

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, May 25, 2010 at 3:00 p.m.

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

ALSO PRESENT: MICHAEL B. BROWN, County Manager  
STEPHEN A. MacISAAC, County Attorney  
HOPE L. HALLECK, Clerk  
and other staff

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### **COUNTY BOARD RECESSED MEETING**

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#### **I. COUNTY BOARD REPORTS**

The Chairman announced that the Board would take an action to approve the employment agreement of the County Manager.

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 HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board approved the Employment Agreement with Michael Brown and ratified its execution on behalf of the Board by the Chairman.

The Chairman welcomed Mr. Brown.

The Chairman announced the Clean the Bay Day. Arlington's creeks and streams drain straight into the Chesapeake Bay. Thousands of Virginians will help clean-up the waterways on Saturday, June 5<sup>th</sup>. Arlington's Remove Invasive Plants (RIP) Program and Arlingtonians for a Clean Environment (ACE) will host a site in Arlington. For more information visit [www.cbf.org/clean](http://www.cbf.org/clean).

The Chairman provided an update on BikeArlington. A few days ago it was announced that Arlington and DC signed a contract for a joint bike-sharing program across the two jurisdictions. The program will provide more than 1100 bikes at 113 stations around DC and Arlington, located to connect with mass transit. Membership is open to everyone annually, monthly, or daily at a low cost. DC has piloted a program for the last couple of years and Arlington is pleased to partner with them as a new system is brought into Arlington that is solar powered, very flexible, and less costly. Arlington's bike-sharing stations will focus on Crystal City, Potomac Yard and Pentagon City areas and grow from there.

The Chairman announced that Friday, May 21<sup>st</sup> was Bike to Work Day. There was a record turn out. About 20% more riders registered this year than last year. The following were the approximate numbers registered in the Arlington area:

- Rosslyn – 700
- Ballston – 314
- Crystal City – 406

The Chairman announced the Arlington/DC Community Bike Ride which took place this past Sunday. There were 4,000 registered participants.

The Chairman announced that June 9<sup>th</sup> is the Bicycle Friendly Business Workshop. This workshop will connect Arlington's business community to Arlington's transit system. Business leaders and property managers from DC and Arlington are invited to learn why it is important to be bicycle-friendly, and how they can do more to make

it easy for employees and visitors to access their business by bike. The free workshop is hosted by BikeArlington and goDCgo with technical assistance from the League of American Bicyclists. For more information visit [www.BikeArlington.com](http://www.BikeArlington.com).

The Chairman announced the Air Force Cycling Classic on June 12<sup>th</sup> and 13<sup>th</sup>. This is a professional bike race which will be followed by the community Crystal Ride. Arlington is teaming up with the District and the Crystal City BID to host this race.

The Chairman announced that he gave out the award for the Arlington's Car-Free Diet Skeptics Challenge. A dozen individuals registered their online videos to be chosen. This was sponsored by Arlington's Commuter Services and lasted for 30 days. The judges picked Todd DuBois and Ross Frazier as the two finalists and they competed over the last month. On Friday, the Chairman announced that the grand prize winner was Todd DuBois. The Chairman showed one of the online videos for the public to enjoy.

The Chairman announced the Pike 200 Moments. Arlington recently celebrated the kickoff of the one-year celebration of the 200<sup>th</sup> anniversary of Columbia Pike. There is wonderful history along Columbia pike and a lot to celebrate. As part of the festivities, Arlington's AVN producers are creating a series of "Pike 200 Moments". The Chairman showed two videos for the public to enjoy.

Ms. Favola reported that she represented the County at the Asian Pacific Economic Cooperation Conference which took place in China. It was a conference on intelligent industries and intelligent communities. Ms. Favola emphasize the following four major themes regarding intelligent communities in a panel discussion she participated in:

- a world class public education system
- sustainable investment strategies
- social equity
- civic engagement

Ms. Favola hopes to continue to exchange and share information with the delegation from China.

