a vote of 5 to 0 by roll call, the voting recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Ms. Garvey	Aye
Mr. Dorsey	Aye
Ms. Cristol	Aye
Mr. De Ferranti	Aye
Mr. Karantonis	Aye

the Board certified that, at the just concluded closed session: (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered by the Board.

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The following items to be heard beginning at 6:30 p.m.

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II. CONSENT ITEMS (Items removed from the Consent Agenda on Saturday, July 18, 2020).

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Use Permit Requests, Amendments and Reviews

11. U-3224-09-1 Use Permit Amendment to modify Condition #19 regarding undergrounding of aerial utilities (Axumite Village); located at 1036, 1100, and 1106 S. Highland St. (RPC#'s 32-007-167, -168, and -022).

Prior to the Consent Motion, TAKIS KARANTONIS, Member, read the below Disqualification from Participation regarding item #11:

DISQUALIFICATION FROM PARTICIPATION IN ACCORDANCE WITH §2.2-3115.F

Agenda item 11 involves a use permit amendment applied for by the Ethiopian Community Development Council (ECDC) for Auxumite Village. I am advised that, under § 2.2-3112.A.1 of the State and Local Government Conflict of Interests Act, I am prohibited from participating in the Board's discussion of and any vote on this matter because of a personal interest in the ECDC arising out of my employment

with the Enterprise Development Group an affiliate of ECDC located at 901 South Highland Street in Arlington. Accordingly, I will not be participating in the Board's discussion or vote on item 11.

Following a duly advertised public hearing, at which there were speakers, a motion was made by KATIE CRISTOL, Member, seconded by CHRISTIAN DORSEY, Member, to approve the subject use permit amendment, subject to all previously approved conditions, and the amended Condition #19 of the staff report.

The motion was adopted and carried by a vote of 4-0-1, the voting recorded as follows: LIBBY GARVEY, Chair – AYE; CHRISTIAN DORSEY, Member – Aye; KATIE CRISTOL, Member – Aye; MATT DE FERRANTI, Member – Aye; TAKIS KARANTONIS, Member – Abstain.

The amended use permit condition reads as follows:

Underground Existing Aerial Utilities

19. The developer agrees to remove and/or place underground all existing aerial utilities along South Highland Street on the eastern periphery of the site plan site, as shown on the final site development and landscape plan and the final engineering plan approved by the County Manager and the plan entitled ~~Axumite/Condition #19 e-Service Exhibit (Figure 3.), prepared by Utility Professional Services, Inc., dated May 12, 2011~~ March 6, 2020, and on the final engineering plan approved by the County Manager, with the following exception:

- A. Up to two existing poles along the rear of the southern property line of the site, labeled UE39/253H and PNT/253G ~~on the exhibit specified above~~, may be retained if any of the Owners of properties adjacent to the site and fronting 12th Street South that are served by these poles do not have service to their properties placed underground per subsection (iv)1 below.

Any utility improvements necessary to provide adequate utility services to this development or utility work necessary to provide a terminus to the underground facilities shall be paid for by the developer and shall not result in the installation of any additional utility poles or aerial devices, with the exception of the following:

- i. One new terminal pole at the southwest corner of the site, labeled TPXX1, as shown on the plan titled Axumite/Condition #19 exhibit.
 - ii. One new service pole on private property on the east south side of South Highland Street to serve 1103 and/or 1107 South Highland Street if the Owner of either property does not have service to their property placed underground per subsection (iv)1 below.
 - iii. One new service pole on private property on the east side of South Highland Street to serve 3017 and 3013 12th Street South if the Owner of either property does not provide an easement for undergrounding to the nearest available existing pole east of South Highland Street.
 - iv. One new utility pole on the east side of South Highland Street in the vicinity of 1107 South Highland Street. The new utility pole may be placed in the public right of way as long as a minimum 3-foot clear sidewalk is maintained at the utility pole location.
- B. Relative to utility undergrounding associated with the single family homes at 3101, 3105, 3109, 3113, 3117 and 3121 12th Street S. and 1103 and 1107 S. Highland Street ("Single Family Homes"):
- i. The developer agrees to place in escrow \$32,000 ("Escrow Fund") prior to the issuance of the Clearing, Grading, and Demolition Permit to be used as a contribution toward the actual incurred cost of undergrounding of utilities by others, as follows:
 - a. A maximum of \$10,000 per home for the 2 homes addressed on S. Highland Street.
 - b. A maximum of \$2,000 per home for the 6 homes addressed on 12th Street South. In the event that, prior to posting the Escrow Fund an Owner receives a contract from the utility company and consultants for the utility work and that contract amount is less than the amount allocated above for their home, then

the amount required to be posted in the Escrow Fund attributable to that home may be reduced accordingly.

- ii. Prior to the issuance of the Clearing, Grading and Demolition Permit, the developer shall provide the County with documentation that certified letters have been mailed by the developer to each of the record Owners of the Single Family Homes requesting the Owners to confirm in writing with the developer within six (6) months of receipt of the letter whether they choose to pursue or not to pursue utility undergrounding to their Single Family Homes.

Should an Owner not respond in writing within said six (6) months or chooses not to pursue undergrounding, that will serve to confirm that they elect not to underground, and the developer shall have no further obligation as to that Single Family Homes. The language in the certified letters shall be reviewed and approved by DES staff prior to being sent to the Owners.

- iii. Within six (6) months of an Owner indicating in writing that they choose to pursue utility undergrounding to their home, the Owner shall provide the developer with a fully executed contract to complete the undergrounding as described herein to their home. The developer shall disperse funds from the Escrow Fund (defined above) to the Owner, as required by their contract (i.e., deposits, final payments) but in no event to exceed the maximum dollar amounts set forth in this condition. The Owner shall be responsible for providing the developer with the receipt certifying completion of the utility work within four (4) months from execution of the contract. In the event that an Owner does not enter a contract to do the work or complete the work in a timely fashion as stipulated herein, then the developer shall be under no further obligation to disperse funds to that Owner.
- iv. The scope of the work to be contracted for by the Owners shall include the following:
 - a. This work by others will include conversion of all existing aerial services from overhead to underground at each of the affected homes. These existing utility services are typically power, phone, and cable lines which will be buried underground. This may require boring across these properties with placement of possible conduits to protect the cable. The homes' meter bases may also need to be changed from overhead type to underground type. In some cases, it may require some internal upgrades as determined by a certified electrician.
 - b. As to scope of work for the 12th Street South addressed homes only, funding for the interior work within a home shall be limited to work up to and including replacement of the circuit breaker box, if necessary.

Further, if the Owner contracts for work that is outside the scope described herein, or exceeds the maximum Escrow Fund contribution stipulated herein for their home, the funding for the work outside the scope or exceeding the allocated amount in the Escrow Fund shall be the responsibility of the Owner and not the developer.

The developer agrees to also contact the Development Services Bureau Chief, Transportation Division, of the Department of Environmental Services in Arlington County not less than two (2) months prior to its planned commencement of utility undergrounding to offer the County, at no cost to the County, access to the locations where the developer plans to excavate trenches or similar areas to install underground utilities so the County may install its fiber optic cable and/or conduit in those places concurrently with the developer's utility installation. Such access, and the terms and conditions under which access to the site will be provided and the undergrounding activities of the County and the developer will be coordinated, shall be set forth in an agreement approved by the County Manager and the County Attorney. All utility relocation shall be completed prior to the issuance of the Certificate of Occupancy for the first unit. The developer agrees that this condition does, and shall not be construed to grant, to the developer, any rights or permissions for the developer to install utilities and related facilities underground within any land in which

the County has a property interest, unless the developer first obtains from the County all approvals and permissions which authorize such installation(s).

[#11-Staff Presentation](#)

[Board Report #11-Supplemental Report \(Posted 07-21-2020\)](#)

[Board Report #11](#)

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Ordinances, Plans and Policies

28. Adoption of amendment of Arlington County Code Chapter 31, Human Rights, to add gender identity as a protected basis and update the definition of sexual orientation, consistent with recent changes to the Virginia Code.

