

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of #1 Courthouse Plaza thereof on Saturday, October 18, 2008 at 8:30 a.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  
HOPE L. HALLECK, Acting Clerk

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**\* PUBLIC COMMENT**

John Swallow spoke about a courtesy identification policy for the Fire Department.

Michael Nardolilli, President of the Arlington Outdoor Lab, spoke about the dedication of the Phoebe Hall Knipling Outdoor Lab.

Robert Atkins spoke about County property maintenance.

Patsy, Katie, and Anne Zetkolic spoke about their support for Mosaic Park and made recommendations to the plan for the park.

Nancy Van Doren spoke about the clay field at Jefferson Community Center.

John Reeder spoke about the Housing Authority.

Josh Ruebner spoke about material distributed by the County regarding the Housing Authority referendum question.

Jim Hurysz spoke about the needs of the Fairlington community.

Priscilla Haskins spoke about the high cost of housing in Arlington.

Audrey Clement spoke about I-66 spot improvements.

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**\* CONSENT ITEMS (ITEMS 1-43) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, OCTOBER 18, 2008, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON WEDNESDAY OCTOBER 22, 2008, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

On motion by CHRISTOPHER ZIMMERMAN, Member, 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 County Board approved all consent items except for items #1, #10, #23, #32, #33 and #41 which were pulled from the consent agenda and scheduled for hearing at the October 22, 2008 County Board Recessed Meeting.

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**SITE PLANS/AMENDMENTS/REVIEWS**

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1. **SP #239 SITE PLAN AMENDMENT: JORGE FERNANDEZ, LIVE ENTERTAINMENT; 4201 WILSON**

**BLVD. (RPC #14-048-012).**

This item was removed from the consent agenda and will be heard at the October 22, 2008 County Board Recessed Meeting.

[Board Report #1](#)

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**2. SP #296 SITE PLAN REVIEW: COOPERATIVE CHILD CARE CENTER FOR 15 CHILDREN AGES 1 TO 2 YEARS; 4820-A. S. 31ST ST. (RPC #29-015-017).**

On consent agenda vote, after a duly advertised public hearing, the Board discontinued the cooperative childcare center site plan amendment.

[Board Report #2](#)

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**3. SP #346 SITE PLAN AMENDMENT: W2500 POTOMAC YARD E-WEST LLC, COMPREHENSIVE SIGN PLAN; 3500, 3550 S. CLARK ST. (RPC #34-027-046).**

On consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the site plan amendment for a comprehensive sign plan at Potomac Yard Land Bay E-West to the November 15, 2008 County Board meeting.

[Board Report #3](#)

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**4. SP #346 SITE PLAN AMENDMENT: COMSTOCK RETAIL PARTNERS LC, AMEND COMPREHENSIVE SIGN PLAN; 3600 S. GLEBE ROAD (RPC #34-027-030, -054, -067, -074).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #346 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for an amendment to the comprehensive sign plan for the parcel of real property known as 3600 S. Glebe Road (RPC #34-027-030, -054, -067, -074), 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, the following amendments to condition #46 and #77, and with a County Board review in ten (10) years (October 2018):

- 46. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs except the two freestanding signs approved by the County Board on October 18, 2008, shall be consistent with the guidelines contained in the *Sign Guidelines for Site Plan Buildings* and with Section 34 of the Zoning Ordinance. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The comprehensive sign plan shall be approved before the issuance of the first Certificate of Occupancy. All proposed rooftop signs, defined as all signs that are 35 feet or more above the ground, shall require a site plan approval or amendment.
- 77. a. The developer agrees to limit signage on the site to the comprehensive sign plan as approved by the County Board on September 16, 2006, December 9, 2006, and on October 18, 2008. Two of the tenant name wall signs located above the awnings and shown in the plans dated September 7, 2006, to be located along U.S. Route 1, shall not be erected, or shall be erected as tenant logo signs. The developer agrees that the total area of permitted signage shall not exceed 994.8 square feet until December 9, 2016. The total area includes four (4) directory signs, not to exceed 25 square feet each, which shall be permitted along U.S. Route 1, consistent with the *Potomac Yard Overall Sign Guidelines*,

as revised on December 9, 2006, for a period up to ten (10) years after County Board approval. The developer agrees that before December 9, 2016, it will remove the four (4) directory signs and will send a letter to the Zoning Administrator stating that the signs have been removed. The developer also agrees that after December 9, 2016, the total area of permitted signs will not exceed 994.8 square feet. A revised comprehensive sign plan shall be submitted for review and approval by the County Manager to ensure compliance with this approval within fifteen (15) days after the County Board approves this site plan amendment. Sign permits will be issued and reviewed for compliance with the approved comprehensive sign plan only after County Manager approval. The comprehensive sign plan includes:

Building Name/Project Identification Signs	113.8 s.f.
Directional Signs	26.55 s.f.
Retail Tenant Signs	200 s.f.
Directory Signs	193.3 s.f. (plus 100 s.f. of temporary signs)
Wayfinding Signs	206.25 s.f.
Window Signs for Bank of America	135.2
Freestanding Project Identification Signs	55 s.f.

- b. The following specifically applies to six (6) window signs for the Bank of America, approved the County Board on September 13, 2008. The developer agrees that all signs shall be of the same materials, dimensions, text, and location as presented to and approved by the County Board on September 13, 2008 and as shown on plans dated September 7, 2006 titled "Retail Signs." The signs shall be illuminated only as shown on the drawings with the hours of illumination limited to dusk, to 11 p.m. daily. Minor changes to the approved signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of the sign to meet field conditions (less than 1 foot in any direction); or (ii) either a minor change in the area of the sign (less than 5%) or the total sign area does not exceed 994.8 square feet. All other changes to the approved signs will require site plan approval or amendment.
- c. The following specifically applies to the two (2) freestanding identification signs approved by the County Board on October 18, 2008:
1. The developer agrees that all signs shall be of the same materials, design, dimensions, text, and location as presented to and approved by the County Board on October 18, 2008 and as shown on plans dated July 22, 2008 titled "Market Square at Potomac Yard Building or Project Identification Signage." The developer agrees that the signs will not be illuminated. Minor changes to the approved signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of the sign to meet field conditions (less than 1 foot in any direction); or (ii) either a minor change in the area of the sign (less than 5%) or the total sign area for each sign does not exceed 27.5 square feet. All other changes to the approved signs that are not consistent with the guidelines or the Zoning Ordinance will require site plan approval or amendment.
  2. The developer agrees to remove the existing temporary freestanding signs on the corner of South Glebe Road and Potomac Avenue, and along US Route 1 at the south end of the site prior to any permits being issued for the new freestanding signs.
  3. The developer agrees that, upon a determination by the County Manager that the freestanding sign on the corner of South Glebe Road and Potomac Avenue will interfere in any way with the County's development of the transitway or Potomac Avenue, or other transportation improvements, and must be removed, the County may so notify the owner. The developer agrees to remove or relocate the freestanding project identification sign on the corner of South Glebe Road and Potomac Avenue, as shown on plans dated July 22, 2008 titled, "Market Square at Potomac Yard Building or Project Identification Signage," with thirty (30) days after the County's written notification. Any relocation shall be to a location approved by the County Manager as not interfering with either traffic or other development plans in the area.

- 4. The developer agrees that the freestanding signs will be reviewed in ten (10) years to determine whether the signs should continue to be permitted after October 2018. The developer agrees that such review may include a determination that the signs shall be permanently removed at that time, and that the developer shall remove the signs within twenty-one days after such a determination.

