

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, November 16, 2010 at 3:02 p.m.

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

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

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COUNTY BOARD RECESSED MEETING

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COUNTY BOARD BUSINESS AND REPORTS

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I. COUNTY BOARD REPORTS

Chairman Fisetette announced the winners of the People’s Choice, Arlington’s Best Businesses, ABBIEs Awards. The People’s Choice ABBIEs recognizes the very best of all Arlington businesses, with participation from the entire community. The Chairman, along with Karen Vasquez from Arlington Economic Development, called each recipient forward for a presentation of the award.

The Chairman showed a short video of the most recent Community Energy and Sustainability Task Force Town Hall meeting and announced that in October, the second of two Community Energy Forums was held at Wakefield High School, giving the public the opportunity to give their feedback, thoughts and ideas about the Community Energy Plan. Two additional public meetings are scheduled for this week on the project. For details, please visit: www.arlingtonva.us/energyplan.

Chairman Fisetette announced that approximately 4,500 members are now signed up for the new Capital Bikeshare program, and the red bikes are seeing an average of over 1,000 rides a day across the system. The peak was October 31, with 2,343 rides on that day alone. In addition, the BikeArlington Forum is expanding and is now regional. To join the discussion, please visit BikeArlingtonforum.com. Finally, 5.5 miles of bike lanes have been added to Arlington streets, bringing the total up to 30 miles of bike lanes, for details, see www.BikeArlington.com

Chairman Fisetette showed a video demonstrating the recent ground breaking on the improved Rosslyn Station and related development. The Chairman stated that Arlington is investing in much-needed safety and accessibility improvements to the Station to better meet the growing demand for transit in our region including a new entrance, high-speed elevators, safety improvements for Virginia’s busiest Metrorail Station. The project is slated for completion in Spring 2013.

Chairman Fisetette wished everyone a safe and happy holiday season, and thanked our County Employees for their work every day. He reminded residents to view the full list of closures in County facilities over Thanksgiving at www.arlingtonva.us and search “holiday.”

Vice-Chairman Zimmerman thanked the people of Arlington for re-electing him to the Board in the November election and will have more to say at the January organization meeting.

Ms. Favola announced that several troops of the Boy Scouts collected 54,000 pounds of food for AFAC, the largest food drive that supports AFAC in the community, nearly 10,000 pounds more than last year.

II. APPOINTMENTS

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

Alexandria/Arlington Workforce Investment Board

Appoint Shannon Hughes-Swayney
Appoint Jane Eboch

Community Services Board

Appoint Linda Kelleher

Fire Trial Board

Reappoint and Designate Sarah Higginbotham as Citizen At-Large

Urban Forestry Commission

Reappoint Mikaila Milton

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III. REGIONAL REPORTS

Mr. Tejada reported that he attended the Virginia Association of Counties (VACO) conference at which the Association outlined their top legislative priorities. Mr. Tejada highlighted two. One, VACO opposes any substantive changes in local government’s present defense for tort liability to sovereign immunity and VACO opposes unfunded mandates.

Mr. Tejada announced that Ms. Favola has been appointed to the President Elect of the Viginia Association of Counties and she will become President of VACO at the next conference.

On a motion by BARBARA A. FAVOLA, Member, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board adopted the following resolution: [Clerk’s note: underline text added by friendly amendment as recommended by JAY FISETTE, Chairman.]

Resolution Regarding ABC Privatization

WHEREAS, Arlington County has a strong commitment to protect the health, safety and welfare of its citizens; and

WHEREAS, Arlingtonians expect the responsible regulation of land use, prudent management of revenues, and the provision of public services that are essential for maintaining a desirable quality of life; and

WHEREAS, Governor McDonnell’s Commission on Government Reform and Restructuring has recommended a proposal to privatize Virginia’s Wholesale and Retail operations of Distilled Spirits which may affect the health, safety and welfare of the citizens of Arlington County; and

WHEREAS, Arlington and other localities must retain full authority to participate in the initial ABC licensing process for retail liquor outlets and in subsequent processes that will result in the transfer of those licenses to ensure that there is not an over-proliferation of retail liquor outlets in neighborhoods. The current proposal estimates an increase from 8 to 26 distilled spirits outlets in Arlington alone; and

WHEREAS, businesses selling distilled spirits must remain subject to all local land use and zoning ordinances, including public hearing requirements and regulations; and

WHEREAS, state General Fund dollars that are currently available from the Commonwealth's ownership of ABC, must be replaced on a dollar-for-dollar basis and steps must be taken to ensure that, at a minimum, this ABC related funding is available to the General Fund in the long run; and

WHEREAS, localities such as Arlington must retain authority to impose and collect local taxes on distilled spirits (for example, Business, Professional and Occupational License taxes); and

WHEREAS, the state must ensure that revenues from privatization adequately fund the enforcement of state ABC laws and increased state funds for locally administered substance abuse prevention and rehabilitation programs; and

WHEREAS, the state must recognize that new, one-time revenues, even if loaned out in a revolving fund and dedicated to transportation projects, are not a replacement for a comprehensive, adequately funded revenue stream that is dedicated to meeting all of Virginia's well-documented multi-modal transportation needs; and

WHEREAS, if new revenues from privatization are produced, the state must resume the sharing of profits from the sale of all distilled spirits with localities as dictated by state code.

NOW, THEREFORE, BE IT RESOLVED that Arlington County Board urges the General Assembly to reject any proposal to privatize Virginia's wholesale and/or retail operations of distilled spirits unless it includes the provisions and safeguards listed in this document.

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IV. COUNTY MANAGER REPORT

The Manager provided an update on the snow removal ordinance. Ms. Donnellan outlined that the ordinance was intended to address the accumulations of snow and ice last winter which posed a hazard to the public safety and welfare of the community, particularly to pedestrians. The Manager updated the Board on plans for an outreach and educational campaign about the ordinance, assistance which will be available to citizens and a priority system for clearing snow in coordination with the Arlington County Public School system. Ms. Donnellan stated that County efforts will focus on high density, high pedestrian use priority areas to protect the health and safety of pedestrians following snow storms. The Manager will provide an implementation plan to the Board in December.

Ms. Donnellan provided an update on the taxicab ordinance and stated that we are in compliance with reporting requirements in response to public comment from the November 13, 2010 Regular Board meeting.

CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

On motion by JAY FISETTE, Chairman, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board met in a closed meeting from 4:10 p.m. to 6:44 p.m., as authorized by Virginia Code sections 2.2-3711.A.3, 5, and 7 for the purposes of discussing the following:

one matter involving the acquisition of real property for public purposes, and one matter involving the disposition of publicly held real property, where in both instances discussion in public could adversely affect the County's negotiating position;

one matter involving the expansion of an existing business where no previous announcement has been made of the business' interest in expanding its facilities in the County;

one matter requiring consultation with the County Attorney concerning the County's authority to protect property of historic significance;

one matter requiring consultation with the County Attorney concerning Case Number PUE-2010-132 pending before the State Corporation Commission; and

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

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

Member & Vote

- Mr. Fisetto - Aye
- Mr. Zimmerman - Aye
- Ms. Favola - Aye
- Ms. Hynes - Aye
- 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.

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CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, NOVEMBER 13, 2010)

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4. SHIRLINGTON RESTAURANTS OUTDOOR SEATING

- A. SP #106 Site Plan Amendment Review for outdoor restaurant/retail seating plan and outdoor music for the restaurants of Phase I of the Village at Shirlington; for the premises known as 2756, 2762, 2766, 2768, 2770, 2772, 2774, 2780 S. Quincy St., 4013, 4014, 4015, 4017, 4019, 4021, 4025, 4028, 4029, 4031, 4039, 4043, 4044, 4047, 4052, 4053 Campbell Avenue, 2772 S. Arlington Mill Dr. (RPC#: 29-020-003, -004, -005, -006, -007, -008, -009, -010, -011, -012, -013, -014, -015, -016, -017, -018, -019, -020, -021, -022, -023, -024; 29-019-024).
- B. SP #106 Site Plan Amendment Review for live entertainment and additional outdoor seating located at 4053 Campbell Avenue (Extra Virgin Restaurant) (RPC#- 29-020-004).