Following a duly advertised public hearing, at which there were speakers, a motion was made by MATT DE FERRANTI, Member, seconded by KATIE CRISTOL, Member, to adopt an amendment of Arlington County Code Chapter 31, Human Rights, to add "gender identity" as a protected basis and update the definition of "sexual orientation," consistent with recent changes to the Virginia Code.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: LIBBY GARVEY, Chair – AYE; CHRISTIAN DORSEY, Member – Aye; KATIE CRISTOL, Member – Aye; MATT DE FERRANTI, Member – Aye; TAKIS KARANTONIS, Member – Aye.

The adopted amendments read as follows:

1. NOW, THEREFORE, BE IT ORDAINED, that Chapter 31 of the Arlington County Code is hereby amended as follows:

ARLINGTON COUNTY CODE

Chapter 31

HUMAN RIGHTS

- § 31-1. Statement of Policy.**
- § 31-2. Definitions.**
- § 31-3. Prohibited Acts.**
- § 31-4. Human Rights Commission Created; Composition; Terms; Chairman; Compensation.**
- § 31-5. Human Rights Director.**
- § 31-6. Functions and Powers of the Commission.**
- § 31-7. Enforcement Proceedings Initiated by the Filing of a Complaint.**
- § 31-8. Enforcement by the Court.**
- § 31-9. Exemptions.**
- § 31-10. Enforcement by County Agencies.**
- § 31-11. Inspections, Records and Notices.**
- § 31-12. Savings Provisions and Nonabatement of Matters.**
- § 31-13. Nonexclusive Remedy.**
- § 31-14. Notices; Service.**
- § 31-15. Time Limitations.**
- § 31-16. Severability.**

* * *

§ 31-2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Arlington County workforce" means employees of Arlington County government.

"Bona fide occupational qualification" means a bona fide occupational qualification as defined and interpreted under the Civil Rights Act of 1964, 42 United States Code § 2000e et seq., or other applicable federal statute.

"Commercial real estate" means any land or improvements, or both, or interest in such land or improvements, that is offered for sale or lease and that can be used for business, trade, or professional purposes under existing law or by changes in law contemplated under the offering, and which is not a dwelling. The fact that some adaptation of land or improvements, or both, must be made after the sale or lease is completed or that licenses or approvals are necessary to put it into use shall not mean that the land or improvements cannot be used for business, trade, or professional purposes, so long as those adaptations, licenses, and approvals are within the range that persons engaged in a business, trade, or profession are able to foresee in buying or leasing such property.

"Commission" means the Arlington Human Rights Commission, as established herein.

"Complainant" means any person who files a complaint with the Commission, alleging that a violation of this chapter has been committed against such person.

"Complaint" means any written allegation sufficient to indicate that a named respondent has committed a violation of this chapter.

"County" means the County of Arlington, Virginia.

"County Attorney" means the Arlington County Attorney or other legal representative appointed by the County Board to serve as legal counsel for the Commission.

"County Board" means the County Board of Arlington County, Virginia.

"Director" means the executive director of the Arlington County Human Rights Commission.

"Discrimination based on sex" includes but shall not be limited to, sexual harassment, discrimination because of or on the basis of pregnancy, childbirth or related medical conditions, and women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment related purposes, including fringe benefit programs, as other persons not affected by pregnancy but similar in their ability or inability to work, and nothing in this chapter shall be interpreted to permit otherwise. This chapter shall not require an employer to pay for the health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term, or except where medical complications have arisen from an abortion; provided, that nothing herein shall preclude an employer from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion.

"Dwelling" means any building, structure, or portion thereof, that is occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one (1) or more persons or families, and any vacant land that is offered for sale or lease for the construction of such building or structure and includes any interest in a dwelling as so defined.

"Educational institution" means any nursery, kindergarten, elementary or secondary school, academy, college, university, extension course or nursing, secretarial, business, vocational, technical, trade or professional school, or joint apprenticeship program. The term "educational institution" shall not include public schools, colleges or universities.

"Employer" means any person who, within the County, employs for wages, salaries or on commission four (4) or more persons who are not related to the employer (if an individual) or to any partner or majority shareholder

of the employer (if a partnership or a corporation) and who are not employed in domestic service in the employer's personal residence. Employer shall not mean the United States, federal agencies, political subdivisions of the United States, United States instrumentalities, the United States Postal Service, or similar organizations or entities, the Commonwealth of Virginia or its agencies, instrumentalities, or political subdivisions.

"Employment agency" means all persons who, with or without compensation, undertake to solicit in the County for potential employees or refer persons for potential employment in the County.

"Executive Director" means the person appointed by the County Manager to the position of Executive Director of the Human Rights Commission, or the Executive Director's designee.

"Familial status" means one (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with (i) a parent or another person having legal custody of such individual or individuals, or (ii) the designee of such parent or another person having custody, with the written permission of such parent or other person. The term "familial status" also includes any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

"Family" means a group living together as a unit and includes an individual.

"Gender identity" means the gender-related identity, appearance, or other gender related characteristics of an individual (including but not limited to transgender status, gender fluidity and gender expression), without regard to the individual's designated sex at birth or as further defined by the laws of the Commonwealth of Virginia or the United States.

"Handicap" means any condition or characteristic that renders a person a handicapped person.

"Handicapped person" means any person who:

- (1) Has a physical or mental impairment which substantially limits one (1) or more major life activities or has a record of such impairment, and which is unrelated to a person's ability to perform the duties of a particular job or position or is unrelated to the individual's qualification for employment or promotion or is unrelated to a person's ability to utilize or benefit from a service or program provided by an educational institution or place of public accommodation, or is unrelated to a person's ability to acquire, rent, or maintain property; or
- (2) Is regarded as having such a physical or mental impairment.

"Housing" means the same thing as dwelling.

"Labor organization" means any association organized for mutual benefit and operating as a labor union, association, committee or organization for the purpose of collective bargaining and other lawful functions of labor unions, or any employee representation committee, any of whose members are employed in the County whether or not having a duly authorized charter as a local labor union from either a state or national labor organization, and whether or not registered with the State Department of Labor.

"Lending institution" means any bank, insurance company, savings and loan association, credit union, finance company or any other person regularly engaged in the business of lending money, guaranteeing loans, or furnishing consumer credit or other credit-related services; any person who regularly extends, renews or continues credit; or any assignee of an original creditor who participates in the decision to extend, renew or continue credit; or any person who regularly arranges for the extension, renewal or continuation of credit.

"Major life activities" means functions such as, but not limited to, caring for one's self, performing manual tasks, walking, seeing hearing, speaking, breathing, learning or working.

"Marital status" means the status of being married, divorced, single or widowed. The term "marital status" also includes any person whose marriage has been dissolved through annulment, and any person seeking a divorce or an annulment.

"Mental impairment" means:

- (1) A disability attributable to mental retardation, autism, or any other neurologically handicapping condition closely related to mental retardation and requiring treatment similar to that required by mentally retarded individuals; or
- (2) An organic or mental impairment that has substantial adverse effects on an individual's cognitive or volitional functions, including central nervous system disorders or significant discrepancies among mental functions of an individual.

For the purposes of this chapter, the term "mental impairment" does not include active alcoholism or current drug addiction and does not include any mental impairment, disease or defect that has been successfully asserted by an individual as a defense to any criminal charge.

"Notice of investigation" means any formal statement issued by the Commission, on a form to be prepared by the commission, alleging that any person has committed a violation of this chapter and initiating an investigation of such alleged violation.

"Party" means any complainant or respondent.

"Person" means any individual or individuals, partnership, association, organization, company, corporation, joint-stock company, labor union, mutual company, trustee in bankruptcy, receiver or other fiduciary, or the agent, legal representative or employee thereof. For purposes of § 31-3.A, the term person shall include any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee or lending institution.

"Person in the business of selling or renting dwellings" means any person who, within the preceding twelve (12) months, has participated as principal, real estate broker, real estate sales person or agent in three (3) or more transactions involving the sale, lease or rental of housing or who owns any dwelling designed or intended for occupancy by or occupied by five (5) or more families.

