

APS Use Permit Conditions – Standard Set

- **Yellow Highlight** = Fill in for specific project.

Conditions for Use Permit U-XXXX-XX-X:

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 or her designee. Whenever, under these conditions, anything is required to be done or approved by the County Manager, the language is understood to include the County Manager or his or her designee. Where “Final Building Permit” is referenced in these conditions, it shall refer to the building permit which permits any construction of any level of the building above grade. Where “First Certificate of Occupancy” is referenced, it shall refer to the first certificate of occupancy that permits occupancy for any portion of the building, including a full Certificate of Occupancy for any building or portion thereof, and not inclusive of a Shell and Core Certificate of Occupancy for Elevator Buildings. Where “Final Certificate of Occupancy” is referenced, it shall refer to the first certificate of occupancy that permits occupancy of the last unoccupied space of the building or addition to the project. In addition, where “Arlington Public Schools” is used in these conditions it includes the Arlington County School Board and its staff, employees, and any successors or assigns.

The following permits may be obtained in the course of construction of the building or addition approved by the use permit:

- Demolition and Land Disturbance Permits
- Excavation, Sheeting, and Shoring Permit
- Footing to Grade Permit
- Final Building Permit (as defined above)

APS agrees that, if it requests approval for work covered by more than one permit listed above at the same time, or if APS requests approval for a permit listed above without having obtained all permits normally obtained prior to (in order of the list above) the requested permit, the requested permit will not be issued until APS has met all requirements and fulfilled all conditions that are to be met before the requested permit may be issued. Arlington Public Schools agrees that all conditions to be met prior to issuance of all listed permits shall be met prior to a Final Building Permit being issued.

The following Certificates of Occupancy may be obtained for the project:

- First Certificate of Occupancy (as defined above)
- Final Certificate of Occupancy (as defined above)
- Master Certificate of Occupancy

1. Overall Compliance Requirements (Life of Use Permit)

Arlington Public Schools agrees that nothing in these conditions relieves Arlington Public Schools from complying with all Federal, State and/or local laws and regulations. Arlington Public Schools agrees that these conditions are valid for the life of the Use Permit. Arlington Public Schools agrees to add to all permit application drawings the approved minutes of the County Board meeting at which the Use Permit was approved, together with any subsequently approved condition deletions, revisions, and/or additions. Unless otherwise stated in the conditions below, all required submissions shall be filed with the Zoning Office.

2. Use Permit Compliance

A. **Compliance (Life of the Use Permit)** Arlington Public Schools agrees to comply with the standard conditions set forth below and the plans dated Month Day, Year and reviewed and approved by the County Board as part of the Use Permit approval (as used in these conditions, the term "Use Permit" shall refer to the approved [amendment to] special exception X-XXXX-XX-X) and made a part of the public record on Month Day, Year, including all renderings, drawings, and presentation boards presented during public hearings, together with any modifications proposed by Arlington Public Schools and accepted by the County Board or vice versa, except as specified in the conditions below.

3. Post-County Board Approved Use Permit Plans Filing (Demolition and Land Disturbance Permits)

Arlington Public Schools agrees to file four copies of a Use Permit Plan before issuance of any Permits for development pursuant to the approved Use Permit. Arlington Public Schools also agrees to submit four digital copies on compact disc, including final Use Permit drawings (PDF format), color images of all renderings and photos of presentation boards (PDF format), and PowerPoint presentations (PPT or PDF format) shown to the County Board, including any changes made during the County Board meeting, of the approved post-County Board Use Permit plans. The submittal shall comply with the final approval of the County Board. No permits shall be issued for this Use Permit until the post-County Board Use Permit filings have been approved by the County Manager as being consistent with the County Board approval.

Arlington Public Schools agrees that the project will be constructed per the approved plans and permits and that no material changes to the approved post-County Board Use Permit plans shall take place in the field. Arlington Public Schools agrees to obtain the Zoning Administrator's review and approval of all post-County Board Use Permit plan changes. The Zoning Administrator will determine whether the changes are non-material, require an administrative change, or require Use Permit amendment approval.

4. Use Permit Conditions Review Meeting (Demolition and Land Disturbance Permits)

Arlington Public Schools agrees to request and attend, along with its construction management team, a Use Permit Conditions Review Meeting coordinated by the Zoning Office prior to the issuance of any permits for development pursuant to the Use Permit. The meeting is intended to inform Arlington Public Schools of the following: 1)

requirements of each of the Use Permit conditions that apply to the approved Use Permit; 2) the general process and contacts for obtaining permits, including plan review and approval and overview of associated Use Permit compliance requirements; and 3) the potential need to attend additional pre-permit and pre-construction meetings coordinated by the Inspection Services Division (ISD) and the Department of Environmental Services (DES).