Mr. Tejada announced the 1<sup>st</sup> Annual Kennan Garvey Memorial bike ride on Saturday, June 5<sup>th</sup> beginning at 10:00 a.m. at the Phoenix Bike shop. This is a no frills community bike ride. Kennan Garvey was a bicycle enthusiast and the bike ride has been named in his honor. The ride is free of charge. For more information visit [www.phoenixbikes.org](http://www.phoenixbikes.org).

Mr. Tejada announced that the Arlington Free Clinic has become the first LEED GOLD free clinic in the United States. The clinic provides free healthcare to low income and uninsured adults in Arlington.

Mr. Tejada announced that the next Latino Roundtable Public Forum will take place Thursday, June 17, 2010 at 6:30 p.m. in the Atrium of the Arlington Career Center. Everyone is welcome. This forum will cover information regarding health services in Arlington.

Ms. Hynes announced that Bob Griffin, Director of Arlington's Environmental Services, will retire tomorrow. Ms. Hynes read a short limerick regarding Mr. Griffin. Ms. Hynes wished Mr. Griffin all the best.

Mr. Zimmerman announced a few improvements to Arlington transit. Last Monday the ART 77 extended its service until 10:55 p.m. five nights a week. On June 21<sup>st</sup> the ART 74 will be split into two routes. Riders on the east end will still have the ART 74 but there will be a new ART 84 route that will connect Nauck and Douglas Park areas with the Pentagon City metro station. On July 6<sup>th</sup> a number of changes are taking place. The Department of Human Services (DHS) is getting ready to move from Clarendon to its new location off of Washington Boulevard just below Arlington Boulevard. As part of that move the ART 77 and the ART 42 will stop at the new DHS location. The ART 45 will also stop at the DHS center. In September the ART 75 will extend to Shirlington. For more information visit [www.arlingtontransit.com](http://www.arlingtontransit.com).

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## 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 HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board made the following appointments:

**Arlington Commission on Long-Term Care Residences**

**Appoint** Tyler Corson  
Christine Sheehy

**Arlington Solid Waste Authority**

**Appoint** Michael Brown as Executive Director replacing Barbara Donnellan

**Citizens Advisory Commission on Housing**

**Appoint** Jeffrey J. Certosimo  
Jean McGillen Falvey  
Y. Carolina Guevara Gutierrez

**Disabilities Commission**

**Appoint** William Patrick Stederman

**Emergency Preparedness Advisory Commission**

**Appoint** Stephanie Dailey

**Human Rights Commission**

**Appoint** Joaquin F. Otero

**Park and Recreation Commission**

**Reappoint** Sandra Green

**Public Facilities Review Committee**

**Reappoint** Eric Sildon as Parks and Recreation Representative

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**III. REGIONAL REPORTS**

Mr. Tejada introduced the Foster Parent of the Year, Katena Wells, and asked her to come forward to the podium. Mr. Tejada had the opportunity to attend a ceremony at the Metropolitan Washington Council of Governments for the Kids Need Families Like Yours Campaign. Since 2005 Ms. Wells has been a foster parent who brings to the job her natural skills and a never give up attitude. She has cared for infants and toddlers and is also a mother who has adopted. Ms. Wells cares for teenagers and does emergency care. Her work with the birth parents is also one of her gifts. She is able to develop trusting relationships upon mutual respect and understanding. Ms. Wells stresses the importance of team work and doing what is best for the child. Mr. Tejada showed a short video highlighting Ms. Wells.

Ms. Wells thanked the County Board. She stated that it was her honor to represent Arlington County as foster parent of the year. Ms. Wells plans to continue to be a good foster parent, role model and friend.

Ms. Favola announced that those interested in becoming a foster parent can participated in the Arlington County Foster Parent Support Group and added that the County is there to support foster parents.

