

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, January 22, 2011 at 8:30 a.m.

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

ALSO PRESENT: BARBARA M. DONNELLAN, County Manager  
STEPHEN MacISAAC, County Attorney  
HOPE L. HALLECK, Clerk

\*left meeting at 11:14 a.m.

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#### PUBLIC COMMENT

**Robert Atkins** inquired about the status of the development of a west entrance to the Ballston Metro Station.

**Shelley Wade** advocated for the restoration of library hours and offered recommendations on how to do so within the current and upcoming budgets.

**Jim Hurysz** asked the County Board why the East Falls Church (EFC) neighborhood is being remodeled in the same fashion as Fairlington and Crystal City; furthermore, he requested a moratorium on new developments in the County.

**Neal Sigmon** announced an upcoming open house taking place on Wednesday, January 26, 2011, at 7:00pm at the Fairlington Community Center. The topic of discussion will be the restoration of Four Mile Run.

**Peter Harnik** reminded the County Board of County residents that oppose the widening of I-66, and also informed the County Board that Maryland is planning on widening the Baltimore-Washington Parkway.

**Matthew Wavro** commented on the County's style of governance and its impact on Arlington's policy needs being considered by legislators in Richmond.

**Audrey Clement** expressed her concerns regarding the fact that the Virginia Department of Transportation (VDOT) has not committed to converting their park-n-ride lot in East Falls Church (EFC) into a mixed-use development per the County's plans for the EFC neighborhood. She also urged the County Board to put a plan in place for the impact of the Dulles Rail on EFC.

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#### **ANALYSIS OF CONTINGENT ACCOUNTS.**

The Board received a Summary of Fiscal Year 2011 Contingent Accounts showing balances of \$1,000,000 in General and \$16,827,321 in Affordable Housing Investment Fund as of January 10, 2011.

**CONSENT ITEMS (ITEMS 1-24) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, JANUARY**

**22, 2011, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, JANUARY 25, 2011, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

Ms. Favola announced her declaration of personal interest pursuant to Section 2.2-3115.G in the use permit amendment requested by Marymount University (Item #6). Ms. Favola is employed by the University; however, under the State and Local Government Conflicts of Interest Act, because she is a member of a group who are all affected by the approval of the use permit, she was able to participate in the discussions and votes concerning the use permit, and can do so fairly, objectively, and in the public interest.

On a motion by J. WALTER TEJADA, Member, seconded by MARY HYNES, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board approved the County Manager's recommendation for all consent items except item #18. Request for full hearing was submitted for item #18, and this item is scheduled for hearing at the January 25, 2011 County Board recessed meeting.

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**SITE PLANS/AMENDMENTS/REVIEW**

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**1. SP# 6 SITE PLAN AMENDMENT FOR A ROOFTOP SIGN AND A COMPREHENSIVE SIGN PLAN; LOCATED AT 4420 N. FAIRFAX DRIVE (RPC#: 14-051-019).**

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

WHEREAS, an application for a Site Plan Amendment dated November 2, 2010 for Site Plan #6 was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report dated January 6, 2011 and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to all previous conditions and new or revised conditions; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on January 22, 2011 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
  - General land use plan, "Coordinated Mixed-Use Development District."
    - Section 34.H of the Zoning Ordinance (Modification of sign regulations for placement of sign above 35 ft. and number of signs).
    - "C-O-A" Commercial Office Building, Hotel and Apartment Districts.
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as requested by an application dated November 2, 2010 for Site Plan #6, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements on file in the office of Zoning Administration(which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for

a comprehensive sign plan and a rooftop sign, for the parcel of real property known as RPC# 14-051-019 at 4420 N. Fairfax Dr. approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to all existing conditions (Conditions #1 – 12) with Condition #12 modified as follows:

Revised Condition #12:

12. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs (including identification and directional signage) shall be consistent with the guidelines contained in "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 developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign within one (1) year of approval, or May 22, 2011. 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.
  - a. The developer agrees that all project signs shall be consistent with the comprehensive sign plan prepared by Art Display Company and dated November 23, 2010 and approved by the County Board on January 22, 2010. The developer agrees that all signs shall be the number, size, and location as shown on the comprehensive sign plan. Sign lighting shall conform to the requirements of the Zoning Ordinance. [Clerk's note: as set forth in the document entitled "Addendum 1-22-11-A-SP #6" attached for the public record to these minutes.]
  - b. The developer agrees that the total sign area for all signs below 35 feet shall not exceed 86 sq. ft.
  - c. The developer agrees that the total sign area for the rooftop sign shall not exceed 125 square feet.
    - i. The developer agrees that the rooftop sign shall not be illuminated between the hours of midnight and 6:00 a.m., seven (7) days a week.
    - ii. The developer agrees to install a rheostat or other appropriate variable resistor that will allow the applicant to adjust (decrease) the rooftop sign's lighting intensity. The applicant further agrees that if the County Manager finds that the intensity of the rooftop sign's lighting has an adverse effect on the surrounding area, the applicant will, within 24 hours notice from the County Manager, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.
  - d. The developer agrees that 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 a sign to meet field conditions (less than 1 foot in any direction); or (ii) a minor change in the area of an individual sign (less than 5%).

[Board Report #1](#)

[Addendum 1-22-11-A-SP #6](#)

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2. [\*\*SP #25 SITE PLAN AMENDMENT FOR A ROOFTOP SIGN AT THE WATERVIEW PROJECT; LOCATED AT 1919 N. LYNN ST., \(RPC#: 16-018-010\).\*\*](#)

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

WHEREAS, an application for a Site Plan Amendment dated October 4, 2010 for Site Plan # 25, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report dated January 5, 2011 and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on January 22, 2011 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
  - To permit a sign above 35-ft in the “CO-Rosslyn” Districts; and
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated October 4, 2010 for Site Plan #25, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition #44 below ( which drawings, etc... are hereafter collectively referred to as “Revised Site Plan Application”), for a Site Plan Amendment for an enlargement of an existing rooftop sign, for the parcel of real property known as RPC #16-018-010, 1919 N. Lynn St., approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to the following modified condition:

41. a. The developer agrees to develop a comprehensive sign plan and all exterior signs shall be consistent with the guidelines contained in 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 Above Grade Building Permit. All proposed rooftop signs shall require a site plan approval or amendment and shall be presented to the Site Plan Review Subcommittee prior to consideration by the County Board.