5. Tree Protection and Landscape Plan

- A. Arlington Public Schools agrees to develop, submit to, and gain approval from the County Manager of a Tree Protection Plan, if such a plan is deemed necessary by the County Manager based upon the amount of vegetation to be preserved and/or protected, in accordance with the Arlington County Landscape Standards, or subsequent standards as amended, and all relevant ordinances. If deemed necessary, the Tree Protection Plan shall be submitted as part of the Civil Engineering Plan (CEP) in accordance with the DES Minimum Acceptance Criteria and Guidelines for Electronic Civil Engineering Plan Review, and the Stormwater Management Ordinance Guidance Manual, and a copy thereof shall be provided with the Final Building Permit application drawings.
- B. Arlington Public Schools agrees to develop, submit to, and gain approval from the County Manager of a Final Landscape Plan in accordance with the Arlington County Landscape Standards, or subsequent standards as amended, and in conformance with the CEP, pursuant to the approved Use Permit and as shown on the plans described in Condition #3, and a consistent copy thereof shall be provided with the Final Building Permit application.
- C. Arlington Public Schools may request revisions to the approved Tree Protection Plan and Final Landscape Plan. Arlington Public Schools agrees that it will apply to the County Manager for changes and obtain the County Manager's review and approval of such changes, which may also require revisions to the CEP. The County Manager shall approve such changes if the Tree Protection Plan and the Final Landscape Plan, as amended, meets the standards of this condition and the intent of the Use Permit approval. At all times, the approved Tree Protection Plan and Final Landscape Plan shall govern installation of tree protection and landscape plan elements and features, respectively, as shown on the Tree Protection Plan and Final Landscape Plan.
- D. Arlington Public Schools agrees to notify the County's Urban Forester in the Department of Parks and Recreation (DPR) 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 DPR staff 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 Urban Forester.
- E. Arlington Public Schools 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.

F. **Maintenance and Replacement (Life of Use Permit)** Arlington Public Schools 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, street trees, and plantings are kept in a clean and well-maintained condition for the life of the Use Permit in accordance with the approved Final Landscape Plan and the Landscape Maintenance Management Program per the Arlington County Landscape Standards.. Arlington Public Schools agrees to water, prune, replace, and provide for any other necessary maintenance for all trees and landscaping located on the school property, and all street trees shown on the approved Civil Engineering Plan and approved Final Landscape Plan, located within the public right-of-way or public easement, for the life of the Use Permit. All pruning of street trees must be performed in accordance with the last version of, or revision to, the ANSI A300 Pruning Standards. Arlington Public Schools agrees to contact the Department of Parks and Recreation to arrange for a site meeting with an Urban Forester to review and approve the scope of work prior to performing any pruning of street trees. An International Society of Arboriculture (ISA) Certified Arborist must be on site during all pruning of street trees.

6. **Temporary Lighting Plan (Demolition and Land Disturbance Permits):**

If existing street lighting will be taken out of service during construction, Arlington Public Schools agrees to provide temporary lighting for roadway users, including pedestrian and vehicular traffic, along all frontages of the site where existing lighting is removed from service, including the interiors of covered pedestrian walkways during construction at a minimum, in the same areas illuminated by the lighting taken out of service. Arlington Public Schools agrees to submit to, and obtain review and approval from the County Manager of a temporary lighting plan prior to issuance of Demolition and Land Disturbance Permits. The County Manager will approve the temporary lighting plan if it meets the standards of this condition. Lighting levels shall conform to minimum luminance levels approved by the County, based on the Arlington County Traffic Signal and Streetlight Specifications. Arlington Public Schools agrees that the approved temporary lighting plan shall be implemented prior to the shut-down or removal of any existing lighting, and shall be operated from implementation until lighting fixtures as approved in Condition #10 are in place and operational around the perimeter of the site.

7. **Community Outreach During Construction**

Arlington Public Schools agrees to comply with the requirements of this condition prior to the issuance of any permits for development pursuant to the Use Permit, and to remain in compliance with this condition until the Final Certificate of Occupancy is issued.

A. **Community Liaison (Demolition and Land Disturbance Permits).** Arlington Public Schools agrees to identify a person or persons who will be the liaison to the community throughout the construction of the site. The name and telephone number of the initial liaison(s) and, if different, of the permanent liaison(s), shall be provided in writing or by email to the residents, property managers and business owners whose properties are located directly adjacent to the Project; the insert civic/citizen

- associations, condo associations, homeowners associations, etc. HERE]; and the Zoning Administrator; and shall be posted at the entrance of the project. Throughout the duration of construction, the liaisons(s) shall be on the site throughout the hours of construction.
- B. Community Meeting (Demolition and Land Disturbance Permits)** Arlington Public Schools agrees to hold a community meeting before the issuance of any permit for work pursuant to this Use Permit, with those whose property is located directly adjacent to the project, and the presidents of the [insert civic/citizen associations, condo associations, homeowners associations, etc. HERE], to review the overall schedule for construction. The Zoning Administrator must be notified once the community meeting dates/times are established. Arlington Public Schools agrees to provide documentation to the Zoning Administrator of the date, location and attendance of the meeting.
- C. Temporary Closures of Any Traffic Lanes (7 days in advance of street closures)** Arlington Public Schools agrees to notify the [insert civic/citizen associations, condo associations, homeowners associations, etc. HERE] and all abutting property owners in writing (or, by mutual agreement, via 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, insecure 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. Timing of Utility Work.** Arlington Public Schools agrees to advise abutting property owners in writing (or, by mutual agreement, via e-mail) of the general timing of utility work in abutting streets or on-site that may affect their services or access to their property throughout construction of the project.
- E. Maintenance of Traffic (MOT) Plans (Demolition and Land Disturbance Permits):** Arlington Public Schools agrees to provide one (1) copy of each approved MOT to the presidents of the [insert civic/citizen associations, condo associations, homeowners associations, etc. HERE], one (1) copy to the Arlington County Police Department, and provide documentation of these submissions to the Zoning Administrator.
- F. Parking for Construction Workers (Demolition and Land Disturbance Permits):** Arlington Public Schools agrees to provide information on construction worker parking to the presidents of the [insert civic/citizen associations, condo associations, homeowners associations, etc. HERE] as well as to identify the contact person, if different from the community liaison referenced above, responsible for coordinating parking and transportation routes and options for construction workers employed at the site.