[Board Report #4](#)

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- 5. **SP #382 SITE PLAN AMENDMENT: NATIONAL SCIENCE TEACHERS ASSOCIATION, MODIFY PARKING, EXCLUSION OF FITNESS CENTER FROM DENSITY, REDUCTION IN SITE AREA AND ASSOCIATED MODIFICATION FOR AN INCREASE IN DENSITY (FAR); 1801, 1805 CLARENDON BLVD., 1836,1840 WILSON BLVD. (RPC #17-011-019, -021, -023).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the site plan amendment request to the November 15, 2008 County Board meeting.

[Board Report #5](#)

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- 6. **THIS ITEM WAS MOVED TO THE OCTOBER 22 RECESSED MEETING. IT IS NOW ITEM #48.**

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**USE PERMITS REQUEST/REVIEWS/AMENDMENTS**

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- 7. **U-2823-94-4 USE PERMIT AMENDMENT (CARRY-OVER): CRICKET COMMUNICATIONS, INC., COLLOCATE UP TO 6 ANTENNAS AND AN EQUIPMENT CABINET ON EXISTING WATER TANK; 2400 N. WAKEFIELD ST. (RPC #05-005-072).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the request to collocate up to six (6) antennas and three (3) equipment cabinets on the existing water tank to the November 15, 2008 County Board Meeting.

[Board Report #7](#)

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- 8. **THIS ITEM WAS REMOVED. U-2884-96-1 USE PERMIT REVIEW: FAMILY DAY CARE; 1509 S. QUINCY ST. (CARMEN AND JULIAN TORRICO) (RPC #26-009-002).**

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- 9. **U-3067-03-1 USE PERMIT REVIEW: AFTER SCHOOL SUPPLEMENTAL PROGRAM; 2499 N. HARRISON ST. (KUMON LEARNING CENTER, RPC #02-073-084).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3067-03-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for an after school supplemental program for the parcel of real property known as 2499 Harrison Street, Suite LL-6 (Kumon Learning Center) (RPC #02-053-024), approval is granted and the parcel so described shall be used according to the use permit approval requested by the

application, subject all previously approved conditions, the following new condition #3, and with a County Board review in five (5) years (October 2013):

3. The applicant agrees that notice shall be given to parents of the students attending the program that structured parking below the Harris Teeter grocery store is available for their use on-site.

[Board Report #9](#)

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**10. U-3090-04-1 USE PERMIT REVIEW: ADAGIO BALLETT INC., PRIVATE BALLETT SCHOOL; 5001 LEE HIGHWAY (RPC #08-001-088).**

This item was removed from the consent agenda and will be heard at the October 22, 2008 County Board Recessed Meeting.

[Board Report #10](#)

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**11. U-3182-07-1 USE PERMIT REVIEW: IRIS E. AND FRANKLIN D. DERENGE, DAYCARE FOR 8 CHILDREN; 2053 N. ABINGDON ST. (RPC #17-006-330).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the use permit review by the County Board for one (1) year (October 2009).

[Board Report #11](#)

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**12. U-3202-08-2 USE PERMIT (CARRY-OVER): NEW CINGULAR WIRELESS PCS, LLC, INSTALLATION OF WIRELESS TELECOMMUNICATIONS FACILITY, ANTENNAS, AND GROUND EQUIPMENT; 2305 S. WALTER REED DRIVE (RPC #29-002-029).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3202-08-2 on file in the Office of the Zoning Administrator for a special exception for a use permit for installation of wireless telecommunications facility, antennas, and ground equipment for the parcel of real property known as 2305 S. Walter Reed Drive (RPC #29-002-029), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions, and with a County Board review in one (1) year (October 2009):

1. The applicant agrees that the monopole will be designed as a low-profile, slender monopole, as shown on plans dated October 3, 2008.
2. The applicant agrees to limit the height of the monopole to no greater than seventy-five (75) feet.
3. The pole and any support structure shall be enclosed with a seven-foot (7') stockade wood fence. The applicant agrees to maintain the monopole structure, fencing, and surrounding landscaping in good condition.
4. The applicant agrees to provide landscaping between the parking lot and the Four Mile Run Trail. The landscaping will consist of a two-foot wide grass strip with evergreen shrubs, ornamental grasses and/or perennials along the existing chain-link fence bordering the parking lot. The applicant agrees to provide landscaping along the entire length of the existing chain-link fence, from the monopole to the small paved parking area at the western end of the site, as generally shown on plan titled "Location of Proposed Landscaping Buffer" dated October 2, 2008. Additionally, the applicant agrees to enhance landscaping in the way of a minimum of twenty (20) evergreen trees (minimum of 7-8' feet in height) between the proposed stockade fence and Four Mile Run Trail, as generally shown on plan titled

"Location of Proposed Landscaping Buffer" dated October 2, 2008. The applicant agrees to provide shrubs as a landscape buffer around the exterior of the proposed stockade fence. The applicant agrees to submit a final landscape plan to be approved by the County Manager or his designee, as fulfilling this condition, prior to issuance of any permits. The applicant agrees to maintain all landscaping, at the base of the tower, between the fence and the trail, and along the chain-link fence, in good condition.

5. The applicant agrees that all utilities will be underground and all coax cables from the equipment cabinets will be hidden as much as possible within the monopole or any support structure. No external or exposed wiring is allowed on the monopole except for that required to connect to the antennas.
6. The applicant agrees that the monopole will be constructed to accommodate an additional wireless user. The applicant agrees that if additional equipment area is needed at the base of the shelter to accommodate an additional wireless user, the applicant will work to accommodate them to the greatest extent possible. Any future wireless user that intends to locate on the proposed monopole will require a use permit amendment.
7. The applicant shall identify a community liaison who shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Nauck Civic Association, the Concord Mews Homeowners Association, and the Zoning Administrator.
8. The applicant agrees that the monopole shall be removed with ninety (90) days after any cessation of use for wireless telecommunications purposes.

[Board Report #12](#)

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**13. U-3205-08-1 USE PERMIT: ALVARO RONQUILLO BARRERA AND ALBA AGUIRRE, LIVE ENTERTAINMENT (KARAOKE); 2618 N. PERSHING DRIVE (RPC #18-056-005).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3205-08-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for live entertainment for the parcel of real property known as 2618 N. Pershing Drive (RPC #18-056-005), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions, with an administrative review in six (6) months (April 2009), and a County Board review in one (1) year (October 2009):

1. The applicant agrees that live entertainment (karaoke) shall be permitted only between the hours of 5 p.m. to 12 a.m. Thursdays, 5 p.m. to 12:30 a.m. Fridays and Saturdays, and 11 a.m. to 2 p.m. Sundays, and Mondays that fall on a Federal Holiday.
2. The applicant agrees that the live entertainment use is for karaoke only, and that no dancing shall occur on the premises without a dance permit being first obtained from the Zoning Office.
3. The applicant shall ensure that all windows and doors to the subject site are kept closed at all times, with the exception of patrons and/or staff entering and exiting the premises.
4. The applicant agrees that there shall be no entry into or exit from the establishment permitted from the rear doorway by patrons.
5. The applicant agrees to provide and/or maintain signs, in both English and Spanish, in the dedicated parking lot on the six (6) spaces closest to the restaurant, that state "Parking for El Manantial Thursdays 5 p.m.-12 a.m., Fridays and Saturdays 5 p.m.-12:30 a.m." The applicant further agrees to provide and/or maintain at least two (2) signs on the premises, in both English and Spanish that discourage patrons from parking on residential streets.
6. The applicant agrees to identify an on-site liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name and telephone number of the liaison shall be shared with the nearest neighbors, the Lyon Park Civic Association, and the County's Zoning Office immediately upon approval of the use permit.

- 7. The applicant agrees that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board and the Code Enforcement Office shall be met.
- 8. The live entertainment use shall terminate upon the termination of the current tenant lease or upon vacation of the current tenant from the subject site and shall not transfer to any other tenant without subsequent approval by the County Board of a new use permit request.

[Board Report #13](#)

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**14. U-3206-08-1 USE PERMIT: THE CHILD AND FAMILY NETWORK CENTERS, CHILDCARE CENTER FOR 18 CHILDREN; 4108 N. 4TH ST. (RPC #20-022-004).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3206-08-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for a childcare center for 18 children for the parcel of real property known as 4108 N. 4th Street (RPC #20-022-004), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions, and with a County Board review in one (1) year (October 2009):

- 1. The applicant agrees to meet the requirements of the Childcare Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.
- 2. The applicant agrees that parents of students attending the program shall escort their students to and from the building at all times.
- 3. The applicant agrees that the hours of operation would be Mondays through Fridays from 9 a.m. to 6 p.m. for a maximum of 18 children. Priority in enrollment will be given to eligible children from the Buckingham neighborhood.
- 4. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this childcare center. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator, as well as to the Buckingham Community Civic Association, prior to issuance of a certificate of occupancy.

[Board Report #14](#)

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**VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES**

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**15. APPROVAL OF A PUBLIC PARKING DEVELOPMENT AGREEMENT AMONG ARLINGTON HEIGHTS PROPERTIES, L.P. AND/OR ITS SUCCESSORS AND ASSIGNS, PENROSE SQUARE ASSOCIATES, LLC, AND/OR ITS SUCCESSORS AND ASSIGNS AND COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA FOR CONSTRUCTION BY PENROSE SQUARE OF 122 PUBLIC PARKING SPACES IN GARAGE REQUIRED BY SITE PLAN #402 (FORMERLY SP #38), AND AUTHORIZATION OF ACCEPTANCE OF A DEED OF EASEMENT FOR PUBLIC USE AND ACCESS OF SAID PUBLIC PARKING SPACES, RPC #25-016-006, 25-016-009 AND 25-016-011.**

On the consent agenda vote, after a duly advertised public hearing, the Board approve the public parking agreement (Attachment 1 of the County Manager's October 1, 2008 report) among Arlington Heights Properties, L.P. and/or its successors and assigns, Penrose Square Associates, LLC and/or its successors and assigns, and the County Board of Arlington County, Virginia, for construction of 122 public parking spaces in a

garage required by Site Plan #402/38, including approval of exhibits to the parking agreement requiring Board approval and authorized acceptance of a deed of easement for public use and access of said public parking spaces, RPC #25016006, 25016009 and 25016011; and authorized the Real Estate Bureau Chief, or his designee, to execute the parking agreement, all exhibits thereto requiring the execution on behalf of the County, and all related documents necessary to fulfill any requirements of the parking agreement or exhibits thereto and to accept any and all real property interests to be conveyed to County Board pursuant to the terms of the parking agreement, including the deed of easement for the public parking spaces, subject to approval as to form of all documents by the County Attorney.

[Board Report #15](#)

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**16. APPROVAL AND ACCEPTANCE OF A DEED OF EASEMENT FROM THE BOARD OF TRUSTEES OF DOMINION HILLS AREA CIVIC ASSOCIATION AND VIRGINIA HOSPITAL CENTER ARLINGTON HEALTH SYSTEM TO THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, FOR PUBLIC PARK, PUBLIC RECREATION, PUBLIC PLAYGROUND, RELATED PUBLIC PURPOSES, AND ACCESS THERETO OVER REAL PROPERTY KNOWN AS MACE PARK, RPC NO. 12015003.**

On the consent agenda vote, the Board approved the Deed of Easement (Exhibit A of the County Manager’s October 1, 2008 report) from Bernard R. Hyde, Jr., Trustee, Emilie B. Standish, Trustee and Charles Bittenbring, Trustee, as Board of Trustees of Dominion Hills Area Civic Association and Virginia Hospital Center Arlington Health System to the County Board of Arlington County, Virginia for an easement for public park, public recreation, public playground, related public purposes, and access thereto over real property known as Mace Park, RPC No. 12015003; and authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to accept, on behalf of the County Board, the easement, subject to approval as to form by the County Attorney.

[Board Report #16](#)

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**17. APPROVAL OF AN EASEMENT FOR PUBLIC SIDEWALK, UTILITIES, RETAINING WALL, AND STORM DRAINAGE PURPOSES, A TEMPORARY EASEMENT AND CONSTRUCTION AGREEMENT, AND THE TERMINATION OF A WALL MAINTENANCE AGREEMENT, ALL ON A PORTION OF THE PROPERTY KNOWN AS 5200 OLD DOMINION DRIVE, ARLINGTON, VIRGINIA (RPC NO. 02018019).**

On the consent agenda vote, the Board approved the deed of easement, temporary easement and construction agreement, and termination of wall maintenance agreement (Exhibit 1 of the County Manager’s October 1, 2008 report); and authorized the Real Estate Bureau Chief, or his designee, to accept on behalf of the County Board of Arlington County, Virginia, and to execute, the deed, for an easement for public sidewalk, utilities, retaining wall, and storm drainage purposes, a temporary easement and construction agreement, and the termination of a wall maintenance agreement, all on a portion of the property known as 5200 Old Dominion Drive, Arlington, Virginia (RPC No. 02018019), subject to approval as to form by the County Attorney.

[Board Report #17](#)

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**ORDINANCES, PLANS AND POLICIES**

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**18. AMENDMENT TO CHAPTER 6 (CIVIL SERVICE) OF THE ARLINGTON COUNTY CODE.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the amendment to Chapter 6 (Civil Service) of the Arlington County Code, as set forth in the document entitled “Addendum 10-18-08-A – Chapter 6” attached for the public record to these minutes.

[Addendum 10-18-08-A – Chapter 6](#)

[Board Report #18](#)

[Board Report #18-Attachment](#)

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**19. AMENDMENTS TO CHAPTER 9.2, FOOD AND FOOD HANDLING CODE OF THE ARLINGTON COUNTY CODE-APPLICATION PROCESSING FEE.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the amendment to Chapter 9.2 of the Arlington County Code to increase the application processing fee for food establishments from \$65 to \$100, as set forth in the document entitled "Addendum 10-18-08-B – Chapter 9.2" attached for the public record to these minutes.

[Addendum 10-18-08-B – Chapter 9.2](#)

[Board Report #19](#)

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**CAPITAL PROJECTS**

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**20. APPROVAL OF THE AWARD OF A CONTRACT TO MARTIN AND GASS, INC. FOR THE CONSTRUCTION OF THE GRAVITY THREE WATER SUPPLY MAIN AND THE WASHINGTON BOULEVARD BIKE TRAIL- PHASE I PROJECT, CONTRACT NO. 411-08.**

On the consent agenda vote, the Board approved the award of Contract No.411-08 to Martin and Gass, Inc. for the construction of the Gravity Three Water Supply Main and the Washington Blvd. Bike Trail- Phase I project in an amount of \$3,001,937.26; authorized an allocation of \$300,200.00 as a contingency for change orders and increased quantities, and \$150,100.00 in stipulated price items for a total authorization of \$3,452,237.26; and authorized the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

[Board Report #20](#)

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**21. APPROVAL OF THE AWARD OF A CONTRACT TO FORT MYER CONSTRUCTION CORPORATION FOR THE CONSTRUCTION OF THE COLUMBIA PIKE STREETScape AND 12" WATER MAIN PROJECTS FROM SOUTH GARFIELD STREET TO SOUTH OAKLAND STREET, INVITATION TO BID NO. 283-08.**

On the consent agenda vote, the Board approved the award of Contract No. 283-08 to Fort Myer Construction Corporation for the construction of the Columbia Pike Streetscape and 12" Water Main Project, in the amount of \$2,335,663, and authorized an allocation of \$233,567 as a contingency for change orders and increased quantities, and \$116,783 for stipulated price items, for a total project authorization of \$2,686,013; and authorized the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

[Board Report #21](#)

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**22. APPROVAL OF THE AWARD OF A CONTRACT FOR THE REMOVAL AND REPLACEMENT OF EXISTING LIGHTING SYSTEMS FOR TWO SOFTBALL FIELDS AT VIRGINIA HIGHLANDS PARK, 1600 S. HAYES**

**ST., INVITATION TO BID NUMBER 443-08.**

On the consent agenda vote, the Board approved the award of contract Number 443-08 in the amount of \$312,000.00 to Lighting Maintenance, Inc. and approved an allocation of \$48,000.00 as a contingency for change orders for a total contract authorization of \$360,000.00; and authorized the Purchasing Agent to execute the contract documents, subject to review of such documents by the County Attorney.

[Board Report #22](#)

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- 23. APPROVAL OF THE AWARD OF A CONTRACT FOR THE CONSTRUCTION, INSTALLATION AND COMMISSIONING OF AGREED-UPON ENERGY CONSERVATION MEASURES AT THE ARLINGTON COUNTY JUSTICE CENTER LOCATED AT 1425 AND 1435 N. COURTHOUSE ROAD, ARLINGTON, VA, TO CUSTOM ENERGY SERVICES, LLC.**

This item was removed from the consent agenda and will be heard at the October 22, 2008 County Board Recessed Meeting.

[Board Report #23](#)

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- 24. APPROVAL OF THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF SPECIFIED HVAC COMPONENTS FOR THE NEW HOUSEHOLD HAZARDOUS MATERIAL (HHM) DROP-OFF FACILITY, 538 SOUTH 31ST STREET, ARLINGTON COUNTY WATER POLLUTION CONTROL PLANT (WPCP), INVITATION TO BID. NO. 391-08; PROJECT NO. 7E-HHM-HVAC-1.**

On the consent agenda vote, the Board approved the award of Contract No. 391-08 to the lowest responsive and responsible bidder, Alpha Construction Company, Inc., for installation of specified heating and ventilation components at 538 South 31st Street, for the HHM Project in the total amount \$652,050.00; and authorized the Purchasing Agent to execute the contract documents for the HHM facility project, subject to legal review by the County Attorney.

[Board Report #24](#)

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**APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS**

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- 25. AUTHORIZATION TO ACCEPT \$3,000 MATCHING GRANT FROM THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES' COST SHARE PROGRAM TO UNDERTAKE THREE (3) PRELIMINARY INFORMATION FORMS TO STUDY AND DETERMINE IF THE ARLINGTON RIDGE, THE COUNTRY CLUB VIEW AND THE OLD DOMINION NEIGHBORHOODS ARE ELIGIBLE FOR THE NATIONAL REGISTER OF HISTORIC PLACES.**

On the consent agenda vote, after a duly advertised public hearing, the Board accepted a \$3,000 matching grant from the Virginia Department of Historic Resources' (VDHR) Cost Share Program to undertake three (3) Preliminary Information Forms (PIF) to study and determine if the Arlington Ridge, the Country Club View and the Old Dominion neighborhoods are eligible for the National Register of Historic Places; appropriated \$3,000 from the Virginia Department of Historic Resources to the Department of Community Planning, Housing and Development to study and determine if the Arlington Ridge, the Country Club View and the Old Dominion neighborhoods are eligible for the National Register of Historic Places; and authorize the County Manager to sign the VDHR Cost Share Grant Agreement (Attachment A of the County Manager's September 11, 2008 report).

[Board Report #25](#)

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**26. AUTHORIZATION TO ACCEPT AND APPROPRIATE A NATIONAL CHILDREN'S ALLIANCE (NCA) TRAINING GRANT.**

On the consent agenda vote, the Board accepted a training grant from the NCA and appropriate \$5,000 in FY 2009 to the Department of Human Services.

[Board Report #26](#)

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**27. AUTHORIZATION TO ACCEPT AND APPROPRIATE A \$5,000 GRANT FOR DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) STATE HOMELAND SECURITY GRANT ADMINISTERED BY THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT FOR ITS BUSINESS CONTINUITY TOOL PROJECT.**

On the consent agenda vote, the Board authorized the County Manager to sign the Governing Body Resolution (attached to the County Manager's September 29, 2008 report) authorizing Arlington County to accept \$5,000 in federal financial assistance provided by the federal Department of Homeland Security, FEMA State Homeland Security Grant and administered by the Commonwealth of Virginia Department of Emergency Management; and appropriated \$5,000 in FY2009 from the 2007 State Homeland Security Program to the Arlington Office of Emergency Management for the activities related to the development of a web-based small business continuity planning tool.

[Board Report #27](#)

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**28. AUTHORIZATION TO EXECUTE ARLINGTON COUNTY COMMUTER SERVICES PROGRAM GRANT CONTRACTS AND APPROPRIATE GRANT FUNDS.**

On the consent agenda vote, the Board took the following actions:

1. Approved the two Project Agreements attached to the County Manager's October 2, 2008 report between the County Board and Commonwealth of Virginia, Department of Rail and Public Transportation in the amounts of \$1,097,000 and \$1,171,000, and authorized the County Manager to execute the Agreements and other required documents for use of Commonwealth Transportation Funds FY 2009, subject to approval of such Agreements and documents as to form by the County Attorney;
2. Approved the Project Agreement attached to the County Manager's October 2, 2008 report between the County Board and Commonwealth of Virginia, Department of Rail and Public Transportation, in the form attached to the County Manager's October 2, 2008 report, and other required documents for use of Federal Highway Administration Congestion Mitigation and Air Quality Funds FY 2007 CM-5401(657), subject to approval of such agreement and documents as to form by the County Attorney, and accept any funds awarded;
3. Approved the Project Agreement attached to the County Manager's October 2, 2008 report between the County Board and Commonwealth of Virginia, Department of Rail and Public Transportation, in the form attached to the County Manager's October 2, 2008 report, and other required documents for use of Federal Highway Administration Congestion Mitigation and Air Quality Funds FY 2008 CM-5401(657), subject to approval of such agreement and documents as to form by the County Attorney, and accept any funds awarded; and
4. Appropriated \$1,086,000 in grant revenues (\$175,000 for 101.346000.41150; \$100,000 for 101.346001.41150; \$296,000 for 101.346002.41150; \$515,000 for 101.346004.41150) to the FY 2009 Commuter Services Program, Transportation Planning (101.456000.41150).

[Board Report #28](#)

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**29. AUTHORIZATION TO ACCEPT AND APPROPRIATE GRANT AWARD TO THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL RESOURCES' (DPRCR) CONSERVATION AND INTERPRETATION SECTION FROM THE NATIONAL PARK SERVICE'S AMERICAN BATTLEFIELD PROTECTION PROGRAM (NPS ABPP).**

On the consent agenda vote, the Board authorized the County Manager to accept grant funds from the NPS ABPP for preservation and interpretation planning at Fort Ethan Allen Park; and appropriated \$60,000 in grant funds to the Department of Parks, Recreation, and Cultural Resources for preservation and interpretation planning at Fort Ethan Allen Park.

[Board Report #29](#)

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**30. APPROPRIATION OF ADDITIONAL COMMUNITY SERVICES BLOCK GRANT FUNDS FOR FY 2009.**

On the consent agenda vote, the Board took the following actions:

1. Appropriated \$94,874 from Virginia Community Services Block Grant (CSBG) funds (101.371935) to the Department of Community Planning, Housing and Development (CPHD) (101.72000);
2. Allocated \$85,000 of CSBG funds to the Child and Family Network Center (CFNC) for the Preschool Readiness Program, operated at Virginia Gardens (101.72409);
3. Allocated \$9,874 of CSBG funds to Department of Human Services, Arlington Employment Center (AEC), for Employment and Training Programs (101.72409);
4. De-obligated \$85,000 of FY 2009 Community Development Block Grant funds allocated to CFNC in April 2008 (206.72405);
5. De-obligated \$9,874 of FY 2009 CDBG funds allocated to AEC in April 2008 (206.72405); and
6. Allocated \$94,874 of FY 2009 CDBG funds to the CDBG Housing Development Fund for future projects (206.72405).

[Board Report #30](#)

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**REQUESTS TO ADVERTISE**

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**31. REQUEST TO ADVERTISE FOR A PUBLIC HEARING ON NOVEMBER 15, 2008, FOR PROPOSED AMENDMENTS TO ARLINGTON COUNTY CODE CHAPTER ON MEALS, FOOD AND BEVERAGE TAXATION IN § 65-3(C) [EXEMPTIONS, LIMITATIONS, AND CREDITS AS IT APPLIES TO TAX CREDITS ON THE SALE, DELIVERY, OR SERVICE OF MEALS] AND § 65-2 [RELATING TO THE TAXATION OF MANDATORY GRATUITIES AND SERVICE CHARGES].**

On the consent agenda vote, the Board authorized the advertisement of a public hearing for the November 15, 2008 County Board meeting, on the proposed amendments to Chapter 65-2 (Levy) and Chapter 65-3(c) (Exemptions, limitations, and credits) of the Arlington County Code as set forth in Attachment 1 of the County Manager's September 19, 2008 report.

[Board Report #31](#)

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32. **REQUEST TO ADVERTISE FOR A PUBLIC HEARING ON NOVEMBER 15, 2008, FOR A PROPOSED CODE AMENDMENT TO ELIMINATE THE CURRENT \$8,000 EXEMPTION FROM GROSS RECEIPTS FOR CALCULATING THE LODGING LICENSE TAX AS FOUND IN ARLINGTON COUNTY CODE §11-72 [LODGING] FOR TAX YEAR 2009.**

This item was removed from the consent agenda and will be heard at the October 22, 2008 County Board Recessed Meeting.

[Board Report #32](#)

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33. **REQUEST TO ADVERTISE PUBLIC HEARINGS FOR PROPOSED AMENDMENTS TO THE COUNTY COMPREHENSIVE PLAN TO ADOPT A DEMAND AND SYSTEM MANAGEMENT ELEMENT OF THE MASTER TRANSPORTATION PLAN (MTP), DATED OCTOBER 2008, INCLUDING AN UPDATED TRANSPORTATION DEMAND MANAGEMENT POLICY.**

This item was removed from the consent agenda and will be heard at the October 22, 2008 County Board Recessed Meeting.

[Board Report #33](#)

[Board Report #33-Attachment](#)

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34. **REQUEST TO ADVERTISE PUBLIC HEARINGS ON PROPOSED ZONING ORDINANCE AMENDMENTS TO SECTION 25B. "C-O ROSSLYN" COMMERCIAL OFFICE BUILDING, RETAIL, HOTEL AND MULTIPLE-FAMILY DWELLING DISTRICTS, SUBSECTION E. PROVISION FOR ADDITIONAL DENSITY AND HEIGHT, TO PERMIT THE COUNTY BOARD TO GRANT ADDITIONAL DENSITY AND HEIGHT FOR RECEIVING SITES BEYOND THE CURRENT LIMITS OF 10.0 FAR AND 300 FEET THROUGH THE USE OF TRANSFER OF DEVELOPMENT RIGHTS FOR PROPERTIES LOCATED IN THE "ROSSLYN COORDINATED REDEVELOPMENT DISTRICT" ON THE GENERAL LAND USE PLAN.**

On the consent agenda vote, the Board adopted the following resolution to advertise public hearings by the Planning Commission on November 3, 2008, and the County Board on November 15, 2008, on the following ordinance to amend, reenact, and recodify the provisions in Section 25B. of the Arlington County Zoning Ordinance to permit the County Board to grant additional density and height beyond the current limits of 10.0 FAR and 300 feet on receiving sites through the use of Transfer of Development Rights:

**RESOLUTION TO AUTHORIZE THE ADVERTISEMENT OF PUBLIC HEARINGS TO CONSIDER THE PROPOSED AMENDMENTS TO SECTION 25B. "C-O ROSSLYN" COMMERCIAL OFFICE BUILDING, RETAIL, HOTEL AND MULTIPLE-FAMILY DWELLING DISTRICTS, SUBSECTION E. PROVISION FOR ADDITIONAL DENSITY AND HEIGHT AT THE NOVEMBER 3, 2008, PLANNING COMMISSION AND THE NOVEMBER 15, 2008, COUNTY BOARD MEETINGS TO PERMIT THE COUNTY BOARD TO GRANT ADDITIONAL DENSITY AND HEIGHT BEYOND THE CURRENT LIMITS OF 10.0 FAR AND 300 FEET ON RECEIVING SITES THROUGH THE USE OF TRANSFER OF DEVELOPMENT RIGHTS.**

The County Board of Arlington County hereby resolves to advertise the following amendment to Section 25B. "C-O Rosslyn" Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts, Subsection E. Provision for Additional Density and Height of the Arlington County Zoning Ordinance for public hearings at the November 3, 2008, Planning Commission and the November 15, 2008, County Board meetings. This amendment would amend, reenact and recodify the zoning ordinance provisions in order to permit the County Board to grant additional density and height beyond the current limits of 10.0 FAR and 300 feet on

receiving sites through the use of Transfer of Development Rights TDR and to reduce or prevent congestion in the streets, to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice:

\* \* \*

**SECTION 25B. "C-O ROSSLYN" COMMERCIAL OFFICE BUILDING, RETAIL, HOTEL AND MULTIPLE-FAMILY DWELLING DISTRICTS**

\* \* \*

**E. Provision for Additional Density and Height.**

1. In considering the approval of a site plan the County Board may permit additional density, above 3.8 floor area ratio (FAR) for office, retail and service commercial uses, above 4.8 FAR for hotels and multiple-family dwellings, and above the existing density on a site when it is already greater than 3.8 FAR for office, retail and service commercial uses, or above 4.8 FAR for hotels and multiple-family dwellings, up to maximum of 10.0 FAR and/or height up to a maximum of three hundred (300) feet. Increases in density and height may be approved when the County Board finds that the development proposal offers important community benefits identified in approved plans for the area and meets the other special exception criteria of the Zoning Ordinance. In considering such modification, the County Board may also consider characteristics of the site and the area as described in Section 36.H.5. of this ordinance and the plans and policies adopted for the area. Provisions of Section 36.H.7. for the approval of additional height and density shall not be applicable in the "C-O Rosslyn" district. In no case shall application of the modification of use provisions of Section 36.H.5. be applied to permit a density of more than 10.0 FAR or a height of more than three hundred (300) feet except as described below.
  
2. a. To enable the County to provide for adequate streets the County Board may grant additional density (FAR) within the height limit up to an amount that would be permitted if any area dedicated from the site for street purposes were permitted to be counted in calculating density.
  
3. b. To enable the County to achieve an enhanced Rosslyn skyline and other community amenities the County Board may grant additional height up to maximum of four hundred ninety (490) feet above sea level for projects within Central Place (defined as the area bounded by 19th Street N., North Lynn Street, Wilson Boulevard, and Fort Myer Drive). Site plan projects within Central Place may be approved when the County Board finds a project is generally consistent with the May 5, 2007 County Board Resolution on Urban Design Principles for Rosslyn Central Place, and additionally meets the standards of Section 36.H.3. of this ordinance.
  
- c. The County Board may grant additional density and height beyond 10.0 FAR and three hundred (300) feet on receiving sites in accordance with the Transfer of Development Rights (TDR) provision in Section 36.H.5.b. and meeting the standards of Section 36.H.3.
  
2. Signs located above thirty five (35) feet may be approved through special exception by application of Section 34.A.3. of this ordinance. However, in no case shall any sign be permitted above a maximum height of fifty (50) feet on any building located within Central Place that is approved with additional density and height by application of either Section 25B.E.1. or Section 25B.E.3. of this ordinance.

(Ord. No. 96-19, 5-11-96; Ord. No. 97-25, 11-8-97, 5-5-07)

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[Board Report #34](#)

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**SUBSECTION E, ADMINISTRATION AND PROCEDURES, AUTHORIZING THE BOARD OF ZONING APPEALS TO GRANT SPECIAL EXCEPTION USE PERMITS TO MODIFY ZONING ORDINANCE PLACEMENT REQUIREMENTS FOR STRUCTURES ON LOTS IN "R-20," "R-10," "R-8," "R-6," "R-5" AND "R2-7" ZONING DISTRICTS WHERE THERE IS NO OPTION IN THE ZONING ORDINANCE TO ALLOW MODIFICATIONS OF REQUIREMENTS BY THE COUNTY.**

On the consent agenda vote, the Board adopted the following resolution to authorize the advertisement of public hearings for the proposed amendment to Section 36, Subsection E of the Arlington County Zoning Ordinance at the November 3, 2008 Planning Commission meeting and the November 15, 2008, County Board meeting:

**RESOLUTION TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS ON THE PROPOSED RE-ADOPTION OF SECTION 36. ADMINISTRATION AND PROCEDURES OF THE ARLINGTON COUNTY ZONING ORDINANCE AT THE NOVEMBER 3, 2008 PLANNING COMMISSION MEETING AND THE NOVEMBER 15, 2008 COUNTY BOARD MEETING TO RE-ADOPT, REENACT, AND RECODIFY THE ZONING PROVISIONS TO CONTINUE AUTHORIZATION TO THE BOARD OF ZONING APPEALS TO GRANT SPECIAL EXCEPTION USE PERMITS THAT MODIFY PLACEMENT REQUIREMENTS FOR STRUCTURES LOCATED IN "R-20," "R-10," "R-8," "R-6," "R-5," AND "R2-7" ZONING DISTRICTS.**

The County Board of Arlington County hereby resolves that public hearings on the following amendments to Section 36, of the Zoning Ordinance should be advertised for public hearings at the November 3, 2008 Planning Commission meeting and the November 15, 2008 County Board meeting, to authorize the Board of Zoning Appeals to grant special exception use permits that modify placement requirements contained in the Zoning Ordinance for structures in "R-20," "R-10," "R-8," "R-6," "R-5," and "R2-7" zoning districts, to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice:

**E. Board of Zoning Appeals; Variances and Appeals.**

1. There shall be a Board of Zoning Appeals as provided for and having the powers, functions and responsibilities as described in the Code of the Commonwealth of Virginia.
2. Every appeal from a determination of the Zoning Administrator and every application for a variance shall be filed in writing with the Zoning Administrator. The time of the public hearing is determined by the Board of Zoning Appeals. The filing fee shall be as follows:
  - a. Appeals from a determination of the Zoning Administrator -- \$517.
  - b. Variances or Use Permits for existing single-family residential -- Three hundred twenty-one dollars (\$321) for the first subsection of the Zoning Ordinance being modified. Each additional subsection to be modified will be an additional fee of twenty percent (20%) of the base fee.
  - c. Variances or Use Permits for single-family new construction/resubdivision for new construction - Two thousand five hundred forty-two dollars (\$2,542) for the first subsection of the Zoning Ordinance being modified. Each additional subsection to be modified will be an additional fee of twenty percent (20%) of the base fee.
  - d. Variance or Use Permit applications from nonprofit organizations and for nonprofit institutional uses -- Two hundred sixty-four dollars (\$264).
  - e. Variances or Use Permits for a building location error, defined as a request for an "as-built" variance when a new structure is not built in accordance with the approved plans -- Three thousand eight hundred twenty-three dollars (\$3,823).
  - f. Variances or Use Permits for all other uses -- Three thousand one hundred sixty-seven dollars (\$3,167) for the first subsection of the Zoning Ordinance being modified. Each additional subsection to be modified will be an additional fee of twenty percent (20%) of the base fee.
  - g. A 10% automation enhancement surcharge shall be applied to each application above.
3. In addition to the above, the board shall have authority to grant, upon such conditions and safeguards

as it may determine, such variances from the ordinance as may be in harmony with its general purpose and intent, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done, as follows:

- a. Permit the continuance of a nonconforming use in a conforming building for periods of three (3) years beyond the three-year limitation contained in Section 35, subsection B.2, if the board finds that: (a) said nonconforming use is not detrimental to, and does not affect adversely, adjacent property by reason of the nature of the use, generation of traffic, parking, lighting, noise and similar factors; (b) no commercial display, lighting, advertising and wholesale or retail merchandising is carried on in connection with the conduct of said nonconforming use; (c) such discontinuance shall work practical difficulty and undue hardship upon the owner of said building.
- 4. If any variance or use permit granted by the Board of Zoning Appeals is not acted upon and put into effect within one (1) year after the date of such grant, then the variance shall be null and void and of no force and effect.
- 5. Every applicant for a variance or use permit shall file with his application a complete disclosure of the equitable ownership of the real estate to be affected including in the case of corporate ownership, the names of stockholders, officers and directors and in any case the names and addresses of all of the parties in interest; provided that the requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than five hundred (500) stockholders.
- 6. The Board of Zoning Appeals may approve use permits that allow modifications of placement requirement for structures on lots in "R-20," "R-10," "R-8," "R-6," "R-5," and "R2-7" districts where there is no option in the Zoning Ordinance to allow modification of requirements by the County Board, such as special exception use permits described in Section 36.G. or site plans described in Section 36.H. The Board of Zoning Appeals may impose conditions on the use permit that it deems necessary in the public interest, including limiting duration of the use permit. The BZA shall not approve a use permit unless it finds:
  - a. That the proposal will not affect adversely the health or safety of persons residing in the neighborhood.
  - b. That the proposal will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
  - c. that the proposal will not be in conflict with the purposes of the master plans and land use and zoning related policies of the County.

In determining whether the proposal will be detrimental to the public welfare, injurious to property or improvements in the neighborhood or will adversely affect the health or safety of persons residing in the neighborhood, the BZA shall consider whether the modification will promote compatibility of development with the surrounding neighborhood because the structure's overall footprint size and placement are similar to the structures on the properties surrounding the lot in question; and whether the modification will help preserve natural land form, historical features and/or significant trees and foliage.

[Board Report #35](#)

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**OTHER**

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**36. APPROVAL OF A STANDARD PROJECT ADMINISTRATION AGREEMENT BETWEEN THE COUNTY BOARD AND THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE DEVELOPMENT AND ADMINISTRATION OF ROSSLYN CIRCLE IMPROVEMENTS PHASES 1 & 2.**

On the consent agenda vote, the Board approved the Standard Project Administration Agreement between the County Board of Arlington, Virginia and the Commonwealth of Virginia, Department of Transportation for Rosslyn Circle Improvements Phases 1 & 2 and authorized the County Manager on behalf of the County Board to execute the agreement, subject to approval of the agreement as to form by the County Attorney; and approved and appropriated \$800,000 in Regional Surface Transportation Program funds to the Department of Environmental Services Capital Account.

[Board Report #36](#)

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**37. ADOPTION OF A RESOLUTION REQUESTING THE COMMONWEALTH TRANSPORTATION BOARD TO NAME THE BRIDGE AT WASHINGTON BOULEVARD OVER COLUMBIA PIKE THE "FREEDMANS VILLAGE BRIDGE."**

On the consent agenda vote, the Board adopted the following Resolution entitled "Resolution of the County Board of Arlington County, Virginia Requesting the Commonwealth Transportation Board to Name the Bridge at State Route 27 (Washington Boulevard) and State Route 244 (Columbia Pike) in Arlington County, Virginia the "Freedmans Village Bridge":

**Resolution of the County Board of Arlington County, Virginia  
Requesting the Commonwealth Transportation Board to Name the Bridge at State Route 27  
(Washington Boulevard) and State Route 244 (Columbia Pike) in Arlington County, Virginia the  
"Freedmans Village Bridge"**

**State Project # 0027-000-V01, P01, RW 201, C501, B601, B617, D602**

WHEREAS, as a part of the State Routes 27/244 Interchange Modifications project, also known as State Project # 0027-000-V01, P01, RW 201, C501, B601, B617, D602 (the "Project"), the Virginia Department of Transportation ("VDOT") is proceeding with the replacement of the Washington Boulevard (State Route 27) bridge over Columbia Pike (State Route 244) ("Bridge"); and,

WHEREAS, the County Board of Arlington County, Virginia ("County Board") desires that the Bridge to be constructed pursuant to the Project be given the name "Freedmans Village Bridge"; and,

WHEREAS, State law provides that no name be given to a bridge in the system of state highways unless and until the Commonwealth Transportation Board has received, from the local governing body of the locality within which the bridge is located, a resolution requesting such naming; and,

WHEREAS, by this Resolution the County Board requests that the Bridge be named as provided herein.

NOW, THEREFORE, BE IT RESOLVED THAT the County Board of Arlington County, Virginia hereby requests that the Commonwealth Transportation Board name the Bridge at Washington Boulevard (State Route 27) Bridge over Columbia Pike (State Route 244) to be constructed pursuant to State Project # 0027-000-V01, P01, RW 201, C501, B601, B617, D602 in Arlington County, Virginia, the "Freedmans Village Bridge".

[Board Report #37](#)

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**38. AUTHORIZATION TO SUBMIT AN APPLICATION FOR TRANSPORTATION ENHANCEMENTS PROGRAM FUNDS TO THE COMMONWEALTH TRANSPORTATION BOARD FOR CONSTRUCTION OF PUBLIC ART ENHANCEMENTS FOR THE VDOT INTERCHANGE IMPROVEMENT PROJECT AT ARLINGTON BOULEVARD, COURTHOUSE ROAD, AND 10TH STREET.**

On the consent agenda vote, the Board adopted the following Project Endorsement Resolution regarding Arlington County's application for Transportation Enhancement funds; and authorized the County Manager to submit, on behalf of the County Board and consistent with the following Resolution, an application to the

Commonwealth Transportation Board for Fiscal Year 2009:

**Project Endorsement Resolution**

**WHEREAS**, in accordance with Commonwealth Transportation Board (CTB) construction allocation procedures, it is necessary that a request by resolution be received by the CTB from the local government or state agency in order that the Virginia Department of Transportation (VDOT) establish a transportation enhancement project within the locality; and,

**WHEREAS**, the County Board of Arlington County, Virginia desires to request the CTB to establish a certain transportation enhancement project within Arlington County.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Board of Arlington County, Virginia (the "County Board") requests CTB to establish a transportation enhancement project for the implementation of bridge enhancements at the interchange project at Arlington Boulevard, 10th Street, and Courthouse Road.

**BE IT FURTHER RESOLVED**, that, subject to appropriation and, subject to the execution of an agreement between the County Board and the Virginia Department of Transportation, if funds are awarded for the project: 1) the County Board hereby agrees to pay 20% of the total cost for fabrication and construction of the Project and; 2) if the County Board subsequently elects to cancel the Project, the County Board hereby agrees to reimburse VDOT for the total amount of the direct costs reasonably expended by VDOT in reliance on the adoption of this resolution through the date VDOT is notified of such cancellation.

Adopted by the County Board of Arlington County, Virginia on this 18th day of October, 2008.

[Board Report #38](#)

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**39. AUTHORIZE EXECUTION OF A MASTER AGREEMENT FOR USE OF COMMONWEALTH TRANSPORTATION FUNDS.**

On the consent agenda vote, the Board approved a master agreement for use of Commonwealth Transportation Funds between the Department of Rail and Public Transportation and the County Board, in the form attached to the County Manager's October 1, 2008 report, and authorized the County Manager to execute the agreement and Amendment No. 1 attached to the County Manager's October 1, 2008 report, subject to approval of the agreement and amendment as to form by the County Attorney.

[Board Report #39](#)

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**40. AMEND THE AGREEMENT FOR APPROVED FINANCIAL ASSISTANCE FOR THE DEVELOPMENT OF A RESIDENTIAL GROUP HOME.**

On the consent agenda vote, the Board took the following actions:

1. Amended the loan terms and conditions for the \$150,000 loan from the CDBG Housing Development Fund to Robert Pierre Johnson Housing Development Corporation (RPJ) or its designated County-approved ownership affiliate, to assist with the development of a residential group home, subject to the terms and conditions of the County Manager recommendations outlined in the County Manager's October 3, 2008 report;
2. Authorized the County Manager, with concurrence of the County Attorney, to execute the CDBG Program Amendment and to execute the required loan documents with RPJ or its County-approved ownership entity, and authorize and direct the trustees for the County to execute the loan subordination, subject to approval by the County Attorney; and
3. Authorized the County Manager, with the concurrence of the County Attorney, to act as the County Board's representative in approving financing or program revisions that are necessary to remove any

ambiguity or inconsistency or which improve the County's financial security or financial position and which changes do not adversely affect the County financially or programmatically, prior to execution of the County's financing documents.

[Board Report #40](#)

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- 41. CONCUR WITH AN INDUCEMENT RESOLUTION ADOPTED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA (THE "MONTGOMERY AUTHORITY") AND APPROVE THE ISSUANCE BY THE MONTGOMERY AUTHORITY OF THE REVENUE BONDS TO FINANCE THE FACILITIES LOCATED IN ARLINGTON COUNTY DESCRIBED IN SUCH INDUCEMENT RESOLUTION FOR THE BENEFIT OF THE VIRGINIA TECH FOUNDATION, INC. ("VIRGINIA TECH").**

This item was removed from the consent agenda and will be heard at the October 22, 2008 County Board Recessed Meeting.

[Board Report #41](#)

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- 42. APPROVE THE RESOLUTION AMENDING THE MASTER LEASE AGREEMENT AND THE REIMBURSEMENT RESOLUTION DECLARING THE COUNTY BOARD'S INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF FINANCING FOR EXPENDITURES TO BE MADE IN CONNECTION WITH THE ACQUISITION AND INSTALLATION OF CERTAIN EQUIPMENT.**

On consent agenda vote, the Board took the following actions:

1. Approved the following Resolution amending the Master Lease Agreement:

**RESOLUTION OF THE COUNTY BOARD OF  
ARLINGTON COUNTY, VIRGINIA  
AUTHORIZING THE EXTENSION AND AMENDMENT OF ITS  
LEASE AGREEMENT DATED AS OF FEBRUARY 16, 2006  
WITH CITIMORTGAGE, INC.**

Arlington County, Virginia (the "County") entered into a Lease Agreement between the County and Citimortgage (the "Lessor") dated as of February 16, 2006, as previously amended (the "Lease") to provide financing for various equipment for the County. The County has determined that it is in the best interests of the County to amend certain terms of the Lease to extend the term of the Lease and to provide for the issuance of certain appendices under the Lease for a term of fifteen years in accordance with the terms of the Lease and to make certain other amendments. Such amendments will be reflected in the Second Amendment to Lease Agreement between the County and the Lessor (the "Amendment").

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Amendment Approved. The Amendment is hereby approved. The Purchasing Agent is authorized and directed to execute the Amendment on behalf of the County.
2. Authorization and Execution of Documents. The Purchasing Agent is authorized to execute and deliver on behalf of the County such instruments, documents, or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Amendment and the Lease, and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.
3. Nature of Obligations. Nothing in this Resolution, the Amendment, or any instrument, document, or certificate executed and delivered on behalf of the County to carry out the transactions authorized by this Resolution or contemplated by the Amendment shall constitute a debt of the County, and the County shall not be obligated to make any payments under the Lease, as amended, except from money

appropriated by the County Board for such purpose.

4. Ratification. All previous actions taken by the Purchasing Agent in connection with the execution and delivery of the Lease are hereby ratified and confirmed.

5. Effective Date. This Resolution shall be effective upon its adoption.

2. Approved the following Reimbursement Resolution, and authorized the County Manager to negotiate lease financing for the equipment as presented in Attachment 3 of the County Manager's October 14, 2008 report:

**RESOLUTION OF THE COUNTY BOARD OF  
ARLINGTON COUNTY, VIRGINIA DECLARING ITS INTENTION  
TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE  
LEASE FINANCINGS FOR CERTAIN EQUIPMENT AND SYSTEMS**

The County Board of Arlington County, Virginia (the "County") has determined that it may be necessary or desirable to advance money to pay the costs of (the "Equipment"). The total cost for the equipment is \$ 14,120,213.

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

1. The County Board adopts this declaration of official intent under Treasury Regulations Section 1.150-2.

2. The County Board reasonably expects to reimburse advances made or to be made by the County to pay the costs of acquiring the Equipment from the proceeds of certain lease financing. The maximum amount of financing expected to be issued in one or more series for the Equipment is \$ 14,120,213.

3. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was adopted by the County Board at its meeting on October 18, 2008

3. Appropriated funds from Lease proceeds for the departments of Technology and Environmental Services to account 313.380800.91103 and appropriated funds from Lease proceeds for the Fire Department to account 101.380800.91103.

[Board Report #42](#)

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**43. MINUTES.**

On the consent agenda vote, the Board approved the minutes from the June 9, 2008 Work Session; June 10, 2008 Work Session; June 18, 2008 Work Session; July 8, 2008 Special Meeting for Closed Meeting; July 22, 2008 Recessed Meeting; August 12, 2008 Special Meeting for Closed Meeting; August 14, 2008 Special Meeting for Closed Meeting; and September 13, 2008 Regular Meeting.

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**REGULAR HEARING ITEMS**

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**44. REQUEST TO ADVERTISE THE ADOPTION OF THE 2008 CRYSTAL CITY PLAN POLICY FRAMEWORK AND ILLUSTRATIVE CONCEPT PLAN.**

On motion by JAY FISSETTE, Member, 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 FISSETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized advertisement of public hearings at the December 13, 2008, County Board meeting and associated Planning Commission meetings to consider the adoption of the 2008 Crystal City Plan Policy Framework and Illustrative Concept Plan with the following recommendations from the Board to the 2008 Crystal City Plan Policy Framework for review by staff and commissions (Attachments 1-3 of the County Manager's October 9, 2008 report):

1. Clarity is needed on expectations for approving infill of the existing open space (Public Open Space – P 2)).
2. Wordsmith the document before presenting it to the other commissions to include placing the burden on the County to plant trees along streets to bring back the tree canopy.
3. The plan should achieve the right proportion of daytime/nighttime populations (Land Use – LU 1)).
4. Identify and hold conversations regarding the needs for schools and day care centers (Land Use – LU5)).
5. Develop language to ensure that “then current” sustainability standards/requirements apply to the project (Sustainable Design and Development – S 1) and S 3)).
6. Provide a better understanding of private reinvestment that may occur and consider how much redevelopment burden the County should take on (Improvement Implementation – I 1) and I 2)).
7. Develop a plan for the full development of public realm infrastructure without doing things incrementally and consider different financing tools (Improvement Implementation – I 1)).
8. Develop a specific plan regarding street alignment for transit and how the plan will be achieved (Transportation – T 8)).
9. The plan should include a goal for the number of affordable units (Affordable Housing – AH 1) and AH 2)).

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45. [\*\*U-3018-01-1 USE PERMIT REVIEW: LIVE ENTERTAINMENT AND DANCING; 3249-3253 COLUMBIA PIKE \(SPORTS HOUSE GRILL, RPC #25-012-001\).\*\*](#)

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 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 extended the use permit for live entertainment and dancing at 3249 Columbia Pike (Sports House Grill) for a period of three (3) months, subject to all previously approved conditions with a County Board review in three (3) months (January 2008).

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46. [\*\*U-3204-08-1 USE PERMIT \(CARRY-OVER\): KIANI BROTHER IV, INC., CARRYOUT AND FOOD DELIVERY; 768 S. 23RD ST. \(RPC #36-039-003\).\*\*](#)

On motion by CHRISTOPHER ZIMMERMAN, Member, 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 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 denied the use permit request for a food delivery use.

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**CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS**

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 met in a closed meeting from 2:11 p.m. to 3:31 p.m., as authorized by §§2.2-3711.A.3 and 7 of the Virginia Code, for the purposes of discussing three matters involving the acquisition of real property for public purposes where discussion in public would adversely affect the County's negotiating and bargaining position; and three matters requiring consultation with the County Attorney concerning the County's software development contract with Softscape, Inc.; the decision of the Board of Zoning Appeals regarding the utility undergrounding condition applicable to Site Plan Number 360; and the Civil Action number 08-434 now pending in the Arlington Circuit Court.

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On motion by Mr. Tejada, seconded by Ms. Favola and carried by a vote of 5 to 0 by roll call, the voting recorded as follows:

**Member & Vote**

- Mr. Tejada - Aye
- Ms. Favola - Aye
- Mr. Fisetete - Aye
- Ms. Hynes - Aye
- Mr. Zimmerman - Aye

the Board certified that to the best of each member's knowledge that only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered by the Board.

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**ADJOURNMENT**

Without objection, at 3:31 p.m., the Board recessed until the October 22, 2008 Recessed Meeting.

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J. WALTER TEJADA, Chairman

ATTEST:

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HOPE L. HALLECK, Acting Clerk  
Approved: November 15, 2008