"Physical impairment" means any physical condition, anatomic loss, or cosmetic disfigurement which is caused by bodily injury, birth defect, or illness. "Physical impairment" does not include active alcoholism or current drug use.

"Public accommodation" means and includes every business, professional or commercial enterprise, hospital or nursing home, place of lodging, refreshment, entertainment, sports, recreation or transportation facility located in the County, whether licensed or not, public or private, or transportation facility located in the County, whether licensed or not, public or private, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available in any manner to the public. "Public accommodation" does not include a bona fide private club or other establishment not in fact open to the public.

"Qualified handicapped person" means:

- (1) With respect to employment, a handicapped person who, with reasonable accommodation as set out in Virginia Code § 51.5-41 or its successor, can perform the essential functions of the job in question.
- (1) With respect to other goods, public accommodations, housing or services, means any handicapped person who meets the essential nondiscriminatory eligibility requirements for the receipt of such goods or services.

"Real estate broker" means a person doing business in the County of Arlington who is the holder of a real estate broker's license issued pursuant to applicable laws of the Commonwealth of Virginia.

"Real estate sales person" means a person doing business in the County of Arlington who is the holder of a real estate license issued pursuant to applicable laws of the Commonwealth of Virginia.

"Real estate transaction" means any sale, exchange, rental, lease, assignment, sublease, or other transfer of housing.

"Religious organization" means any bona fide organization, association or society organized or operated for exclusively religious, purposes or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, unless membership in such organization, association or society is restricted on account of race, color, national origin, or sex, sexual orientation or gender identity.

"To rent" means to lease, to sublease, to let or otherwise in any way to grant for a consideration the right to occupy premises not owned by the occupant.

"Respondent" means any person alleged in any complaint filed with the Commission, or any notice of investigation issued by the Commission, to have violated this chapter.

"Restrictive covenant" means any specification purporting to restrict or affect the holding, occupancy, ownership, rental, lease or transfer of any interest in land or housing on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin or handicap.

"Sexual orientation" means *a person's actual or perceived heterosexuality, bisexuality, or homosexuality or as defined by the laws of the Commonwealth of Virginia or the United States.*~~a tendency to either heterosexuality, bisexuality or homosexuality; having a history of such a tendency or being identified as having such a tendency. Heterosexuality means sexual desire for others of the opposite sex from one's own sex. Bisexuality means sexual desire for others of both the male and female sex. Homosexuality means sexual desire for others of one's own sex.~~

(Ord. No. 89-3, 7-1-89; Ord. No. 89-17, 7-1-89; Ord. No. 91-25, 6-22-91; Ord. No. 92-51, 11-14-92; Ord. No 12-02, 2-11-12)

§ 31-3. Prohibited Acts.

A. *Housing:*

1. Except as otherwise provided, it shall be an unlawful housing practice:
 - a. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise to make unavailable or deny, a dwelling to any person because of race, color, sex, sexual orientation, gender identity, elderliness, marital status, familial status, religion, handicap or national origin.
 - b. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, sex, sexual orientation, gender identity, elderliness, marital status, familial status, religion, handicap or national origin.
 - c. To make, print, or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, sex, sexual orientation, gender identity, elderliness, marital status, familial status, religion, handicap or national origin, or an intention to make any such preference, limitation or discrimination.
 - d. To represent to any person because of race, color, sex, sexual orientation, gender identity, elderliness, marital status, familial status, religion, handicap or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
 - e. To interfere with, interrupt or terminate any person's ownership, rental, possession or occupancy of a dwelling because of race, color, sex, sexual orientation, gender identity, elderliness, marital status, familial status, religion, handicap or national origin.
 - f. To include in the terms or conditions of any sale, rental or other transfer of a dwelling any provision that purports to forbid or discourages, or attempts to discourage, the ownership, rental, possession, occupancy or use of such dwelling by persons because

of their race, color, sex, sexual orientation, gender identity, elderliness, marital status, familial status, religion, handicap or national origin.

- g. To engage in economic reprisal or otherwise retaliate or to cause or coerce or attempt to cause or coerce another person to engage in economic reprisal or otherwise retaliate against any person because such person has opposed an unlawful housing practice or has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing under this chapter.
- h. To discriminate in lending money, guaranteeing loans, accepting mortgages or otherwise making available money for the purchase, acquisition, construction, alteration, repair or maintenance of any housing or to discriminate in the fixing of the rates, terms or conditions of any such financing or in the extension of service in connection therewith because of race, color, sex, sexual orientation, gender identity, elderliness, marital status, familial status, religion, handicap or national origin.

2. Discrimination in the provision of brokerage services:

- a. It shall be an unlawful housing practice to deny to any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against any person in the terms or conditions of such access, membership or participation on account of race, color, sex, sexual orientation, gender identity, elderliness, marital status, familial status, religion, handicap or national origin.
- b. It shall be an unlawful housing practice for any real estate broker, real estate salesman or other person in the business of selling or renting dwellings:
 - (1) To solicit or discourage the sale, rental or other transfer of a dwelling by representations regarding the existing or potential proximity of real property owned, used or occupied by a person or persons of any particular race, color, sex, sexual orientation, gender identity, elderliness, marital status, familial status, religion, handicap or national origin.
 - (2) To display a sign or any other device representing that a dwelling is available for inspection, sale, rental or other transfer when in fact it is not so available.
- c. Every real estate broker and every other person in the business of selling or renting dwellings shall post in a conspicuous location in that portion of his housing business normally used by him for negotiating the sale or rental of dwellings a notice that contains the following or substantially similar language as may be approved by the Human Rights Commission, clearly visible in not less than fourteen (14) point type:

"IT IS A VIOLATION OF THE HUMAN RIGHTS ORDINANCE OF THE COUNTY OF ARLINGTON, VIRGINIA, TO:

- (1) Deny housing accommodations to any person because of his race, color, sex, sexual orientation, gender identity, elderliness, marital status, familial status, religion, handicap or national origin.
- (2) Discriminate against any person because of his race, color, sex, sexual orientation, gender identity, elderliness, marital status, familial status, religion, handicap or national origin with respect to the terms, conditions or privileges of housing accommodations or in the furnishing of facilities or services in connection therewith."

It shall be an unlawful housing practice to fail to post such a sign.

3. Restrictive covenants:

- a. Any restrictive covenant purporting to restrict occupancy or ownership of property on the basis of race, color, sex, sexual orientation, *gender identity*, elderliness, marital status, familial status, religion, handicap or national origin included in an instrument affecting the title to real or leasehold property is null, void and of no effect, and contrary to the public policy of Arlington County.
- b. Any person who delivers a deed, mortgage, deed of trust or other instrument affecting title to any interest in land to the grantee of such interest shall attach to said instrument a statement advising the grantee of the provisions of paragraph a of this subsection.
- c. After July 1, 1974, the Clerk of the Arlington County Circuit Court shall:
 - (1) Not comply with any request to copy any deed, mortgage, deed of trust or other instrument affecting title to or any interest in land, or declaration of covenants filed or recorded in the Clerk's office, unless the clerk imprints on or affixes to such copy a clear and conspicuous statement that any provision therein which purports to restrict or affect, on the basis of race, color, sex, sexual orientation, *gender identity*, elderliness, marital status, familial status, religion, handicap or national origin, the holding, occupancy or transfer of any interest in land is invalid and unenforceable.
 - (2) Post in a conspicuous location in the Clerk's office a notice that contains the following language, printed in black on a light-colored background, in not less than fourteen (14) point type:

"It is a violation of the Human Rights Ordinance of the County of Arlington, Virginia, for any person to include any provision in a deed, mortgage, deed of trust, or other instrument affecting title to or any interest in land which purports to restrict or affect on the basis of race, color, sex, sexual orientation, *gender identity*, elderliness, marital status, familial status, religion, handicap or national origin, the holding, occupancy, or transfer of any interest in land, and any such provisions are invalid and unenforceable."