Mr. Tejada announced the United for Jobs: A Regional Forum on Careers in Health sponsored by the Metropolitan Washington Council of Governments. The event will take place on Thursday, June 3, 2010 from 8:00 a.m. to 2:00 p.m. at the Washington Convention Center. Registration is free.

Mr. Tejada made a statement on the Arizona immigration law. In Mr. Tejada's opinion, this law is both misguided and unconstitutional. As president of the National Association of Hispanic County Officials and chairman of the Immigration Task Force for the National Association of Counties, this is an issue of importance to Mr. Tejada. Many constituents have asked Mr. Tejada to speak up on this divisive issue in Arizona. Mr. Tejada feels that extremists are defining the debate on immigration and the portrayal of Latino Americans and other immigrant groups at every level. The latest example comes from the state of Arizona influenced by extreme groups. This law was proposed by Republican lawmakers, approved by straight party lines, and signed into law by Republican Governor Jan Brewer. The law gives local police the power to inquire about a person's immigration status if they suspect them to be an illegal immigrant. The police can then make an arrest if the person is not carrying a valid driver's license or carrying identity papers. This law preempts the Federal role in immigration regulation and encourages racial profiling. Mr. Tejada is committed now, more than ever, to protecting civil rights and integration strategies to help immigrants become full participants and

contributing Americans. He rejects this law and calls on others to do the same. Like others, Mr. Tejada boycotts Arizona and encourages others to do the same. President Barak Obama has called on the Justice Department to review this law. The Federal government cannot continue to pass the buck onto state and local governments on this issue. State and local governments do not have the jurisdiction to fix this problem.

Mr. Zimmerman associated himself with the comments made by Mr. Tejada.

Mr. Fisetete and Ms. Favola noted the resolution passed by the Board in 2007 supporting positive race relations. Ms. Favola encouraged Mr. Tejada to promote the resolution passed by the Board in his national leadership role at the National Association of Counties.

Ms. Hynes pointed out that beyond the stance the Board has taken on this issue, the Arlington community is a wonderful example of all of the benefits that come from being welcoming and figuring out how to integrate all people into the fabric of the community.

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**IV. COUNTY MANAGER REPORT**

The Manager thanked the Board for his appointment as County Manager and thanked the community and staff for the warm reception.

The Manager thanked Barbara Donnellan for her work as Acting County Manager and her work on the FY 2011 budget.

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**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 HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board met in a closed meeting from 4:07 p.m. to 6:30 p.m., as authorized by §§2.2-3711.A.3 and 7 of the Virginia Code, for the purposes of discussion and consultation with the County Attorney concerning the following:

One matter involving the acquisition of real property for public purposes where discussion in public would adversely affect the County's negotiating position; and

One matter involving the terms and conditions of an agreement with the Commonwealth of Virginia for the transfer of Columbia Pike to the County.

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

**Member & Vote**

- Mr. Fisetete - 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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**THE FOLLOWING ITEMS TO BE HEARD BEGINNING AT 6:30 P.M.**

The Chairman presented the Bill Thomas Park Service Award. The Bill Thomas Award is the highest honor given in Arlington to someone who supports parks and natural resources. The Award is named after Bill Thomas who served the Arlington County parks community for more than two decades and made an enormous contribution to the quality of life in Arlington. This years Award was given to Toby Smith. Mr. Smith was part of the team that developed Arlington’s Public Spaces Master Plan. He also served as chairman of the Arlington Parks and Recreation Commission through two of its most challenging years, when the County acquired and planned Long Bridge Park on the North Tract. Mr. Smith’s vision and leadership of the design effort for Long Bridge Park will help Arlington transform the former industrial site into a signature park and recreation space for all Arlingtonians. The Board presented Mr. Smith with a plaque.