- 8. Vacations and Encroachments (Demolition and Land Disturbance Permits)**
- A. Approval of Ordinance (Demolition and Land Disturbance Permits)** Arlington Public Schools 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 project, or any portion thereof, as shown on the plans described in Condition #3, prior to the issuance by the County of the first permit for development pursuant to the approved Use Permit except for demolition 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 (Final Building Permit)** Further, Arlington Public Schools 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 Arlington Public Schools has first, before issuance of the earlier to occur of the Excavation, Sheeting and Shoring Permit or the Final Building Permit, 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).
- 9. Sustainable Design Elements (Master Certificate of Occupancy)** Arlington Public Schools (APS) agrees to implement sustainable design elements in alignment with Arlington County’s Facility Sustainability Policy:

- A.** The building shall be designed and constructed to reduce energy use intensity below 28 kbtu/sq.ft./year and optimize solar exposure to be “Net Zero Energy Ready.” A Power Purchase Agreement may be used to install sufficient onsite solar power generated necessary to achieve Net Zero Energy certification through the International Living Futures Institute. Renewable Energy Credits (REC’s) should remain on site.
- B.** If determined that the project cannot attain Net Zero Energy Ready goals, then the building will be designed and constructed to operate at or below a site energy use intensity (EUI) based on building type (in kbtu/sq.ft./yr):

Use type	Target Site EUI – New (kbtu/sq.ft./year)	Target Site EUI – Reno (kbtu/sq.ft./year)
K-12 School	44	56
Joint Use	65	78
School with Pool	58	75

- C.** APS shall achieve at least LEED Silver certification for the building to demonstrate and communicate comprehensive sustainability to the public, including management of energy, water, materials, indoor environment, and sustainable sites. APS agrees to permit the County Manager to access the USGBC records for the project, and to provide the County Manager with such authorization as may be necessary to allow such access.

- D. APS will provide documentation to the County Manager (or designee) demonstrating that Net Zero Energy ready and LEED Silver certification has been achieved, including the final energy model and the final LEED certification report from the USGBC.

10. Civil Engineering Plan and Infrastructure Improvements (First Certificate of Occupancy)

Arlington Public Schools (APS) agrees to submit a Civil Engineering Plan (CEP) in accordance with the current version of the Department of Environment (DES) Minimum Acceptance Criteria and Guidelines governing the submission of Civil Engineering Plans for the purpose of implementing this Use Permit. Arlington Public Schools agrees to design and incorporate, at a minimum, the following elements in the Civil Engineering Plan.

A. Water Mains and Services

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

- a. [List requirements here].

Their exact sizes, lengths, and locations shall be determined 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.

B. Sanitary Sewer

- 1) Public sanitary sewer main improvements, as listed below.

- a. [List requirements here].

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.

- 2) Arlington Public Schools 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, and that Arlington Public Schools will 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.

C. Storm Sewer

- 1) Public storm sewer improvements as listed below.
 - a. **[List requirements here].**

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.

D. Electric Service and Appurtenances

- 1) The location of all new electric transformers, and all associated appurtenances. All new electric transformers, and all associated appurtenances shall be installed, in underground utility vaults or in locations at grade to the side or rear of the building screened from public view if feasible, or if such at-grade locations are not feasible, in locations to minimize their visual impact and screened from public view.

E. Undergrounding of Aerial Utilities

- 1) Removal and/or undergrounding of any existing aerial utilities located within or along the periphery of the entire Use Permit site to a distance of approximately five (5) feet beyond the site boundaries or the limits of disturbance/clearance, whichever is greater.
- 2) All utility improvements necessary to provide adequate utility services to the development or utility work necessary to provide terminus facilities associated with the undergrounding of utility lines shall not result in the installation of any new or additional permanent utility poles, push braces, or aerial utility lines or devices.

F. Underground Utility Vaults

- 1) The location of all underground utility vaults, ventilation grates, and associated appurtenances, which shall meet the following standards:
 - a. Installation of all underground utility vaults shall be in conformance with the County design and construction standards and specifications, and all applicable construction standards and specifications of the owner of the utilities. Underground utility vaults for electric transformers and all associated

appurtenances, shall meet both Dominion Virginia Power and County design and construction standards and specifications.