This language shall also be imprinted or affixed to every liber volume in the custody of the Clerk of the Court.
- d. Nothing in § 31-3.A.1, other than subsection c, shall apply to:
 - (1) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his residence.
 - (2) A religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, in connection with the sale or rental to, or occupancy by, persons of the same religion of dwellings which it owns or operates for other than a commercial purpose, unless membership in such religion is restricted on account of race, color, sex, *sexual orientation*, *gender identity*, elderliness, handicap, familial status or national origin.
 - (3) A private club not in fact open to the public which, as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose in connection with the rental to or occupancy of such lodgings by its members.
 - (4) Any educational institution, religious or correctional institution which requires that persons of both sexes not occupy any single dwelling or room therein which

it owns or operates.

- e. Nothing in this chapter shall be construed to affect those provisions of the zoning or housing standards ordinances which limit the number of unrelated individuals who may occupy a dwelling unit. Nothing in this chapter shall be construed to impose stricter requirements on any person than are set out in Code of Virginia § 51.5-45, or its successor, or to impose stricter requirements than are set out in applicable building codes.

B. *Employment.*

1. It shall be unlawful for any employer, on the basis of race, color, religion, sex, sexual orientation, gender identity, marital status, national origin, handicap or age:
 - a. To refuse to hire an individual for employment.
 - b. To discharge or otherwise discipline an employee.
 - c. To deny an employee any opportunity with respect to hiring, promotion, tenure, apprenticeship, compensation, terms, upgrading, training programs, or other conditions, benefits or privileges of employment.
 - d. To prevent an individual from taking a competitive examination or otherwise deny any benefits pertaining to the grading or processing of applications with respect to any aspect of employment.
2. It shall be unlawful for any employment agency, on the basis of race, color, religion, sex, sexual orientation, gender identity, marital status, national origin, handicap or age:
 - a. To refuse or fail to accept, register, properly classify, refer for employment or otherwise discriminate against any person, unless such discrimination is justified by a bona fide occupational qualification,
 - b. To comply with any request by an employer for a referral of applicants if the request indicates, directly or indirectly, that the employer desires any illegal discriminatory limitation of applicants.
3. It shall be unlawful for a labor organization, on the basis of race, color, religion, sex, sexual orientation, gender identity, marital status, national origin, handicap or age:
 - a. To deny full and equal rights to membership to an applicant for membership.
 - b. To deny a member or an applicant an opportunity with respect to hiring, seniority, tenure, referral, apprenticeship, compensation, terms, upgrading, training programs, or other conditions or privileges of membership or employment.
 - c. To expel a member from membership.
4. It shall be unlawful for any employer, labor organization, employment agency, or joint labor management committee controlling apprenticeship or other training programs to circulate or publish any notice or advertisement related to employment or membership in a labor organization which indicates, directly or indirectly, any preference, limitation, specifications or discrimination based upon race, color, religion, sex, sexual orientation, gender identity, marital status, national origin, handicap or age.
5. It shall be unlawful for any member of a joint labor-industry apprenticeship committee or board to discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, marital status, national origin, handicap or age.

6. It is not an unlawful act for an employer to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this chapter, except that no such employee benefit plan shall excuse the failure to hire any individual, and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual because of the age of such individual.
 7. With respect to actions on the basis of handicap, this section applies only to otherwise qualified handicapped persons.
 8. With respect to actions on the basis of age, this section applies only to persons at least forty (40) years of age.
 9. For violations of § 31-3.B of this chapter on the basis of race, color, religion, sex, marital status or national origin, a court may award such relief as a court could award under Section 706(g) of the Civil Rights Act of 1964, as amended. For violations of § 31-3.B on the basis of age, a court may award such relief as a court could award under § 7(b) of the federal Age Discrimination in Employment Act, except that liquidated damages and attorney's fees shall not be allowed. For violations of § 31-3.B of this chapter on the basis of handicap, a court may award such relief as a court could award under applicable State law. For violations of § 31-3.B of this chapter on the basis of sexual orientation *or gender identity*, a court may award such relief as if sexual orientation and/or gender identity were was a protected category under the Civil Rights Act of 1964, as amended.
- C. *Public accommodations:*
1. It shall be unlawful for any person or public accommodation to discriminate against any person, on the basis of race, color, religion, sex, sexual orientation, *gender identity*, marital status, national origin, age or handicap, with respect to the access, use, benefit or enjoyment of goods, services, facilities, privileges or any other advantages of any public accommodation, or to make or publish any statement evidencing an intent to do so.
 2. Nothing herein shall be construed to limit, restrict, or expand the rights of handicapped persons as established by applicable state or federal law.
 3. Nothing in this section shall be construed to override, restrict or limit any laws relating to the dispensing of alcoholic beverages.
 4. Nothing in this section shall be construed to make unlawful any program, service or benefit of any type, established and intended for the benefit of elderly or handicapped persons or minors.
- D. *Credit:* It shall be unlawful for any lending institution, on the basis of race, color, religion, sex, sexual orientation, *gender identity*, national origin, marital status, age (provided that the person has the capacity to contract) or handicap, to:
1. Discriminate against any person in the furnishing or arranging of credit or other credit-related services, including but not limited to the lending of money, guaranteeing of loans or accepting of mortgages.
 2. Deny or terminate credit or credit-related services or to affect adversely a person's credit rating or standing.
 3. Nothing herein shall be construed to make illegal any action which is permitted in the Virginia Equal Credit Opportunity Act, or its successor, or to otherwise restrict the rights of any person under the Virginia Equal Credit Opportunity Act or its successor.
- E. *Education:*
1. It shall be an unlawful act for any educational institution or its agents, employees or officers, on the

basis of race, national origin, sex, sexual orientation, *gender identity* or color:

- a. To discriminate against any person with respect to the terms, conditions, accommodations, advantages, facilities, benefits, privileges or services of that institution.
 - b. To require, or cause to be required, that a photograph of any applicant for admission to an educational institution, or information regarding the race, national origin or color of such applicants, be submitted with any form of application for admission, unless such information is sought solely for the purpose of:
 - (1) Implementing a bona fide affirmative action program designed to include enrollment of qualified members of minority racial, national origin or color groups; or
 - (2) Obtaining grants or other funds from a public or private institution or agency.
 - c. To comply with any request by a potential employer that indicates, directly or indirectly, that the employer desires any unlawful discriminatory limitation in its efforts to recruit students on the educational institution's premises or in the employer's use of placement facilities for referral of students for employment or in such employer's participation in any job-training or work-study program operated by or in conjunction with the educational institution.
2. It shall be an unlawful act under this chapter for any educational institution to discriminate against otherwise qualified handicapped persons in a manner which would constitute a violation of any state or federal law.
 3. Nothing contained in this chapter shall be construed to prohibit any single-sex educational institution from restricting admission to persons of a single sex.
 4. Discrimination on the basis of sex in contact sports programs shall not fall within the purview of this chapter. For purposes of this chapter, contact sports shall include sports such as boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.
- F. *Commercial real estate:* It shall be unlawful for any person, on the basis of race, color, sex, sexual orientation, *gender identity*, age (provided that the person has the capacity to contract), marital status, religion, handicap or national origin, to:
1. Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise to make unavailable or deny commercial real estate to any person.
 2. Discriminate against any person in the terms, conditions, or privileges of sale or rental of commercial real estate, or in the provision of services or facilities in connection therewith.
 3. Make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement, with respect to the sale or rental of commercial real estate that indicates any preference, limitation, or discrimination.
 4. Represent to any person that any commercial real estate is not available for inspection, sale, or rental when such commercial real estate is, in fact, so available.
 5. Interfere with, interrupt, or terminate any person's ownership, rental, possession, or occupancy of commercial real estate.
 6. Include in the terms or conditions of any sale, rental, or other transfer of commercial real estate any provision that purports to forbid or discourages, or attempts to discourage, the ownership, rental, possession, occupancy, or use of such commercial real estate.

7. Discriminate in lending money, guaranteeing loans, accepting mortgages, or otherwise making available money for the purchase, acquisition, construction, alteration, repair or maintenance of any commercial real estate, or to discriminate in the fixing of the rates, terms, or conditions of any such financing or in the extension of service in connection therewith.

* * *

§ 31-4. Human Rights Commission Created; Composition; Terms; Chairman; Compensation.