The developer agrees to limit signs on the site to those signs of the comprehensive sign plan as approved by the Zoning Administrator on May 21, 2007 as such comprehensive sign plan may be amended from time to time. In addition, rooftop signs shall be limited to two(2) rooftop signs approved by the County Board on September 8, 2007 for the Hotel/Residential building and a two (2) rooftop signs approved by the County Board, one (1) on October 13, 2007 and one (1) on September 26, 2009, revised January 22, 2011 for the Office building. The developer agrees that the total sign area permitted for all signs other than rooftop signs for the Waterview project (SP #25) shall not exceed 968 square feet. The developer further agrees that the total sign area permitted for rooftop signs for the Waterview project (SP #25) excluding the rooftop lighting approved as a special exception by the County Board on October 13, 2007, shall not exceed ~~477~~537 square feet. This total includes 106 square feet for rooftop signs on the Hotel/Residential building that shall be permitted along the 19<sup>th</sup> Street North frontage and ~~374~~ 431 square feet for rooftop signs on the office building that shall be permitted along the I-66 frontage as follows:

1. Sign #05 Hotel Palomar/ Domaso Trattoria Moderna: 102 sq ft.
2. Sign #16 Palomar Vending Sign (Domasino Caffe Espresso): 4 sq ft.
3. Corporate Executive Board Sign: 308 sq ft.
4. Deloitte Sign: ~~63~~ 123 sq ft.

The signs shall be of the same materials, dimensions, text and location as presented to and approved by the County Board on September 8, 2007 and October 13, 2007, and September 26, 2009, and January 22, 2011. Minor changes to the approved rooftop 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 ~~470~~ 537 square feet. All other changes to the approved rooftop signs will require site plan approval or amendment. [Clerk's note: as set forth in the document entitled "Addendum 1-22-11-B-SP #25" attached for the public record to these minutes.]

The developer agrees to install a rheostat or other appropriate variable resistor that will allow the developer to adjust (decrease) the rooftop signs lighting intensity. The developer further agrees that if the County Manager finds that the intensity of the rooftop signs lighting has an adverse effect on the surrounding area, the developer will, within 24 hours notice from the County Manager, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.

The developer agrees that the rooftop signs hours of illumination will be limited to dusk to 12:00 a.m., midnight, seven (7) days a week.

b. The following applies exclusively to the rooftop lighting:

1. The developer agrees that the rooftop lighting consisting of a 1 ½" band of blue LED lights to be located on the roofline of the Residential/Hotel building and three tiers of the roofline of the Office building, shall be of the dimensions, area, height, materials, color, and location as indicated on the drawings titled Exterior LED Tower Top Lighting Design and dated January 6, 2006 and as shown to the County Board on October 13, 2007. The developer further agrees that the rooftop lighting will be located only along the building's north side (fronting the I-66 street frontage/right of way) and that no other lights or rooftop signs not specifically permitted by this Condition #41 will be located on the project.
2. The developer agrees that the total area of the rooftop lighting for this Site Plan #25 will not exceed 888.5 linear feet. The total area of rooftop signs for this Site Plan #25 will not exceed 414 square feet. The developer agrees that, as long as the rooftop lighting is on the building, no rooftop signs above the 414 square feet will be permitted.
3. The developer agrees to install a rheostat or other appropriate variable resistor that will allow the developer to adjust the rooftop lighting intensity from a level of 0 foot-lamberts to 207 foot-lamberts. The developer further agrees that if the County Manager finds that the intensity of the rooftop lighting has an adverse effect on the surrounding area, the developer will, within 24 hours notice from the County Manager, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.
4. The developer agrees to participate in the "Light Up Rosslyn" program, including that the Hotel/Residential and Office buildings shall be in conformance with the program's occasional and seasonal lighting requirements. The developer agrees to conform to standards designated by Rosslyn Renaissance or Rosslyn BID operator for that program, including that only white lights may be displayed along the rooflines of the office and residential hotel buildings and all other lights including the blue LED lights will be turned off.
5. The developer agrees that the rooftop lighting hours of operation will be from dusk to 12:00 midnight. The developer further agrees that if the County Manager finds that the rooftop lighting has an adverse effect on the surrounding area, it will immediately carry out any recommendation by the County Manager to reduce the hours of operation.

[Board Report #2](#)

[Addendum 1-22-11-B-SP #25](#)

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3. [SP #56 SITE PLAN AMENDMENT TO RECONFIGURE THE SERVICE DRIVE; LOCATED AT 1999 JEFFERSON DAVIS HIGHWAY AND 1800, 1851 AND 1901 S. BELL ST. \(RPC#: 34-026-035 & -037\).](#)

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the subject site plan amendment request to the February 12, 2011 County Board meeting.

[Board Report #3](#)

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4. [SP #58 SITE PLAN AMENDMENT TO RENEW A CHILD CARE CENTER FOR MANTLE OF ELIJAH CHRISTIAN PREPARATORY ACADEMY AT RIVER PLACE, LOCATED AT 1121 ARLINGTON BLVD. \(RPC#: 17-039-001 THROUGH -432\).](#)

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 #58 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for a child care center, for the parcel of real property known as 1121 Arlington Blvd. (RPC#: 17-039-001 through -432) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, with a County Board review in three (3) years (January 2014).