The Chairman welcomed the participants of the 10<sup>th</sup> Arlington Neighborhood College graduation ceremony and congratulated 15 individuals who demonstrated their commitment to participate in Arlington civic activities. Katie Brown-Henry presented the following graduates with their certificates:

- Gladys Amurrio
- Jo Ellen Allen
- Katherine Cox
- Austreberto Orozco Fuentes
- Mauricio Godinez
- Thomas Jonson
- Julio C. Moreno
- Alberta Montes
- Jaime Numbela
- Manuel Orozco
- Arturo J. Revollo
- Elizabeth Rodriguez
- Anthony Thompson
- Claudia L. Torres
- George C. Towner

The Chairman recognized Jim Allen who has been an integral part of the Neighborhood College since the program’s inception in 2000.

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**\* CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, MAY 22, 2010)**

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**4. SP#89 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN, CHANGE OF USE OF APPROXIMATELY 570 SQ. FT. OF MAIN BUILDING MEZZANINE LOBBY, LIVE ENTERTAINMENT AND FOOD DELIVERY SERVICE, WITH MODIFICATION OF ZONING ORDINANCE REQUIREMENTS FOR SIGN AREA, LOCATED AT 1101 WILSON BOULEVARD (RPC# 16-039-002).**

On motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by MARY HUGHES HYNES, 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 HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, after a duly advertised public hearing, at which there were no speakers, the Board took the following actions:

1. Adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #89 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for a comprehensive sign plan including a special exception for rooftop lighting, change of use of approximately 570 sq. ft. of main building mezzanine lobby, live entertainment and food delivery service, with modification of zoning ordinance requirements for sign area for the parcel of real property known as 1101 Wilson Boulevard (RPC #16-039-002), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions and the conditions as set forth in the document entitled "Addendum 5-25-10-A – SP #89" attached for the public record to these minutes.

- 2. Adopted the ordinance, as set forth in the document entitled "Addendum 5-25-10-B – Ordinance Artisphere Banners" attached for the public record to these minutes, authorizing the County Manager to place a banner for the Artisphere on the street light pole in Rosslyn Metro Station Area.

[Addendum 5-25-10-A – SP #89](#)

[Addendum 5-25-10-B – Ordinance Artisphere Banners](#)

[Board Report #4](#)

[Board Report #4-Supplemental #2](#)

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**8. SP#397 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN AT CLARENDON CENTER; LOCATED AT 3028 WILSON BLVD, 3000 WILSON BLVD, CLARENDON BLVD, 1101 N. HIGHLAND ST, 1200 N. GARFIELD ST. AND 3030 CLARENDON BLVD. (RPC# 18-012-003, 18-012-004, 18-013-007, 18-013-010, 18-013-011).**

On motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, 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 HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, after a duly advertised public hearing, at which there were no speakers, the Board took the following actions:

- 1. Adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #397 on file in the Office of the Zoning Administrator for an amendment to a special exception for temporary signs for the parcel of real property known as 3028 Wilson Boulevard, 3000 Wilson Boulevard, Clarendon Boulevard, 1101 N. Highland Street, 1200 N. Garfield Street and 3030 Clarendon Boulevard (Clarendon Center) (RPC #18-012-003, 18-012-004, 18-013-007, 18-013-010, and 18-013-011), 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 revised condition #47, as set forth in the document entitled "Addendum 5-25-10-C – SP #397" attached for the public record to these minutes.

- 2. Deferred the site plan amendment request for a comprehensive sign plan at Clarendon Center to the July 10, 2010 County Board meeting.