There is hereby created the Arlington Human Rights Commission, hereinafter referred to as the Commission.

A. The Commission shall consist of twelve (12) members, all of whom shall reside in the County of Arlington. The members shall be appointed by the County Board and shall be broadly representative of the community, to the extent practicable, with respect to race, sex, sexual orientation, gender identity, color, ethnicity, age, disabilities and marital status and with respect to areas of expertise pertinent to the areas of coverage of this chapter gained through education and/or paid, volunteer or life experience.

* * *

§ 31-16. Severability.

The provisions of this chapter are severable, and if any provision, word, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or ~~inapplicability~~ inapplicability shall not affect or impair any of the remaining provisions, words, sentences, clauses, sections or parts of this chapter, or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this chapter would have been adopted if such illegal, invalid or unconstitutional provision, word, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the chapter or any part thereof is inapplicable had been specifically exempted therefrom.

(Ord. No. 89-3, 7-1-89; Ord. No. 89-17, 7-1-89; Ord. No. 92-51, 11-14-92)

2. BE IT FURTHER ORDAINED, that all provisions of Chapter 31 not amended hereby shall remain in full force and effect.

[#28-Staff Presentation](#)

[Board Report #28](#)

Appropriations, Grant Applications and Other Contracts

39. Authorization to submit applications to the Commonwealth of Virginia for the Round Four SMART SCALE Program.

Following a duly advertised public hearing, at which there were speakers, a motion was made by CHRISTIAN DORSEY, Member, seconded by TAKIS KARANTONIS, Member, to adopt the attached resolution authorizing Arlington County's participation in the Commonwealth of Virginia's Round Four SMART SCALE program.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: LIBBY GARVEY, Chair – AYE; CHRISTIAN DORSEY, Member – Aye; KATIE CRISTOL, Member – Aye; MATT DE FERRANTI, Member – Aye; TAKIS KARANTONIS, Member – Aye.

The adopted resolution reads as follows:

**RESOLUTION AUTHORIZING APPLICATIONS TO THE
COMMONWEALTH OF VIRGINIA
FOR THE ROUND FOUR SMART SCALE PROGRAM**

WHEREAS, in 2014, House Bill 2 was signed into law, and in June 2016, the program was renamed SMART SCALE. SMART stands for System Management Allocation of Resources for Transportation and SCALE stands for Safety, Congestion mitigation, Accessibility, Land use, Environmental and economic development; and

WHEREAS, the purpose of SMART SCALE is to fund the right transportation projects through a prioritization process that evaluates each project’s merits using key factors, including: improvements to safety, congestion reduction, accessibility, land use, economic development and the environment. The evaluation focuses on the degree to which a project addresses a problem or need relative to the requested funding for the project; and

WHEREAS, the County Board of Arlington County, Virginia (“County Board”) desires to submit an application to the Commonwealth of Virginia for an allocation of up to \$49.1 million in funding from the Round Four SMART SCALE program; and

WHEREAS, \$29.1 million of these funds will be requested for the Court House Metro Second Elevator; and

WHEREAS, \$20.0 million of these funds will be requested for the Mount Vernon Trail North Enhancements;

NOW, THEREFORE, BE IT RESOLVED THAT the County Board hereby supports the making of an application and authorizes and directs the County Manager to make an application to the Commonwealth of Virginia for up to \$49.1 million of Round Four SMART SCALE program funding for the above described projects.

ADOPTED this 21st day of July, 2020.

[#39-Staff Presentation](#)

[Board Report # 39](#)

[#39-Letters from the Public](#)

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The following items to be heard no earlier than at 6:45 p.m.

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III. REGULAR HEARING ITEMS

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- 59. N-FBC-10 Amendment to the Arlington County Zoning Ordinance Article 11.2 Section 902 CPN-FBC Columbia Pike Neighborhoods Form Based Code Districts (Appendix B) to allow for a cash contribution into the Affordable Housing Investment Fund (AHIF) in limited instances when the proposed N- FBC development includes commercial uses.**

Following a duly advertised public hearing, at which there were speakers, a motion was made by MATT DE FERANTI, Member, seconded by CHRISTIAN DORSEY, Member, to adopt the ordinance (attached to the staff report) to amend, reenact, and re-codify the Arlington County Zoning Ordinance Article 11.2 Section 902 "CPN-FBC" Columbia Pike Neighborhoods Form Based Code Districts (Appendix B) to allow for a cash

contribution into the Affordable Housing Investment Fund (AHIF) in limited instances when the proposed N-FBC development includes commercial uses.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: LIBBY GARVEY, Chair – AYE; CHRISTIAN DORSEY, Member – Aye; KATIE CRISTOL, Member – Aye; MATT DE FERRANTI, Member – Aye; TAKIS KARANTONIS, Member – Aye.

The adopted Ordinance reads as follows:

N-FB1-10: AN ORDINANCE TO AMEND, REENACT, AND RECODIFY THE ARLINGTON COUNTY ZONING ORDINANCE ARTICLE 11.2 "CPN-FBC" COLUMBIA PIKE NEIGHBORHOODS FORM BASED CODE DISTRICTS (APPENDIX B) TO AMEND SECTION 902 TO REQUIRE A CASH CONTRIBUTION INTO THE AFFORDABLE HOUSING INVESTMENT FUND IN INSTANCES WHERE COMMERCIAL DEVELOPMENT IS PROPOSED, AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE, GENERAL WELFARE, AND GOOD ZONING PRACTICE (AS SHOWN IN ATTACHMENT 1).

Be it ordained that the Arlington County Zoning Ordinance Article 11.2 "CPN-FBC" Columbia Pike Neighborhoods Form Based Code Districts (Appendix B) Section 902 is hereby amended, reenacted and recodified to require a cash contribution into the Affordable Housing Investment Fund in instances where commercial development is proposed, and for other reasons required by the public necessity, convenience, general welfare, and good zoning practice (as shown in Attachment 1).

Proposed amendments are shown with **bold underline** to denote new text, and **~~bold strikethrough~~** to denote deleted text.

Where paragraphs are added or deleted, all subsequent paragraphs are renumbered accordingly and all references throughout this section are updated accordingly.

ATTACHMENT 1
Neighborhoods Form Based Code Amendments

902. Affordable Housing Requirements

This Form Based Code provides for additional density above the underlying zoning as an incentive for property owners to create and preserve AFFORDABLE HOUSING to meet the current and future needs of the *Columbia Pike Neighborhoods Special Revitalization District*. **Where a property owner takes advantage of the additional density permitted under this Code for the purposes of a commercial DEVELOPMENT PROJECT, the affordable housing cash contribution outlined in 902.A shall be provided and applicable requirements outlined in 902.E shall be met.** Where a property owner takes advantage of the additional density permitted under this Code **for the purposes of residential DEVELOPMENT PROJECT, the following AFFORDABLE HOUSING requirements, outlined in 902.B through F, shall be provided-met.**

A. Affordable Housing Cash Contribution for Commercial Development Projects

1. **For commercial DEVELOPMENT PROJECTS (including commerce and retail) equal to or greater than 1.0 Floor Area Ratio (FAR), the proposal shall include a cash contribution to the Affordable Housing Investment Fund calculated using the following tiers:**
 - a. **\$2.05 per square foot of GFA for the first 1.0 FAR; and**
 - b. **\$5.48 per square foot of GFA above 1.0 FAR.**
2. **For mixed-use DEVELOPMENT PROJECTS:**
 - a. **A cash contribution, as outlined in 902.A.1., shall be provided for the proportionate amount of commercial GFA; and**
 - b. **On-site AFFORDABLE HOUSING, as outlined in 902.B through F, shall be provided for the proportionate amount of residential units**
3. **The cash contribution will be indexed to the Consumer Price Index for Housing in the Washington-Arlington-Alexandria, DC-VA-MD-WV, as published by the Bureau of Labor Statistics, and adjusted annually, beginning January 2020. Revised amounts apply only to the applications filed after the adjustment date. Amounts for the calculation of the cash contribution shall be established at the time of a Final Neighborhoods Form Based Code Application filing. A cash contribution for residential DEVELOPMENT PROJECTS will not be accepted.**

~~A.~~ B. Number of On-Site Affordable Housing Units

Each **residential DEVELOPMENT PROPOSAL-PROJECT** shall include **on-site AFFORDABLE HOUSING UNITS** as set forth below:

1. The specific percent requirement shall be calculated as a fraction multiplied by ten. That fraction is calculated as the total number of proposed units (new construction and existing) over the maximum number of units permitted by the greater of: 1) the existing underlying zoning or 2) the number of units existing on the site on November 16, 2013. Under no circumstances shall the number of AFFORDABLE HOUSING UNITS required by this 902.**A.B.1** be less than 20 percent or more than 30 percent of the NET NEW UNITS.
2. If AFFORDABLE HOUSING UNITS are proposed within existing buildings, the percent requirement arrived at through application of 902.**A.B.1** above shall be increased by five.
3. New Construction Example: If 500 units are proposed, and 200 units exist today on site, the fraction equals 2.5, and therefore the applicant will be required to provide 25 percent of the 300 NET NEW UNITS as new committed AFFORDABLE HOUSING UNITS (75 units).

