

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, June 16, 2012 at 8:30 a.m.

PRESENT: MARY HYNES, Chair
J. WALTER TEJADA, Vice Chair
JAY FISETTE, Member
LIBBY GARVEY, Member
CHRISTOPHER ZIMMERMAN, Member

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

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The Chair welcomed members of Boy Scout Troop #167, attending the meeting for their Citizenship in the Community badge.

Chair Hynes introduced Sarah Mysiewicz, the Chair of the Commission on the Status of Women. Ms. Mysiewicz introduced members of the Commission on the Status of Women. Together with Sam Sewell, Mary Marshall Scholarship Chair, Ms. Mysiewicz announced the recipients of the Mary Marshall Scholarships.

PUBLIC COMMENT

Mr. Carl Saperstein spoke about an issue with the size of parking spaces at his Virginia Square Condominium which may not comply with requirements of Site Plan #275. He asked the Board to look into the issue as the parking spaces are now unusable.

Anna Slomovic, a Chief Privacy Officer, stated concerns she has with privacy and security of the new water meters. She stated that the meters need to be properly secured to protect resident's privacy.

Audrey Clement of the Green Party of Virginia spoke about the Columbia Pike Trolley and listed three problems with the proposal: 1) excessive cost; 2) increased congestion; and 3) elimination of affordable housing along the Pike due to escalation of property values.

Jim Hurysz stated his opposition to the streetcar program and shared his concerns with the process of the Pike Transit meetings.

Charlie Phipps and Max Ferdous, representatives of Boy Scout Troop #167 spoke about the future of development in their neighborhoods.

Robert Aktins spoke about the need for restrooms in County facilities for transgendered individuals.

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ANALYSIS OF CONTINGENT ACCOUNTS

The Board received a Summary of Fiscal Year 2012 Contingent Accounts showing balances of \$1,000,000 in General and \$6,446,916 in Affordable Housing Investment Fund as of June 7, 2012.

CONSENT ITEMS.

A motion was made by JAY FISETTE, Member, seconded by J. WALTER TEJADA, Vice Chairman to approve the County Manager’s recommendation for all consent items except items #1, #5, #17 and #38, which will be subject to full hearing at the June 19, 2012 County Board recessed meeting. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

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SITE PLANS/AMENDMENTS/REVIEW

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- 2. **ON THE COUNTY BOARD’S OWN MOTION, MODIFY THE CONDITION REQUIREMENTS FOR SITE PLANS #297 (PENTAGON CENTER PHASE ONE, RPC #35-004-001), 331 (ARLINGTON GATEWAY/FAIRMONT, RPC #14-051-019), 335 (ROSSLYN CENTRAL PLACE, RPC#16-038-001, -002, -003, -004, -014, -015 AND -016), 346 (POTOMAC YARD BAY C, RPC #34-027-071 AND -072; AND BAY D-WEST AND CENTER PARK, RPC #34-027-052 AND -065), 382 (NATIONAL SCIENCE TEACHERS ASSOCIATION, RPC #17-011-019, -021 AND -023), 413 (FOUNDERS SQUARE, RPC #14-060-036, -068, -069, -070, -074, -077), AND 417 (WAKEFIELD MANOR, RPC#: 17-017-001, 002, 003, AND - 004), AND USE PERMIT U-3148-05-1 (2525 LEE HIGHWAY UCMUD, RPC #15-007-006) TO MODIFY CONDITION LANGUAGE AND THE TIMING REQUIRED FOR COMPLIANCE WITH CERTAIN CONDITIONS, RELATED TO THE FINAL LANDSCAPE PLAN, CIVIL ENGINEERING PLANS, STREET LIGHTING, AND CONTRIBUTIONS TO THE COUNTY’S TREE CANOPY FUND.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve amendments to Site Plans #297 (Pentagon Center Phase One, RPC #35-004-001), 331 (Arlington Gateway/Fairmont, RPC #14-051-019), 335 (Rosslyn Central Place, RPC#16-038-001, -002, -003, -004, -014, -015 and -016), 346 (Potomac Yard Bay C, RPC #34-027-071 and -072; and Bay D-West and Center Park, RPC #34-027-052 and -065), 382 (National Science Teachers Association, RPC #17-011-019, -021 and -023), 413 (Founders Square, RPC #14-060-036, -068, -069, -070, -074, -077), and 417 (Wakefield Manor, RPC#: 17-017-001, 002, 003, and – 004), to modify condition language and the timing required for compliance with certain conditions related to the final landscape plan, civil engineering plans, street lighting, and contributions to the County’s Tree Canopy Fund.

WHEREAS, Site Plan Amendments for Site Plans #297, 331, 335, 346 (Potomac Yard Bay C and, Bay D-West and Center Park), 382, 413, and 417 was recommended for advertisement on the County Board’s own motion on May 19, 2012; and

WHEREAS, as indicated in Staff Report(s) prepared for the June 16, 2012 meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendments, with each site plan being subject to all previous conditions and amended conditions as set forth in the Staff Report[s] and shown in the Table 1 on page 3 of that Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on the Site Plan Amendments on June 16, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plans as amended:

- Substantially comply with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance; and

- Functionally relate to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Are so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that for Site Plan Amendments for Site Plans #297, 331, 335, 346 (Potomac Yard Bay C and, Bay D-West and Center Park), 382, 413, and 417 approval is granted and the parcels so described shall be used according to the Site Plans as originally approved and amended from time to time as shown in the records of the Office of Zoning Administration, with the amended conditions as shown and described in the Report(s) prepared for the June 16, 2012 meeting, and listed in Table 1 on page 3 of the Staff Report. [Clerk's note: as set forth in the document entitled "Addendum-6-16-12-A-Multiple SP & Use Permit Conditions" attached for the public record to these minutes.]

BE IT ORDAINED that, pursuant to application U-3148-05-1 on file in the Office of the Zoning Administrator for a use permit amendment for the parcel of real property known as 2525 Lee Highway UCMUD (RPC #15-007-006) to modify condition language and the timing required for compliance with certain conditions related, to the final landscape plan, civil engineering plans, street lighting, and contributions to the County's Tree Canopy Fund, approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, with revised Condition #17 as set forth below, and with a County Board review in one (1) year (May 2013) subject to the conditions of the staff report.

[Clerk's note: as set forth in the document entitled "Addendum-6-16-12-A-Multiple SP & Use Permit Conditions" attached for the public record to these minutes.]

[Board Report #2](#)

[Addendum-6-16-12-A-Multiple SP & Use Permit Conditions](#)

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- 3. SP #335 SITE PLAN AMENDMENT TO MODIFY CONDITIONS RELATED TO CONSTRUCTION PHASING FOR CENTRAL PLACE; LOCATED AT 1201 WILSON BLVD., 1730 N. LYNN ST., AND 1821 N. MOORE ST. (RPC# 16-038-001, 16-038-002, 16-038-003, 16-038-004, 16-038-014, 16-038-015, AND 16-038-016).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve an amendment to SP #335 to modify conditions related to construction phasing for Central Place. [Clerk's note: as set forth in the document entitled "Addendum-6-16-12-B-SP #335" attached for the public record to these minutes.]