After a duly advertised public hearing at which there were speakers, on a motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by BARBARA A. FAVOLA, Member and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman -

Aye, BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board adopted the following ordinances:

BE IT ORDAINED that, pursuant to application SP #106 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for outdoor restaurant/retail seating plan and outdoor music for restaurants of Phase I of the Village at Shirlington for the parcel of real property known as 2756, 2762, 2766, 2768, 2770, 2772, 2774, 2780 S. Quincy St., 4013, 4014, 4015, 4017, 4019, 4021, 4025, 4028, 4029, 4031, 4039, 4043, 4044, 4047, 4052, 4053 Campbell Avenue, 2772 S. Arlington Mill Dr. (RPC#: 29-020-003, -004, -005, -006, -007, -008, -009, -010, -011, -012, -013, -014, -015, -016, -017, -018, -019, -020, -021, -022, -023, -024; 29-019-024) 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 with an administrative review in six (6) months (May 2011), and a County Board review in three (3) years (November 2013).

BE IT ORDAINED that, pursuant to application SP #106 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for live entertainment for the parcel of real property known as 4053 Campbell Avenue (Extra Virgin Restaurant) (RPC#- 29-020-004) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to a County Board review in three (3) years (November 2013).

[Board Report #4 A.,B.](#)

[Board Report #4 A., B.-Supplemental](#)

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6. SP #220 SITE PLAN AMENDMENT TO REPLACE ROOFTOP SIGNS AND RELOCATE FIRST FLOOR CONFERENCE SPACE TO SECOND FLOOR, AND CONVERT FIRST FLOOR CONFERENCE ROOM INTO ADDITIONAL RETAIL SPACE AT 2500, 2514, 2530, AND 2522 WILSON BLVD., N. BARTON ST. AND CLEVELAND ST. (RPC#: 18-007-011, -010, -008, -009, -006, -012, -029, 030).

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

BE IT ORDAINED that, pursuant to application SP #220 on file in the Office of the Zoning Administrator for renewal of the site plan amendment to replace rooftop signs, relocate first floor conference space to the second floor, and to convert the first floor conference room into additional retail space for the parcel of real property known as 2500, 2514, 2530, and 2522 Wilson Blvd., N. Barton St. and Cleveland St. (RPC#: 18-007-011, -010, -008, -009, -006, -012, -029, 030) 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, one (1) revised condition, and one (1) new condition.

Revised Condition #7 regarding signs:

7. All signs shall conform to the adopted "Sign Standards for Site Plan Buildings" and be approved by the County Manager or her designee.

The applicant agrees that the two (2) rooftop signs shall be limited to the location and the same sign area rectangle as shown on the drawings prepared by Jack Stone Signs dated August 31, 2010 and approved by the County Board on November 16, 2010. The area of the rooftop signs shall not

exceed 57 sq. ft. per sign, or 114 sq. ft. total for both signs. [Clerk's note: as set forth in the document entitled "Addendum 11-16-10-A-SP #220" attached for the public record to these minutes.]

The applicant agrees that the existing "EIA" sign on the south side of the building facing Clarendon Boulevard will be removed prior to issuance of a permit for either of the two (2) new "2500 Wilson" rooftop signs.

The applicant agrees that the rooftop signs shall not be illuminated between the hours of midnight and 6:00 a.m., seven (7) days a week. 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 an adverse effect.

The applicant may, through Zoning Administrator approval, replace the rooftop signs approved by the County Board on November 16, 2010 with another type of rooftop sign (for example, should the building tenant change), so long as the new rooftop signs are within the same sign area rectangle and in the same location. The applicant agrees that the timing and rheostat provisions of this condition, will apply to any such Zoning-Administrator-approved sign just as they apply to the rooftop signs approved by the County Board on November 13, 2010. The Zoning Administrator is authorized to approve an administrative change for signs that complies with this condition.

New Condition #33:

33. The applicant agrees that the approximately 1,050 sq. ft. space along Wilson Boulevard, previously used as a conference room and shown on the attachment titled "Lincoln Property Company Conference Room Location First Floor Plan" dated October 19, 2010 will be converted to ground floor retail space, as approved by the County Board on November 13, 2010. The applicant further agrees that the retail windows along Wilson Boulevard shall not be obstructed in any manner which precludes views into the interior of the space. The purpose of this condition is to allow pedestrians to view the activity within the retail establishment and to allow patrons and employees of the retail establishments to view the activity on the sidewalk and the street. This requirement shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, or the like. [Clerk's note: as set forth in the document entitled "Addendum 11-16-10-A-SP #220" attached for the public record to these minutes.]

Board Report #6

Addendum 11-16-10-A-SP #220

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- 7. SP #249 SITE PLAN AMENDMENT TO ALLOW BUSINESS SERVICE, PROFESSIONAL OFFICE, MEDICAL OFFICE USES, AND SIMILAR USES IN APPROXIMATELY 7,765 SQUARE FEET OF APPROVED RETAIL SPACE; MODIFY CONDITION #57 REGARDING COMMUNITY BENEFITS FOR A CULTURAL CENTER; LOCATED AT 4350 FAIRFAX DRIVE (RPC#: 14-051-016).**

After a duly advertised public hearing at which there were no speakers, on a motion by MARY HYNES, Member, seconded by BARBARA A. FAVOLA, Member and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #220 on file in the Office of the Zoning Administrator for renewal of the site plan amendment to allow business service, professional office, medical office, and similar uses in addition to retail in 7,765 square feet of space, for the parcel of real property known as 4350 Fairfax Drive (RPC#: 14-051-016) 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 except with modified condition #57.

Modified Condition #57:

- 57. ~~The 5,000 square feet is to be used solely by a not-for-profit organization for operation of a cultural center. It is intended that the initial primary use shall be for operation of a cultural center.~~
- b. ~~_____ This space cannot be converted to any usage other than a cultural center operated by a not-for-profit organization.~~
- c. ~~_____ For the first ten years, the cultural center shall be rent free but with the user paying operational, custodial, and maintenance expenses.~~
- d. ~~_____ After ten years, reasonable rent may be charged based upon the usage then being made of the space and the ability of the not-for-profit organization utilizing the space to pay rent. In no event shall such organization pay less than the operational, custodial and maintenance expenses applicable to the space nor more than 50 percent of the then fair market rental value of comparable space.~~

The developer agrees to make a cash payment in lieu of providing the cultural center space for community use, which will be placed in a ~~Trust and Agency account to be used to support Artisphere operations, or for other cultural uses as decided by the County Manager the Pay-as-you-go Capital Fund (313).~~ The developer agrees that no permits will be issued for other uses of the 5,000 square foot cultural center area until receipt by the County of the first payment listed below. The cash payment shall total \$250,000 and is to be made payable to Arlington County in installments as follows:

- _____ 1. \$100,000 either on or before December 13, 2010.
- _____ 2. \$50,000 either on or before November 13, 2011.
- _____ 3. \$50,000 either on or before November 13, 2012.
- _____ 4. \$50,000 either on or before November 13, 2013.

The developer further expressly agrees, by way of illustration and not limitation, that failure to make any of the future payments may result in the County or the Zoning Administrator seeking an injunction requiring such payment immediately.

[Board Report #7](#)

[Board Report #7-Supplemental](#)

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19. [U-3269-10-1 USE PERMIT FOR A FREESTANDING ELECTRONIC BUILDING IDENTIFICATION SIGN FOR THOMAS JEFFERSON MIDDLE SCHOOL AND COMMUNITY CENTER, LOCATED AT 125 SOUTH OLD GLEBE ROAD \(RPC: 24-011-037, -058\).](#)

After a duly advertised public hearing at which there were speakers, on a motion by MARY HYNES,

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

1. Consented to the use of property owned by the Arlington County Board for the placement of the proposed sign; and
2. Adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3269-10-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for a freestanding electronic building identification sign for the parcel of real property known as 125 South Old Glebe Road (RPC: 24-011-037, -058) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions of the staff report.

Proposed conditions:

1. The applicant agrees that the freestanding monument sign for the Thomas Jefferson Middle School and Community Center shall be consistent with the sign as shown in the chart in the Board report as to size, location, materials and design, and with the exhibits attached to the report entitled "Attachment 1" and dated October 21, 2010 and as approved by the County Board on November 16, 2010. The applicant further agrees that the total sign area shall not exceed 24 square feet. [Clerk's note: as set forth in the document entitled "Addendum 11-16-10-B-U-3269-10-1" attached for the public record to these minutes.]

Minor changes to the approved sign 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%).

2. The proposed sign may incorporate an Electronic Message Center (EMC) of not more than seven (7) square feet of the total sign area. The EMC shall not be permitted to flash, scroll, or display video. The content of the EMC shall change not more than once every 24 hours. The applicant further agrees to include a mechanism to dim the brightness of the electronic portion of the sign, so that if the County Manager finds that the intensity of the lighting or the brightness of the EMC has an adverse effect on the surrounding area, the applicant will, within 24 hours notice from the County Manager, reduce the intensity or brightness of the EMC to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.

[Board Report #19](#)

[Addendum 11-16-10-B-U-3269-10-1](#)

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23. AWARD OF CONTRACT FOR THE REPLACEMENT OF THE SYNTHETIC TURF SURFACING ON THE COMPETITION FIELD AT GUNSTON COMMUNITY CENTER.

After a duly advertised public hearing at which there were speakers, on a motion by Ms. Hynes, seconded by Mr. Zimmerman and carried by a vote of 5 to 0, the voting recorded as follows: Mr. Fisette – Aye, Mr. Zimmerman – Aye, Ms. Favola – Aye, Ms. Hynes – Aye, and Mr. Tejada – Aye, the Board took the following actions:

1. Approved the Award of Contract in the amount of ~~\$764,539.38~~ \$644,539.38 to The Matthews Group, Inc., t/a TMG Construction Corporation, and approve an allocation of \$70,460.62 as a contingency for change orders, for a total contract authorization of ~~\$835,000.00~~ \$715,000.00.

- 2. authorize the Purchasing Agent to execute the contract documents, subject to review of such documents by the County Attorney.

[Board Report #23](#)

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25. APPROVAL OF A STANDARD PROJECT ADMINISTRATION AGREEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, FOR PRELIMINARY ENGINEERING OF BICYCLE AND PEDESTRIAN FACILITIES IN THE ARMY NAVY DRIVE CORRIDOR. PROJECT NUMBER: BPTO-000-730, P101, UPC 94213.

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

- 1. Approve the attached Standard Project Administration Agreement between the County Board of Arlington County, Virginia and the Commonwealth of Virginia, Department of Transportation for preliminary engineering of bicycle and pedestrian facilities along Army Navy Drive between the Army Navy Country Club access road and the intersection of Army Navy Drive and South 12th Street. [Clerk’s note: as set forth in the document entitled “Addendum 11-16-10-C-Project Admin. Agreement” attached for the public record to these minutes.]
- 2. Authorize the County Manager, on behalf of the County Board, to execute the Agreement, and all related documents necessary to implement the Agreement, subject to approval of the Agreement as to form by the County Attorney.
- 3. Approve acceptance of \$210,263 in federal Public Lands Highway Funds for preliminary engineering.
- 4. Allocate \$210,263 in Public Lands Highway Funds for “trail improvements in Northern Virginia” to the Department of Environmental Services General Capital Improvement fund (PAYG) revenue account 313.364914.43520.B04K.0319.0000.

[Board Report #25](#)

[Board Report #25-Supplemental](#)

[Addendum 11-16-10-C-Project Admin. Agreement](#)

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REGULAR HEARING ITEMS (REGULAR HEARING ITEMS FROM SATURDAY NOVEMBER 13, 2010, IF NEEDED, AS WELL AS THOSE LISTED BELOW)

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35. SP #350 SITE PLAN AMENDMENT FOR LIVE ENTERTAINMENT AND DANCING AND A SIGN AT 1900 CLARENDON BLVD. (SUSHI ROCK) (RPC: 17-012-023)

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

BE IT ORDAINED that, pursuant to application SP #350 on file in the Office of the Zoning Administrator for renewal of the site plan amendment and amended comprehensive sign plan for live entertainment and dancing and a retail sign for the parcel of real property known as 1900 Clarendon Blvd. (Sushi Rock) (RPC#: 17-012-023) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions, revised condition #43, with an administrative review in six (6) months (May 2011), and a County Board review in one (1) year (November 2011).

Revised condition #43 for the proposed retail sign:

43. The developer agrees to develop a comprehensive sign plan and that all exterior signs shall be consistent with the guidelines contained in "Sign Guidelines for Site Plan Buildings as adopted by the County Board and with Section 34 of the Zoning Ordinance. Prior to erecting any sign on the site, the developer agrees to obtain the Zoning Administrator's approval of the comprehensive sign plan that meets all standards of the Guidelines and the Ordinance, with only the specific modifications in this condition.
 - a. No freestanding building identification sign will be permitted.
 - b. Retail tenants are limited to no more than three (3) signs per tenant, except corner tenants shall be permitted to have no more than four (4) signs.
 - c. All proposed rooftop signs shall require a site plan amendment.

The developer agrees that no sign shall be permitted on the site unless it is shown on the approved comprehensive sign plan.

The applicant (Sushi Rock) agrees that the retail canopy sign above the front entrance which says "FOOD.DRINKS.ROCK" will be of the size, color, location, and materials as shown on the exhibit dated February 12, 2010 and entitled "Sushi Rock" and the table in the staff report, and approved by the County Board on October 23, 2010.

Proposed conditions:

The following conditions #69 through #75 apply to the live entertainment and dancing site Plan amendment for Sushi Rock only:

69. The applicant agrees that live entertainment will be limited to Tuesday and Wednesday from 6 p.m. – Midnight and Thursday, Friday and Saturday from 6 p.m. – 1 am.
70. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal's Office, the Police Department, Community Code Enforcement Office and the Alcohol Beverage Control Board.
71. The applicant agrees that live entertainment shall meet the noise limits established in the County Noise Ordinance.
72. The applicant agrees to ensure that all windows and doors shall remain closed when live entertainment is being offered. The applicant agrees that no live entertainment shall be permitted outdoors, and further agrees to ensure that live entertainment performances inside the restaurant will not be broadcast to the exterior of the restaurant over the restaurant's audio system. The applicant agrees that sound damping drapes on all windows shall be closed during the times of live entertainment. The applicant agrees not to remove, and to maintain, said drapes.

Revised condition #73:

73. Sushi Rock Applicant agrees to work with the Odyssey Condominium Building Association and residents adjacent to and across the street from the restaurant, to develop a sound management plan which assures that sound from live entertainment at the restaurant does not create a noise disturbance, as determined in accordance with measurement standards agreed upon by Sushi Rock Applicant and the residents. More specifically:
- a. Sushi rock will Applicant agrees to work with the Odyssey Condominium Association and residents adjacent to and across the street from the restaurant, to determine which frequency/decibel levels can be heard within their homes and/or cause a noise disturbance in the neighborhood. A copy of the plan will be provided to the Zoning Administrator to ensure the agreed upon measurement standards are capable of enforcement.
 - b. Sushi Rock Applicant agrees to comply with the sound management plan and will use these pre-determined levels to monitor and adjust the live entertainment sounds.
 - c. Sushi Rock will Applicant agrees to respond immediately to complaints from the Odyssey Condominium Association and residents adjacent to and across the street from the restaurant, about live music emanating from Sushi Rock the restaurant and take measures to adjust the live entertainment sound volumes to acceptable levels.
 - d. Sushi Rock will Applicant agrees to book live entertainment according to such entertainment's ability to comply with these noise live entertainment sound requirements.
 - e. Monitoring of the sound management plan shall be the responsibility of Odyssey residents and adjacent neighbors. Compliance with the plan is the responsibility of Sushi Rock, in accordance with measurement standards agreed upon by Sushi Rock with the Odyssey residents and adjacent neighbors and as set forth in the sound management plan. Arlington County will not actively monitor the sound management plan. Neither the sound management plan nor this live entertainment site plan amendment approval shall be interpreted in any way to exempt Sushi Rock Applicant from compliance with applicable Arlington County Code ordinances and enforcement.
74. The applicant agrees that no customer dancing shall occur without the applicant first obtaining approval of a dance hall permit.
75. The applicant agrees to designate a neighborhood liaison to communicate with the Odyssey and residents living adjacent to and across the street from the restaurant to address concerns which may be related to the live entertainment and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Odyssey Condominium Building, residents adjacent to or across the street from the restaurant, including residents in the Wharton Triangle Homeowners Association, and the President of the Radnor Heights/Ft. Myer Heights Civic Association.
76. The applicant agrees that if the business changes ownership, a County Board review of this live entertainment approval will be scheduled.
77. The applicant agrees that all staff serving alcohol to customers shall have TIPs (Training for Intervention Procedures) training.
78. The applicant agrees to inform patrons not to loiter in the patio/plaza area in front of the restaurant after the restaurant closes. In addition, the applicant agrees that restaurant staff near the door will try, to the greatest extent possible, to be alert to noisy patrons congregating outside the restaurant and request that those patrons move on.
79. The applicant agrees to post signs inside the restaurant near the door telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.

80. The applicant shall make customers aware of proximity to Metro, available parking and any special parking arrangements through postings in the restaurant and on their website.
81. The applicant shall pick up visible litter along the portions of Clarendon Boulevard, North Scott Street, and 16th Street North that are adjacent to Sushi Rock's address, on Monday and Friday mornings.

New condition # 82:

82. The applicant agrees that the outdoor speakers will be turned off at 10 p.m. on Sundays through Thursdays; and at 11 p.m. on Friday and Saturdays; and 11 p.m. on Sundays if the Monday following is a holiday [Clerk's note: underline text added by friendly amendment as recommended by BARBARA A. FAVOLA, Member].

[Board Report #35](#)

[Board Report #35-Supplemental](#)

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36. SP #397 MINOR SITE PLAN AMENDMENT TO AMEND THE CONDITIONS RELATED TO A TEMPORARY OUTDOOR DISPLAY OF MERCHANDISE WITHIN THE BUILDING SETBACK AND ON THE PUBLIC SIDEWALK, BUILDING TRANSPARENCY, LOADING, AND PARKING GARAGE USAGE, LOCATED AT 1200 N. GARFIELD ST./3030 CLARENDON BLVD. (RPC#: 18-013-011).

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

BE IT ORDAINED that, pursuant to application SP #397 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for a grocery store with outdoor display of merchandise, including a modification of use regulations for parking ratio and compact parking ratio and to allow an outdoor display of merchandise within the setback, and permit the use of part of an easement for sidewalk and utility purposes for a temporary outdoor display for the parcel of real property known as 1200 N. Garfield St./3030 Clarendon Blvd. (RPC#: 18-013-011) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the previously approved conditions, but with revised Conditions #1, 18, 31, 37, 40, 48, 49, and 64, and subject to new conditions #85, 86 and 87.

Conditions

1. Site Plan Term

The developer (as used in these conditions, the term developer shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1 and the revised plans dated June 10, 2006 and reviewed and approved by the County Board and made a part of the public record on June ~~13~~¹⁰, 2006 and November 16, 2010 including all renderings, drawings, and presentation boards presented during public hearings, together with any modifications proposed by the developer and accepted by the County Board or vice versa.

This site plan approval expires three (3) years after the date of County Board approval if a building permit has not been issued for the first building to be constructed pursuant to the approved plan. Extension of this approval shall be at the sole discretion of the County Board. The owner agrees that this discretion shall include a review of this site plan and its conditions for their compliance with then current County policies for land use, zoning and special exception uses. Extension of the site plan is subject to, among other things, inclusion of amended or additional site plan conditions

necessary to bring the plan into compliance with then current County policies and standards together with any modifications proposed by the owner and accepted by the County Board or vice versa.

Whenever, under these conditions, anything is required to be done or approved by the County Manager, the language is understood to include the County Manager or his or her designee.

18. The developer agrees that the final sidewalk pattern/design and final selection of materials and colors to be used shall be as determined by the County Manager on the final site development and landscape plan and final engineering plan, in accordance with the Rosslyn-Ballston Streetscape Standards or other applicable urban design standards approved by the County Board and in effect at the time of the final landscape plan approval. The developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project. The sidewalk treatments shall continue across all driveway aprons for loading and garage entrances along all frontages of the site plan, and there shall be no barriers to impede the flow of pedestrian traffic. The sidewalks shall contain street trees placed in either tree pits, tree grates or planting strips, consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Placement, planting and root enhancement options shall be consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standard. The developer agrees to maintain and replace the street trees and sidewalks for the life of the site plan. The sidewalk sections and street tree species shall be as follows, or as otherwise determined by the County Manager on the final Site Development and Landscape Plan and on the final Site Engineering Plan, which may include minor building undulations as shown on the plans dated June 10, 2006:

Wilson Boulevard: A minimum 17-foot wide sidewalk, except in front of existing buildings, measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4 to 4½ inch caliper Willow Oak street trees and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back curb. The sidewalk shall at a minimum have a ten-foot clear sidewalk zone free from obstructions.

Clarendon Boulevard, North Side: A minimum 16-foot sidewalk, except in front of existing buildings, measured from the back of curb, including 5-foot by 12-foot tree pits, except as shown on plans dated June 10, 2006 indicating 5-foot by 5-foot tree pits, planted with 4 to 4½ inch caliper Willow Oak street trees and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back curb. The sidewalk shall at a minimum have a ten-foot clear sidewalk zone free from obstructions.

Clarendon Boulevard, South Side: A minimum 20-foot wide sidewalk measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4 to 4½ caliper Willow Oak street trees and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back curb. The sidewalk shall at a minimum have a ten-foot clear sidewalk zone free from obstructions.

Highland Street, North Block: A minimum 13-foot wide sidewalk measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4 to 4½ inch caliper Zelkova street trees and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back curb. The sidewalk shall at a minimum have a eight-foot clear sidewalk zone free from obstructions.

Highland Street, South Block: A minimum 16-foot wide sidewalk, except in front of existing buildings, measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4 to 4½ inch caliper Zelkova street trees and such ground cover as liriopie muscarii, hypericum,

calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back curb. The sidewalk shall at a minimum have a ten-foot clear sidewalk zone free from obstructions with the exception of the temporary outdoor display of merchandise by the grocery store tenant as permitted subject to Condition #85 and outdoor café seating as permitted subject to Condition #65, which shall both require an eight (8) foot wide clear sidewalk zone free of obstructions.

Garfield Street, North Block: A minimum 22-foot wide sidewalk measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4 to 4½ inch caliper Zelkova street trees and such ground cover as liriopis muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back curb. The sidewalk shall at a minimum have an eight-foot clear sidewalk zone free from obstructions.

Garfield Street, South Block: A minimum 18-foot wide sidewalk measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4 to 4½ inch caliper Zelkova street trees and such ground cover as liriopis muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back curb. The sidewalk shall at a minimum have an eight-foot clear sidewalk zone free from obstructions.

11th Street North: A minimum 15-foot wide sidewalk measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4 to 4½ inch caliper Willow Oak street trees and such ground cover as liriopis muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back curb. The sidewalk shall at a minimum have an eight-foot clear sidewalk zone free from obstructions.

31. The developer agrees that the design of the facade treatment for the buildings and the materials to be used on the facades shall be as specified and shown on the submitted drawings identified in Condition #1 and as presented to the County Board and made a part of the public record on the County Board date identified in Condition #1, including all renderings, drawings, and presentation boards presented during public hearings. The developer agrees to submit colored drawings and renderings which label the materials and colors for each elevation of the building, including interior (courtyard) elevations, and material samples, for review by the County Manager for consistency with this site plan approval prior to the issuance of the Footing to Grade Permit. The developer further agrees to obtain the approval of the County Manager of the façade treatment as being consistent with the County Board approval before the issuance of the Final Building Permit.

The developer agrees that all retail storefronts along public rights-of-way are required to have an overall minimum transparency of 50% as measured from floor to ceiling. In addition, the portion of the retail storefronts that is located between three and eight feet from grade is required to be at least 80% transparent. The purpose of this condition is to allow pedestrians to view the activity within the retail establishment and to allow patrons and employees of the retail establishments to view the activity on the sidewalk and street. "Transparency" shall mean using glass or other transparent exterior material offering a view into an area of the retail establishment where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like. Provided that the exterior material is glass or other transparent material, a tenant may apply to the County Board for a site plan amendment to grant an exception to this condition for a specified duration.

If, and at all times when, the elevators are installed in the southernmost portion of the grocery store in the South Block, the developer agrees to install a display case behind a transparent storefront at the southernmost retail bay along the South Block's North Highland Street frontage to shield the elevators within the grocery store from public view. The display case shall include artwork or merchandise and shall be rotated, at a minimum, on a quarterly basis. The developer further agrees to obtain the approval of the County Manager or her designee of the facade treatment of the grocery store prior to issuance of the first Certificate of Occupancy for the grocery store in the South Block. The provisions of Condition #85 allowing temporary outdoor displays of

merchandise along the North Highland Street sidewalk adjacent to the South Block shall not relieve the developer from complying with the requirements of this condition.

37. The developer agrees that all loading spaces shall be in the interior of the building and shall also comply with the following requirements: minimum 12-foot clear width (including entrances), 30 foot-length and 14-foot height clearance. Any loading dock to be used for trash removal shall be as shown on the plans dated June 10, 2006. All loading docks shall contain roll-down doors. Use of the loading dock for deliveries (not including deliveries to the grocery store permitted by site plan amendment in the South Block as regulated below) or trash pick-ups, excluding moving vans, shall be limited to the hours from 8:00 a.m. to 6:00 p.m., seven (7) days a week. The loading dock door shall also be closed when the loading dock is in use, except when necessary for entry or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures. If any tenant (excluding the grocery store), as suggested by the retail attraction and marketing plan specified in Condition #62, demonstrates the need, based on the nature of the tenant's business, for earlier deliveries, for example of baked goods or other perishable items, to accommodate morning patrons, the hours may be administratively changed, for that tenant's deliveries only, by the Zoning Administrator through an Administrative Change Request and the developer agrees to provide notification to the tenants of the building. However, the Zoning Administrator shall not approve any deliveries to occur earlier than two hours prior to the opening of the tenant's business.

The developer agrees that the loading dock hours of operation for deliveries to the grocery store (not including trash pick-ups as regulated above) in the South Block shall be limited to the hours of 6 a.m. – 10 p.m., seven (7) days a week. The developer agrees that, should the grocery store cease to operate at that location, these extended hours for the loading dock will no longer be permitted. The developer further agrees to provide written notification to each prospective residential tenant of the loading dock hours of operation. In addition, the developer agrees to post the loading dock hours of operation in a publicly noticeable area in the residential building and to install permanent signs in the loading dock displaying the permitted hours of operation of the loading dock in accordance with the requirements of this Condition #37. The developer also agrees to provide the contact information for a loading dock liaison to the Zoning Administrator, Clarendon-Courthouse Civic Association, **Station Square Condominium Association**, Lyon Park Citizens Association and the Lyon Village Citizens Association prior to issuance of the first Certificate of Occupancy for the grocery store in the South Block.

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

Office and Residential Bicycle Storage Facilities:

One (1) employee bicycle parking space for every 7,500 square feet, or portion thereof, of new office floor area and one (1) additional such visitor space for every 20,000 square feet, or portion thereof, of new office floor area.

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

Employee and resident bicycle parking facilities shall be highly visible to the intended users and protected from rain and snow within a structure shown on the site plan. The facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians or any required fire egress. The facilities for office users and resident bicycle parking must meet the acceptable standards for Class I storage space as contained in the Arlington Bicycle Transportation Plan, dated April 1994 with Amendments through March 2003, and be highly visible from an elevator entrance, a full-time parking attendant, a full-time security guard or a visitor/customer entrance. Visitor parking must be located within 50 feet of the primary building entrance. Any bicycle parking racks used on the site must conform to the Arlington County Standard or be approved by the Bicycle and Pedestrian Program Manager. Drawings showing that these requirements have been met shall be approved by the Zoning Administrator before the issuance of the Footing to Grade Structure

Permit. Residential condominium covenants shall not prohibit the storage of bicycles in individual condominium units.

In addition, the developer agrees that for every 50,000 square feet or fraction thereof of office Gross Floor Area (GFA), one (1) shower per gender shall be installed, up to a maximum of three (3) showers per gender. Also, a minimum of one (1) clothes storage locker per gender shall be installed for every required employee bicycle parking space. The lockers shall be installed adjacent to the showers in a safe and secured area and both showers and lockers shall be accessible to all tenants of the building. The location, layout and security of the showers and lockers shall be reviewed by the Arlington County Police Department before issuance of the Footing to Grade Structure Permit. The developer agrees that an exercise/health facility containing a maximum of 1,000 square feet shall not count as density (FAR) but shall count as GFA if this facility meets all of the following criteria: 1). The facility shall be located in the interior of the building and shall not add to the bulk or height of the project; 2). Showers and clothes lockers shall be provided as required above; 3). The lockers shall be installed adjacent to the showers in a safe and secured area within the exercise facility and both showers and lockers shall be accessible to all tenants of the project; 4). The exercise facility shall be open only to tenants of the project and shall not accept or solicit memberships from outside of the project. The exercise facility, including the showers and lockers, shall be open during normal working hours.

Retail Bicycle Storage Facilities:

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

In the event that the developer executes a lease for a grocery store tenant to occupy greater than 10,000 square feet with reserved parking in the South Block, prior to the issuance of the final Certificate of Occupancy for a grocery store in the South Block, the developer agrees to the following:

- Submit, and obtain approval of, an Administrative Change request to revise the approved final landscape plan to permit the installation of a minimum of four (4) and up to a maximum of eight (8) additional visitor bike parking spaces on the North Highland Street sidewalk adjacent to the grocery store in the South Block or at a location determined by the County Manager or her designee. Installation of the additional bike parking spaces shall occur within sixty (60) days of approval of the Administrative Change request. If the County Manager or her designee determines that new bike spaces can't be constructed without adversely impacting the streetscape, the County Manager or her designee may relieve the developer of this obligation.
- Permit shared use of the G-1 level of the South Block's Class I bike parking spaces by office and grocery store employees, as well as the shared use of ten (10) Class I bike parking spaces on the G-2 level of the South Block garage by office and grocery store employees.

48. The Transportation Management Plan (TMP) shall include a schedule and details of implementation and continued operation of the elements in the plan. In the event that the developer executes a lease for the grocery store tenant to occupy greater than 10,000 square feet with reserved parking in the South Block, the developer agrees to submit to the Zoning Administrator, for review and approval by the County Manager or her designee, an amendment to the TMP reflecting changes to the TMP approved by the County Board on November 16, 2010 prior to the issuance of the Certificate of Occupancy for the grocery store tenant. The TMP Transportation Management Plan shall include, but not be limited to, the following strategies

Participation and Funding

- a. Maintain an active membership in Arlington Transportation Partners (ATP), or successor entity at no cost to the developer, on behalf of the property management company.
- b. Designate a member(s) of the building management team as Property Transportation Coordinator who will be the primary point of contact and will be responsible for coordinating and completing TDM obligations on behalf of the Applicant. The owner will provide the name of the Property Transportation Coordinator to the Commuter Assistance Program.
- c. In addition to supporting the ongoing activities of the Property Transportation Coordinator and other commitments of this TMP, contribute \$5,000.00 per year per new building (three buildings) for ten (10) years to the Arlington County Commuter Services (ACCS) to sustain direct and indirect on-site and off-site services in support of TMP activities. Payment on this commitment will begin as a condition of issuance of the first Certificate of Occupancy for the first tenant in each completed building. Subsequent payments will be made each year on the anniversary of the issuance of the first certificate of occupancy.
- d. Promote the formation of Employer Transportation Benefit Programs among tenants of the new commercial buildings. Provide for a sustainable fare incentive program with building tenant employers to provide the following:

Upon first occupancy of the building provide a transit benefit incentive of at least \$65.00 per month for each office tenant employee and on-site property management employee who chooses to participate for a six (6) month period to encourage formation of transit-oriented community habits, provided that the tenant has set up a pre-tax employee transit benefit program.

Provide SmarTrip cards; at initial lease up only, plus \$100 fare media per person, for free, one time, to grocery store employees, distributed no later than their first day of work.

Facilities and Improvements

- e. Comply with requirements of Site Plan conditions to provide bicycle parking/storage facilities, van access to the garage, and construction worker parking.
- f. During construction, maintain or coordinate relocation of existing bus stops.
- g. Maintain at least one on-site business center (including at a minimum, access to copier, fax and internet services), which shall be made available to support residents of the building who choose to work from home.

Parking Management Plan

- h. Comply with requirement of Site Plan conditions to develop a parking management plan that includes a description of employee, visitor and retail customer parking arrangements and charges; management of parking; and location of on-site parking meters and collection booths.
- i. Provide reserved spaces for employee carpoolers and vanpoolers that are conveniently located with respect to the elevators serving the building. If requested by the County Manager, provide one space for a car sharing vehicle which can be provided in either garage.
- j. Establish monthly parking rates for single occupant vehicles (SOV) consistent with comparable office buildings located in the Arlington County development corridors.
- k. In the event that the developer executes a lease for a grocery store tenant to occupy greater than 10,000 square feet with reserved parking in the South Block and such grocery store tenant provides a parking space subsidy to specific employees, a parking

cash-out option shall be offered to those same employees. The parking cash-out option must offer a cash allowance in lieu of, and equal to a parking space subsidy, to those employees willing to reduce vehicle commute trips and emissions by taking transit, biking, walking or carpooling to work. Provide registered vanpools with free parking.

- l. Provide registered carpools (with three or more occupants) with a parking subsidy equal to one-half the single-occupant vehicle monthly parking rate. Subsidize parking for registered vanpools and carpools as follows:
 - Free parking to registered vanpools; and
 - Discount of 1/2 of the total monthly parking rate to registered carpools of three or more occupants.
- m. Depict, as part of the parking management plan, an area parking plan encompassing all block faces around the site. This plan will include a schematic drawing that designates proposed locations for a 2-space taxi stand, an accessible paratransit pick-up/drop-off location, bus stops, loading zones for delivery vehicles, and on-street parking spaces. Additionally, this plan will note restrictions as to times that various activities (such as deliveries and parking) are permitted in the respective spaces.
- n. Provide effective directional signage subject to approval of a Comprehensive Sign Plan (parking, deliveries, taxi stand, etc.) to direct residents, employees, and visitors to appropriate locations on the property.
- o. No on-street loading will be permitted between the hours of 7 a.m. and 9 a.m. and 4 p.m. to 6 p.m. Monday through Friday on Clarendon Boulevard, Wilson Boulevard, Highland Street, and Garfield Street.
- p. Depict, as part of the parking management plan, all parking spaces to be reserved for use by customers of the grocery store in the South Block.
- q. Provide effective directional signs (not a dynamic sign system) within the parking garage to direct residents, employees and visitors (reserved and unreserved) to their appropriate parking areas.

Promotions, Services, Policies

- r. Provide website hotlinks to CommuterPage.com™ under a “transportation information” heading from the developer and property manager’s websites regarding this development.
- s. Provide SmarTrip cards, during first time lease-up only, at a maximum cost to the developer of \$5.00 per card, per person, for free to tenants signing leases. Provide SmarTrip cards, at a maximum cost to the developer of \$5.00 per card, per person, for free to new on-site employees of the property management company.
- t. Provide in the lobby of each building a Transportation Kiosk, and a transportation information board within an employee common area of the grocery store in the South Block, the content/design/location of which shall be approved by the ~~developer~~ County Manager or her designee. The kiosk and transportation information board may include a static display with printed materials and/or a dynamic display with direct electronic link to CommuterPage.com™ to provide transportation and commuter-related information to residents, employees and visitors. Transportation-related materials contained within the Transportation Kiosk and/or transportation information display within the grocery store shall be stocked with appropriate transportation materials at all times.
- u. Provide marketing support to encourage ridesharing:
 - Provide access to building or grounds at times acceptable to the developer to allow ATP and MWCOC’s Commuter Connections to promote group riding among tenants of the building, by means acceptable to the developer.
 - Distribute rideshare marketing materials provided by Arlington County to all new

- employees of the owner and tenant office managers, as well as to the new employees of the grocery store in the South Block.
- Following lease up, encourage tenants to display posters, brochures, etc. in common work areas
- v. Following lease up, encourage new tenants and employers to, and require that the grocery store employer, inform all new employees of the existence of the nearby Clarendon Metro station, and encourage all employees to use Metrorail, Metrobus or Arlington Transit services through the following means:
- Distribute in new-tenant and new-resident packages, materials provided by Arlington County including site-specific transit-related information to all persons or entities signing leases.
 - Place a reference to the Clarendon Metro Station in promotional materials and advertisements.
 - Distribute information provided by Arlington County, ACCS, or Commuter Connections to tenant office and retail managers for their use as part of recruiting and employment materials regarding commute options and assistance services available.
 - Participate in Ozone Action Days and other regionally sponsored clean air and traffic mitigation promotions by posting notice of such promotions in locations within the building acceptable to the developer.
 - Distribute information and promotional materials provided by Arlington County, ACCS, or Commuter Connections, at times and by means acceptable to the developer, for transit services to tenant office and retail managers and to residents.
 - Coordinate with ATP to conduct an annual promotion, at the developer's expense, encouraging retail customers and employees to walk, bike and take transit to these retail establishments.
 - Coordinate with ATP to certify the grocery store in the South Block as a Bike Friendly Business with the League of American Bicyclists.
- w. Following lease up, encourage building tenants to offer variable/flexible work hours to their employees in order to spread peak period transportation demands.
- x. Appropriately train management personnel to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site. Provide access to a phone in each building lobby to call a local taxi company.
- y. Submit an annual letter, which may be of an on-line, or email variety, to the County Manager describing, completely and correctly, the TDM-related activities employed on the of-site for the preceding year.
- z. Conduct one transportation performance monitoring study for the site two years after issuance of the first Certificate of Occupancy. Provide a report summarizing findings to the County. All data collection for this study must occur on the same day and include average vehicle occupancy, daily vehicle trips to and from the site, and parking availability by time of day for the site.
49. The intent of this condition is to ensure that at least one parking space is available in perpetuity for parking use by each residential unit in the project. Accordingly, the developer agrees to offer the use, for rental units, and the purchase or use for condominium units, of at least one parking space for each dwelling unit.

Further, for condominium units, the developer agrees to notify the Zoning Administrator at the time of the settlement of the last dwelling unit. If excess parking spaces are available at the time of settlement of the last dwelling unit, the number of excess parking spaces equaling the number of dwelling units which were sold without a parking space, shall first be offered exclusively for a period of twelve (12) months to the owners of those dwelling units which were sold without a parking space. Any other remaining spaces shall be offered to all dwelling unit owners or

transferred to the condominium, cooperative or homeowners association. By the end of twenty four (24) months following the settlement of the last dwelling unit, the developer agrees to relinquish in writing to the condominium, cooperative or homeowners association any and all remaining interest in the parking spaces or garage and a copy shall be filed with the Zoning Administrator. The future purchase of any parking spaces shall be limited to the dwelling unit owners or condominium, cooperative or homeowners association of the building.

For both rental and condominium buildings, the use of the parking spaces shall be limited to parking use by the residents of the building and their guests, unless otherwise permitted by the Zoning Ordinance, and shall not be converted to storage or other use without approval of a site plan amendment.

The developer agrees to submit to the Zoning Administrator a parking management plan which outlines how guest and visitor parking for the residential building, and parking for retail tenants' employees and customers for retail located in the residential buildings, will be provided, where the parking will be located and how guests and visitors, and retail employees and customers, will be directed to the parking spaces. The developer further agrees to make ~~a minimum of sixty two (62) parking spaces~~ all of the G-1 level of the South Block parking garage parking spaces available for the public. ~~available within the South Block garage.~~ The parking management plan, containing elements as described in Condition #64, shall be submitted to the Zoning Administrator, and reviewed and approved by the County Manager or his designee, prior to the issuance of the first Certificate of Occupancy for the first residential building. Additionally, in the event that the developer executes a lease for a grocery store tenant to occupy greater than 10,000 square feet with reserved parking in the South Block, the developer agrees to submit to the Zoning Administrator an amendment to the parking management plan for review and approval by the County Manager or her designee, prior to issuance of the first Certificate of Occupancy for the grocery store in the South Block to reflect revisions associated with reserved parking spaces, as permitted pursuant to Condition #64, directional signage within the G-1 and G-2 levels of the South Block garage, and practices related to validation and enforcement of reserved parking spaces. The developer agrees to submit a copy of the approved plan to a representative of the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Park Citizens Association and the Lyon Village Citizens Association.

64. The developer agrees to provide public parking in the garage as detailed below:

a. The developer agrees to make all parking in the G-1 level of the South Block garage available to the public for parking, as short-term parking at market rate, from 7 a.m. to the close of neighborhood retail businesses within a five block radius of the South Block but shall not be required to remain open later than 3:00 a.m.

Further, the developer also agrees that the G-2 level of the South Block garage shall accommodate spaces, available to the public for parking, after standard office hours (weekday evenings after 6:00 p.m., weekends, and all legal holidays until 12:00 a.m. (midnight) or until the close of business of retail operations, whichever is later), ~~except any time the G-1 level of the parking garage is not being fully utilized; during the initial lease up of the office space in the project; and when utilization of the G-2 level by the public would adversely affect existing and future garage/tenant operations.~~

b. In the event that the developer executes a lease with a grocery store to occupy greater than 10,000 square feet in the South Block, and following issuance of the initial Certificate of Occupancy for such a grocery store in the South Block, the developer may reserve parking spaces in the South Block garage as follows:

- Up to thirty-one (31) parking spaces on the G-1 level of the parking garage of the South Block for the sole use by grocery store customers from 7 a.m. to the close of the grocery store in the South Block, and
- Up to thirty-nine (39) parking spaces on the G-2 level of the parking garage of the South Block may be reserved for the sole use by grocery store customers after standard office hours (weekday evenings after 5 p.m., weekends, and all legal holidays) until the close of the grocery store in the South Block.

- The remainder of the parking spaces on the G-2 level of the parking garage of the South Block will be made available to the public for parking weekdays after 5 p.m., weekends, and all legal holidays until 12 a.m. (midnight) or until the close of business of retail operations, whichever is later.
- c. The developer further agrees that in the event that a grocery store in the South Block vacates its leasable space for a period in excess of six (6) months (except where issues such as casualty cause the extended vacancy), the reserved parking spaces on the G-1 and G-2 levels of the South Block parking garage shall be provided to the public on an unreserved basis as described in Condition 64.a above, unless or until the developer executes a new lease with a grocery store tenant who elects to reinstate the reserved parking described in Condition 64.b above.
- d. In addition, the developer agrees to make space in the North Block garage on weekends and evenings available to retailers for use by the public at market rates on a valet basis if demand warrants and is economically feasible. The developer agrees to submit and obtain approval from the Zoning Administrator for any valet parking plan. Such plan shall include, at a minimum, the location of the drop-off, pick-up and circulation patterns to the garage. The developer agrees that no public on-street parking spaces shall be used for the drop-off and pick-up locations unless otherwise approved by the County Manager when he finds that from a comprehensive review of valet parking staging areas in the Clarendon area, that such drop-off and pick-up locations, together with other valet parking, will not adversely affect traffic in the area.

85. Outdoor Displays

The developer agrees that outdoor display of merchandise as approved by the County Board on November 16, 2010, by site plan amendment, for the grocery store in the South Block, shall be permitted on a temporary basis within the North Highland Street building setback and within a portion of the sidewalk, as shown on the attached outdoor display exhibit, only if they comply with all of the following limitations:

- Outdoor displays of merchandise in the building setback and/or in the sidewalk and utilities easement are permitted only for a period of one year, and then shall be permitted subject to approval by the County Manager if she determines that the subject portion of the sidewalk and utilities easement is not then needed for purposes other than outdoor display for the grocery store. Following County Manager approval of these outdoor displays, the County Manager shall review such outdoor displays of merchandise on an annual basis or at any time after one year from the commencement of such outdoor displays along the North Highland Street sidewalk. If at any time the County Manager determines that: the outdoor displays of merchandise within the building setback is having an undue adverse impact on public pedestrian or vehicular travel along North Highland Street or on the travelling public or the neighborhood; or that the County needs its sidewalk and utilities easement for any purpose; then the County Manager may revoke or suspend the permission to use such sidewalk easement area. Use of the portion of the sidewalk and utilities easement is permission only and shall not be deemed or interpreted to grant to the developer or others any interest in real property.
- The developer agrees that, prior to placement of any outdoor displays in the setback, the developer shall provide evidence to the County Manager that the developer has in full force and effect a public liability and property damage insurance policy, in an amount and type deemed sufficient by the County Manager to protect the County's and the public's interest in the sidewalk and utilities easement, which names the County, its elected and appointed officials, officers and employees as additional insureds, from claims for personal injury or death and damages to property resulting from the temporary use of the public sidewalk for temporary outdoor display of merchandise. The developer agrees to maintain such insurance at all times that such outdoor displays are provided by the grocery store tenant.
- Outdoor displays of merchandise shall be limited to those items offered for sale within the grocery store;
- Outdoor displays of merchandise shall extend no further than three-and-one-half (3.5) feet from the face of the South Block building along North Highland Street that is furthest

from the back of curb, and shall not encroach upon the eight (8) foot wide clear zone of the North Highland Street sidewalk;

- Outdoor displays of merchandise including without limitation, furniture and the merchandise placed thereon, shall be no taller than five (5) feet as measured from the North Highland Street sidewalk;
- No portion of the outdoor displays shall be permanent, or affixed in any manner, to the South Block building or the sidewalk;
- No signs shall be permitted as, or attached to, any part of the outdoor displays; and
- Outdoor displays of merchandise shall be permitted only on the North Highland Street sidewalk during operational hours of the grocery store. All displays, including without limitation, furniture and the merchandise placed thereon or on the sidewalk surface shall be removed in their entirety from the sidewalk area at or before store closing each day.

86. Stair Access

The developer agrees to diligently pursue permission from the Inspections Services Division (ISD) for purposes of allowing use of an emergency access stairwell for purposes of providing pedestrian access to and from the G-1 and G-2 levels of the South Block parking garage into the grocery store in the South Block. The developer further agrees that should permission not be granted to the developer to use the emergency access stairwell for access to and from the grocery store in the South Block prior to issuance of the first Certificate of Occupancy for the grocery store in the South Block, that written documentation shall be provided to the Zoning Administrator detailing such failed attempts to acquire this approval, at which time the Zoning Administrator shall acknowledge acceptance of sufficient documentation, which acknowledgement will relieve the developer of the requirements of this condition. In addition, the developer agrees that, should permission be granted to use the emergency access stairwell for purposes of providing pedestrian access to and from the G-1 and G-2 levels of the parking garage into the grocery store in the South Block prior to issuance of the first Certificate of Occupancy for the grocery store in the South Block, an entrance shall be provided on the south wall of the grocery store in the vicinity of the elevators permitting such pedestrian access.

87. Parking Utilization

In the event that the developer executes a lease with a grocery store tenant to occupy greater than 10,000 square feet with reserved parking in the South Block, the developer agrees to provide an attendant in the South Block garage whose responsibilities do not include collecting exit fares, but do include directing customer traffic on the G-1 and G-2 levels of the South Block garage during the hours of 4 p.m. – 8 p.m. weekdays. Further, the developer agrees to provide to the Zoning Administrator, and to obtain the review and approval from the County Manager or her designee of, parking utilization studies of the public parking spaces and the parking spaces reserved for the grocery store on the G-1 and G-2 levels of the South Block parking garage six (6) months following issuance of the first Certificate of Occupancy for the grocery store in the South Block and annually thereafter for the first two (2) years of the grocery store's tenancy in the South Block. In addition, during the annual review and approval of the parking utilization study or upon submission of an Administrative Change request, the County Manager or her designee may reduce the hours of or necessity for the on-site attendant as required above. The developer further agrees to include these provisions in the amendment to the Parking Management Plan required by Condition #49.

[Clerk's note: as set forth in the document entitled "Addendum 11-16-10-D-Trader Joes" attached for the public record to these minutes.]

[Board Report #36](#)

[Supplemental Report # 36](#)

[Addendum 11-16-10-D-Trader Joes](#)

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37. SP #18 SITE PLAN AMENDMENT FOR MODIFICATION OF CONDITION #50 REGARDING TEMPORARY CONSTRUCTIONS SIGNS, MODIFICATION OF CONDITION #97 REGARDING CLADDING OF ADJACENT SUBSTATION, AND FOR THE MODIFICATION OF VARIOUS APPROVED CONDITIONS TO GRANT THE ZONING ADMINISTRATOR THE AUTHORITY TO MODIFY THE TIMING REQUIRED FOR COMPLIANCE WITH THOSE CONDITIONS; LOCATED AT 1812 AND 1850 N. MOORE ST. (RPC#:16-037-004, AND 16-037-005).

After a duly advertised public hearing at which there were speakers, on a motion by JAY FISETTE, Chairman, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman which failed by a vote of 2 to 3, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - No, MARY HYNES, Member - No, J. WALTER TEJADA, Member - No, the Board denied an amendment to add proposed language from the applicant on conditions 97 b and 50.

On motion by BARBARA A. FAVOLA, Member, seconded by J. WALTER TEJADA, Member and carried by a vote of 4 to 1, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, J. WALTER TEJADA, Member - Aye, MARY HYNES, Member - No, the Board denied the site plan amendment #18 as proposed, but adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #18 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for temporary cladding and relocation of 708 square feet of temporary sign area on the Dominion Power substation instead of the construction fencing, and to modify various conditions regarding the timing of compliance for the parcel of real property known as 1812 and 1850 N. Moore St. (RPC#:16-037-004, and 16-037-005) 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, and to amended Conditions #15, 16, 19, 29, 50 and 97.

Modified Conditions:

Coordination of these plans: final site development, landscape and site engineering

15. The developer agrees to attach the County Board meeting minutes outlining the approved conditions and the conditions themselves to each set of Building Permit drawings that the developer submits to the County. The developer agrees to submit to the Zoning Administrator and obtain approval from the County Manager of a detailed final site development plan and a landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final site development plan and landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final site engineering plan as required in Condition #21 below, as well as a vicinity map with major streets labeled. The landscape plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in the Commonwealth of Virginia. The developer further agrees that the final site development plan, the landscape plan, and the site engineering plan shall verify, by means of survey, that there are no conflicts between the street trees and utilities. The developer shall obtain approval by the County Manager for both plans as meeting all requirements of the County Board's site plan approval and all applicable county laws and plans before the issuance of the Excavation/Sheeting and Shoring Permit. The plan shall be consistent with the conceptual landscape plan approved as a part of the site plan, and, at a minimum, shall conform to: the landscaping requirements in Condition #21 below; the *Rosslyn-Ballston Corridor Streetscape Standards* if applicable; the Sector Plans if applicable; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the final site engineering plan, the landscape plan shall be at a scale of 1 inch = 25 feet; the County may require more detailed plans appropriate to landscape installation at a larger scale to also be submitted. The County may permit minor changes in building, street and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance governing administrative approval and with the intent of the site plan approval. The landscape plan shall include a Street Tree Plan which shall be reviewed by DPRCR and DCPHD, and shall

be accompanied by the site engineering plan. The installation of all plant materials and hardscape features shown on the final landscape plan shall take place before the issuance of the first Partial Certificate of Occupancy for occupancy for the respective phase of construction. The Zoning Administrator may, through the administrative change process allow reasonable modifications to the timing of this condition based on the planting season, availability of plant materials, weather, or other construction-related issues, which may not permit installation of plant materials or construction of hardscape features by the required timing, provided that the Zoning Administrator finds that 1) the Developer is diligently pursuing the work; 2) the timing of conditions will unnecessarily impede progress of the project; and 3) the Developer has provided reasonable assurances that the work will be completed in accordance with the Site Plan's approved design. The final site development and landscape plan shall include the following details:

Landscape Standards

16. The developer agrees that all landscaping shall conform to Division of Transportation Standards and Specifications and to at least the following requirements:
 - a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:
 - (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 4 to 4 1/2 inches, except as indicated in Condition #21 below.
 - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)—a minimum height of 7 to 8 feet.
 - (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)—a minimum caliper of 3 to 3 1/2 inches. Multi-stem trees shall not be less than 10 feet in height.
 - (4) Shrubs—a minimum spread of 18 to 24 inches.
 - (5) Groundcover—in 2 inch pots.
 - b. The developer agrees to coordinate with the DPRCR Urban Forester to determine an appropriate and acceptable season in which to ~~plant street trees~~ ~~conduct planting~~. Planting is to occur during a season so as to best ensure the viability of the plantings. In addition, the developer agrees to plant street trees prior to issuance of the first Partial Certificate of Occupancy Permit for occupancy. The Zoning Administrator may, for good cause shown and through the administrative change process, allow reasonable modifications to the timing of this condition based on the planting season, availability of street trees, or weather, which may not permit installation of these features by the required timing, provided that the Zoning Administrator finds that 1) the Developer is diligently pursuing the work; 2) the timing of conditions will unnecessarily impede progress of the project; and 3) the Developer has provided reasonable assurances that the work will be completed in accordance with the Site Plan's approved design. ~~Provided however, that if the developer presents evidence to the Urban Forester that either a reasonable construction schedule or unusual weather conditions have rendered planting of trees by such time impractical, then the Urban Forester may extend time for completion of planting to a date certain that is up to six (6) months after date of issuance of the first Certificate of Occupancy Permit.~~

Pavement, Curb and Gutter Along All Frontages

19. The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site in accordance with the then-current

Arlington County Standard for concrete curb and gutter and the then-current standards for pavement and according to the following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project. The Zoning Administrator may, for good cause shown and through the administrative change process, allow reasonable modifications to the timing of this condition based on the season, weather, or other construction-related issues, which may not permit installation of these features by the required timing, provided that the Zoning Administrator finds that 1) the Developer is diligently pursuing the work; 2) the timing of conditions will unnecessarily impede progress of the project; and 3) the Developer has provided reasonable assurances that the work will be completed in accordance with the Site Plan's approved design..

Replacement of Damaged Existing Curb, Gutter and Sidewalk

29. The developer agrees to remove and replace, according to the Arlington County Department of Environmental Services Construction Standards and Specifications Manual, any existing curb, gutter and sidewalk along the street frontages of this site which is in poor condition or damaged by the developer, prior to the issuance of the first Certificate of Occupancy. The Zoning Administrator may, for good cause shown and through the administrative change process, allow reasonable modifications to the timing of this condition based on the season, weather, or other construction-related issues, which may not permit installation of these features by the required timing, provided that the Zoning Administrator finds that 1) the Developer is diligently pursuing the work; 2) the timing of conditions will unnecessarily impede progress of the project; and 3) the Developer has provided reasonable assurances that the work will be completed in accordance with the Site Plan's approved design.

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 developer also agrees to coordinate the comprehensive sign plan with the Rosslyn BID Wayfinding system in place at the time of comprehensive sign plan submission. 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 any sign permits are issued and 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. No signs will be permitted over 50 feet above the ground.

The developer agrees that the design, color, dimensions, material and placement of the temporary construction signs shall be in accordance with the 1812 North Moore Construction Sign Plan, prepared by Graham Hanson Design, dated October 9, 2008, review and approved by the County Board on November 15, 2008

Should the developer decide to implement the temporary cladding as specified in Condition #97, the developer agrees to submit a plan to the Zoning Administrator for review and approval depicting design, color, dimensions, material, and placement of temporary signs on the exterior of the cladding on the substation. The developer agrees that total temporary sign area to be placed on the substation shall not exceed 708 square feet. The developer agrees that all temporary signs mounted on construction fencing are removed before issuance of any permits for the temporary cladding or the sign to be placed on it.

The developer agrees that should any graffiti and/or other damage occur on the signs, the applicant shall immediately (within ten (10) calendar days) repaint and/or replace the signs (or any portion of the sign) to eliminate such damage. In addition, the developer agrees to inspect the sign daily to determine whether such damage has occurred.

The developer agrees that the overall commercial image and text content shall not exceed 708 square feet. In addition to these signs, the developer may place one (1) Panel E sign (1812NORTHMOORE.COM) at each of two (2) vehicle access points to the construction site.

The developer agrees that the construction signs are temporary and shall be removed before the issuance of the first partial Certificate of Occupancy for the project or by April 1, ~~2011~~ 2013, whichever occurs first. In the event that the building is still under construction on April 1, ~~2011~~ 2013, the developer agrees to submit to the Zoning Administrator a request to extend the Sign Permit for temporary construction signs. The Zoning Administrator shall extend the Sign Permit for a six (6) month period.

97. **Dominion Virginia Power Substation improvements**

The developer agrees to clad the substation as generally shown on the plans and renderings presented to the County Board on December 15, 2007, and to incorporate a public art component pursuant to Condition #65 in addition to or in lieu of the cladding provided the purposes of the cladding are achieved. In the event the developer elects to make a contribution to the Public Art Fund in accordance with Condition #65, then the developer shall nonetheless be obligated to complete the foregoing cladding of the substation, and shall ensure that the County is provided reasonable access to the substation site in order to implement a County initiated public art project

As an interim measure, the developer agrees to install a temporary treatment to clad the substation, as generally shown on the plans entitled "1812 North Moore Substation Concepts," prepared by Graham Hanson Design, and dated October 21, 2010. Total temporary sign area shall not exceed 708 square feet, and no permits for temporary signs on the exterior of the substation will be issued until all temporary signs mounted on construction fencing is removed. The temporary treatment may remain in place until work commences on the final cladding of the substation or if construction activity necessitates the removal of all or part of the temporary treatment. No permits for temporary signs located on the Dominion Power Substation shall be issued until the interim treatment is installed and a plan for such signs is reviewed and approved by the Zoning Administrator consistent with Condition #50. [Clerk's note: as set forth in the document entitled "Addendum 11-16-10-E-SP#18" attached for the public record to these minutes.]

[Board Report #37](#)

[Addendum 11-16-10-E-SP#18](#)

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ADDITIONAL ITEMS

On motion by JAY FISSETTE, Chairman, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISSETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J.

WALTER TEJADA, Member - Aye, the Board authorized the County Attorney to intervene in the name of the County Board and in the name of any entity governed by the County Board, as necessary, in Case number PUE-2010-00132 before the State Corporation Commission, and to take all necessary actions to represent the interests of the County Board in the matter and its conclusion, including the filing of related proceedings.

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ADJOURNMENT

Without objection, at 10:58 p.m., the Board adjourned the meeting.

JAY FISSETTE, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: December 11, 2010