Partial Redevelopment Example: If 500 units are proposed, and 200 units exist today on site, and the applicant chooses to place the AFFORDABLE HOUSING UNITS within the existing buildings (rather than demolish and build new), the fraction equals 2.5, or 25 percent of the of the 300 NET NEW UNITS as committed AFFORDABLE HOUSING UNITS. Because the AFFORDABLE HOUSING UNITS are proposed within existing buildings, the percent requirement arrived at through application of 902.**A.B.1** above shall be increased by five. Therefore, the applicant will be required to provide 30 percent of the NET NEW UNITS as new committed AFFORDABLE HOUSING UNITS (90 units).

B. C. Affordability Level & Term

AFFORDABLE HOUSING UNITS shall be committed for a term of no less than 30 years and shall be affordable to households earning up to 60 percent of the Area Median Income (AMI) as set by US Department of Housing and Development (HUD) **for the Washington, DC Metropolitan Statistical Area, adjusted for household size, commencing** at the time of **the execution of the required documents** ~~Final FBC application submission~~, except as follows:

- a. ~~1. Projects~~ **DEVELOPMENT PROJECTS** west of George Mason Drive: An applicant may provide up to 33 percent of the required ~~low and moderate income units~~ **AFFORDABLE HOUSING UNITS** at affordability levels of ~~60% percent~~ to ~~80% percent~~ of the AMI at a rate of two (2) units available at ~~60% percent~~ - ~~80% percent~~ of the AMI for every one (1) unit required at ~~60% percent~~ of the AMI.
- b. ~~2. Projects~~ **DEVELOPMENT PROJECTS** east of George Mason Drive: An applicant may provide up to 33 percent of the required ~~low and moderate income units~~ **AFFORDABLE HOUSING UNITS** at affordability levels of ~~40% percent~~ of the AMI at a rate of 0.5 units available at ~~40% percent~~ of the AMI for every one (1) unit required at ~~60% percent~~ of the AMI.
- c. ~~3.~~ By use permit approval, the County Board may adjust the proportions described in 902.~~B.C.1.a~~ and 902.~~B.C.2.1.b~~ to allow for larger quantities of units affordable at ~~60% percent~~ to ~~80% percent~~ of the AMI or ~~40% percent~~ of the AMI units, respectively.

C. D. Unit Mix

One-half of the quantity of required AFFORDABLE HOUSING UNITS within new construction shall have 2 or more bedrooms, of which at least 25 percent of those units have more than two bedrooms.

Where AFFORDABLE HOUSING UNITS are provided in existing buildings, one-half of the quantity of required AFFORDABLE HOUSING UNITS shall have 2 or more bedrooms, of which at least 25 percent have more than two bedrooms. If the requisite number of units with two or more bedrooms are not available within the existing building, and additions to the existing building are not proposed, the applicant may provide the required quantity of AFFORDABLE HOUSING UNITS as 2-bedroom units.

D. E. Tenant Relocation Plan

The applicant shall provide information consistent with the Arlington County Tenant Relocation Guidelines including but not limited to tenant profiles, a relocation plan for existing tenants to be displaced with redevelopment, and a description of the relocation assistance proposed (financial and otherwise). The relocation plan shall:

1. Outline strategies the applicant plans to use to mitigate any displacement that may occur as a property is fully or partially redeveloped.
2. Documentation of timely tenant meetings, relocation payment amounts per bedroom size, eligibility criteria, and the proposal of new rents and utilities.

The applicant is responsible for presenting a draft plan to the Arlington Relocation Coordinator for review and approval prior to review with the Tenant Landlord Commission. Upon review and approval from the Tenant Landlord Commission, and during the duration of the relocation process as specified in the approved Tenant Relocation Plan, the applicant is required to meet monthly with the Arlington Relocation Coordinator to review ongoing status, as well as provide monthly statistical and tracking reports.

E. F. Affordable Housing Unit Location

An applicant may meet the AFFORDABLE HOUSING requirement by providing units either within new construction or within existing buildings that will remain within the development proposal. All units are subject to the Virginia Uniform Statewide Building Code.

AFFORDABLE HOUSING **UNITS** in existing buildings shall be renovated sufficiently to meet Housing Quality Standards, set by the U.S. Department of Housing and Urban Development (HUD), and the standards set forth within the Virginia Uniform Statewide Building Code.

903. Additional Incentives for Affordable Housing

- A. The following incentives are provided in order to encourage property owners to create or preserve AFFORDABLE HOUSING units beyond the minimum number of AFFORDABLE HOUSING units required in Section 902.
 - 1. Reduced parking ratio: If an applicant provides at least 1 percent more AFFORDABLE HOUSING UNITS in excess of the minimum required quantity, the applicant may reduce the minimum parking ratio for all AFFORDABLE HOUSING UNITS within the DEVELOPMENT PROJECT from 1.125 spaces per unit to 0.825 spaces per unit, which includes 0.7 space per unit and 0.125 SHARED space per unit.
 - 2. Bonus Stories: An applicant may request County Board approval of Bonus Stories as set forth in Part 204.A in exchange for additional AFFORDABLE HOUSING UNITS.
 - 3. Financial Tools available by the County: Please contact the Department of Community Planning, Housing and Development, Housing Division, for more information.
- B. If AFFORDABLE HOUSING units beyond the minimum are provided, the Housing Plan required by Section 206.A shall indicate that AFFORDABLE HOUSING UNITS beyond the number of units required by Section 902 will be provided, as encouraged by Arlington County, and shall also include:
 - 1. The number of additional AFFORDABLE HOUSING UNITS.
 - 2. The proposed unit types for the additional AFFORDABLE HOUSING UNITS.
 - 3. Affordability levels of the additional AFFORDABLE HOUSING UNITS.

[#59-Staff Presentation](#)

[Board Report #59](#)

[#59-Letter from the Planning Commission \(Posted 07-15-2020\)](#)

[#59-Letter from the Public \(Posted 07-14-2020\)](#)

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60. Neighborhood Complete Streets capital projects funding and program revisions.

Following a duly advertised public hearing, at which there were speakers, a motion was made by KATIE CRISTOL, Member, seconded by CHRISTIAN DORSEY, Member, to approve project funding to proceed with two (2) NCS capital projects, accept the revised Neighborhood Complete Streets Program Guide, dated July 18, 2020, adopt the revised Neighborhood Complete Streets Commission Charter, dated July 18, 2020, and accept the revised Neighborhood Complete Streets Project Ranking Guidelines, dated July 18, 2020.

The motion was adopted and carried by a vote of 4-0-1, the voting recorded as follows: LIBBY GARVEY, Chair – AYE; CHRISTIAN DORSEY, Member – Aye; KATIE CRISTOL, Member – Aye; MATT DE FERRANTI, Member – Aye; TAKIS KARANTONIS, Member – Abstain.