- b. Underground private utility vaults may not be placed, in whole or in part, within the County right-of-way or public easement unless Arlington Public Schools obtains County Board approval of an encroachment ordinance or other County approval, as appropriate, permitting use of the County right-of-way or public easement for such purpose. Upon enactment of an ordinance or approval, Arlington Public Schools agrees to comply with all the conditions of such ordinance and any other conditions prescribed in the Use Permit addressing vacations and encroachments, including, but not limited to, recordation of any deeds, plats, or ordinances, the payment of compensation, and required fees.
- c. The location and placement of underground utility vaults shall not conflict with the physical operation or placement of other existing or proposed public or private utility facilities.
- d. Underground utility vaults shall have a minimum horizontal clearance of five (5) feet to conduits, manholes, public water mains and public sanitary sewers, unless a lesser clearance is specifically shown on the Civil Engineering Plan and approved by the County Manager.
- e. Ventilation grates for underground utility vaults, or for garage air intake and exhaust vents, shall not be located within public sidewalks, streets, or within any portion of the County right-of-way or public easement area for sidewalks or public streets, or within any areas that provide pedestrian access to any buildings, street, and public or private open spaces.

G. Structure Free Zone

- 1) In order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the Civil Engineering Plan shall provide a structure-free zone under the public sidewalk along all street frontages.
- 2) This zone shall be a minimum of five (5) feet in depth, as measured from the approved finished sidewalk elevation, and shall extend from the back of the final location of the street curb, to the far edge of the public sidewalk.
- 3) No subterranean structures (such as parking garages or stormwater detention facilities) shall intrude into this zone, unless otherwise approved by the County Board and as shown on the Civil Engineering Plan.
- 4) Within the structure-free zone, underground utilities and/or utility vaults shall not be located in a manner that interferes with the appropriate spacing of street trees shown on the approved final landscape plan nor shall utility lines be located beneath street trees.

H. Site Circulation and Arrival and Dismissal Procedures

- 1) A plan detailing site circulation and arrival/dismissal procedures. The plan may include, but not be limited to:
 - a. Site access and circulation for vehicles, school buses, pedestrians and bikes.
 - b. The street frontage on streets adjacent to the school property, parking lots or garages internal to the site, drop-off and pick-up areas, bus loops, sidewalks and internal walkways, internal roadways and any other areas on the property that would be used for parking, loading or site circulation.
 - c. “Arrival and Dismissal Procedures” including but not limited to:
 - i. A narrative describing the management of traffic (all modes) for arrival and dismissal periods, before- and after-school activities, regular school hours and school wide events.
 - ii. Details showing onsite and offsite marking and signage associated with site circulation or arrival and dismissal operations
 - iii. Details showing location of temporary traffic control devices and personnel (crossing guards, volunteers or staff) associated with arrival and dismissal.
 - d. Location and signage for carpool, staff and visitor parking.
 - e. Existing or proposed locations for off-site parking that would be used by faculty, staff or special events’ attendees.

I. Streetscape

- 1) The final streetscape design including sidewalks, street trees, tree pits/grates, bicycle racks, 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:

[List Specific Street name(s) here:]

- *Minimum streetscape width measured from back of curb: XXXX*
- *Minimum clear sidewalk width: XXXX*
- *Continuous planting strip width: XXXX and minimum eight (8) inches distance from back of curb*
- *Tree spacing: XXXX*

- 2) Public sidewalks designed in conformance with the Department of Environmental Services Construction Standards and Specifications Manual or subsequent standards as amended.
 - a. The materials and colors of the sidewalk pattern and design to be used shall be in compliance with applicable streetscape guidelines, plans, or standards approved by the County Board and in effect at the time of the Civil Engineering Plan and Final Landscape Plan approval, and shall be installed on a properly engineered base.
 - b. Non-standard materials or surface treatments may be used subject to approval by the County Manager, and under the provisions of applicable streetscape guidelines or standards.
- 3) 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, unless the existing condition is to remain as described above, 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.
- 4) The location and planting details for street trees shall be in compliance with the Administrative Regulation for Tree Planting on Public Land; 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; and pursuant to the Final Landscape Plan described in Condition #5.

J. Pavement, Curb and Gutter

- 1) Pavement, curb and gutter along all site frontages, as listed below, and as shown on the approved civil engineering plan.
 - i. **[List street name #1 here and the corresponding site specific language:
XXXX]**
 - ii. **[List street name #2 here and the corresponding site specific language:
XXXX]**
 - iii. **[List street name #3 here and the corresponding site specific language:
XXXX]**
 - iv. **[Etc.]**

- 2) 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.

K. Outdoor Bicycle Facilities

- 1) A minimum of 1 bicycle space per 20 students for elementary schools, and a minimum of 1 bicycle space per 10 students for middle and high schools, and adult learning centers conveniently located throughout the site, under weather cover where practicable, as approved by the County Manager. All bicycle racks shall meet the Arlington Bicycle Parking standards or be substantially equivalent.

L. Street Lighting

- 1) Arlington County standard street lights along all frontages of the site in accordance with the then current Arlington County Traffic Signal and Street Lighting Specifications and VDOT Traffic Engineering design manuals, as applicable. This shall include installation of a street lighting system including, but not limited to, poles, meters, service cabinets, conduit, junction boxes and power connection appurtenances along all frontages of the site, in locations as determined at the time of review of the Civil Engineering Plan.
- 2) Removal of all mastarm mounted streetlights (typically cobrahead lights mounted at 25' to 35' above grade) from all street frontages of the site. If the County decides that such streetlights are required to provide adequate lighting for street safety purposes at intersections or when the lights are part of a traffic signal mastarm system, they shall be called out on the Civil Engineering Plan.