[Board Report #4](#)

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5. [SP #105 SITE PLAN AMENDMENT REVIEW FOR LIVE ENTERTAINMENT AND DANCING AT CHAMPPS AMERICANA, LOCATED AT 1201 S. JOYCE ST. \(RPC#: 35-005-031\).](#)

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 #105 on file in the Office of the Zoning Administrator for renewal of the site plan amendment, for the parcel of real property known as 1201 S. Joyce St. (RPC#: 35-005-031) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions and to revised Condition #1, new Condition #7, with an administrative review in one (1) year (January 2012), and with no further scheduled County Board review.

Revised Condition:

1. Live entertainment ~~of bands~~ and dancing, shall be permitted only between the hours of 9:00 p.m. and 1:00 a.m., ~~on the following holidays: New Year's Eve, St. Patrick's Day, Memorial Day, Independence Day, Labor Day, October 1 (Champps anniversary date), Halloween, and Thanksgiving day. Karaoke and dancing will be permitted every Wednesday, Thursday, and Saturday from 9:00 p.m. to 1:00 a.m. seven (7) days a week.~~

New Condition:

7. The applicant agrees that if the business changes ownership, a County Board review of this live entertainment approval will be scheduled.

[Board Report #5](#)

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6. [SP #397 SITE PLAN AMENDMENT OF AIRLINES REPORTING CORPORATION FOR AN AMENDMENT TO THE COMPREHENSIVE SIGN PLAN FOR A ROOFTOP SIGN; LOCATED AT 3000 WILSON BLVD. \(RPC#: 18-012-004\)](#)

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

WHEREAS, an application for a Site Plan Amendment dated November 9, 2010 for Site Plan #397 was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report dated January 6, 2011 and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on January 22, 2010 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan [as amended]:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:  
Section 34.H (Modification for placement of sign above 35 ft).
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as requested by an application dated November 9, 2010 for Site Plan #397, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in revised Condition #47 below (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for a rooftop sign, for the parcel of real property known as RPC# 18-012-004 at 3000 Wilson Blvd. approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to the following conditions:

Revised Condition #47:

47. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs (including identification and directional signage but excluding all existing signs on the Underwood and Old Dominion Buildings as of June 10, 2006, which may remain and be repaired or replaced with similar type signs due to tenant turnover as necessary) shall be consistent with the guidelines contained in "Sign Guidelines for Site Plan Buildings" and with Section 34 of the Zoning Ordinance or with a comprehensive sign plan approved by the County Board. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance or a comprehensive sign plan approved by the County Board. No sign permits will be issued until a comprehensive sign plan is approved. The developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign plan 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.

The developer further agrees, in its fulfillment of Condition #62 below, that the only types of retail signs that shall be permitted shall be consistent with types of signs permitted by Section

34 of the Zoning Ordinance or by County planning documents addressing desired signage in Clarendon and shall include: building wall signs; blade signs; window signs; carved, painted or sculptural signs; signage on canopy or awning; logo signs; and, permanent quotes on building walls and blade signs.

The developer agrees that the design and construction of retail tenant signs shall ensure retail vitality and success while being consistent with the high architectural design quality of a first class office building. The colors and materials of retail tenant signs shall harmonize with and complement the exterior materials and design of the individual retail storefronts and shall present a unified design approach for the individual retail unit. The design and construction of retail tenant signs shall express the elements of the character and individuality of the establishment, provided that any signage or architectural detail that differentiates each storefront shall not detract from the viability of other retail storefronts. Individual tenants must apply for and obtain sign permits, including the design, colors, and materials of the signs, which shall be reviewed by the County Manager or his designee to ensure consistency with the comprehensive sign plan.

- a. The developer agrees that temporary leasing signs are permitted only as follows:
  - i. The North Building is permitted up to three (3) temporary leasing signs which, in aggregate, do not exceed 120 sq. ft. Such signs may be located at any of the three locations shown on the attached drawings (labeled "22 Temporary Marketing Signs North Building 04-28-10) , provided the total area of the signs does not exceed 120 square feet.
  - ii. The South Building is permitted up to three (3) temporary leasing signs for the residential portion of the building, which, in aggregate, do not exceed 120 sq. ft. In addition, the South Building is permitted up to three (3) temporary leasing signs for other uses of the building, which, in aggregate do not exceed 120 sq. ft. Temporary leasing signs on the South Building may be placed only at the locations shown on the attached drawings (labeled "23 Temporary Marketing Signs South Building 04-28-10). [Clerk's note: as set forth in the document entitled "Addendum 1-22-11-C-SP #397" attached for the public record to these minutes.]
  - iii. The developer agrees that all temporary leasing signs must be removed within one (1) year of the issuance of the shell and core certificate of occupancy. The Zoning Administrator may re-approve the temporary leasing signs for a period of six (6) months if, at any time thereafter, the developer demonstrates to the Zoning Administrator that the leased space is vacant or will become vacant within a period of sixty (60) days.
- b. The developer agrees that all project signs shall be consistent with the comprehensive sign plan prepared by Ad Vice, Inc. and dated June 7, 2010 and approved by the County Board on July 10, 2010. The developer further agrees that all signs shall be of the number, locations, and structure shown on the comprehensive sign plan. The retail tenants are not limited to the signs examples depicted in the comprehensive sign plan but shall comply with the sign area and location as depicted in the comprehensive sign plan. Sign lighting shall conform to the requirements of the Zoning Ordinance. The total project sign area shall not exceed 522 square feet for the North Building and 750 square feet for the South Building, excluding the temporary leasing signs as outlined above.
- c. The developer agrees that retail signage is limited to three (3) signs per retail bay, with the option of choosing among any of the four (4) types of retail sign types for each sign (wall or canopy mounted, projecting, awning, or window) depicted in the comprehensive sign plan. The total sign area for each retail bay shall not exceed the amount shown on pages 11 and 15 of the comprehensive sign plan. The developer agrees to obtain approval of the historic preservation staff for any retail signs to be placed on retail bays T1, T2, T18, T19, and T20, as shown on the comprehensive sign plan dated June 7, 2010, prior to issuance of any sign permits for these signs.
- d. The developer agrees that the "Lyon Place" residential building identification sign on Garfield St. will be the size and in one (1) of the two (2) general locations, either horizontally oriented above

the canopy or vertically oriented as a blade sign, as shown in the comprehensive sign plan. The text, logo, and color of the sign may change from what is proposed in the plan.