[#60-Staff Presentation](#)

[Board Report #60 \(Posted 07-17-2020\)](#)

[#60-Letters from the Public \(Posted 07-17-2020\)](#)

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61. Fiscal Year 20121 Capital Improvement Plan & 2020 Bond Referenda

- A. Fiscal Year (FY) 2021 Capital Improvement Plan (CIP) Adoption (The Public Hearing for this item has concluded).

A motion was made by CHRISTIAN DORSEY, Member, seconded by KATIE CRISTOL, member, to adopt the Fiscal Year 2021 Capital Improvement Plan as presented by County Board, adopt the attached FY 2021

County Bond Funds Appropriations Resolution, and adopt the revised language to the Stormwater Financial Policy included in the Financial and Debt Management Policies. (Attachment B)

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: LIBBY GARVEY, Chair – AYE; CHRISTIAN DORSEY, Member – Aye; KATIE CRISTOL, Member – Aye; MATT DE FERRANTI, Member – Aye; TAKIS KARANTONIS, Member – Aye.

The adopted Resolution and revised language read as follows:

FISCAL YEAR 2021 COUNTY APPROPRIATIONS RESOLUTION

Be it resolved by the County Board of Arlington County, Virginia, that the following appropriations of \$73,815,000 are hereby made for Fiscal Year 2021 for projects to be approved on the November 3, 2020 bond referenda. Appropriations are effective only upon approval by the voters of the bond referenda, the results have been certified and filed with the Circuit Court, and the required thirty day period for contesting each bond referendum has expired:

COUNTY BOND FUNDS:	2020 Referenda^{1,2} Appropriation
Street and Highway Bond Fund (314)	5,640,000
Neighborhood Conservation Bond Fund (316)	-
Government Facility Bond Fund (317)	7,485,000
Public Recreation Bond Fund (324)	3,630,000
Metro Bond Fund (333)	21,300,000
TOTAL COUNTY BOND FUNDS APPROPRIATIONS:	\$38,055,000
Stormwater Bond Fund (322)	\$7,510,000
For the operation and maintenance of Public Schools and Community Activities Facilities to be expended on order of the School Board	
Schools Bond Fund (887)	\$28,250,000
TOTAL APPROPRIATIONS FOR COUNTY	\$73,815,000

¹2020 bond referenda appropriations are subject to approval by the voters at the Nov 3, 2020 election and after the results have been certified and filed with the Circuit Court and the required thirty day period for contesting the bonds has expired.

² Only the 2020 referenda approved bonds planned to be issued in FY2021 are included in the appropriation for FY2021.

Stormwater Fund Financial Policy Change Recommendations

1. The County will annually develop a six-year projection of stormwater operating and capital expenses.
2. The County will prudently balance the use of new stormwater funding sources between pay-as-you-go funding and leveraging through new bond issuance. Use of leveraging will be dependent on project size, cashflow, and timing projections. If debt is issued for stormwater projects, it will generally follow the debt issuance guidelines contained in this policy.
3. The Stormwater Fund will maintain a reserve equivalent to three months' expenses operating and maintenance expenses. The reserve may be used to address emergencies and unexpected declines in revenue. If utilized, the reserve will be replenished over a three-year period to the minimum reserve level. This reserve is in addition to any financing agreement-required debt service reserve funds.

4. If the County chooses to issue debt supported by the Stormwater Fund, such debt will be structured to be self-supporting and will not count against the County’s general obligation debt ratios or capacity as long as annual net debt service coverage remains above a minimum of 1.25 times. The term on such bonds will not exceed the average useful life of the assets financed, and amortization will be structured to match the supporting revenue stream.
5. Prior to each new issuance of stormwater debt, the County will prepare a projection of net debt service coverage demonstrating that the forecasted future net debt service coverage will be no less than 1.35 times, over the life of the bonds.
6. Stormwater financial policies will be reviewed ~~as part of the Municipal Separate Storm Sewer System (MS4) permit renewal cycle (every five years)~~ on a periodic basis.
7. The Stormwater Fund will be self-supporting.

[Board Report \(Posted 07-18-2020\)](#)

[#61-Letter from the Planning Commission \(Posted 07-15-2020\)](#)

[#61 A.-Letters from the Public \(Updated 07-17-2020\)](#)

B. Resolutions and Questions to be included in the 2020 Bond Referenda.

A motion was made by MATT DE FERRANTI, Member, seconded by CHRISTIAN DORSEY, Member, to:

1. Adopt the resolutions in Attachment A, as summarized below, and the explanation of the referendum questions to appear in publications, at voter registration sites, and polling places as detailed in Attachment B, in order to initiate and facilitate the November 3, 2020, bond referenda.

a.	Metro and Transportation	\$ 29,940,000
b.	Local Parks and Recreation	3,630,000
c.	Community Infrastructure	7,485,000
d.	Arlington Public Schools	52,650,000
e.	Stormwater	50,840,000
	TOTAL	\$144,545,000

2. Request that the Electoral Board list the referenda on the ballot in the order detailed in this report as shown in the Ballot Layout section on page 2.
3. Direct the County Manager to take all the steps necessary to ensure that the information provided to voters by the County is printed in both English and Spanish.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: LIBBY GARVEY, Chair – AYE; CHRISTIAN DORSEY, Member – Aye; KATIE CRISTOL, Member – Aye; MATT DE FERRANTI, Member – Aye; TAKIS KARANTONIS, Member – Aye.

The adopted Bond Resolutions read as follows:

METRO AND TRANSPORTATION PROJECTS

WHEREAS, the County Board of Arlington County, Virginia, has determined that it is advisable to support construction, acquisition, and rehabilitation of facilities by the Washington Metropolitan Area Transit Authority (WMATA/Metro) and other transportation projects as described below at an estimated cost of \$29,940,000; and

WHEREAS, it appears that such improvements cannot be financed from current revenues;

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

1. It is hereby determined that it is advisable for Arlington County to contract a debt and issue its general obligation capital improvement bonds in the maximum principal amount of \$29,940,000 pursuant to the Public Finance Act of 1991, as amended, to finance, together with other available funds, the cost of construction, acquisition, and rehabilitation of WMATA/Metro facilities by the Washington Metropolitan Area Transit Authority, and to pay the costs of other transit, transportation, paving, road and pedestrian enhancement projects across the County (the "Projects").
2. The Circuit Court of Arlington County is hereby requested to order an election to be held on November 3, 2020, provided that such date is at least 81 days after the date on which the Court enters its order upon the question of contracting such debt and issuing bonds for such purposes. The question on the ballot shall be in substantially the form shown in Attachment B.
3. The Clerk of this Board is hereby authorized and directed to cause a certified copy of this resolution to be presented to the Circuit Court of Arlington County.
4. The County Board adopts this declaration of official intent under the Treasury Regulations Section 1.150-2. The County Board reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Projects from the proceeds of its bonds.
5. This resolution shall take effect immediately.

LOCAL PARKS & RECREATION

WHEREAS, the County Board of Arlington County, Virginia, has determined that it is advisable to undertake local parks & recreation projects as described below at an estimated cost of \$3,630,000; and

WHEREAS, it appears that such improvements cannot be financed from current revenues;

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

1. It is hereby determined that it is advisable for Arlington County to contract a debt and issue its general obligation capital improvement bonds in the maximum principal amount of \$3,630,000 pursuant to the Public Finance Act of 1991, as amended, to finance, together with other available funds, the cost of public improvements for Arlington County local parks & recreation (the "Projects").
2. The Circuit Court of Arlington County is hereby requested to order an election to be held on November 3, 2020, provided that such date is at least 81 days after the date on which the Court enters its order upon the question of contracting such debt and issuing bonds for such purposes. The question on the ballot shall be in substantially the form shown in Attachment B.
3. The Clerk of this Board is hereby authorized and directed to cause a certified copy of this resolution to be presented to the Circuit Court of Arlington County.
4. The County Board adopts this declaration of official intent under the Treasury Regulations Section 1.150-2. The County Board reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Projects from the proceeds of its bonds.
5. This resolution shall take effect immediately.