[Board Report #3](#)

[Addendum-6-16-12-B-SP #335](#)

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- 4. SP #349 SITE PLAN AMENDMENT TO TEMPORARILY ALLOW OFFICE USE FOR THE INSTITUTE FOR HUMANE STUDIES OR OTHER GEORGE MASON UNIVERSITY AFFILIATES WITHIN SPACE DESIGNATED FOR RETAIL USES AND TO AMEND CONDITION #59 RELATED TO THE AMOUNT OF REQUIRED RESTAURANT USE; LOCATED AT 3434 WASHINGTON BOULEVARD (RPC# 15-087-032, -033).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve a site plan amendment to SP #349 to temporarily permit office use for an educational organization, the Institute for Humane Studies, or other George Mason University affiliates, instead of retail use in a 6,068 square foot space; located at 3434 Washington Boulevard.

WHEREAS, applications for a Site Plan Amendment for Site Plan #349 dated April 3, 2012 and May 9, 2012, were filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report[s] prepared for the June 16, 2012 County Board meetings and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on June 16, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance:
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by applications dated April 3, 2012 and May 9, 2012 for an amendment to Site Plan #349, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in the conditions below (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for the parcel of real property known as RPC# 15-087-032 and -033 and 3434 Washington Boulevard, approval is granted and the parcel so described shall be used according to the Site plan as originally approved on August 6, 2001 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to all previous conditions, with condition #59 revised as follows, and the following new condition #61:

59. The developer agrees to provide a restaurant use(s) within the retail element as indicated on the plans dated June 27, 2001, and totaling no less than 7,139 square feet. The developer agrees that this amount may be reduced to 4,502 square feet until the termination of office use by George Mason University affiliates (including the Institute for Humane Studies), but in no event later than March 31, 2023, at which time a restaurant use(s) shall occupy no less than 7,139 square feet of the retail element.
61. The developer agrees that 6,068 square feet of existing retail space on the street level may be used for offices and meeting rooms for educational organizations until termination of the lease for the Institute for Humane Studies or other George Mason University affiliates, or March 31, 2023, whichever is earlier, at which time this space shall revert to a retail use. The applicant also agrees to develop a marketing plan including strategies for retail users in all retail-designated spaces in the subject office building. The Plan shall include an interest survey demonstrating efforts made to date to lease the property to retail users. The Plan shall be submitted for review by the County Manager no later than one year prior to the termination of the lease for the Institute for Humane Studies or March 31, 2022, whichever is earlier.

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6. SP #375 SITE PLAN AMENDMENT TO PERMIT OUTDOOR CAFE SEATING AT CHASIN TAILS RESTAURANT; LOCATED AT 2200 N. WESTMORELAND ST. (RPC# 11-011-163).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve a site plan amendment to SP #375 for approval for one (1) year (June 30, 2013) of outdoor café seating at Chasin’ Tails restaurant, located at 2200 N. Westmoreland St., subject to all previously approved conditions, and with one (1) proposed new Condition #70 applicable only to 2200 N. Westmoreland Street, and directed staff to advertise the site plan amendment in one (1) year for review (May 2013, for the June 2013 County Board meeting).

WHEREAS, an application for a Site Plan Amendment dated March 14, 2012 for Site Plan #375, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report prepared for the June 16, 2012 County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to all previous conditions and new condition #70 as set forth below; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on June 16, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance; and
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application for a Site Plan Amendment for outdoor seating dated March 14, 2012 for an amendment to Site Plan # 375, and as such application has been modified, revised, or amended (Revised Site Plan Amendment), for the parcel of real property known as RPC #11-011-163, 2200 N. Westmoreland Street, approval is granted and the parcel so described shall be used according to the Site plan as originally approved on February 10, 2004 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to the previously approved conditions #1-69 and the following new condition #70,:

Outdoor Café Seating

70. The applicant agrees that the outdoor café seating use permitted at 2200 N. Westmoreland Street is a temporary use that has been approved for a limited one (1) year period, and not longer. During the one year period, the use is permitted subject to all site plan conditions, and subject to the same reviews that could otherwise be made of any site plan use. The applicant further agrees that approval for the use will terminate after a period of one (1) year, on June 30, 2013, unless the County Board approves continuation of the outdoor seating before June 30, 2013, or retroactively after that date. The applicant agrees that it will cease use of the area shown on the “Outdoor Seating Plan” dated May 22, 2012, and shall convert the space to another approved use, or fully vacate the space, on or before June 30, 2013, and shall have no right to use the area shown on the “Outdoor Seating Plan” unless specific approval for that use is obtained from the County Board or the County Manager is in the process of scheduling a review by the County Board. In addition to all other conditions of this site plan, the applicant

specifically agrees that the outdoor seating use shall be subject to the following additional conditions:

- a) The applicant agrees that outdoor seating area is permitted on North Westmoreland Street and Lee Highway as shown on the "Outdoor Seating Plan" dated May 22, 2012, and that the applicant shall not use the outdoor seating area until a certificate of occupancy has been obtained for that use. The applicant agrees to maintain a minimum of six (6) feet of clearance width along all sidewalks for pedestrians.
- b) The applicant agrees that any use of umbrellas in the outdoor seating area shall not interfere with pedestrian movement along the sidewalk.
- c) The applicant agrees that there shall be no music or audio system piped outside to the outdoor seating area at any time.
- d) The applicant agrees that all outdoor seating including tables, chairs, and removable barriers, shall be removed from the sidewalk annually during the winter months (December, January and February). No outdoor seating equipment shall be stored on the sidewalk. The applicant further agrees that no permanent furniture, including tables, chairs, railings or umbrellas, shall be installed as part of the outdoor seating.
- e) The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the outdoor seating and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the outdoor seating. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Arlington-East Falls Church Civic Association.

[Board Report #6](#)

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7. SP #397 SITE PLAN AMENDMENT TO REVISE CONDITION #31 TO MODIFY THE RETAIL TRANSPARENCY REQUIREMENT FOR THE SPACE OCCUPIED BY TRADER JOE'S ON NORTH GARFIELD STREET; LOCATED AT 1200 N. GARFIELD STREET AND 3030 CLARENDON BOULEVARD (RPC# 18-013-011).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve a site plan amendment to SP #397 to amend Condition #31 in order to modify the building transparency requirements for the space occupied by Trader Joe's located at 1200 North Garfield Street, subject to all previously approved conditions and with amended Condition #31.

WHEREAS, an application for a Site Plan Amendment dated April 9, 2012 for Site Plan #375, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report prepared for the June 16, 2012 County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on June 16, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan [as amended]:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance; and

- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated June 13, 2006 for Site Plan #397, and as such application has been modified, revised, or amended (Revised Site Plan Application) for the parcel of real property known as RPC #18-013-011, 1200 North Garfield Street, approval is granted and the parcel so described shall be used according to the Site plan as originally approved on June 13, 2006 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to the previously approved conditions #1-87 with condition #31 amended as follows:

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. If, and at all times when, the space identified as "Retail B-1" on the Clarendon Center South Block Leasing Plan (July 12, 2010) is leased by a grocery tenant that occupies a retail space in the Clarendon Center South Block and used for retail storage to support the grocery tenant, the developer agrees to install display cases behind a transparent storefront fronting on North Garfield Street to shield the storage area from public view. ~~The~~ All display cases installed pursuant to this condition 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.