[Addendum 5-25-10-C – SP #397](#)

[Board Report #8](#)

[Board Report #8-Supplemental](#)

[Board Report #8-Supplemental #2](#)

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**9. U-96-48-1 USE PERMIT AMENDMENT FOR A COMMERCIAL RADIO TOWER FOR WETA-FM; LOCATED AT 5217 19TH ROAD N. (RPC# 09-015-024).**

On motion by BARBARA A. FAVOLA, Member, seconded by MARY HUGHES HYNES, 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 HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted

the following ordinance:

BE IT ORDAINED that, pursuant to application U-96-48-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for a commercial radio tower for the parcel of real property known as 5217 19<sup>th</sup> Road North (WETA-FM) (RPC #09-015-024), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following amended conditions #1 through #22, and with administrative reviews in one (1) year (May 2011) and two (2) years (May 2012) and a County Board review in five (5) years (May 2015):

Amended conditions:

- ~~1. A surety agreement in the amount of \$6,300.00 shall be executed with Arlington County to ensure the completion of landscaping and soundproofing.~~
- ~~1. 2. Additional structural or technological changes to the tower structure and mast or transmit/receive equipment for use by GWETA or others not previously approved its successors in ownership shall require an amendment to the use permit. These changes may be considered administratively as long as they are smaller than or equal to existing improvements, stay at the same location on the tower, and replace existing improvements.~~
- ~~3. A landscaping and site development plan including improved access to Big Walnut Park shall be approved by the County Manager or his designee prior to the installation of any site, structural or technological improvements. The landscaping shall be completed within 90 days of the approval of the landscape plan by the County Manager or his designee.~~
- ~~4. Sound baffling materials for fans and generators shall be approved by the County Manager or his designee. This equipment shall be installed within 90 days of the approval of the building permit. The County shall test the equipment for compliance with the noise ordinance following installation.~~
25. The applicant shall continue to permit access through the GWETA site to Big Walnut Park. GWETA shall grant a permanent access easement for the GWETA property outside the fence. Maintenance of the easement area shall be the responsibility of Arlington County. The applicant shall prepare a plat of the easement area subject to the approval of the County Manager. The deed of easement shall be subject to the approval of the County Attorney.
36. The GWETA liaison shall contact the Presidents of the John M. Langston Civic Association and the Tara-Leeway Heights Civic Association, ~~the Highview Park Neighborhood Conservation Area representative, the Citizens Around the Tower representative,~~ and residents of North 19th Road prior to commencing any tower work involving climbers or site or structural improvements other than routine maintenance of the grounds. In an emergency situation, neighborhood notification shall occur within 24 hours, or the next business day.
47. Employee cars, maintenance and construction vehicles shall park in the GWETA parking lot. Residents of 19th Road North shall be notified in advance of any circumstances that would require employee or contractor parking on 19th Road North.
58. Sunday work on the tower or property is not permitted, except in emergency situations.
69. a) ~~Semi-~~ The applicant agrees to conduct a set of standard radio frequency (RF) level measurements at least once every calendar year, with not less than ten months or more than fourteen months between measurements and provide the report of such measurements to the Zoning Administrator and the Tara-Leeway Heights and John M. Langston Civic Associations. Annual radiation The tests shall be conducted by an independent authority at the expense of GWETA ~~to be selected by GWETA, a citizen representative, and the County Manager's representative.~~ If the independent authority finds that any American National Standards Institute or Federal Communications Commission Guidelines standards for emissions by the tower are being violated, the review date shall be advanced to the earliest date after the report to the County Manager for which a County Board hearing can be advertised. Radio frequency emissions shall not exceed 50 microwatts per square centimeter.
- b) The annual report shall consist of the following: The independent authority will choose monitor points, based on their experience and professional judgment and on the procedures generally accepted by the Federal Communications Commission, which they feel will generate an accurate picture of the RF levels in the area (approximately 28 measurement points). These same monitor

points will be used for every set of RF level measurements conducted so that a historically useful set of reference measurements will be generated, to allow a meaningful comparison of RF level changes over an extended period of time.

The report shall include a listing of each monitor point and the level measured at that point. The report shall include an average value for all of the measurement points to be calculated by adding the RF level measured at each point together and dividing the RF level total by the total number of measurements. This average value will be used to determine compliance with the limit of 50 microwatts per square centimeter as noted above. Additionally if the reading at any RF monitor point exceeds the limit of 50 microwatts per square centimeter this condition will be investigated immediately and corrective action taken as soon as possible once the cause can be determined.