- e. The developer agrees that 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 a sign to meet field conditions (less than 1 foot in any direction); or (ii) a minor change in the area of an individual sign (less than 5%).
- f. The applicant agrees that the rooftop sign shall be limited to the location and same sign area as shown on the drawings prepared by Metro Sign & Design dated October 8, 2010 and approved by the County Board on January 22, 2010. The total area of the rooftop sign shall not exceed 16 square feet. The letter height of the rooftop sign shall not exceed six (6) square feet.
  - i. The applicant agrees that the ARC rooftop sign shall not be illuminated between the hours of midnight and 6:00 a.m., seven (7) days a week.
  - ii. The applicant agrees to install a rheostat or other appropriate variable resistor that will allow the applicant to adjust (decrease) the rooftop sign's lighting intensity. The applicant further agrees that if the County Manager finds that the intensity of the rooftop sign's lighting has an adverse effect on the surrounding area, the applicant will, within 24 hours notice from the County Manager, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such a adverse effect.

[Board Report #6](#)

[Addendum 1-22-11-C-SP #397](#)

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7. [\*\*SP #401 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN FOR THE VIRGINIA TECH RESEARCH INSTITUTE, LLC LOCATED AT 900 N. GLEBE ROAD. \(RPC: 14-053-058\).\*\*](#)

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

WHEREAS, an application for a Site Plan Amendment dated November 5, 2010 for Site Plan # 401, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report dated January 3, 2011 and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on January 22, 2011 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan, as amended:

- Substantially complies with the character of the General Land Use Plan, Ballston Sector Plan, and with the uses permitted and use regulations of the C-O-2.5 district as set forth in the Zoning Ordinance and modified as follows:

Section 34.D.1 (sign placement) and Section 34.G.1 (sign area); and

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

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

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated November 5, 2010 for Site Plan # 401, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 below ( which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for the parcel of real property known as RPC # 14-053-058 and 900 North Glebe Road, approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to the following conditions: All previously approved conditions (numbers 1 through 90) with condition 50 amended as follows:

#### **Comprehensive Sign Plan**

50. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs (including identification and directional signage) shall be consistent with the guidelines contained in "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 developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign plan 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.

The developer further agrees, in its fulfillment of Condition #64 below ("Retail Elements"), that the only types of signs that shall be permitted for Building B shall be consistent with the types of signs permitted by Section 34 of the Zoning Ordinance or the comprehensive sign plan approved by the County Board on January 22, 2011.

The colors and materials of retail tenant signs shall harmonize with and complement the exterior materials and design of the individual retail storefronts so as to present a unified design approach for the individual retail unit. The design and construction of retail tenant signs shall express the elements of the character and individuality of the establishment, provided that any signage or architectural detail that differentiates each storefront shall not detract from the viability of other retail storefronts.

- a. The developer agrees that all signs for Building B shall be consistent with the comprehensive sign plan prepared by Bowman Consulting dated June 2010 and revised through December 23, 2010 and approved by the County Board on January 22, 2011. The developer further agrees that all signs for Building B shall be of the number, type, size, location, and structure shown on the comprehensive sign plan.

The developer agrees that the total sign area for Building B shall not exceed 300 square feet, with the maximum amount of retail tenant signage not to exceed 244 square feet. The developer further agrees to submit, to the Zoning Administrator with each sign permit application, a tabulation detailing the amount of permitted sign area consumed and remaining for Building B. [Clerk's note: as set forth in the document entitled "Addendum 1-22-11-D-SP #401" attached for the public record to these minutes.]

- b. The developer agrees that retail tenant signage for Building B is limited to three (3) signs per retail tenant, with the option of choosing among the types of retail tenant signs depicted in the comprehensive sign plan.
- c. The developer agrees that signage for the retail tenants in Building B shall be allocated as follows: sixty (60) square feet per retail tenant or an amount not to exceed the retail tenant's frontage on North Glebe Road and/or 9<sup>th</sup> Street North, whichever amount is greater. The developer further agrees that the amount of retail tenant signage for Building B shall not exceed 244 square feet in aggregate.
- d. The developer agrees that standard retail tenant signs shall be affixed to the building, or building elements (trellis or metal channel feature), with a vertical clearance of no less than

fifteen-and-one-half (15.5) feet or greater than twenty-and-one-half (20.5) feet above the finished grade of the sidewalk.

- e. The developer agrees that building mounted projecting signs shall be affixed to the building with a vertical clearance of no less than ten (10) feet from the finished grade of the sidewalk and extending no further than forty-two (42) inches from the face of the building. The developer further agrees that trellis mounted projecting signs shall be affixed to the trellis with a vertical clearance of no less than fifteen (15) feet from the finished grade of the sidewalk and extending no further than face of the trellis.
- f. The developer agrees that, in the event that the entirety of the retail space in Building B is leased to a single retail tenant, such tenant shall be permitted to install no more than three (3) individual signs, according to the types described above, and in an area not to exceed 244 square feet in aggregate. The developer further agrees that in this situation that no single standard retail sign, as described above, shall exceed eighty (80) square feet.

[Board Report #7](#)

[Board Report #7-Supplemental](#)

[Addendum 1-22-11-D-SP #401](#)

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**USE PERMITS REQUEST/REVIEWS/AMENDMENTS**

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- 8. **U-1159-55-1 & U-2110-77-2 USE PERMIT AMENDMENT FOR EXPANDING THE USE OF THE SITE BY LIGHTING THE ATHLETIC FIELDS; LOCATED AT 6600 LITTLE FALLS ROAD (BISHOP DENIS J. O'CONNELL HIGH SCHOOL, RPC#: 01-037-001).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the use permit amendment request for expanding the use of the site by lighting the athletic fields to the March 12, 2011, County Board meeting.