[Board Report #7](#)

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8. **SP #400 SITE PLAN AMENDMENT TO MODIFY CONDITION 11.E PERMITTING EXTENDED HOURS OF CONSTRUCTION ACTIVITY AT MONUMENT VIEW; LOCATED AT 929 LONG BRIDGE DRIVE (RPC# 34-025-007).**

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

Adopted the ordinance to approve a site plan amendment to SP #400 to modify Condition 11.e permitting extended hours of construction activity at Monument View,

WHEREAS, an application for a Site Plan Amendment dated March 26, 2012 for Site Plan #400, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report[s] prepared for the June 16, 2012 County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on June 16, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance; and
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated March 26, 2012 for Site Plan #400, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 below (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for an office development consisting of a 453,422 square foot office building, for the parcel of real property known as RPC #34-025-007 and 929 Long Bridge Drive approval is granted and the parcel so described shall be used according to the Site Plan as originally approved on June 24, 2008 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to all previous conditions with condition 11.e amended as follows:

- e. The developer agrees that construction activity, except for construction worker arrival to the construction site and indoor construction activity, will commence no earlier than 7:00 a.m. and end by ~~7:00 p.m.~~ 9:00 p.m. on weekdays and will commence no earlier than 8:00 a.m. and end by ~~8:00 p.m.~~ 9:00 p.m. on Saturdays, Sundays, and holidays. "Holidays" are defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas. Indoor construction activity defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors shall end at midnight each day, and any such activity that occurs after 6:30 p.m. shall not annoy or disturb reasonable persons of normal sensitivities. The developer agrees to place a minimum of one sign per street front around the construction site, indicating the permissible hours of construction, to place one additional sign within the construction trailer containing the same information, to provide a written copy of the permissible hours of construction to all subcontractors, and to require its subcontractors to observe such hours.

[Board Report #8](#)

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- 9. **SP #401 SITE PLAN AMENDMENT TO AMEND CONDITION #34 TO PERMIT BLINDS IN RETAIL WINDOWS AT SPECIFIED TIMES OF DAY AND TO AMEND CONDITION #50 TO MODIFY THE APPROVED COMPREHENSIVE SIGN PLAN; LOCATED AT 800 AND 900 N. GLEBE ROAD (RPC# 14-053-062, AND -058).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance approve a site plan amendment to SP #401 to amend Condition #34 to permit blinds in retail windows at specified times of the day and to amend Condition #50 to modify the approved comprehensive sign plan. [Clerk’s note: as set forth in the document entitled “Addendum-6-16-12-C-SP #401” attached for the public record to these minutes.]

[Board Report #9](#)

[Addendum-6-16-12-C-SP #401](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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10. MARIA TERESA’S BABIES CHILD CARE CENTER

- A. U-3139-05-1 Use Permit Amendment to expand enrollment of a Child Care Center from 50 to 68 for Maria Teresa’s Babies; located at 825 23rd St. South, (RPC# 36-031-005).
- B. U-3299-11-2 Use Permit for secondary use of a parking lot for employee parking for Maria Teresa’s babies child care center; located at 2222 S. Arlington Ridge Road (RPC# 37-038-001).

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

BE IT ORDAINED that, pursuant to application U-3139-05-1 on file in the Office of the Zoning Administrator for a use permit amendment to expand the maximum permitted enrollment from 50 children to 68 children, with a modification from Zoning Ordinance requirements requiring off-street parking on site for the parcel of real property located at 825 23rd St. South, (RPC# 36-031-005), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions and amended conditions #1 and 11, and with a County Board review in one (1) year (June 2013).

Existing Conditions and proposed Amended conditions #1 and 11 for U3139-05-1:

1. The applicant agrees that the hours of operation will be weekdays from 7:00 a.m. to 6:00 p.m. with a maximum capacity of ~~50~~ 68 children. The applicant further agrees that the maximum number of children permitted to be served will be limited to 68 or the number for which the child care is licensed, whichever is less.
2. The applicant agrees that once a certificate of occupancy is issued for a child care center and until such use is discontinued, the structure shall not be occupied as a dwelling.
3. Prior to submitting any application for a building permit, the applicant agrees to obtain approval of any plans for structural changes, either to the interior or exterior of the structure, from both the Child Care Office and the Zoning Administrator to ensure that the architectural integrity of the single-family residence remains intact.
4. The applicant agrees to meet all requirements of the Child Care Ordinance, Community Code

Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.

5. The applicant agrees that all outdoor play shall be planned at scheduled intervals acceptable to the Child Care Office to minimize potential neighborhood impacts. The applicant agrees to obtain the Child Care Office's approval of a plan for such play as minimizing neighborhood impacts prior to the issuance of any certificate of occupancy for the child care use on the site.
 6. The applicant agrees to require parents of children attending the program (or persons designated by the parents) to escort their children to and from the center at all times. The applicant will also prepare, in coordination with the Child Care Office and the Planning Division, a comprehensive pick-up and drop-off plan, and will obtain the Child Care Office's and the Planning Division's approval of such plan prior to the issuance of any Certificate of Occupancy for a child care center on the site. The applicant agrees to implement the approved plan and to submit written documentation to the Zoning Administrator that a letter has been distributed to the parents of the children in care explaining the procedures for dropping off and picking up children in accordance with the plan prior to the issuance of a certificate of occupancy for a child care center.
 7. The applicant shall provide an annual report of how employees arrive to work to the Zoning Administrator by December 31. Should any staff drive to work on a given day, the staff parking shall not occur in any areas designated for pick-up and drop-off of children and adjacent residential streets.
 8. The applicant agrees that the top floor of the single family home shall not be used for actual child care. The applicant agrees to submit written documentation to the Zoning Administrator evidencing this agreement prior to the issuance of a certificate of occupancy.
 9. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this child care center. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator, as well as to the Aurora Highlands Civic Association, prior to issuance of any building permit.
 10. The applicant is aware and agrees that the required Virginia State and Arlington County Child Licenses will not be issued prior to the issuance of a certificate of occupancy for a child care center.
 11. The applicant shall submit a curbside management plan to the Zoning Administrator ~~within 30 days of this County Board approval~~ before issuance of a Certificate of Occupancy for the expanded enrollment. The curbside management plan shall contain information on how the curbside pick-up and drop-off will be managed with ~~50~~ 68 children.
- B. Approved the subject use permit (U-3299-11-2) for a secondary use of a parking lot for employees of Maria Teresa's Babies, subject to the conditions of the staff report.

Proposed Conditions for U-3299-11-2

1. The applicant agrees that the hours of operation for the secondary use of the parking lot shall be Monday through Friday 6:30 a.m. through 6:30 p.m.
2. Parking shall be limited to employees' personal and non-commercial vehicles only.

[Board Report #10](#)

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11. **U-3197-08-4 USE PERMIT REVIEW FOR LIVE ENTERTAINMENT AND DANCING FOR YORKTOWN BISTRO; LOCATED AT 5169, 5171, 5173 LEE HIGHWAY (RPC# 02-082-026).**

On the consent agenda vote, after a duly advertised public hearing, the Board discontinued the subject use permit for live entertainment and dancing.

[Board Report #11](#)

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- 12. **#U-3223-09-1 FORM BASED CODE USE PERMIT AMENDMENT TO MODIFY CONDITION #1 TO EXTEND THE TERM OF APPROVAL FOR AN ADDITIONAL THREE (3) YEARS, EFFECTIVE JULY 12, 2012; LOCATED AT 1100 S. EDGEWOOD ST. (COLUMBIA PLACE) (RPC #32-005-006, -007, -013, -016, AND -018).**

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

BE IT ORDAINED that, pursuant to application U-3223-09-1 on file in the Office of the Zoning Administrator for a Form Based Code Use Permit Amendment to modify Condition #1, to extend the term of approval for an additional three (3) years, effective July 12, 2012 for the parcel of real property located at 1100 S. Edgewood St. (Columbia Place), approval is granted and the parcel so described shall be used according to the approval requested by the application.