M. Pedestrian and/or Traffic Signal Equipment

- 1) [List requirements here]

N. Implementation Timing. Arlington Public Schools agrees to implement the approved Civil Engineering Plan as follows:

- 1) Arlington Public Schools agrees to construct and/or install the improvements noted in Condition #10 above as shown and approved on the Civil Engineering Plan, as applicable, prior to the issuance of the First Certificate of Occupancy.

The County Manager may allow reasonable modifications to the timing outlined in Condition #10 above, requiring construction or installation of public improvements, if the County Manager determines that: 1) Arlington Public Schools is diligently pursuing the work; 2) timing of conditions as originally approved 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/or 4) Arlington Public Schools has provided reasonable assurances that the work will be completed in accordance with the Use Permit's approved design.

- 2) Arlington Public Schools agrees to the following prior to the issuance of the Master Certificate of Occupancy, but no later than the date established by Condition #19:
 - a. Construct/install and certify all on-site stormwater management facilities.
 - b. Submit to, and obtain approval from, the County Manager for as-built civil engineering plans (As-Built plans) certified by a professional engineer or surveyor registered in the Commonwealth of Virginia.

APS agrees that the As-Built plans shall be in accordance with the DES Minimum Acceptance Criteria for As-Built plans and shall, at a minimum, 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.
 - c. Arlington Public Schools agrees to repair or replace existing or new infrastructure, at the direction of the County Manager, damaged during construction by Arlington Public Schools or its contractors prior to County Manager acceptance of public improvements.
 - d. Arlington Public Schools agrees to obtain from the County Manager a letter accepting the public improvements shown on the Civil Engineering Plans and described in these conditions which are in public rights-of-way or easements, for maintenance and operation by the County. The County Manager shall accept the public improvements if he/she finds that all elements have been properly constructed and found not to be deficient.

11. Utility Company Notification (Land Disturbance Permit)

In order to coordinate timing of utility work during construction of the project, Arlington Public Schools 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. Arlington Public Schools 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. Arlington Public Schools further agrees to submit to the Zoning Administrator copies of communication from the Arlington Public Schools to the utility companies providing such notifications.

12. Deeds of Public Easements and Deeds of Dedications (Final Building Permit)

A. Arlington Public Schools agrees to convey real estate interests called for by this Use Permit approval to the County, for public street or public right-of-way purposes, in fee simple, free and clear of all liens and encumbrances. Real estate interests conveyed by Arlington Public Schools to the County for Public Improvements or public uses, (including, but not limited to, sidewalk, street trees, other streetscape planting, water mains, storm sewers, sanitary sewers, and other public utilities and facilities), that are not located, or to be located, in the public street or public right-of-way, may be granted to the County by deed(s) of easement, provided, however that, in the deed(s) conveying such real estate interests to the County, all liens and encumbrances shall be subordinated to the easement rights of the County.

B. Unless otherwise specifically provided elsewhere in these Use Permit conditions, Arlington Public Schools agrees that it will do the following:

- 1) **Submission for Review (Final Building Permit)** Submit for review by the County Manager all-plats, deeds of conveyance, deeds of dedication, and deeds of easement associated with, and/or required by the Use Permit approval or the approved civil engineering plans, for the construction of any public street public infrastructure, public utility, public facility or public improvement (jointly “Public Improvements”), prior to the Final Building Permit; and
- 2) **Approval and Recordation (First Certificate of Occupancy)** Obtain approval (by the County Manager in a form approved by the County Attorney) and record such plats, deeds of conveyance, deeds of dedication, and deeds of easement associated with, and/or required by the Use Permit approval or the approved civil engineering plans for the construction of any Public Improvements, among the land records of the Circuit Court of Arlington County prior to issuance of the First Certificate of Occupancy.

13. Façade Treatment of Buildings (Final Building Permit)

Arlington Public Schools 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 Use Permit approval and the drawings identified in Condition #3 as presented to the County Board and made a part of the public record on the date of County Board approval of this Use Permit. In accordance with Condition #3, Arlington Public Schools agrees to obtain the Zoning Administrator’s review and approval of all changes from the post-County Board Use Permit plan that involve the design and treatment of the building facade. The Zoning Administrator will determine whether the changes are non-material, require an administrative change, or require Use Permit amendment approval.

14. Parking (Life of Use Permit)

Arlington Public Schools agrees to provide a minimum of **XX** parking spaces on site, as shown on the plans referenced in Condition #3. Arlington Public Schools further agrees to maintain all on-site parking spaces for the life of the use permit, or as modified on a temporary basis subject to approval by the County Manager provided such modification will not adversely impact the surrounding neighborhoods, where existing parking spaces are impacted during temporary construction activity, or permitted temporary uses that can include, but are not limited to, open-air markets and uses identified in Section 12.10 of the Zoning Ordinance.

15. Bicycle Storage Facilities (Final Building Permit)

Arlington Public Schools agrees to submit to, and obtain approval of the County Manager for, indoor bicycle storage facilities, showers and lockers for staff prior to issuance of the Final Building Permit. The bicycle facilities, showers and lockers shall be shown on the architectural drawings depicting their location and access within the context of the floor(s) on which they are located; the layout of the facilities; and the details of the enclosure, security elements, bicycle racks, showers, lockers, and other elements of the facilities. Arlington Public Schools agrees to provide the following:

- (1) A minimum of one (1) bicycle space per 10 staff in Class I secure facilities, which shall meet the standards for Class I storage space as defined in the Arlington Bicycle Parking Standards in effect on the date of approval of the final building permit;
- (2) A minimum of one (1) shower per gender; and
- (3) A minimum of one (1) clothes storage locker for each required staff bicycle parking space.

Showers and lockers shall meet the following criteria:

- (1) The lockers shall be installed adjacent to the showers in a safe and secured area.
- (2) The lockers shall be a minimum size of 12 inches in width, 18 inches in depth and 36 inches in height, and shall be available to bicycle commuters during normal building operating hours; provided, however, that bicycle commuters shall be permitted to use the lockers for storage 24 hours per day, 7 days per week;
- (3) The showers and lockers may be provided in conjunction with the gymnasium; and
- (4) Both the showers and lockers shall be available to all school staff.

Plan for Bicycle Facility, Shower, and Locker Operations (First Certificate of Occupancy). Arlington Public Schools agrees to obtain, prior to the issuance of the Final Certificate of Occupancy, the County Manager's review and approval of a plan for the operation of the indoor bicycle storage facility, showers and lockers if he/she finds that, at a minimum, the plan includes the following elements:

- (1) Identification of party(s) (person, agency, organization) responsible for managing the bicycle storage facility, including implementation of the plan for access and notification of facility.
- (2) A description of how the bicycle storage facility will be managed and operated, including:
 - (a) Hours of operation or availability to users.
 - (b) Methods to notify staff of the amenity at least two times per year, at or before the beginning of each semester.
 - (c) Management of registration of persons and bicycles using the Class 1 facility.
 - (d) Management of locker assignments, and re-assignments, to bike commuters.
 - (e) Policy for abandoned bicycles.

Arlington Public Schools agrees to implement the approved plan for the life of the use permit.

16. Transportation Management Plan (Life of Use Permit)

Arlington Public Schools agrees to submit to, and obtain review and approval from the County Manager of a Transportation Demand Management Plan (TDM Plan), prior to issuance of the Final Certificate of Occupancy, in order to achieve the following:

- The desired results of the Arlington County Transportation Demand Management (TDM) program;
- Mitigation of the potential adverse impacts of parking demand and disruption of parking patterns within affected neighborhoods that could result from the approved parking count and locations;
- Mitigation of traffic impacts generated by users of [name of school here], including staff, students, parents of students, and other visitors.

Arlington Public Schools further agrees to implement the TDM Plan for the life of the use permit. Arlington Public Schools agrees to post the approved TDM on the web page for [name of school HERE]. Arlington Public Schools further agrees to submit revisions, minor changes or amendments to the approved TDM Plan for review by, and approval from, the County Manager for the life of the use permit.

TDM Strategies. The TDM Plan shall include, but not be limited to, the strategies set out below, provided, however, that the County Manager may, through the Administrative Change process, amend these strategy provisions to conform to the TDM Master Plan if he/she determines the amendments would achieve the goals noted above:

- (a) General.
 - i. APS agrees to maintain an ongoing relationship with Arlington Transportation Partners (“ATP”).

- ii. Arlington Public Schools agrees to appoint a School Transportation Coordinator (STC) to be a primary point of contact with the county and undertake the responsibility for coordinating and completing all TDM obligations for this use permit. The STC responsibilities will include coordinating with the APS Transportation Department on the operation of the TDM, including promoting the formation of carpools, encouraging participation in alternative transportation incentives and coordinating with DPR where such coordination is deemed necessary due to the presence of shared facilities between APS and DPR. The STC shall work actively with the School's Principal, staff, students and their parents/guardians, and visitors to maximize the use of non-single occupant vehicle transportation to and from the school, including by bus, bicycle, walking and car/vanpools. Arlington Public Schools shall provide, and keep current, the name and contact information of the STC to Arlington County Commuter Services (ACCS) or successor. The STC shall be appropriately trained, per the Transportation Demand Management: Knowledge Standards for Appropriately Trained School Transportation Coordinators, Version: Schools (April 2014) or subsequent version, to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.

(b) Incentive Programs and Policies.

- i. Provide an information display(s), the number/content/design/location of which shall be approved by ACCS / ATP, to provide transportation-related information to staff and visitors. Arlington Public Schools shall keep display(s) stocked with approved materials at all times.
- ii. Each employee who participates in a carpool or vanpool will be entitled to such incentive, as established by the Superintendent of Schools for the subject school specifically, or based on the TDM Master Plan, for each person in the pool, and preferred/reserved parking, except two-person pools, whose participants will receive a 50% incentive.
- iii. Each employee who participates in a carpool with non-APS employees and who uses a parking space at the subject school will be entitled to a monetary incentive equal to a 2-person carpool and will be entitled to preferred/reserved parking. Non-APS employees will be required to register with the STC.
- iv. Employees who participate in carpools and vanpools will be informed of the **Guaranteed Ride Home** program to assist with rides home when personal emergencies or emergency work requirements make using the carpool or van pool arrangements impossible.

- v. Public transit incentives, as established by the Superintendent of Schools, will be provided to participating employees through either a monthly pre-tax transit and vanpool benefit, or a monthly subsidized/direct transit and vanpool benefit paid for by APS, as defined by the IRS.
 - vi. Arlington Public Schools shall report on usage of the incentive programs to the Arlington Public Schools Human Resources Department, which will be responsible for maintaining payroll records sufficient to compensate persons enrolled in incentive programs and arranging for the establishment of taxable and no-tax incentive payments to employees.
 - vii. Arlington Public Schools agrees to encourage students to use alternative transportation to travel to and from the subject school with an initial goal of [insert goal percentage here]% reduction in drop-off/pick-up trips, proportional to school enrollment, in private vehicles compared with the school year prior to the year for which the first Certificate of Occupancy in the new addition is issued.
 - viii. Arlington Public Schools agrees to provide website hotlinks to CommuterPage.comTM under a “transportation information” heading, or other heading as approved by the County Manager, from the school’s website regarding this school.
 - ix. Arlington Public Schools agrees to distribute a new-employee package which includes site-specific ridesharing and transit-related information provided by Arlington County to each new employee no later than the first day of employment at the school.
 - x. Arlington Public Schools agrees to cooperate with and assist Arlington County Commuter Services (“ACCS”) in implementing a transit-advertising program that distributes information two times per year to all employees, students and/or their parents, and visitors.
 - xi. Arlington Public Schools agrees to participate in regionally sponsored clean air, transit, and traffic mitigation promotions by posting notice of such promotions in locations within the school building.
- (c) Performance Monitoring.

Arlington Public Schools agrees to participate in a transportation performance monitoring study at two (2) years, five (5) years, and (at the County’s option) every subsequent fifth year after the issuance of the First Certificate of Occupancy. The County may conduct the study, in which case Arlington Public Schools agrees to reimburse the County for the cost of the study within 30 days of notice of cost, or request that Arlington Public Schools conduct the study. In the latter case, the County would specify the timing and scope of the study, which

may include average vehicle occupancy, daily vehicles trips to and from the site, parking availability by time of day for the site, pedestrian traffic, a seven (7) day count of site-generated vehicle traffic, and a voluntary mode-split survey.

Arlington Public Schools agrees to notify, assist, and strongly encourage participation by students, parents, faculty, and employees to participate in mode-split surveys, which may be on-line or by email. Arlington Public Schools agrees to produce and submit to the County a report in the form specified by the County for every transportation performance monitoring study it undertakes.

17. Arlington Public Schools Installation of In-Building First Responder Network (Final Building Permit)

In order to maintain the effectiveness of the County's public safety systems, Arlington Public Schools 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 the document entitled "In-Building First Responder Network Definitions and Testing Protocol" 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.

Arlington Public Schools agrees to submit and obtain the County Manager's review and approval of, engineering drawings, certified by an engineer licensed to practice in the Commonwealth of Virginia, indicating that adequate accommodations have been made in the building to meet this requirement prior to issuance of the Final Building Permit. The County Manager will approve the drawings if he/she finds that the drawings meet the standards of this use permit condition.

In addition, Arlington Public Schools agrees to submit to and obtain the County Manager's review and approval of, reports, certified by an engineer licensed to practice in the Commonwealth of Virginia, 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. Arlington Public Schools agrees to submit and obtain approval of these reports at the following times: a) prior to the issuance of the Final Certificate of Occupancy; b) every one year after the date of issuance of the Final Certificate of Occupancy. 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 Connect Arlington fiber optic network. In addition, the County Manager may waive coverage requirements in secure areas as well as in cases where State and County requirements overlap.

18. Pick-up and Drop-off Procedures (Life of Use Permit)

- A. Arlington Public Schools agrees to maintain and implement written Arrival and Dismissal Procedures for the school (originally approved as part of the Civil Engineering Plan per Condition #10) for the life of the use permit, which may be revised by Arlington Public Schools at its discretion. The procedures shall be made available to the County or the public on request.
- B. Arlington Public Schools agrees to identify a person(s) who will serve as a liaison(s) to the community for arrival and dismissal concerns for the site. Arlington Public Schools agrees to provide the contact information for the liaison(s) on the web page for the school and to the insert civic/citizen associations, condo associations, homeowners associations, etc. HERE prior to the issuance of the First Certificate of Occupancy. APS agrees to investigate and respond to community concerns in a timely manner.
- C. Arlington Public Schools agrees that it will, within six (6) months of issuance of the First Certificate of Occupancy, review and study the operations and impacts of the Arrival and Dismissal Procedures. The scope of the review shall be developed in consultation with DES staff in advance of the study.

Data collection and observations for the review shall be performed on a typical school day (Tuesday through Thursday), as well as on a day when inclement weather (cold, rainy or snowy) occurs during the arrival period.
- D. Arlington Public Schools agrees, within eight (8) months of issuance of the First Certificate of Occupancy to submit a report to the County Manager documenting the collected data and analysis, along with, if appropriate, recommendations to improve the Arrival and Dismissal Procedures. Copies of the report shall be provided to representatives of the insert civic/citizen associations, condo associations, homeowners associations, etc. HERE.
- E. Based on the report and its findings, in conjunction with DES, Arlington Public Schools shall amend their Arrival and Dismissal Procedures as appropriate and implement such revised procedures in a timely manner, as applicable.

- F. The timing in sections C and D of this condition may be modified by the County Manager if he/she finds that data collection and observations, and/or the subsequent report, would be more effective if performed at a later date.

19. Obtain Master Certificate of Occupancy (Within 6 months of the Final Certificate of Occupancy)

Arlington Public Schools agrees to obtain a Master Certificate of Occupancy within six (6) months of issuance of the Final Certificate of Occupancy. Arlington Public Schools may request by administrative change to extend the deadline 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 six-month time frame. The Zoning Administrator shall approve such extension if he or she finds that Arlington Public Schools 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.

Additional Condition Language as May Be Applicable – Non-Standard:

20. Design, Construction, and Use of Public Facilities (Life of Use Permit)

- A. **Coordination of Existing Programs.** Arlington Public Schools agrees to coordinate with the County Manager the use of the indoor and outdoor facilities used by [school] and by the community sports and recreational programs, leagues, classes, camps, and any special events during out of school hours to include: evening, weekend, holiday and summer use. Facility use will be permitted by Arlington Public Schools consistent with the Arlington Public Schools Use of School Facilities Policy or subsequent standards as amended, and any and all applicable Arlington Public Schools and County policies and/or as outlined in the operations and cost sharing Memorandum of Agreement (“MOA”) approved by the County Board.
- B. **Design and Construction of Athletic Fields and Other Recreation Facilities.** Arlington Public Schools agrees to design and construct recreational facilities (which include but are not limited to: [list type of facilities here]) as shown on the Use Permit plans referenced in Condition #3, above. Proposed field design and other outdoor recreational facilities (as appropriate) shall be shown on the approved Landscape Plan, as provided for in standards referenced in Condition #5, and reviewed and approved by the County Manager.
- C. **Interim Agreement for Use of County Facilities (Final Building Permit)**
Arlington Public Schools agrees to enter into a separate, interim agreement for the use of County facilities with the County. The interim agreement shall specify how Arlington Public Schools will use [name the features/facilities here] located [specify location here] during construction of the [school]. An executed copy of the interim agreement shall be submitted to the Zoning Administrator prior to the issuance of the final building permit.

D. Memorandum of Agreement (Final Certificate of Occupancy)

Arlington Public Schools agrees to enter into a separate Memorandum of Agreement (“MOA”) with the County for the operations and cost sharing of the [name the features/facilities here] associated with [school]. An executed copy of the MOA shall be submitted to the Zoning Administrator prior to the issuance of the Final Certificate of Occupancy.

21. Documentation of Historical Artifacts, Features and Buildings (Final Certificate of Occupancy)

- A. Arlington Public Schools agrees to submit documentation to Arlington County Historic Preservation Program, Neighborhood Services Division (HPP), regarding any historical artifact or historical natural feature uncovered during construction on the site prior to the issuance of the Final Certificate of Occupancy for the building, or each building in a multi-building project. This documentation shall include written notation describing the artifact or natural feature, color photographs, and mapping of the location and/or depth of the site excavation at which the item was found.
- B. In the event an historical artifact or natural feature is found on the site, and is to be disturbed or removed from the site during construction, Arlington Public Schools agrees to contact the HPP before removing or disturbing the artifact or natural feature. Arlington County shall be given the opportunity to accept donation of the artifact or natural feature before the item is offered to any other organization or individual.
- C. If historic buildings, as identified and/or surveyed by Arlington County’s Historic Preservation Program, are located on the site, then photographic documentation shall be consistent with Historic American Building Survey (HABS) standards.
- D. Should the project be assessed as a possible archaeological site, Arlington Public Schools agrees to pursue, at a minimum, a level one and two archaeological study. Arlington Public Schools agrees to submit to the HPP all written results of the level one and two archaeological study and all artifacts found on the site.
- E. In the event the site contains a building that is identified and/or surveyed by Arlington County’s Historic Preservation Program, Arlington Public Schools agrees to develop, submit, and obtain review and approval by the County Manager (Historic Preservation Program) of a plan for the salvage and re-use or recycling of building elements and materials from the existing building(s) proposed to be demolished, prior to the issuance of any permits for development of the Use Permit. Arlington Public Schools further agrees to implement such plan throughout the respective phases of construction. Arlington Public Schools agrees to contact by written notice and permit the staff of the Historic Preservation Program to inspect the property and the existing building(s) to identify those historic building elements and materials to be salvaged and/or re-used. Provisions for such salvage and/or re-use shall be incorporated into the plan. Arlington Public Schools agrees to contact local firms/organizations that may be interested in removing these materials without expense to Arlington Public Schools prior to demolition of the buildings, and submit evidence of compliance with

the terms of this condition to the County's Historic Preservation Program staff before any demolition is initiated. If, as a result of Arlington Public Schools' efforts, there is little or no interest by local firms/organizations to remove these materials, then Arlington Public Schools agrees to pay for a recycling contractor or other licensed contractor to have the identified building elements and materials that are marked for salvage and/or re-use to be removed from the building and the site.

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.