[Board Report #8](#)

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- 9. **U-2448-85-3 USE PERMIT REVIEW FOR A PUBLIC GARAGE; LOCATED AT 1712 WILSON BLVD. (ARLINGTON MOTORCAR, RPC#: 17-010-023).**

On the consent agenda vote, after a duly advertised public hearing, the Board discontinued the subject use permit for a public garage located at 1712 Wilson Blvd.

[Board Report #9](#)

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- 10. **U-3101-04-2 USE PERMIT REVIEW FOR A DRIVE-THROUGH BANK FOR CAPITAL ONE BANK; LOCATED AT 5222 LEE HIGHWAY (RPC#: 08-004-005).**

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

BE IT ORDAINED that, pursuant to application 3101-04-2 on file in the Office of the Zoning Administrator for renewal of use permit amendment for a drive-through bank for the parcel of real property known as 5222 Lee Highway (RPC#: 08-004-005), 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, with no further scheduled County Board review.

[Board Report #10](#)

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11. [\*\*U-3139-05-1 USE PERMIT REVIEW FOR A CHILD CARE CENTER; LOCATED AT 825 23RD ST. S. \(MARIA TERESA'S BABIES\) \(RPC#: 36-031-005\).\*\*](#)

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-3139-05-1 on file in the Office of the Zoning Administrator for renewal of use permit amendment for a child care center for 5 children for the parcel of real property known as 825 23rd St. South (Maria Teresa's Babies, RPC#: 36-031-005), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous approved conditions, with an administrative review in one (1) year (January 2012), and a County Board review in three (3) years (January 2014).

[Board Report #11](#)

[Board Report #11-Supplemental](#)

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12. [\*\*U-3174-07-1 USE PERMIT REVIEW FOR A FAMILY DAY CARE FOR 9 CHILDREN LOCATED AT 873 N. PATRICK HENRY DRIVE \(RPC#: 12-018-010\).\*\*](#)

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-3174-07-1 on file in the Office of the Zoning Administrator for renewal of use permit amendment for the parcel of real property known as 873 N. Patrick Henry Drive (RPC#: 12-018-010), 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, with a County Board review in three (3) years (January 2014).

[Board Report #12](#)

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13. [\*\*U-3234-09-1 USE PERMIT REVIEW FOR PUBLIC UTILITY/TELECOMMUNICATIONS FOR A MICROWAVE/DISH ANTENNA; LOCATED AT 100 N. WAYNE ST. \(RPC#: 18-059-022\).\*\*](#)

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-3234-09-1 on file in the Office of the Zoning Administrator for renewal of use permit amendment for the parcel of real property known as N. Wayne St. (RPC#: 18-059-022), 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 no further scheduled County Board review.

[Board Report #13](#)

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

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**14. APPROVAL OF A DEED OF SUBLEASE BETWEEN THE COUNTY BOARD, AS SUBLANDLORD, AND BARROSO, INC., AS SUBTENANT, FOR THE USE OF APPROXIMATELY 1,213 SQUARE FEET OF SPACE IN THE ARTISPHERE, LOCATED AT 1101 WILSON BLVD. (RPC #16039002).**

On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:

1. Approved the Deed of Sublease between the County Board and Barroso, Inc., for Barroso, Inc.'s use of space in the Artisphere; and [Clerk's note: as set forth in the document entitled "Addendum 1-22-11-E-Barroso" attached for the public record to these minutes.] and
2. Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, the Third Amendment to Deed of Lease and all related documents, subject to approval as to form by the County Attorney.

[Board Report #14](#)

[Addendum 1-22-11-E-Barroso](#)

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**CAPITAL PROJECTS**

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**15. (1) APPROVE THE MEMORANDUM OF AGREEMENT BETWEEN THE ARLINGTON MILL LIMITED PARTNERSHIP (AMLPT) AND ARLINGTON COUNTY BOARD FOR THE COUNTY TO DESIGN THE RESIDENTIAL PORTION OF THE COUNTY PARKING GARAGE FOR THE ARLINGTON MILL COMMUNITY CENTER, TO BE LOCATED AT 909 S. DINWIDDIE ST., AND (2) AMEND DESIGN CONTRACT 182-10 FOR THE ARLINGTON MILL COMMUNITY CENTER AMCC) TO INCLUDE DESIGN OF THE RESIDENTIAL PORTION OF COUNTY PARKING GARAGE PROPOSED AS PART OF FUTURE GROUND LEASE FOR THE ADJACENT AFFORDABLE HOUSING DEVELOPMENT TO BE LOCATED AT 901 S.**

**DINWIDDIE ST., AND (3) APPROVE USE OF AFFORDABLE HOUSING INVESTMENT FUNDS (AHIF) FOR DESIGN-RELATED COSTS INCURRED BY THE COUNTY FOR CONSTRUCTION OF THE RESIDENTIAL PORTION OF THE COUNTY GARAGE CONCURRENTLY WITH AMCC.**

On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:

1. Approved the Memorandum of Agreement between the Board of Arlington County and AMLP that provides for the County to design the residential portion of the County parking garage concurrently with the AMCC garage and for AMLP to reimburse the County for all additional design costs incurred by the County, and authorize the County Manager or designee to execute the Memorandum of Agreement. [Clerk's note: as set forth in the document entitled "Addendum 1-22-11-F-AMLP" attached for the public record to these minutes.]
2. Approved an increase of \$190,000 for contract 182-10 for design services with Davis Carter Scott, Ltd. (DCS) to include design of the residential portion of the County parking garage proposed as part of the future ground lease for the affordable housing development at the AMCC site and an increase in contingency of \$20,000 for a total contract authorization of \$1,396,872.
3. Authorized the Purchasing Agent to execute necessary amendments to the contract documents, subject to legal review by the County Attorney.
4. Allocated up to \$270,000 in FY 2011 AHIF for the design-related costs of the residential portion of the County parking garage, proposed as part of the future ground lease for the affordable housing development at the AMCC.