COMMUNITY INFRASTRUCTURE

WHEREAS, the County Board of Arlington County, Virginia, has determined that it is advisable to undertake public facility improvements and other County infrastructure improvements, as described below, at an estimated cost of \$7,485,000; and

WHEREAS, it appears that such improvements cannot be financed from current revenues;

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

1. It is hereby determined that it is advisable for Arlington County to contract a debt and issue its general obligation capital improvement bonds in the maximum principal amount of \$7,485,000 pursuant to the Public Finance Act of 1991, as amended, to finance, together with other available funds, the cost of public improvements for Arlington County facilities needs including infrastructure and facilities maintenance capital (the "Projects").
2. The Circuit Court of Arlington County is hereby requested to order an election to be held on November 3, 2020, provided that such date is at least 81 days after the date on which the Court enters its order upon the question of contracting such debt and issuing bonds for such purposes. The question on the ballot shall be in substantially the form shown in Attachment B.
3. The Clerk of this Board is hereby authorized and directed to cause a certified copy of this resolution to be presented to the Circuit Court of Arlington County.
4. The County Board adopts this declaration of official intent under the Treasury Regulations Section 1.150-2. The County Board reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Projects from the proceeds of its bonds.
5. This resolution shall take effect immediately.

ARLINGTON PUBLIC SCHOOLS PROJECTS

WHEREAS, the County Board of Arlington County, Virginia, has determined that it is advisable to undertake certain capital projects for Arlington Public Schools, as described below; and

WHEREAS, it appears that \$52,650,000 of such improvements cannot be financed from current revenues; and

WHEREAS, the Arlington County School Board has requested by resolution adopted June 25, 2020, that the County Board request the Circuit Court of Arlington County to order an election on the question of the proposed issuance of bonds to finance such projects;

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

1. It is hereby determined that it is advisable for Arlington County to contract a debt and issue its general obligation bonds in the maximum principal amount of \$52,650,000 pursuant to the Public Finance Act of 1991, as amended, to finance, together with other available funds, the design and construction costs for new schools, school facility additions and renovations, and various capital projects for Arlington Public Schools (the "Projects").
2. The Circuit Court of Arlington County is hereby requested to order an election to be held on November 3, 2020, provided that such date is at least 81 days after the date on which the Court enters its order, upon the question of contracting such debt and issuing bonds for such purposes. The question on the ballot shall be in substantially the form shown in Attachment B.
3. The Clerk of this Board is hereby authorized and directed to cause a certified copy of this resolution to be presented to the Circuit Court of Arlington County.
4. The County Board adopts this declaration of official intent under the Treasury Regulations Section 1.150-2. The County Board reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Projects from the proceeds of its bonds.
5. This resolution shall take effect immediately.

STORMWATER

WHEREAS, the County Board of Arlington County, Virginia, has determined that it is advisable to undertake County stormwater projects at an estimated cost of \$50,840,000; and

WHEREAS, it appears that such improvements cannot be financed from current revenues;

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

1. It is hereby determined that it is advisable for Arlington County to contract a debt and issue its general obligation capital improvement bonds in the maximum principal amount of \$50,840,000 pursuant to the Public Finance Act of 1991, as amended, to finance, together with other available funds, the cost of public improvements for Arlington County stormwater projects, including capacity improvement projects, water quality projects, and stormwater maintenance capital projects (the "Projects").
2. The Circuit Court of Arlington County is hereby requested to order an election to be held on November 3, 2020, provided that such date is at least 81 days after the date on which the Court enters its order upon the question of contracting such debt and issuing bonds for such purposes. The question on the ballot shall be in substantially the form shown in Attachment B.
3. The Clerk of this Board is hereby authorized and directed to cause a certified copy of this resolution to be presented to the Circuit Court of Arlington County.
4. The County Board adopts this declaration of official intent under the Treasury Regulations Section 1.150-2. The County Board reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Projects from the proceeds of its bonds.
5. This resolution shall take effect immediately.

The adopted Ballot Questions and Explanations read as follows:

2020 Bond Referenda

1. Metro and Transportation

QUESTION: Shall Arlington County contract a debt and issue its general obligation bonds in the maximum principal amount of \$29,940,000 to finance, together with other available funds, the cost of various capital projects for the Washington Metropolitan Area Transit Authority and other transit, pedestrian, road or transportation projects?

EXPLANATION:

This proposal will fund a variety of transportation, road, pedestrian enhancement and transit projects across the County. The projects to be financed under this proposal are expected to be \$21.3 million to fund a portion of Arlington County's share of WMATA / Metro's capital improvement program, \$7.0 million to fund a portion of the costs for paving local streets and roadways, and \$1.6 million to fund bridge maintenance, and replacement. The County Board may reallocate bond funds among other transportation projects within the County's Capital Improvement Plan, as amended from time to time, to the extent necessary or desirable.

2020 Bond Referenda

2. Local Parks and Recreation

QUESTION: Shall Arlington County contract a debt and issue its general obligation bonds in the maximum principal amount of \$3,630,000 to finance, together with other available funds, the cost of various capital projects for local parks & recreation?

EXPLANATION:

This proposal will fund a variety of parks and recreation projects. The projects to be financed under this proposal are expected to be \$2.5 million for the trail and bridge modernization program, \$0.5 million for parks maintenance capital projects, and \$0.6 million for Rosslyn Highlands Park. The County Board may reallocate bond funds among other parks and recreation projects within the County's Capital Improvement Plan, as amended from time to time, to the extent necessary or desirable.

2020 Bond Referenda

3. Community Infrastructure

QUESTION: Shall Arlington County contract a debt and issue its general obligation bonds in the maximum principal amount of \$7,485,000 to finance, together with other available funds, the cost of various capital projects for County facilities and other County infrastructure?

EXPLANATION:

This proposal will fund a variety of County infrastructure projects. The projects to be financed under this proposal are expected to be \$3.5 million for fire station renovations, \$2.0 million for Courthouse complex facilities improvements, and \$1.9 million for facilities maintenance capital projects. The County Board may reallocate bond funds among other County and community infrastructure projects within the County's Capital Improvement Plan, as amended from time to time, to the extent necessary or desirable.

2020 Bond Referenda

4.

Arlington Public Schools

QUESTION: Shall Arlington County contract a debt and issue its general obligation bonds in the maximum principal amount of \$52,650,000 to finance, together with other available funds, the cost of various capital projects for Arlington Public Schools?

EXPLANATION:

This proposal will make funds available for the Arlington Public Schools' capital improvement program. The proposed bonds are expected to fund the following projects:

- Design funds to meet ten-year projected seat needs (\$24,300,000)
- Major infrastructure projects (\$15,400,000)
- Building refresh and kitchen renovations at Arlington Traditional School, Key Elementary School, and McKinley Elementary School (\$7,650,000), and Entrance renovations at Taylor Elementary School, Gunston Middle School, Thomas Jefferson Middle School, Williamsburg Middle School, and Wakefield High School (\$5,300,000)

The School Board may reallocate bond funds among other school projects within the School Board's Capital Improvement Plan, as amended from time to time, to the extent necessary or desirable.

2020 Bond Referenda

5. Stormwater

QUESTION: Shall Arlington County contract a debt and issue its general obligation bonds in the maximum principal amount of \$50,840,000 to finance, together with other available funds, the cost of various capital projects for the County Stormwater Program?

EXPLANATION:

This proposal will fund a variety of County stormwater projects. The proposed bonds are expected to fund the following projects:

Capacity Improvements

- Spout Run Watershed (\$26,890,000)
- Flood Risk Reduction and Capacity Improvements (\$4,980,000)
- Land Acquisition (\$4,800,000)
- Torreyson Run Watershed (\$2,380,000)
- Lubber Run Watershed (\$750,000)

Water Quality Improvements

- Ballston Pond (\$3,840,000)
- Watershed Retrofits (\$500,000)

Maintenance Capital Projects

- Dumbarton Culverts (\$6,700,000)

The County Board may reallocate bond funds among other stormwater projects within the County's Capital Improvement Plan, as amended from time to time, to the extent necessary or desirable.

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V. ADDITIONAL ITEMS

Without objection, at 10:39 PM, the County Board Recessed Meeting was recessed.

ATTEST:

LIBBY GARVEY, Chair

KENDRA JACOBS, Clerk
Approved: