

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of #1 Courthouse Plaza thereof on Tuesday, April 22, 2008 at 3:02 p.m.

PRESENT: J. WALTER TEJADA, Chairman
BARBARA A. FAVOLA, Vice Chairman
JAY FISETTE, Member
MARY HUGHES HYNES, Member
CHRISTOPHER ZIMMERMAN, Member

ALSO PRESENT: RON CARLEE, County Manager
STEPHEN A. MacISAAC, County Attorney
MARIA VOULTSIDES, Clerk
STEPHEN W. SOCKWELL, Planning Commission Member
Other Staff & Commission Representatives

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COUNTY BOARD RECESSED MEETING

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COUNTY BOARD BUSINESS AND REPORTS

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I. COUNTY BOARD REPORTS

The Chairman announced the Fresh AIRE Business Champions. Three buildings in Arlington have earned the ENERGY STAR, one business has committed to a 100% green power purchase, and one restaurant has become a Certified Green Restaurant. The Chairman recognized and presented the following business with a certificate: INVESCO, Inc. and Lincoln Property Company, 1530 Wilson Boulevard; Transwestern, Quincy Tower on Quincy Street; Harris Teeter, 2425 N. Harrison Street; Main Event Caterers; and The Java Shack Coffeehouse.

The Chairman announced Neighborhood Day on Saturday, May 10. For the first time, the annual parade will "run backwards." The parade will start at Courthouse and end in Clarendon. Also new this year, the Washington and Lee high school marching band joins the parade. This Arlington hometown tradition also includes community service projects such as stream and park cleanups, tree planting, and cookouts at neighborhoods all around Arlington. Neighborhood Day will have something for everyone so be sure to join us.

The Chairman announced the Teen Summer Expo on Saturday, April 26 at the Arlington Career Center. This is the 12th Arlington Teen Summer Expo and the Expo is the largest job fair in the region centered on youth and summer jobs. This year there will be more than 1,000 youth and more than 60 employers in attendance.

The Chairman announced the FitArlington Sports Festival on Saturday, April 26 at Bluemont Park. This event will showcase the many youth and adult sports opportunities in Arlington. There will be dodgeball, tennis, basketball, football, kickball, and soccer demonstrations.

The Chairman announced the FitArlington Health and Wealth Challenge on April 23 at the Energy Club, 2900 S. Quincy Street in Shirlington. Please join me tomorrow from 6:00 p.m. to 8:00 p.m. The event will recognize the winners and all those teams who participated in the one month challenge.

The Chairman announced that on April 10 he, along with many of the Community Role Models and staff, attended the ceremony for the Acts of Caring Award on Capital Hill. Congratulations again to the Community Role Models and the staff with the Department of Human Services for their excellent work. If you would like to join the Community Role Models, please visit the website at www.arlingtonva.us/crm.

The Chairman announced that earlier this month Arlington hosted the second annual Home Show and Expo. Ms. Favola and Ms. Hynes attended the event at Walter Reed Community Center. More than 1,000 attended

the Expo and learned how to finance home remodeling projects, build "green," make their home more energy efficient and how to grow bonsai trees.

The Chairman announced that he and Ms. Favola were delighted to attend and participate in the opening of the new Fire Station No. 5. To commemorate the official opening of the station, the Chairman and Ms. Favola participated in a fire service tradition of literally pushing a fire engine into the station bay. More than 100 members of the community came together on Saturday, April 12 to celebrate the opening of Arlington's newest fire station, in the Aurora Highlands neighborhood.

The Chairman announced the Notable Tree Program and welcomed guests from the Arlington County Beautification Committee to present this year's awards. These dedicated group of volunteers work to enhance the appearance and environmental sustainability of Arlington. The committee has also worked with the Department of Parks, Recreation and Cultural Resources to manage Arlington's Notable Tree Program since 1987. The Chairman invited Ms. Lola Rogers to the podium to present the 2008 Notable Tree Awards. 2008 award winners: James and Patty Stimmel - Silver Maple; Rivendell School - Mockernut Hickory; Frank Bingham - Pin Oak; Julia and Elliot Monshine - Japanese Maple and Southern Magnolia; Walter Reed Community Center - Blue Atlas Cedar and Bald Cypress; Lynn Willhoit and Richard Viola - Southern Magnolia; Phelps Deal - Dawn Redwood; Paul Giggly - Blue Spruce; Cindy Lifts - Pin Oak; and Scott Brinitzer - American Elm.

Ms. Hynes introduced Amy Gram and Linda Henderson with the Arlington Partnership for Children, Youth & Families to report on the 2008 Community Report Card on the Status of Children, Youth, and Families. Ms. Gram and Ms. Henderson reported on the status of health, family, education, and community.

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II. APPOINTMENTS

On motion by J. WALTER TEJADA, Chairman, seconded by JAY FISETTE, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted the following charge:

DIVERSITY DIALOGUES
ARLINGTON COUNTY DIVERSITY DIALOGUE TASK FORCE
CHARGE
April 22, 2008

Overall Goal: As a diverse, inclusive and welcoming community, Arlington wants to build bridges across different cultures, ages, groups, and economic backgrounds and take positive steps to better meet the needs of all of our people.

Specific Objectives:

1. Provide opportunities to learn about the different groups and cultures within Arlington and promote better understanding and appreciation among different people and groups.
2. Identify diversity-related issues that concern our community, including those that reflect changing demographic and other characteristics and those that may not have yet become problems.
3. Determine ways that Arlington County can take actions to better achieve its vision of being diverse and inclusive through its policies and programs.

Audience:

- People who live, work, and do business in Arlington.

Strategies:

1. Conduct a series of World Cafés and other activities identified by a task force to serve as the venue for the Diversity Dialogues by the end of calendar year 2008.
2. Organize a diverse task force of Arlington residents, named by the County Board and called the Diversity Dialogue Task Force, to coordinate the Diversity Dialogues. County staff will work with the Task Force to plan and carry out the Dialogues. The charge of the Task Force is to:
 - A. Help design the structure of the Dialogues;
 - B. Participate in the Dialogues; and

- C. Provide observations and recommendations based on what is said and learned.
- 3. This effort will involve the following meetings:
 - D. One to two organizational meetings of the Task Force to clarify the charge and design the structure of the Dialogues;
 - E. Dialogues based on the World Café model and other activities as identified by the Task Force; and
 - F. One to two meetings to assess what was said and learned and to develop observations and recommendations.

Results:

- 1. The Task Force will produce a report to the County Board that will call attention to diversity issues that need to be addressed by the County Board and County staff, identify best practices, and make recommendations for further actions.
- 2. The County Board may refer the report to the County Manager to recommend policy changes and other implementing actions that may be appropriate for consideration by the County Board.

On motion by J. WALTER TEJADA, Chairman, and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board made the following appointments to advisory groups:

**ADVISORY GROUP APPOINTMENTS
April 22, 2008 RECESSED MEETING**

Community Development Citizens Advisory Committee

Appoint Nicholas Dellinger
Jennifer Bible
Jeff Falcusan

Landlord Tenant Commission

Reappoint Lisa Hon
Appoint Kirit Mookerjee

Commission on Aging

Appoint Robert R. Blancato

Economic Development Commission

Appoint Michael Foster

Commission for the Arts

Appoint Katherine Wood
Greta Menard
Claudia Olivos

Arlington Commission on Long-Term Care Residences

Reappoint Erica Wood
Joy Nathan

Neighborhood Traffic Calming Committee

Appoint Dwight Hlustick

Clarendon Alliance Board of Directors

Appoint Brian Normile
Reappoint Jeanne Dumas
Peter Pflug

Disability Advisory Commission

Appoint Doris Ray
Britanya Ellen Rapp
Makeda Saggau-Sackey

East Falls Church Planning Task Force

Appoint Barbara De Pauw as Arlington East Falls Church Civic Association Representative
Pam Ray as Housing Commission Representative

Arlington County Diversity Dialogue Task Force

Appoint Reverend Leonard Hamlin and designate as Chairman
Raina Rose Tagle and designate as Vice Chairman
Leni Gonzalez
Teshaye Teferra
Hoang Taing
Wuiping Yap
Stan Karson
Krysta Jones
Melinda Patrician

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III. REGIONAL REPORTS

Mr. Zimmerman announced that Metro ridership has increased. This month so far there have been two days that are in the top all time for ridership on the rail system: April 9 - 801,370 riders; and April 11 - 828,132 riders.

Mr. Zimmerman spoke about cuts to transportation funding regionally and state-wide and announced how citizens can get involved. One simple way to get involved is to go to the website of the Northern Virginia Transportation Authority (NVTA) at www.thenovaauthority.org. This site allows citizens to learn more about transportation funding and gives citizens the opportunity to sign an on-line petition in support of the NVTA principles. A YouTube campaign has also begun for individuals to be able to provide testimonials.

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IV. COUNTY MANAGER REPORT

The County Manager had no reports.

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS.

On motion by J. WALTER TEJADA, Chairman, seconded by BARBARA FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board met in a closed meeting from 4:46 p.m. to 6:39 p.m., as authorized by §§2.2-3711.A.3 and 7 of the Virginia Code, for the purposes of discussing two matters involving the acquisition of real property for public purposes, and two matters involving the disposition of publicly held real property, where discussions in public could adversely affect the County's bargaining position, and four legal matters requiring consultation with the County Attorney and staff concerning an agreement with Earthlink, an agreement with Softscape, the procedures and bases for permitting the conversion of retail uses approved by site plan, the regulation of animals, and the payment of tenant relocation costs.

The Board was unable to complete the closed meeting vote because Mr. Fisetite was not present for roll call.

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THE FOLLOWING ITEMS TO BE HEARD BEGINNING AT 6:30 P.M.

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CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, APRIL 19, 2008)

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SITE PLANS/AMENDMENTS/REVIEWS

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1. SP #105 SITE PLAN AMENDMENT (CARRY-OVER): CLPF – METROPOLITAN ONE VENTURE, LP, AMEND COMPREHENSIVE SIGN PLAN; 550 S. 14TH ROAD (RPC #35-003-004).

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by J. WALTER TEJADA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board deferred the proposed site plan amendment to the project's comprehensive sign plan to the May 17, 2008 County Board meeting.

Board Report #1

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2. ARLINGTON GATEWAY

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A. SP #331 SITE PLAN AMENDMENT: JBG/FAIRFAX DRIVE, LLC, MODIFY CONDITIONS, INCLUDING BUT NOT LIMITED TO, SITE PLAN EXPIRATION DATE, INFLATIONARY ADJUSTMENT TO MONETARY CONTRIBUTIONS, AND APPLICABLE DEVELOPMENT STANDARDS; 4420 FAIRFAX DRIVE (RPC #14-051-019).

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #331 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for to modify conditions, including but not limited to, site plan expiration date, inflationary adjustment to monetary contributions, and applicable development standards for the parcel of real property known as 4420 Fairfax Drive (RPC #14-051-019), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions and the following revised conditions #1, #17.b., #40, #48.c. and e., #78, #80, #87, and #89:

1. The developer (as used in these conditions, the term developer shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1 and the revised plans dated January 11, 2006, and reviewed and approved by the County Board and made a part of the public record on January 21, 2006, 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.

The developer agrees that this site plan amendment expires January 21, 2012 if the Final Building Permit has not been issued for the building to be constructed at 4420 Fairfax Drive pursuant to the approved plan. 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 developer and accepted by the County Board or vice versa.

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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.

17. The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site in accordance with the then-current Arlington County Standard for concrete curb and gutter and the then-current standards for pavement and according to the following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project, or as otherwise approved by the County Manager if the developer demonstrates that circumstances required by construction of the related Western Entrance Metro improvements have caused delay in construction of the pavement, curb and gutter that is outside of the developer's control, as described in Condition #76.

a. The developer agrees to construct a double nub at the southeast corner of the intersection of North Fairfax Drive and North Vermont Street, and a bus nub adjacent to North Fairfax Drive east of Fairfax Alley as shown on the final engineering plan approved by the County Manager, or his designee.

b. The developer agrees to contribute \$150,000 for the design and installation of a traffic signal at the intersection of North Fairfax Drive and North Vermont Street prior to issuance of the final building permit for the project. If the contribution is made later than January 21, 2009, the contribution amount will be adjusted based on the percentage change in the Consumer Price Index-Urban (CPI-U) between January 21, 2009 and the first day of the month in which the contribution is made.

c. The developer agrees to realign Vermont Alley at Fairfax Alley to improve the vehicular turning movement into the Continental garage and to show such realignment on the final engineering plan approved by the County Manager.

d. The developer agrees to design the proposed improvements to the Fairfax Drive median adjacent to the site as shown on the final engineering plan approved by the County Manager. The median shall be reconstructed as an element of the Ballston – MU Metro West Entrance Improvements.

e. The developer agrees to revise the Plot and Location Plan to incorporate up to-four head-in parking spaces, if approved by the County Manager or his designee, or, alternatively, up to three parallel surface parking spaces adjacent to the east side of the shared access service drive (Fairfax Alley) as shown on the final engineering plan approved by the County Manager or his designee.

All improvements to curb, gutter, sidewalks and streets for pedestrian and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act (ADA) and any regulations adopted thereunder, as well as any other applicable laws and regulations. The developer further agrees that all improvements to curb, gutter, sidewalks, crosswalks, and streets for pedestrian and/or vehicular access or circulation shall be as determined by the County Manager on the final Site Development and Landscape Plan and on the final Site Engineering Plan, in accordance with the Rosslyn-Ballston Corridor Streetscape Standards or other applicable urban design standards in effect at the time of final Site Engineering Plan Approval; provided, however, that the provision of such improvements shall not increase the projected cost anticipated for such improvements as shown on the site plan drawings dated January 11, 2006, unless the County provides additional funding to offset such increased cost.

40. The developer agrees to provide, at no charge to the user, secure bicycle storage facilities in locations convenient to residential and retail areas on the following basis at a minimum:

Residential Bicycle Storage Facilities:

One (1) resident bicycle parking space for every three (3) residential units, or portion thereof, and one (1) visitor space for every 50 residential units, or portion thereof.

Resident bicycle parking facilities shall be highly visible to the intended users and protected from rain and snow within a structure shown on the site plan. The facilities, including parked bicycles, shall not encroach on any area in the public right-of-way intended for use by pedestrians or any required fire egress. The facilities for any resident bicycle parking must meet the acceptable standards for Class I storage space as contained in the Arlington Bicycle Transportation Plan, dated April 1994 with Amendments through March 2008, and be highly visible from an elevator entrance, a full-time parking attendant, a full-time security guard or a visitor entrance. Visitor parking must be located within 50 feet of the primary building entrance. Any bicycle parking racks used on the site must conform to the Arlington County Standard or be approved by the Bicycle and Pedestrian Program Manager. Drawings showing that these requirements have been met shall be approved by the Bicycle and Pedestrian Program Manager before the

issuance of the Footing to Grade Structure Permit. Residential condominium covenants shall not prohibit the storage of bicycles in individual condominium units.

Retail Bicycle Storage Facilities:

Two (2) retail visitor/customer bicycle parking spaces for every 10,000 square feet, or portion thereof, of the first 50,000 square feet of retail floor area; one (1) additional retail visitor/customer space for every 12,500 square feet, or portion thereof, of additional retail floor area; and one (1) additional retail employee space for every 25,000 square feet, or portion thereof, of retail floor area. The retail visitor/customer bicycle spaces shall be installed at exterior locations that are within 50 feet of the primary entrance and convenient to the retail visitors/customers, and such locations shall be reviewed by the Division of Transportation. The developer agrees to obtain approval of the location, design and details of the retail visitor/customer bicycle spaces as part of the final site development and landscape plan. Facilities for retail visitors/customers must meet the County standards for bicycle racks, and be located close to retail visitor/customer entrances or the closest retail vehicle parking spaces and approved by the Bicycle and Pedestrian Program Manager before installation.

48. The developer agrees to develop and implement a Transportation Management Plan (TMP) in order to achieve the desired results of the Arlington County Transportation Demand Management (TDM) program. The developer agrees to obtain the approval of the County Manager or his designee for such plan before the issuance of the first Certificate of Occupancy for the building. The Transportation Management Plan shall include a schedule and details of implementation and continued operation of the elements in the plan. The Transportation Management Plan shall include, but not be limited to, the following strategies:

Participation and Funding:

- a. Maintain membership in Arlington Transportation Partners (ATP), or successor entity, at no cost to the developer, on behalf of the property management company.
- b. Designate a member(s) of building management as Property Transportation Coordinator to be a primary point of contact with the county and undertake the responsibility for coordinating and completing all TMP obligations. The Property Transportation Coordinator shall be appropriately trained to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.

Facilities and Improvements:

- c. Provide in the residential lobby a Transportation Kiosk or information display, the content/design/location of which shall be approved by Arlington County Community Services / Arlington Transportation Partners, to provide transportation-related information to residents and visitors.
- e. Maintain at least one on-site business center (including at a minimum, access to copier, fax, pc, and internet services in a minimum 56 sq. ft. of space), which shall be made available to residents of the building who choose to work from home.

Parking Management Plan:

- f. Subject to the approval by the County Manager or his designee, the developer shall prepare a parking management plan regarding: taxi passenger loading and unloading; accessible paratransit pick-up, drop-off, handicapped access, and passenger waiting area; loading zones for short-term deliveries; bus stops; and on-and off-street parking for residents, employees, and visitors. Such plan shall include a schematic drawing depicting an area parking plan for all block faces abutting the site. Additionally, this plan will note restrictions as to times that various activities (such as deliveries and parking) are permitted in the respective spaces.
- g. Provide effective directional signage subject to approval of a Comprehensive Sign Plan to direct residents and visitors to appropriate locations on the property, such plan to include provision for the items specified in the Parking Management Plan.

Promotions, Services, Policies:

- h. Provide SmarTrip cards, during the initial sales period only, at a maximum cost to the developer of \$5.00 per card, per person, for free to condominium purchasers. Provide SmarTrip cards, at a maximum cost to the developer of \$5.00 per card, per person, for free to new on-site employees of the property management company.
- i. Provide website hotlinks to CommuterPage.comTM under a "transportation information" heading from the developer

and property manager's websites regarding this development.

j. Distribute transit and ridesharing information to residents and visitors (and extend requirement to on-site businesses) to include the following items:

(1) A new-resident package (material provided by Arlington County) that includes site-specific ridesharing and transit-related information to each person purchasing a unit.

(2) Reference to the nearest Metro Station and bus routes in promotional materials and advertisements.

(3) Information provided by Arlington County in recruiting and employment materials regarding commute options and assistance services available.

(4) Materials requested by Arlington County to assist the County in implementing a transit-advertising program that will distribute information four times per year to all residents, tenants, employees, and visitors.

k. Participate in Ozone Action Days and other regionally sponsored clean air, transit and traffic mitigation promotions by posting notice of such promotions in locations within the building acceptable to the developer.

Performance and Monitoring:

l. Upon approval of the TMP by the County, the developer agrees to implement all elements of the plan with assistance when appropriate by agencies of the County.

m. Submit an annual letter to the County Manager describing the TMP related activities of the preceding year.

n. Conduct a transportation performance monitoring study two years after issuance of first Certificate of Occupancy of each building and report findings to the County. Such report shall include, at a minimum, an all-day count of site generated traffic and a voluntary mode split survey.

78. This site plan approval is conditioned upon the vacation of a portion of North Vermont Street and certain public street and utilities easements. The developer agrees to obtain approval of an ordinance of vacation and meet all conditions for vacation before issuance of the first Certificate of Occupancy for the building. Unless all conditions of such approved ordinance have been met by January 21, 2012, this site plan amendment approval shall be null and void and of no force or effect.

80. If the egress easement agreement described in Condition #87 is not granted and the Continental Alley remains open, the developer agrees to install a sign limiting access to authorized vehicles only, three (3) speed bumps, a gate arm, and a stop signal in Continental Alley in order to slow vehicular traffic in proximity to the egress point of the Continental's garage. The developer further agrees to construct a raised median/channelization structure to separate Fairfax Alley vehicles from exiting Continental traffic as shown on the final site engineering plan approved by the County Manager. The speed bumps, with gate arm, stop signal, and sign shall be located as shown on the plans dated January 11, 2006, and as shown on the site engineering and building plans and approved by the County Manager. The developer agrees to install the sign, median/channelization structure, speed bumps, gate arm, and stop signal within 90 days of written approval by the condominium homeowners association (called "The Unit Owners Association of The Continental, a Condominium). If The Unit Owners Association of The Continental, a Condominium does not furnish written approval by January 21, 2012, then the developer shall have no obligation to install the sign, speed bumps, gate arm, or stop signal. The developer agrees to perform a study of traffic counts and traffic assignments in Continental Alley between six and twelve months after the later of 1) installation of the above described speed bumps, gate arm, and signal and 2) issuance of a certificate of occupancy for any part of the top floor of the Gateway hotel. The developer shall furnish the results of this study to the County Manager and to the The Unit Owners Association of The Continental, a Condominium. If the County Manager determines, with input from the The Unit Owners Association of The Continental, a Condominium, that significant unauthorized vehicles are traveling in Continental Alley, the developer agrees to work with the above parties to develop additional measures to reduce or eliminate such unauthorized traffic.

Alternatively, if the egress easement agreement described in Condition #87 is granted, the developer agrees to work with The Unit Owners Association of The Continental, a condominium, to close the portion of the Continental Alley between the Ellipse garage ramp retaining wall and the Continental's building wall using temporary measures, such as removable bollards, landscaping, and appropriate alternative pavers to maximize the use of this area for pedestrians, as shown on the exhibit entitled "Bollard Exhibit Along Continental Alley", dated January 18, 2006.
- The developer, in consultation with the Continental, shall submit a design for bollards, landscaping, and appropriate alternative pavers to, and obtain approval of the design from, the Zoning Administrator as part of the final site

development and landscape plan, or, if such plan has already been approved, submit this design as a revision to the final site development and landscape plan within six months of the grant of such easement. Installation of landscape revisions approved to close the alley to traffic shall be completed within six months of approval, or as otherwise approved by the County Manager. The Continental Alley may be opened upon approval by the Zoning Administrator of an administrative change request made by the owner or management of the Fairmont, the Continental, or the Arlington Gateway hotel based upon a change in conditions supported by the results of a traffic study prepared by any of the three parties listed above or the Zoning Administrator, showing a need to open the Alley for traffic and/or pedestrian safety reasons. Copies of any such request shall also be provided to the owner or management of the Fairmont, the Continental, or the Arlington Gateway Hotel. The Alley may also be opened on a temporary basis by mutual agreement of all of the parties, namely the Fairmont, the Continental, and the Arlington Gateway Hotel, without the necessity of a request to the Zoning Administrator based upon special circumstances that create a need for the opening for a period not exceeding 14 days in any six (6) month period, or for longer periods upon approval by the Zoning Administrator. The Alley may also be opened on a temporary basis for any emergency health or safety need for the duration of the emergency without regard to any consent or administrative change request. The developer agrees to comply with the first paragraph in this condition if the Alley is open to traffic, other than for necessary emergency vehicles.

87. The developer agrees to hold open its monetary offer to the owner of the Ellipse Office Building, as stated in the November 9, 2005, letter from The JBG Companies to Miller Global Properties, for a period not to exceed one year from the date of issuance of a Certificate of Occupancy for any part of the top floor of the NRECA 2 building, or January 21, 2012, whichever is earlier. In the event that the owner of the Ellipse Office Building does not grant, within this period, an egress easement over the Ellipse Office Building's internal access road to North Fairfax Drive in order to permit use by the Arlington Gateway Hotel truck traffic, then the developer's obligation under this condition shall become null and void. Such easement agreement shall prohibit truck traffic serving the hotel from accessing the easement area during the hours of 8:00 a.m. to 9:30 a.m. and 4:30 p.m. to 6:00 p.m., Monday through Friday, other than holidays.

89. The developer agrees to fund a Traffic management and/or calming account to be administered by The Unit Owners Association of The Continental, a Condominium and the Fairmont Board of Directors to address future traffic calming initiatives within the site plan area as approved by the County Manager. The contribution shall total \$10,000 and be funded prior to the issuance of the Shell and Core Certificate of Occupancy. If the contribution is made later than January 21, 2009, the contribution amount will be adjusted based on the percentage change in the Consumer Price Index-Urban (CPI-U) between January 21, 2009 and the first day of the month in which the contribution is made.

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- B. ENACTMENT OF AN ORDINANCE TO AMEND AND REENACT AN ORDINANCE TO VACATE PARCEL "1" OF NORTH VERMONT STREET BETWEEN NORTH GLEBE ROAD AND NORTH FAIRFAX DRIVE, ADJACENT TO PARCEL "C" (RPC# 14-051-358), ARLINGTON GATEWAY AT BALLSTON II; VACATE PARCEL "2" OF NORTH VERMONT STREET BETWEEN NORTH GLEBE ROAD AND NORTH FAIRFAX DRIVE, ADJACENT TO PARCEL "C" (RPC# 14051019), PROPERTY OF DOMINION INVESTMENTS, INC.; VACATE THE REMAINING PORTION OF AN EXISTING 11.5 FOOT EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES ON PARCEL "C" (RPC# 14-051-019), PROPERTY OF DOMINION INVESTMENTS, INC., ALONG THE EAST SIDE OF NORTH VERMONT STREET; AND, VACATE A PORTION OF AN EASEMENT FOR STREET PURPOSES ON PARCEL "C" (RPC# 14-051-019), PROPERTY OF DOMINION INVESTMENTS, INC., ALONG THE SOUTH SIDE OF NORTH FAIRFAX DRIVE, EACH WITH CONDITIONS; AND ENACTMENT OF AN ORDINANCE TO AMEND AND REENACT AN ORDINANCE TO VACATE A PORTION OF AN EASEMENT FOR STREET PURPOSES ON PARCEL "C" (RPC# 14-051-019), PROPERTY OF DOMINION INVESTMENTS, INC., ALONG THE SOUTH SIDE OF NORTH FAIRFAX DRIVE, WITH CONDITIONS.**

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board took the following actions:

1. Enacted the Ordinance to amend and reenact an ordinance to Vacate Parcel "1" of North Vermont Street

between North Glebe Road and North Fairfax Drive, adjacent to Parcel "C" (RPC# 14051358), Arlington Gateway at Ballston II; vacate Parcel "2" of North Vermont Street between North Glebe Road and North Fairfax Drive, adjacent to Parcel "C" (RPC# 14051019), Property of Dominion Investments, Inc.; Vacate the remaining portion of an existing 11.5 foot easement for public street and utilities purposes on Parcel "C" (RPC# 14051019), Property of Dominion Investments, Inc., along the east side of North Vermont Street; and, Vacate a portion of an easement for street purposes on Parcel "C" (RPC# 14051019), Property of Dominion Investments, Inc., along the south side of North Fairfax Drive, with conditions, as set forth in the document entitled "Addendum 4-22-08-A – Vacation Arlington Gateway at Ballston II and Dominion Investments Inc." attached for the public record to these minutes.

2. Enacted the ordinance to amend and reenact an ordinance to vacate a portion of an easement for street purposes on Parcel "C" (RPC# 14051019), Property of Dominion Investments, Inc., along the south side of North Fairfax Drive, with conditions, as set forth in the document entitled "Addendum 4-22-08-B – Vacation of Easement Dominion Investments Inc." attached for the public record to these minutes.

3. Authorized the Real Estate Bureau Chief or his designee to execute the deed(s) of vacation on behalf of the County Board, subject to approval of such deed(s) as to form by the County Attorney.

[Addendum 4-22-08-A – Vacation Arlington Gateway at Ballston II and Dominion Investments Inc.](#)

[Addendum 4-22-08-B – Vacation of Easement Dominion Investments Inc.](#)

[Board Report #2B](#)

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14. [ORDINANCE TO AMEND, REENACT, AND RECODIFY SECTION 20 "CP-FBC," COLUMBIA PIKE – FORM BASED CODE DISTRICTS \(APPENDIX A\) OF THE ARLINGTON COUNTY ZONING ORDINANCE TO MOVE THE PROVISIONS FOR PUBLICLY OWNED "CIVIC BUILDINGS" IN SECTION II. DEFINITIONS, TO A NEW PROVISION, WITH MODIFICATIONS, IN SECTION III. REGULATING PLANS, IN ORDER TO ALLOW PUBLICLY OWNED CIVIC BUILDINGS, PUBLICLY OWNED PUBLIC ART, OR CIVIC BUILDINGS WITH PUBLIC USES ON COUNTY PROPERTY TO HAVE RELIEF FROM THE PRESCRIPTIONS OF THE FORM BASED CODE.](#)

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISSETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the ordinance to amend, reenact, and recodify Section 20 "CP-FBC," Columbia Pike – Form Based Code Districts (Appendix A), Section II. Definitions and Section III. Regulating Plans, of the Arlington County Zoning Ordinance to allow publicly owned civic buildings, publicly owned public art, or civic buildings with public uses on County property to have relief from the prescriptions of the Form Based Code, in order to facilitate the creation of a convenient, attractive and harmonious community; to facilitate the provision of adequate recreational facilities and other public requirements; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice, as set forth in the document entitled "Addendum 4-22-08-C – Section 20" attached for the public record to these minutes.

[Addendum 4-22-08-C – Section 20](#)

[Board Report #14](#)

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THE FOLLOWING ITEMS TO BE HEARD NO EARLIER THAN 6:45 P.M.

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REGULAR HEARING ITEMS (REGULAR HEARING ITEMS FROM SATURDAY, APRIL 19, 2008, IF NEEDED, AS WELL AS THOSE LISTED BELOW)

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29. REQUEST TO ADVERTISE AN ANIMAL CONTROL ORDINANCE TO PROHIBIT POSSESSION OF DANGEROUS ANIMALS (E.G., POISONOUS SNAKES).

On motion by JAY FISETTE, Member, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board approved advertisement for public hearing on May 17, 2008, proposed ordinance amendments to Chapter 2 of the Arlington County Code, regulating poisonous reptiles.

[Board Report #29](#)

[Attachment A #29](#)

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30. SP #231 SITE PLAN REVIEW (CARRY-OVER): CONVERSION OF RETAIL SPACE TO DENTIST OFFICE; 2250 CLARENDON BLVD. (COURTHOUSE, RPC #18-004, -066, -068, 18-005, -040).

On motion by JAY FISETTE, Member, seconded by J. WALTER TEJADA, Chairman and carried by a vote of 4 to 1, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - No, after a duly advertised public hearing, at which the public spoke, the Board approved the following ordinance:

BE IT ORDAINED that, pursuant to application SP #231 on file in the Office of the Zoning Administrator for a review of an amendment to a special exception for a site plan for conversion of retail space (dentist office) for the parcel of real property known as 2250 Clarendon Boulevard (RPC #18-004-066, -068, 18-005-040), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, and the following new conditions, not to extend beyond December 2014 with an administrative review in five (5) years (January 2013):

3. Within sixty (60) days of the County Board renewal on April 22, 2008, the applicant agrees to enter into a contractual agreement, in a form acceptable to the County Manager and approved by the County Attorney, with the County, through the Department of Human Services (DHS) to provide free dental services at the Arlington Free Clinic located at DHS, for not less than fifteen (15) night and/or weekend volunteer sessions, each session to be not less than two and one half (2.5) hours (to total approximately forty (40) hours per year), according to the terms of the contractual agreement.
4. The applicant agrees to provide evening hours up to 7:30 p.m. at least two days per week. The hours of operation shall be submitted to the Zoning Administrator for approval within sixty (60) days of the County Board renewal on April 22, 2008, and any subsequent changes will be submitted to the Zoning Administrator for approval.
5. The applicant agrees to remove opaque window film to provide four (4) transparent exterior windows and doors on the entire north façade of the subject tenant space. However, during times when actual dental and/or medical procedures are being conducted, two (2) of these window panels and two (2) of these doors on the western half of the north façade may be obscured by the applicant to provide privacy for patients during said procedures.
6. The applicant shall maintain the existing video display screen, as visible on the north façade, and provide a new video screen in a window on the west facade, which shall be used solely for educational display purposes for viewing by pedestrians outside the building. The displays shall be provided on a daily basis from sun-up to 11:00 p.m. The location of the proposed video display screen shall be shown on amended façade drawings, which shall be submitted, within sixty (60) days of the County Board renewal on April 22, 2008, to the Zoning Administrator for review and approval. The use of the video display screens shall be subject to the following:
 - a) The applicant agrees that the video display screens shall be limited to educational programs about general dentistry, news and information. The applicant shall coordinate with the Department of Human Services on educational programming involving County dentistry programs. The applicant further agrees that no

infomercials or paid advertisement shall be shown on the television video display screens, and no commercial messages will be allowed.

b) The applicant agrees to not broadcast any sound through any outdoor speakers, or through any other means that can be heard outdoors.

c) The applicant agrees that, upon administrative review with full opportunity for the applicant to provide information, should the County Manager find that the video display screens are not achieving the goal of activating the plaza, the County Manager may recommend changes to the approved use of the video display screens, including reducing the hours of operation, and may consider discontinuance of the television video display screens and explore with the applicant alternative means of activating the plaza.

[Board Report #30](#)

[Board Report #30-Supplemental](#)

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31. U-3185-07-1 USE PERMIT (CARRY-OVER): MACEDONIA BAPTIST CHURCH, UNIFIED MIXED USE DEVELOPMENT TO CONSTRUCT 36 DWELLING UNITS, APPROXIMATELY 2,300 SQUARE FEET OFFICE; 2219, 2229, 2237 SHIRLINGTON ROAD (RPC #31-025-047, -048, -049).

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, the Board deferred the request for a Unified Commercial/Mixed Use Development to the May 17, 2008 County Board Meeting.

[Board Report #31](#)

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ADDITIONAL ITEMS

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32. APPOINTMENT OF COUNTY BOARD CLERK

On motion by J. WALTER TEJADA, Chairman, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board appointed Maria Voultsides as Clerk to the County Board, approved the contract of employment with her, and authorized the Chairman to execute the contract on behalf of the Board.

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33. SETTLEMENT AGREEMENT BETWEEN THE COUNTY BOARD AND EARTHLINK, INCORPORATED TO TERMINATE THE AGREEMENT OF EARTHLINK TO PROVIDE A WIRELESS BROADBAND NETWORK IN ARLINGTON COUNTY

On motion by MARY HUGHES HYNES, Member, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board authorized staff to complete negotiations with EarthLink to finalize a Settlement Agreement.

ATTEST:

MARIA VOULTSIDES, Clerk
Approved: May 17, 2008