[Board Report #15](#)

[Board Report #15-Supplemental](#)

[Addendum 1-22-11-F-AMLP](#)

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**16. AWARD OF CONTRACT TO CHESAPEAKE ELECTRICAL SYSTEMS INC. FOR CONSTRUCTION OF THE PHASE ONE FIBER OPTIC NETWORK PROJECT.**

On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:

1. Approved award of Contract Number 470-09 to Chesapeake Electrical Systems, Inc. in the amount of \$3,963,476.09.
2. Approve an additional allocation of \$705,617.13 for contingencies, engineering and inspection, for a total contract amount authorization of \$4,669,093.22.
3. Authorized the Purchasing Agent to execute the contract documents, subject to approval by the County Attorney.

[Board Report #16](#)

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17. [APPROVAL OF THE AWARD OF A CONTRACT BETWEEN THE COUNTY BOARD AND CHESAPEAKE ELECTRICAL SYSTEMS INC. FOR CONSTRUCTION OF THE EMERGENCY VEHICLE PREEMPTION \(EVP\) SYSTEM ALONG LEE HIGHWAY BETWEEN FALLS CHURCH AND ROSSLYN.](#)

On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:

1. Approved award of Agreement Number 9-11 between the County Board of Arlington County, Virginia and Chesapeake Electrical Systems Inc for the provision and Installation of the Emergency Vehicle Preemption (EVP) system for an amount not to exceed in the amount not to exceed \$563,902, plus contingency of \$87,384.
2. Authorized the Purchasing Agent to execute the Agreement and any other contract documents, subject to approval of the Agreement as to form by the County Attorney.

[Board Report #17](#)

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[APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS](#)

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19. [ACCEPTANCE AND APPROPRIATION OF THE FY 2009 BUFFER ZONE PROTECTION PROGRAM GRANT.](#)

On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:

1. Authorized the County Manager to accept \$174,600 in non-competitive grant funds from the Virginia Department of Emergency Management (VDEM).
2. Appropriated \$174,600 in grant funds from the Virginia Department of Emergency Management (101.364900) to the Police Department (101.31202) for costs associated with the FY 2009 Buffer Zone Protection Program (BZPP) grant.

[Board Report #19](#)

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20. [ACCEPTANCE AND APPROPRIATION OF VIRGINIA TOBACCO SETTLEMENT FOUNDATION FUNDS.](#)

On the consent agenda vote, after a duly advertised public hearing, the Board accepted and appropriated \$64,349 from the Virginia Tobacco Settlement Foundation (101.364501) to the Department of Human Services (101.56402) for implementation of substance abuse prevention programming.

[Board Report #20](#)

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**21. [APPROPRIATION OF H1N1 PUBLIC HEALTH EMERGENCY RESPONSE CONTINUATION FUNDING.](#)**

On the consent agenda vote, after a duly advertised public hearing, the Board appropriated \$283,002 received from the Virginia Department of Health (101.364118) to the Department of Human Services (101.55102) to implement a H1N1 vaccine delivery improvement plan.

[Board Report #21](#)

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**22. [APPROPRIATION OF FY 2011 REGIONAL RECOVERY GRANT FOR THE DEPARTMENT OF HUMAN SERVICES](#)**

On the consent agenda vote, after a duly advertised public hearing, the Board appropriated \$9,771 received from Fairfax County, acting as fiscal agent for the Virginia Department of Behavioral Health and Developmental Services (DBHDS), (101.364501) to the Department of Human Services (101.52152) for the Regional Recovery Projects Initiative.

[Board Report #22](#)

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**[REQUESTS TO ADVERTISE](#)**

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**23. [REQUEST TO ADVERTISE "ON THE COUNTY BOARD'S OWN MOTION" A PUBLIC HEARING ON A PROPOSED REZONING FROM "R-6" ONE-FAMILY DWELLING DISTRICTS TO "S-3A" SPECIAL DISTRICTS, FOR 414 AND 420 N. FILLMORE ST. \(LYON PARK COMMUNITY CENTER AND ASSOCIATED PRIVATE PARK, RPC #18-050-001\).](#)**

On the consent agenda vote, after a duly advertised public hearing, the Board authorized advertisement of a public hearing by the County Board on March 12, 2011, "On the County Board's Own Motion" for a proposed rezoning from "R-6" One-Family Dwelling Districts to "S-3A" Special Districts, for 414 and 420 North Fillmore Street (Lyon Park Community Center).

[Board Report #23](#)

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**[OTHER](#)**

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**24. [MINUTES](#)**

On the consent agenda vote, after a duly advertised public hearing, the Board approved the minutes from the following meetings:

December 11, 2010	Regular Meeting
December 14, 2010	Recessed Meeting
February 16, 2010	Work Session
February 25, 2010	Work Session
March 2, 2010	Work Session
March 4, 2010	Work Session
March 12, 2010	Work Session
March 17, 2010	Work Session
March 18, 2010	Work Session
March 30, 2010	Work Session
April 1, 2010	Work Session
April 1, 2010	Closed Meeting
April 6, 2010	Work Session
April 13, 2010	Work Session
April 14, 2010	Work Session
May 11, 2010	Work Session
May 22, 2010	Work Session
June 22, 2010	Work Session
September 17, 2010	Work Session
October 1, 2010	Work Session
October 12, 2010	Closed Meeting
October 14, 2010	Work Session
October 19, 2010	Work Session
November 4, 2010	Work Session
November 18, 2010	Work Session
December 1, 2010	Work Session
December 6, 2010	Work Session



- B. Following a duly advertised public hearing at which there were speakers, on a motion by JAY FISETTE, Member, seconded by MARY HYNES, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board adopted the resolution to transfer 76,212 square feet of commercial GFA and 23 residential units, which units may be transferred on a unit for unit basis as residential or hotel use, or at a rate of 3,000 square feet commercial GFA per unit, from Mosaic Park ("Sending Site") to portions of Founders Square site plan-SP #413 (Receiving Site) owned by Ashton Park Associates III, LLC and Ashton Park Associates IV, LLC, by site plan amendment.