Condition #1:

- 1. The developer (as used in these conditions, the term "developer" shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and the revised plans dated May 11, 2009 and May 14, 2009 and reviewed and approved by the County Board and made a part of the public record on July 11, 2009, 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 Form Based Code Use Permit approval has been extended and will expire three (3) years from July 12, 2012 ~~after the date of County Board approval~~ if a footing to grade 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 Use Permit for a Form Based Code project and its conditions for their compliance with then current County policies for land use, zoning and special exception uses.

[Board Report #12](#)

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- 13. **U-3295-11-1 USE PERMIT REVIEW FOR A FAMILY DAY CARE HOME FOR NINE (9) CHILDREN FOR AIDA ROMAN; LOCATED AT 1901 N. GEORGE MASON DIVE (RPC# 09-077-023).**

On the consent agenda vote, after a duly advertised public hearing, the Board discontinued the subject use permit for a family day care home for nine (9) children.

[Board Report #13](#)

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- 14. U-3331-12-1 USE PERMIT FOR A UNIFIED RESIDENTIAL DEVELOPMENT FOR SUNNYSIDE DEVELOPMENT, LOCATED AT THE NORTH SIDE OF THE 5100 BLOCK OF 14TH ST. N., (RPC# 09-048-031, -032).**

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

BE IT ORDAINED that, pursuant to application U-3331-12-1 on file in the Office of the Zoning Administrator for a use permit amendment for a Unified Residential Development with modifications from the Zoning Ordinance requirements for lot width, front yard setback, side yard setback and attached accessory buildings (garages), for the parcel of real property located at the North Side of the 5100 Block of 14th St. N., (RPC# 09-048-031, -032) 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. [Clerk’s note: as set forth in the document entitled “Addendum-6-16-12-D- U-3331-12-1” attached for the public record to these minutes.]

[Board Report #14](#)

[Addendum-6-16-12-D- U-3331-12-1](#)

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- 15. U-3341-12-1 USE PERMIT FOR A NURSERY SCHOOL BY NORTHEAST STARS MONTESSORI AT THE MT. OLIVE BAPTIST CHURCH LOCATED AT 1601 13TH ROAD S. (RPC# 33-009-001).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject use permit request to the July 21, 2012, County Board meeting.

[Board Report #15](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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- 16. AN ORDINANCE TO VACATE A PORTION OF 20TH STREET NORTH RUNNING IN A WESTERLY DIRECTION FROM, AND ABUTTING THE NORTHEAST CORNER OF LOT 21, HARRISON’S ADDITION TO DOMINION HEIGHTS, 1905 N. LINCOLN STREET, ARLINGTON, VIRGINIA, RPC NO. 06-031-044, WITH CONDITIONS.**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the proposed enactment of an ordinance to vacate a portion of 20th Street North until the July 21, 2012 County Board Meeting.

[Board Report #16](#)

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18. CONSENT AND AUTHORIZATION TO SUBDIVIDE THE MADISON CENTER PROPERTY INTO TWO PARCELS OF LAND AND TO DEDICATE A PORTION OF THE PROPERTY FOR PUBLIC STREET AND UTILITIES PURPOSES LOCATED AT 3829 NORTH STAFFORD STREET, ARLINGTON, VIRGINIA (RPC NO. 030-036-026).

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

- 1. Consented to and authorized the subdivision of the Madison Center Property, owned by the County Board, into Two Parcels of Land and to Dedicate a Portion of the Property for Public Street and Utilities Purposes, located at 3829 North Stafford Street, Arlington, Virginia (RPC No. 03-036-026) [Clerk's note: as set forth in the document entitled "Addendum-6-16-12-E- Madison Center" attached for the public record to these minutes.]; and
- 2. Authorized the Real Estate Bureau Chief, or his designee, to execute all deeds, and all other documents necessary to subdivide the Property, subject to the approval of such documents as to form by the County Attorney.

[Board Report #18](#)

[Addendum-6-16-12-E- Madison Center](#)

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19. APPROVAL OF: (1) A FIRST AMENDMENT TO DEED OF LEASE BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS TENANT, AND FC BALLSTON COMMON, LLC, AS LANDLORD, TO EXTEND THE LEASE TERM FOR STORE NO. 2176 AT BALLSTON COMMON MALL, 4238 WILSON BOULEVARD, ARLINGTON, VIRGINIA (RPC #14-059-035); (2) A THIRD AMENDMENT TO SUBLEASE AGREEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS TENANT, AND SAINT COLETTA OF GREATER WASHINGTON, INC., AS SUBTENANT; AND (3) A THIRD AMENDMENT TO SUBLEASE AGREEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS TENANT, AND ELLIPSE HANDMADE CRAFTS INC., AS SUBTENANT, EXTENDING THE TERM FOR THE LEASED PREMISES.

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

- A. Approved: (1) a First Amendment to Deed of Lease between The County Board of Arlington County, Virginia, as Tenant, and FC Ballston Common, LLC, as Landlord, to Extend the Lease Term for Store No. 2176 at Ballston Common Mall, 4238 Wilson Boulevard, Arlington, Virginia (RPC #14-059-035); (2) a Third Amendment to Sublease Agreement between The County Board of Arlington County, Virginia, as Tenant, and Saint Coletta of Greater Washington, Inc., as Subtenant; and (3) a Third Amendment to Sublease Agreement between The County Board of Arlington County, Virginia, as Tenant, and Ellipse Handmade Crafts Inc., as Subtenant, Extending the Term for the Leased Premises. [Clerk's note: as set forth in the document entitled "Addendum-6-16-12-F- Ballston Common LLC" attached for the public record to these minutes.]
- B. Authorized the Real Estate Bureau Chief, or his designee, to execute on behalf of the County Board a First Amendment to Deed of Lease to extend the lease term, and two Third Amendments to the Sublease Agreements, subject to approval of such Amendments as to form by the County Attorney.

[Board Report #19](#)

[Addendum-6-16-12-F- Ballston Common LLC](#)

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- 20. **APPROVAL OF AN OFFICE BUILDING STORAGE SPACE DEED OF LEASE BETWEEN VNO COURTHOUSE I LLC, AS LANDLORD, AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS TENANT, FOR STORAGE SPACE IN THE BUILDING KNOWN AS COURTHOUSE PLAZA OFFICE BUILDING I, ON THE G-4 LEVEL OF 2100-2200 CLARENDON BLVD., ARLINGTON, VIRGINIA 22202 (RPC # 18-005-041).**

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

- 1. Approved the Office Building Storage Space Deed of Lease between VNO Courthouse I LLC, and The County Board of Arlington County, Virginia, for storage space in the building known as Courthouse Plaza Office Building I, on the G-4 Level at 2100-2200 Clarendon Blvd., Arlington, Virginia 22202 (RPC # 18-005-041). [Clerk’s note: as set forth in the document entitled “Addendum-6-16-12-G- Ballston Common LLC” attached for the public record to these minutes.]
- 2. Authorized the Real Estate Bureau Chief to execute, on behalf of the County Board, the Office Building Storage Space Deed of Lease, and all related documents, subject to approval as to form by the County Attorney.

[Board Report #20](#)

[Addendum-6-16-12-G- VNO Courthouse I LLC](#)

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ORDINANCES, PLANS AND POLICIES

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- 21. **AMENDMENT TO CHAPTER 10 (GARBAGE, REFUSE, AND WEEDS) ARTICLE II, SECTION 10-12 OF THE CODE OF ARLINGTON COUNTY, CONCERNING CONDITION OF PRIVATE PROPERTY, TO UPDATE THE DEFINITION OF "INOPERATIVE MOTOR VEHICLE" TO CONFORM WITH THE DEFINITION OF THE SAME TERM IN THE CODE OF VIRGINIA.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the Ordinance to Amend, Reenact and Recodify Chapter 10 (Garbage, Refuse and Weeds) Article II, Section 10-12 of the Code of Arlington County, concerning Condition of Private Property, to update the definition of “inoperative motor vehicle” to conform with the definition of the same term in the Code of Virginia.

Text denoted with underline or ~~striketrough~~ is text proposed to be added or deleted, respectfully

AN ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 10 (GARBAGE, REFUSE AND WEEDS), SECTION 10-12 OF THE CODE OF ARLINGTON COUNTY, VIRGINIA CONCERNING CONDITION OF PRIVATE PROPERTY TO UPDATE THE DEFINITION OF INOPERATIVE MOTOR VEHICLE TO CONFORM WITH THE DEFINITION OF THE SAME TERM IN THE CODE OF VIRGINIA.

I. BE IT ORDAINED that Chapter 10, Section 10-12 of the Code of Arlington County, Virginia is hereby amended, reenacted and recodified to read, in pertinent part, as follows:

§ 10-12. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

“Danger or hazard to public health or safety” means a condition, as determined by the County Manager or his designee, in which it is reasonably certain or foreseeable that the healthful or sanitary condition or safety of the general body of people in the County is being or will be reduced or that the healthful or sanitary conditions or safety of persons whom it is in the general County interest to protect is being reduced. Dangers to health or safety may include, by way of illustration and not limitation, trees or parts thereof in danger of falling on the County right-of-way or other public lands, and conditions which may cause disease (including allergic reactions), harbor vermin and other animals, provide shelter or cover for unlawful activities, or be a source for the spread of litter or weeds to the property of others.

“Infestation” means the presence within or around property of any rats.

“Inoperative motor vehicle, trailer or semitrailer” means any motor vehicle, ~~trailer or semitrailer which is not in operating condition; or does not display valid license plates; or does not display an inspection decal that is valid or does display an inspection decal that has been expired for more than 60 days. or which, for a period of ninety (90) days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle. An inoperative vehicle shall also be considered a vehicle with an observable condition which indicates a state such that it is economically impractical to make such vehicle operative within a reasonable period of time, or which constitutes a health, fire or safety hazard.~~

“Occupant” means any person who has possessory rights or exercises the right to possession of any dwelling unit or rooming unit and who has the right to control or exercises control over the physical conditions of such dwelling unit or rooming unit.

“Owner” means any person who, alone or jointly, or severally with others:

- (1) Shall hold legal title to the property provided that each title may be less than a fee simple; or
- (2) Shall have charge, care, or control of property, dwelling or dwelling unit, as owner, lessee, agent executor, administrator, trustee, or guardian.

“Property” means any land, whether unimproved or improved with buildings or other structures and whether unoccupied or occupied by any person.

“Rodent proofing” means a form of construction which will prevent the ingress or egress of rodents to or from a given building and their access to food, water, or harborage. It consists of the closing and keeping closed every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, attics, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rodents by climbing, burrowing or other methods, and by the use of materials impervious to rodent gnawing and other methods approved by the County Manager.

“Vacant property” means property, whether or not improved, which is not occupied by any person.
(2-21-81; 4-24-82; Ord. No. 85-43, 2-1-86; Ord. No. 96-7, 5-11-96)

II. The remainder of Chapter 10 not hereby amended shall remain as previously enacted.

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22. ADOPT THE PROPOSED AMENDMENT TO SECTION 27-18 OF THE CODE OF ARLINGTON COUNTY, VA, TO PERMIT THE CLERKS OF THE CIRCUIT AND DISTRICT COURTS OF ARLINGTON COUNTY TO COLLECT A COURTHOUSE MAINTENANCE FEE OF TWO DOLLARS (\$2.00), AS PART OF THE COSTS IN EACH CIVIL ACTION FILED.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the proposed amendment to amend, re-enact, and re-codify Section 27-18, of the Code of Arlington County, Virginia, to permit the clerks of the Circuit and District Courts of Arlington County to collect a courthouse maintenance fee of two dollars (\$2.00), as part of the costs in each civil action filed.

AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 27 (MISCELLANEOUS ORDINANCES) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA, RELATING TO COURTHOUSE MAINTENANCE FEE FOR CIVIL ACTIONS FILED IN CIRCUIT AND DISTRICTS COURTS.

I. **BE IT ORDAINED** by the County Board of Arlington County, Virginia, that Chapter 27, Section 27-18, of the Code of Arlington County, Virginia, is amended, reenacted and recodified as follows, effective July 1, 2011:

* * *

§ 27-18. Establishment of courthouse maintenance fund.

A. The clerks of the Circuit and District Courts of Arlington County shall collect, as part of the costs in each civil action filed, and in each criminal or traffic case, and in addition to any other costs, a sum of two dollars (\$2.00).

B. The collected fees shall be transferred to the Treasurer who shall place them into a courthouse maintenance fund kept by the Treasurer.

C. The County Board or its designated agent may use money from the fund for any purpose allowed by State law relating to the County Courthouse, including, but not limited to, the construction, renovation or maintenance of the Courthouse, Jail or any Courthouse-related facility and the payment of increases in the costs of heating, cooling and electricity.

* * *

II. The remaining sections and subsections of Chapter 27 of the Code of Arlington County, Virginia, not amended hereby shall remain in effect as previously enacted.

[Board Report #22](#)

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23. AMENDMENTS TO THE ORDINANCE ON PRECINCTS AND POLLING PLACES.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the amendments to the ordinance on precincts and polling places, specifically, to adjust the precinct boundaries between the Barcroft 005 and Jefferson 027 Precincts (see Attachment 1). [Clerk's note: as set forth in the document entitled "Addendum-6-16-12-H- Precincts and Polling Places" attached for the public record to these minutes.]

[Board Report #23](#)

[Addendum-6-16-12-H- Precincts and Polling Places](#)

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24. AN ORDINANCE TO AMEND THE ZONING FEE SCHEDULE TO INCLUDE FEES FOR "CRYSTAL CITY BLOCK PLAN" APPLICATIONS.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the attached ordinance to amend and reenact the Zoning Fee Schedule to include fees for "Crystal City Block Plan" applications.

AN ORDINANCE TO AMEND THE ZONING FEE SCHEDULE TO ADD A FEE FOR CRYSTAL CITY BLOCK PLAN APPLICATIONS IN ORDER TO PROVIDE FOR EFFICIENT ADMINISTRATION OF THE COUNTY'S ZONING ORDINANCE; TO ENCOURAGE ECONOMIC DEVELOPMENT; AND TO PROMOTE THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE PUBLIC

Whereas, in order to provide the efficient administration of the County's Zoning Ordinance, and to provide for the efficient administration of the zoning inspection, permitting and review process, it is necessary for the County to recover the costs of those services from the applicants; and

Whereas the County is authorized by Virginia Code § 15.2-2286 to charge fees to recover its cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of the Zoning Ordinance and the filing or processing of any appeal or amendment thereto; and

Whereas the County Board finds that the fees set forth below will not exceed the reasonable cost of staff review and analysis of Crystal City Block Plans;

Therefore, be it ordained by the County Board of Arlington County that the fee schedule attached hereto is hereby amended to include fees for "Crystal City Block Plan" applications, and shall be applied to all applications have been submitted on or after June 16, 2012 (for all applications submitted before June 16, 2012, the October 15, 2011 Zoning Fee Schedule shall apply):

**ARLINGTON COUNTY, VIRGINIA
DEPARTMENT OF COMMUNITY PLANNING, HOUSING AND
DEVELOPMENT
ZONING ADMINISTRATION**

**CONSOLIDATED FEE SCHEDULE FOR
APPLICATIONS, VARIOUS PERMITS,
BUILDING PERMITS AND SUBDIVISION
PLATS**

APPLICATION FEES

~~OCTOBER 15, 2011~~ JUNE 16, 2012

SITE PLAN APPROVALS & AMENDMENT

Phased Development Site Plan - \$20,057, plus \$122 per acre, plus DES fee of \$20,057 plus \$122 per acre.

Crystal City Block Plan - \$10,028, plus DES fee of \$10,028.

Crystal City Block Plan Amendments- \$5,014, plus DES fee of \$5,014.

Final Site Plans - For Site Plans in "R" & "RA" districts of fewer than 25 units, "C-2" & "Voluntary Coordinated Housing Preservation and Development District (VCHPDD)" - \$2,973 plus \$26 per 100 sq. ft. of office & commercial space, plus \$111 per dwelling unit, plus DES fee of \$1,093 plus \$11 per 100 sq. ft. office/commercial plus \$56 per unit.

[Board Report #24](#)

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CAPITAL PROJECTS

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25. APPROVAL OF AN INCREASED FUNDING AUTHORIZATION FOR CONTRACT NO. 182-10 BETWEEN THE ARLINGTON COUNTY BOARD AND DAVIS CARTER SCOTT, LTD (DCS) FOR ADDITIONAL DESIGN SERVICES TO PROVIDE EMERGENCY SHELTER CAPABILITY AT THE ARLINGTON MILL COMMUNITY CENTER (AMCC), 909 S. DINWIDDIE ST.

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

1. Approved an increased funding authorization of \$40,000.00 and a contingency of \$10,000.00 for Contract No. 182-10 between the Arlington County Board and DCS for additional design services to provide emergency shelter capability for AMCC, for a total contract authorization of \$1,546,872.00;
2. Authorized the Purchasing Agent to execute an amendment to Contract 182-10, subject to review and approval by the County Attorney.

[Board Report #25](#)

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26. AWARD OF CONTRACT TO ARTHUR CONSTRUCTION COMPANY, INC. FOR THE CONSTRUCTION OF CRYSTAL DRIVE, 26TH STREET SOUTH TO 23RD STREET SOUTH TWO-WAY CONVERSION PROJECT ("PROJECT"). CONTRACT NO. 695-12.

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

1. Approved the Award of Contract No. 695-12 to Arthur Construction Company, Inc. for the Construction of the Crystal Drive, 26th Street South to 23rd Street South Two-Way Conversion Project in the amount of \$544,965, authorize an allocation of \$55,000 as a contingency for change orders and increased quantities and \$55,000 in stipulated price items, for a total contract authorization of \$654,965.

- 2. Authorized the Purchasing Agent to execute the Contract Documents, subject to review by the County Attorney.

[Board Report #26](#)

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27. AUTHORIZE AMENDMENT NO. 2 TO CONTRACT NO. 85-95-CS TO INCLUDE ADDITIONAL PROFESSIONAL ENGINEERING SERVICES RELATED TO THE ON-GOING CONSTRUCTION OF THE POTOMAC INTERCEPTOR (PI) SANITARY SEWER IMPROVEMENTS PROJECT.

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

- 1. Authorized Amendment No. 2 to Contract No. 85-95-CS between Camp, Dresser and McKee, Inc. (currently CDM Smith Inc.) and the County Board for the Potomac Interceptor Sanitary Sewer Improvements Project to provide additional professional services for the remaining construction of the project in the amount of \$246,453 and extra funds in the amount of \$24,645 as a contingency for any further services as may be required within the scope of the Contract. The total Amendment authorization is therefore \$271,098.
- 2. Authorized the Purchasing Agent to execute the Amendment, subject to review by the County Attorney.

[Board Report #27](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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28. ACCEPTANCE AND APPROPRIATION OF A VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT GRANT.

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

- 1. Authorized the County Manager or her designee to accept \$12,188 in FY 2012 grant funds from the Virginia Department of Housing and Community Development on behalf of the County Board.
- 2. Appropriated \$12,188 from FY 2012 Virginia Department of Housing and Community Development funds (101.364900) to the Department of Human Services (101.51108) for homeless prevention activities.

[Board Report #28](#)

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29. ACCEPTANCE AND APPROPRIATION OF A VIRGINIA DEPARTMENT OF HEALTH OBESITY PREVENTION GRANT.

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

1. Authorized the County Manager or her designee to execute a grant agreement and accept \$50,000 in FY 2012 grant funds from the Virginia Department of Health on behalf of the County Board.
2. Appropriated \$50,000 in FY 2012 from the Virginia Department of Health (101.364101) to the Department of Human Services (101.55104) for the Obesity Prevention through Healthy Communities program.

[Board Report #29](#)

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30. ACCEPTANCE AND APPROPRIATION OF A \$96,224 FEDERAL ECONOMIC DEVELOPMENT INITIATIVE GRANT FOR RENOVATION OF 3700 SOUTH FOUR MILE RUN DRIVE TO CREATE THE SHIRLINGTON ARTS INCUBATOR.

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

1. Appropriate \$96,224 from the U.S. Department of Housing and Urban Development (HUD) (101.371895) to the Department of Community Planning, Housing and Development (CPHD) (101.72408) for reimbursement of construction costs for an arts incubator at 3700 South Four Mile Run Drive in a County-owned facility.
2. Authorize the County Manager or her designee to enter into any agreement(s) and execute the required documents for receipt of this grant, subject to the terms and conditions of the grant and subject to approval of them by the County Attorney.

[Board Report #30](#)

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31. AUTHORIZE THE REALLOCATION OF \$320,000 IN FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SINGLE FAMILY REVOLVING LOAN FUNDS, CURRENTLY HELD BY AHC, INC., TO GENERAL PROGRAM INCOME TO SUPPORT PROGRAM DELIVERY COSTS AND DIRECT THE RETURN AND TRANSFER OF FUNDS TO THE COUNTY'S COMMUNITY DEVELOPMENT FUND IN FY 2013.

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

1. Appropriated and directed the return and transfer of \$320,000 in CDBG single family revolving loan funds (206.371890), currently held by AHC, Inc., to the County's Community Development Fund (206.72405) in FY 2013.
2. Authorized the reallocation of \$320,000 in CDBG single family revolving loan funds from the County's Community Development Fund (206.72405), to AHC, Inc. (206.371890) as a CDBG grant of general program income to support program delivery costs related to its operation of single family programs on behalf of the County.

[Board Report #31](#)

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32. ACCEPTANCE AND APPROPRIATION OF U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REGIONAL CATASTROPHIC PREPAREDNESS GRANT PROGRAM (RCPGP) GRANT.

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

1. Authorized the County Manager or her designee to accept the FY 2012 RCPGP Grant from the All Hazards Consortium/Teleologic Learning on behalf of the Arlington County Board.
2. Appropriated \$116,500 in FY 2013 from the All Hazards Consortium/Teleologic Learning (101.374919) to the Arlington Office of Emergency Management (101.32020) on behalf of DHS/FEMA Regional Catastrophic Preparedness Grant Program to focus on supply chain resilience for Mid-Atlantic catastrophic preparedness.