### **Transfer of Development Rights Resolution**

Whereas, the County Board certified that certain property owned by the County Board of Arlington County, Virginia, identified as Mosaic Park and generally bounded by Wilson Blvd. to the north, N. Pollard St. to the east, 5<sup>th</sup> Road North to the south, and N. Quincy St. to the west, is an eligible Sending Site.

Whereas, the County Board certified that the Sending Site contains 76,212 square feet of commercial GFA and 23 residential units, which units may be transferred on a per unit basis as residential or hotel units, or commercial GFA at a rate of 3,000 square feet per residential unit, and may be transferred under Section 36.H.5.b of the Arlington County Zoning Ordinance to an eligible Receiving Site.

Whereas the County Board finds that Site Plan #413, Founders Square owned by Ashton Park Associates III, LLC and Ashton Park Associates IV, LLC located at the 4000 Block Even of Wilson Boulevard between North Randolph Street to the east and North Quincy Street to the west, is an eligible Receiving Site under Section 36.H.5.b. of the Zoning Ordinance.

Whereas, the County Board finds that the transfer of development rights from the Receiving Site would fulfill the commitment to the County goal to preserve open space consistent with Section 36.H.5.b. of the Arlington County Zoning Ordinance.

Whereas, the County Board finds that use of the additional density from the Sending Site on the Receiving Site is appropriate and that the dedication of development rights transferred would be consistent with the Zoning Ordinance as modified, approved policies and plans and public health safety and welfare, generally.

Now therefore, the County Board hereby transfers, from Mosaic Park, 76,212 square feet of commercial GFA and 23 residential units, which units may be transferred on a per unit basis as residential or hotel units, or commercial GFA at a rate of 3,000 square feet per residential unit to Site Plan #413, Founders Square, subject to the following conditions:

1. Mosaic Park transferrable development rights certified at 76,212 square feet of commercial GFA and 23 residential units, which units may be transferred on a per unit basis as residential or hotel units, or commercial GFA at a rate of 3,000 square feet per residential unit, shall require County Board approval of a major site plan amendment to the Founders Square site plan SP #413 as shown on the plans dated December 17, 2010 and on file in the Arlington County Zoning Office in order to become effective.
2. Within 90 days of the January 22, 2011 County Board approval of the site plan amendment to Founders Square (SP #413) (April 22, 2011), the County and the developer of Founders Square – SP #413, Ashton Parks Associates III, LLC and Ashton Parks Associates IV, LLC, shall mutually agree upon the deeds necessary to transfer the by-right density from Mosaic Park to SP #413 consistent as shown on plans dated December 17, 2010 and as reviewed and approved by the County Board on January 22, 2011, certified at 76,212 square feet of commercial GFA and 23 residential units, which shall declare that this density is no longer available on Mosaic Park. The aforementioned deed shall be recorded at a time mutually agreed upon pursuant to Site Plan Condition ~~#88~~ #87.

3. An Open Space Covenant shall be placed on the Mosaic Park site upon transfer and use of all by-right density on Founders Square – SP #413.

[Board Report #25 B-C-Supplemental](#)

[Board Report #25 B-C](#)

- C. On a motion by BARBARA A FAVOLA, Member, seconded by MARY HYNES, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, 25 C. supplemental #2- and #1 and original document the Board adopted the ordinance to approve a site plan amendment to SP #413 including the approval of ~~108,192~~ up to 109,212 additional square feet of commercial gross floor area in 5 stories on the north office building and ~~44~~ 12 residential units on the north residential building based upon a Transfer of Development Rights; add approximately 5,628 square feet of bonus density for LEED Gold to the north office building; reallocate density from the south to the north residential building to provide for a total ~~256~~ 257 residential units; change in use of the south residential building to a 183-unit hotel; amend the comprehensive sign plan to add two (2) rooftop signs; and modifications of Zoning Ordinance requirements for density; height; exclusion from density of below grade storage in the parking garage and mechanical shafts; reduced parking ratio for office and hotel parking; and compact parking ratio greater than 15% for office, residential and retail uses, subject to all previously approved conditions as amended and the addition of conditions #86, and 87 and 88.

JAY FISETTE, Member, made a motion, which was seconded by BARBARA A FAVOLA, Member and failed by a vote of 2 to 3, the voting recorded as follows: BARBARA A FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Chairman - No, MARY HYNES, Vice Chairman - No, J. WALTER TEJADA, Member - No, to amend condition #50 by limiting the lighting on the sign until 10 p.m.

On a motion by MARY HYNES, Vice Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A FAVOLA, Member - Aye, AY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board approved the rooftop sign for the Hotel, but is not permitted to be illuminated.

On a consensus, the Board directed the County Manager to continue to review and determine a more appropriate location for tour bus parking currently located along North Quincy Street along the frontage of the Mosaic Park site.

On a consensus, the Board directed the County Manager to develop a one-page, user-friendly guide/summary of the Transfer of Development Rights as implemented with this site plan project for future reference.

### **Site Plan Amendment Approval Ordinance**

WHEREAS, an application for a Site Plan Amendment dated July 26, 2010 for Site Plan #413, was filed with the Office of the Zoning Administrator: and

WHEREAS, the Planning Commission held a duly advertised public hearing on that Site Plan Amendment on January 10, 2011 and recommended that the County Board approve it, subject to all previous conditions and new conditions 86 and 87 (which will be provided in a supplemental report) and as provided in a letter dated January 18, 2011; and

WHEREAS, as indicated in Staff Report[s] dated January 14, 2011, and January 19 20, 2011 and January 21, 2011 and through comments made at the public hearing before the County

Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Reports; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on January 22, 2011 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
  - Increased Density;
  - Increased Height;
  - Reduced Parking Ratios for office/commercial and hotel uses;
  - Increase percentage for compact parking ratios for office, retail and residential parking spaces
  - Exclusions from density of GFA associated with below grade storage in the parking garage and mechanical shafts;
  - Signs above 35 feet; and
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated July 26, 2010 for Site Plan # 413, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 below ( which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment to use density moved by TDR from Mosaic Park to SP #413, to increase density and the building height of the north office building, to reallocate density and to increase the number of units in the north residential building, and to change the use of the south residential building to a hotel, for the parcel of real property known as RPC: 14-060-036, -068, -069, -070, -073, -074, -077, N. Randolph Street right of way, and vacated portions of 5th Place North and 5th Road North located at the 4000 Block Even of Wilson Blvd. between N. Quincy St. and N. Randolph St. approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to the following conditions: [Clerk's note: as set forth in the document entitled "Addendum 1-22-11-G- SP#413" attached for the public record to these minutes.]

[Addendum 1-22-11-G- SP#413](#)

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**ZOA-10-03 ZONING ORDINANCE AMENDMENT TO SECTION 37.F, VIOLATIONS AND PENALTIES, CRIMINAL PENALTIES, TO MAKE IT UNLAWFUL FOR A FIRM, CORPORATION, OWNER, AGENT OR OCCUPANT TO VIOLATE SECTION 37.G, AND ALSO MAKE IT UNLAWFUL FOR A FIRM, CORPORATION, OWNER, AGENT OR OCCUPANT TO CAUSE OR, WITH KNOWLEDGE, PERMIT VIOLATIONS OF SECTION 37.G.**

On a motion by BARBARA A FAVOLA, Member, seconded by MARY HYNES, Vice Chairman and carried by a vote of 4 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A FAVOLA, Member - Aye, JAY FISSETTE-Absent, J. WALTER TEJADA, Member - Aye, the Board adopted the ordinance (ZOA-10-03) to amend, reenact, and recodify the provisions in Section 37.F, *Violations and Penalties, Criminal Penalties*, to make it unlawful for a firm, corporation, owner, agent or occupant to violate Section 37.G, and also to clarify

that a firm, corporation, owner, agent or occupant causing or, with knowledge, permitting violations of Section 37.G, *Criminal Penalties*, can be cited and held criminally liable for such violations.

**AN ORDINANCE TO AMEND, REENACT AND RECODIFY SECTION 37. "VIOLATIONS AND PENALTIES" OF THE ARLINGTON COUNTY ZONING ORDINANCE TO MAKE IT UNLAWFUL FOR A FIRM, CORPORATION, OWNER, AGENT OR OCCUPANT TO VIOLATE SECTION 37.G, CRIMINAL PENALTIES, AND TO CLARIFY THAT A FIRM, CORPORATION, OWNER, AGENT OR OCCUPANT CAUSING OR, WITH KNOWLEDGE, PERMITTING VIOLATIONS OF SECTION 37.G CAN BE CITED AND HELD CRIMINALLY LIABLE FOR SUCH VIOLATIONS IN ORDER 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.**

Be it ordained that the County Board of Arlington County hereby resolves to amend, reenact and recodify Section 37.F, Violations and Penalties, of the Arlington County Zoning Ordinance. This amendment would amend, reenact and recodify the proposed zoning ordinance provisions in order to make it unlawful for a firm, corporation, owner, agent or occupant to violate section 37.G, criminal penalties, and to clarify that a firm, corporation, owner, agent or occupant causing or, with knowledge, permitting violations of Section 37.G can be cited and held criminally liable for such violations in order 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 37. VIOLATIONS AND PENALTIES**

\* \* \*

F. *Criminal Penalties.* It shall be unlawful and constitute a misdemeanor for any person, firm, corporation, owner, agent or occupant to violate any of the provisions of this ordinance, referenced in subsection 37.G below. It shall furthermore, be unlawful for any person, firm, or corporation to cause or, with knowledge, permit such action to be taken upon such person's, firm's or corporation's behalf. Any person, firm, corporation, owner, agent or occupant who is convicted of a violation of any of the provisions of this ordinance shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). If the violation is uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in compliance with the Zoning Ordinance within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00), and any such failure during any succeeding 10 day period shall constitute a separate misdemeanor offense for each 10 day period punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1,500).

(Ord. No. 97-16, 7-19-97; Ord. No. 98-12, 4-18-98; Ord. No. 99-23, 11-13-99; Ord. No. 09-02, 2-21-09)

[Board Report #26](#)

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**ADDITIONAL ITEMS**

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

On motion by CHRISTOPHER ZIMMERMAN, Chairman, seconded by MARY HYNES, Vice Chairman and carried by a vote of 4 to 0, the voting recorded as follows: the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A FAVOLA, Member - Aye, JAY FISETTE-Absent, J. WALTER TEJADA, Member - Aye, the Board met in a closed meeting from 12:24 p.m. to 1:21 p.m., as authorized by Virginia Code sections 2.2-3711.A.3 and 7 for the purpose of discussing the following:

two matters involving the acquisition of publicly held real property where discussion in public could adversely affect the County's negotiating position;

consultation with the County Attorney concerning the County Board's authority to extend the deadline for payment of taxes where good cause is shown;

consultation with the County Attorney concerning Case Number 1:09-cv-01570 pending in the United States District Court for the District of Columbia.

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On a motion by Mr. Zimmerman, seconded by Ms. Hynes and carried by a vote of 4 to 0 by roll call, the voting recorded as follows:

**Member & Vote**

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

**ADJOURNMENT**

Without objection, at 1:21 p.m., the Board recessed until the January 25, 2010 Recessed Meeting.

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CHRISTOPHER ZIMMERMAN, Chairman

ATTEST:

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HOPE L. HALLECK, Clerk  
Approved: September 17, 2011