[Board Report #32](#)

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33. APPLICATION FOR AND APPROPRIATION OF FY 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM.

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

1. Authorized the County Manager to accept \$41,208 in non-competitive grant funds under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program: FY 2012 Local Solicitation from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.
2. Appropriated \$41,208 in grant funds from the Bureau of Justice Assistance (101.374900) to the Police Department (101.31202) for costs associated with the FY 2012 JAG Program in FY 2013.

[Board Report #33](#)

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34. APPROPRIATION OF FUNDING SET ASIDE AT FY 2013 BUDGET ADOPTION FOR ARLINGTON PUBLIC SCHOOLS TO ADDRESS THE IMPACT OF RECENT GENERAL ASSEMBLY CHANGES TO THE VIRGINIA RETIREMENT SYSTEM (VRS) ON SCHOOLS' EMPLOYEES.

On the consent agenda vote, after a duly advertised public hearing, the Board reallocated \$1,456,088 from the General Fund Non-Departmental VRS contingent account to the Schools transfer account to provide Schools additional funding to offset impacts of changes by the General Assembly to the Virginia Retirement System (VRS) and adopt the revised budget (attachment I) and appropriation (attachment II) resolutions. [Clerk's note: as set forth in the document entitled "Addendum-6-16-12-I- APS Funding" attached for the public record to these minutes.]

[Board Report #34](#)

[Addendum-6-16-12-I- APS Funding](#)

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OTHER

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35. APPROPRIATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM INCOME FUNDS FROM THE AHC MULTIFAMILY REVOLVING LOAN FUND; ALLOCATION OF CDBG FUNDS TO LOAN TO AN AHC, INC. (AHC) COUNTY-APPROVED OWNERSHIP AFFILIATE TO FINANCE THE ACQUISITION OF REAL PROPERTY AND THE DEMOLITION OF THE SHELL GAS STATION FOR THE PURPOSE OF DEVELOPING A NEW AFFORDABLE HOUSING COMPLEX AT COLUMBIA PIKE AND S. GREENBRIER STREET; APPROVAL OF THE CDBG SUBRECIPIENT AND LOAN AGREEMENT; AND AUTHORIZATION FOR THE COUNTY MANAGER TO EXECUTE THE REQUIRED CDBG LOAN DOCUMENTS FOR A LOAN OF CDBG FUNDS TO AN AHC COUNTY-APPROVED OWNERSHIP AFFILIATE.

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

1. Appropriated \$3,078,034 in FY 2012 in Community Development Block Grant program income funds from the AHC Multifamily Revolving Loan Fund (206.371890) to the Community Development Fund for the County's Multifamily Revolving Loan Fund (206.72405).
2. Allocated up to \$3,078,034 in Community Development Block Grant program income funds from the Unallocated Multifamily Revolving Loan Fund (206.456300.72405.MFRL.0668.68DA) to AHC, Inc.'s ownership affiliate (206.456300.72405.MFRL.0668.6HSH) for the following authorized federal CDBG-eligible activities: (a) the acquisition of 5511 Columbia Pike (RPC # 22011056) and a portion of the real property located at 860 South Greenbrier Street (RPC #22011054), (b) the payment of certain eligible acquisition-related soft costs, (c) the payment of certain eligible predevelopment costs, and (d) the payment of costs associated with the demolition of the Columbia Pike Food Mart and Shell Gas Station, in order to facilitate the construction of an 83-unit affordable housing complex by AHC, Inc.'s designated County-approved ownership affiliate. The CDBG loan funds will be subject to the terms and conditions approved in the board report from agenda item #29 of March 10, 2012 County Board meeting and this board report.
3. Approved the attached Community Development Block Grant Subrecipient and Loan Agreement for the up to \$3,078,034 CDBG loan to AHC Limited Partnership – 23, the County-approved ownership affiliate of AHC, Inc., solely for the use on authorized CDBG-eligible activities. [Clerk's note: as set forth in the document entitled "Addendum-6-16-12-J- CDBG Agreement" attached for the public record to these minutes.]
4. Authorized the County Manager to execute, on behalf of the County Board, the CDBG loan documents for the up to \$3,078,034 CDBG loan to AHC Limited Partnership - 23 including the (i) Community Development Block Grant Subrecipient and Loan Agreement, (ii) CDBG Promissory Note, (iii) CDBG Deed of Trust, Assignment of Rents and Leases and Security Agreement, and (iv) Declaration of Restrictive Covenants, Conditions and Restrictions, and all related documents, subject to approval by the County Attorney, and authorize and direct the trustees for the County Board to execute the CDBG Deed of Trust, Assignment of Rents and Leases and Security Agreement, and all related documents, subject to approval by the County Attorney.
5. Authorized the County Manager, with the concurrence of the County Attorney, to act as the County Board's representative in approving revisions to the CDBG loan documents for the up to

\$3,078,034 CDBG loan to AHC Limited Partnership – 23 that are necessary to remove any ambiguity or inconsistency or which improve the County’s financial security or financial position, and which changes do not adversely affect the County financially, prior to or after execution of the CDBG loan documents for the up to \$3,078,034 CDBG loan to AHC Limited Partnership - 23.

[Board Report #35](#)

[Addendum-6-16-12-J- CDBG Agreement](#)

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36. AMEND AND RESTATE THE TERMS AND CONDITIONS OF THE AFFORDABLE HOUSING INVESTMENT FUND (AHIF) LOAN FOR HOWARD MANOR APARTMENTS TO HOWARD MANOR LLC.

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

1. Approved the attached Amended and Restated Affordable Housing Investment Fund Loan Agreement for the \$6,380,000 AHIF loan to Howard Manor, LLC, the County-approved ownership affiliate of Community Preservation and Development Corporation, which assisted with the acquisition of Howard Manor Apartments, a 76-unit apartment complex located at 2500-2510 20th Road North and 2001-2003 North Cleveland Street (RPC Numbers 15-007-066, -067). [Clerk’s note: as set forth in the document entitled “Addendum-6-16-12-K- Howard Manor” attached for the public record to these minutes.]
2. Authorized the County Manager to execute, on behalf of the County Board, the amended and restated AHIF loan documents for the \$6,380,000 AHIF loan to Howard Manor, LLC including the (i) Amended and Restated Affordable Housing Investment Fund Loan Agreement, (ii) Amended and Restated Promissory Note, (iii) Amended and Restated Deed of Trust, Assignment of Rents and Leases, and Security Agreement, and (iv) Amended and Restated Declaration of Restrictive Covenants, Conditions and Restrictions, and all related documents, subject to approval by the County Attorney, and authorize and direct the trustees for the County Board to execute the Deed of Trust, Assignment of Rents and Leases, and Security Agreement, and all related documents, subject to approval by the County Attorney.
3. Authorized the County Manager, with the concurrence of the County Attorney, to act as the County Board’s representative in approving revisions to the amended and restated AHIF loan documents for the \$6,380,000 AHIF loan to Howard Manor, LLC that are necessary to remove any ambiguity or inconsistency or which improve the County’s financial security or financial position, and which changes do not adversely affect the County financially, prior to or after execution of the amended and restated AHIF loan documents for the \$6,380,000 AHIF loan to Howard Manor, LLC.

[Board Report #36](#)

[Addendum-6-16-12-K- Howard Manor](#)

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37. RESOLUTION CERTIFYING IMPLEMENTATION OF AMENDMENTS TO CHAPTER 51.1-144 OF THE CODE OF VIRGINIA REGARDING MEMBER CONTRIBUTIONS TO THE VIRGINIA RETIREMENT SYSTEM (VRS).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the form resolution required by the Virginia Retirement System (VRS) certifying that Arlington County will be withholding a 5% VRS member contribution from VRS member employees of Arlington County Government. [Clerk’s note: as

set forth in the document entitled "Addendum-6-16-12-L- VRS Resolution" attached for the public record to these minutes.]

[Board Report #37](#)

[Addendum-6-16-12-L- VRS Resolution](#)

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39. AMENDMENT TO THE VIRGINIA RAILWAY EXPRESS (VRE) MASTER AGREEMENT.

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the Chair of the County Board to sign the amended VRE Master Agreement. [Clerk's note: as set forth in the document entitled "Addendum-6-16-12-M- VRE Master Agreement" attached for the public record to these minutes.]

[Board Report #39](#)

[Addendum-6-16-12-M- VRE Master Agreement](#)

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40. MINUTES

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

May 19, 2012	Regular Meeting
May 22, 2012	Recessed Meeting

[Item # 40 \(Minutes from the May 19, 2012-Regular Meeting\)](#)

[Item # 40 \(Minutes from the May 22, 2012-Recessed Meeting\)](#)

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REGULAR HEARING ITEMS

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41. REQUEST TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS ON THE ADOPTION OF THE COLUMBIA PIKE NEIGHBORHOODS AREA PLAN (SEE ATTACHMENT 1 OF THE STAFF REPORT).

Following a duly advertised public hearing at which there were speakers, a motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISSETTE, Member to authorize the advertisement of public hearings by the Planning Commission on July 9, 2012 and the County Board on July 21, 2012 to consider the adoption of the Columbia Pike Neighborhoods Area Plan with the following amendments. The motion was adopted by a vote of 5 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J.

WALTER TEJADA, Vice Chairman - Aye, LIBBY GARVEY, Member - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk’s note: text to be added is shown in underline, text to be deleted is shown in strikethrough].

On page 5.8, add item number #7 before the heading “Affordable Housing Tools:”

- 7. Establish an automatic trigger to consider how to amend the form-based code to incorporate any significant new land use based policy that would be applied elsewhere in Arlington County.

A motion was made by JAY FISETTE, Member, seconded by J. WALTER TEJADA, Vice Chair to make additional amendments to the advertisement of the public hearings on the adoption of the Columbia Pike Neighborhoods Area Plan as follows. The motion was adopted by a vote of 4 to 1, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chair - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – No. [Clerk’s note: text to be added is shown in underline, text to be deleted is shown in strikethrough].

On page 5.8, change item #6: ~~Consider undertaking~~ Undertake a future study to reexamine the existing FBC. Develop a scope of work for this effort in order to the meet the bulk of affordable housing goals, primarily the need to identify potential Transfer of Development (TDR) receiving sites, that would examine sites coded for the Main Street and Avenue Site building types to evaluate whether additional height could be appropriate. [Clerk’s note: the remainder of the paragraph remains unchanged.]

[Board Report #41](#)

[Attachment #1-Columbia Pike Neighborhoods Area Plan](#)

[Attachment #2-Columbia Pike Neighborhoods Area Plan-Tools Technical Report](#)

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

A motion was made by MARY HYNES, Chairman, seconded by J. WALTER TEJADA, Vice Chairman, to convene a closed meeting as authorized by Virginia Code sections 2.2-3711.A.7 for the purpose of consultation with the County Attorney concerning the County’s authority to regulate commercial speech through its sign regulations.

The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

The Board met in a closed meeting from 12:15 p.m. to 1:05 p.m.

A motion was made by MARY HYNES, Chairman, seconded by WALTER TEJADA, Vice Chairman to certify 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. The motion was adopted by a vote of 5 to 0 by roll call as follows:

Member & Vote

Ms. Hynes - Aye

Mr. Tejada - Aye
Mr. Fisetete – Aye
Ms. Garvey – Aye
Mr. Zimmerman – Aye

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42. GREEN BUILDING DENSITY INCENTIVE POLICY FOR SITE PLAN PROJECTS

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by J. WALTER TEJADA, Vice Chair to amend the County's Green Building Density Incentive for Site Plan Projects Policy (see attached) to evaluate special exception site plan requests for bonus density consistent with Section 36.H.5.a.(1) of the Zoning Ordinance. The motion was adopted by a vote of 5 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, LIBBY GARVEY, Member - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk's note: as set forth in the document entitled "Addendum-6-16-12-N-Green Buildings" attached for the public record to these minutes.]

[Board Report #42](#)

[Addendum-6-16-12-N-Green Buildings](#)

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43. SP# 125 SITE PLAN AMENDMENT TO AMEND CONDITIONS #6 AND 7 TO PERMIT THE REPLACEMENT OF EXISTING VIDEO DISPLAY SCREEN AND THE ADDITION OF COMMERCIAL SPONSOR MESSAGING, WITH MODIFICATION TO USE REGULATIONS TO INCLUDE PERMITTING OFF-SITE COMMERCIAL MESSAGING, AND OTHER MODIFICATIONS AS NECESSARY TO ACHIEVE THE PROPOSED DEVELOPMENT PLAN: LOCATED AT 1000 AND 1100 WILSON BOULEVARD (RPC# 17-001-010, AND -011).

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by CHRISTOPHER ZIMMERMAN, Member to adopt the attached ordinance to deny the requested amendment to SP #125 to amend Condition #7 to permit the addition of commercial sponsor messages to the Jumbotron video display screen with modification of use regulations to permit off-site commercial messages; but approve an amendment to Condition #6 to permit the redesign of the screen subject to all previous conditions, with Condition #6 amended as shown in the report. The motion was adopted by a vote of 5 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, LIBBY GARVEY, Member - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk's note: as set forth in the document entitled "Addendum-6-16-12-O-SP#125" attached for the public record to these minutes.]

[Board Report #43](#)

[Addendum-6-16-12-O-SP#125](#)

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ADDITIONAL ITEMS

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44. CONTINUATION OF THE ROUTE 1 CORRIDOR STREETCAR CONVERSION PROJECT WITH THE CITY OF ALEXANDRIA THROUGH A PHASED STUDY AND IMPLEMENTATION PROCESS.

Following a duly advertised public hearing at which there were speakers, a motion was made by MARY HYNES, Chair, seconded by CHRISTOPHER ZIMMERMAN, Member to:

1. Approve continuation of the joint Route 1 Corridor Streetcar Conversion Project with the City of Alexandria as a two-phased project, and
2. Authorize the County Manager to sign an amended Route 1 Corridor Streetcar Coordination Agreement (“Coordination Agreement”) as described in the Board Report and in a form approved by the County Attorney.

The motion was adopted by a vote of 5 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, LIBBY GARVEY, Member - Aye, JAY FISSETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk’s note: as set forth in the document entitled “Addendum-6-16-12-P-Streetcar Conversion” attached for the public record to these minutes.]

[Board Report #44](#)

[Addendum-6-16-12-P-Streetcar Conversion](#)

ADJOURNMENT

Without objection, at 2:24 p.m., the Board recessed until the June 19, 2012 Recessed Meeting.

MARY HYNES, Chair

ATTEST:

HOPE L. HALLECK, Clerk
Approved: July 21, 2012