If a monitor point becomes unavailable because of some change beyond the control of the engineers then a new monitor point will be chosen using the same selection criteria as outlined above. This change in a monitor point will be noted in the annual RF level measurement report.

c) WETA shall make an assessment whenever a new antenna is proposed to be located on the tower. Such an assessment shall include an estimate of the probable effect by the proposed operation at and near ground level (zero [0] to two [2] meters). An additional set of standard measurements will be conducted following the installation and placement into service of a new transmitting antenna. WETA agrees that all assessments and measurements referenced in the previous two (2) sentences shall be made available to the Tara-Leeway Heights and John M. Langston Civic Associations, and shall be summarized in the annual report required by condition 6.a) above. Provided, however, that the County shall not be required (but may, at its option) to review such measurements for purposes of County approval of any permit that may be required for installation of an antenna. Antennas used for reception only will not be required to have the aforementioned assessments and tests.

- ~~10.~~ The applicant shall secure the approval of the County Manager or his designee of the materials to be used on the exterior facade of the accessory building prior to issuance of a building permit.
- ~~11.~~ The applicant shall add a brick facade to the existing cinder block walls.
- ~~12.~~ The applicant shall secure the approval of the County Manager or his designee of a landscape plan for the proposed changes.
- ~~13.~~ The number of antennas which may be installed on the applicant's tower shall not exceed 44. The applicant shall be permitted to install the additional 12 antennas up to the 44 antenna limit. Additional antennas may be installed with no limit on the number, subject to such additional antennas complying with the equipment design and use specifications as set forth in the County Manager's November 4, 1998 report, and approved by the County Board on November 18, 1998, provided that the applicant shall include in every lease that all antenna placed on the tower pursuant to the lease must be the smallest, least visible design that is technologically feasible. The applicant agrees further that each of its own antennae will also meet this criteria. Antennas must be painted to match the color of the tower structure.
- ~~14.~~ The applicant shall remove the three dipole antennas not currently in use.
- ~~15.~~ No additional building shall be built nor shall there be an increase in the footprint of the existing buildings ~~shall be permitted~~ without consideration of a use permit amendment by the County Board. ~~No microwave antenna, except those previously approved or substitutions for the same as allowed by condition number two shall be installed on the tower. If the current lessee using microwave antennas terminates its use of same, and further, if applicant's lease with said lessee so permits, those microwave antennas will be removed and non-microwave substitutions of the current dipole type antenna or antenna type as approved herein may be installed on the tower, subject to the 44 antenna limit.~~
- ~~16.~~ ~~No microwave antenna, except those previously approved or substitutions for the same as allowed by condition two, shall be installed on the tower. If the current lessee using microwave antenna terminates its use of same, and further, if applicant's lease with said lessee so permits, those microwave antennas will be removed and non-microwave substitutions of the current dipole type antenna or antenna type as approved herein may be installed on the tower subject to the 44 antenna limit.~~

- 17. ~~The applicant shall not install any antennas which will result in an increase in the microwave emission level above that of the existing and previously approved microwave antennas.~~
- 18. ~~The applicant shall be allowed to move and/or install existing or future dipole-type antennas, such as are currently present on the tower or are of the antenna type as approved herein, to other locations on the tower, subject to the 44 antenna limit and administrative review but without need for an amendment to this use permit.~~
- 19. ~~If all microwave antennas are removed from the tower, the applicant shall only be required to conduct annual emission tests.~~
- 20. ~~The applicant shall extend the sound baffling wall currently by the generators around and as high as the prefabricated accessory building approved herein to provide additional sound baffling and with brick facade.~~
- 21. ~~The applicant shall confer with the proper County officials to check the adequacy of grounding of the lightning rod on the tower subsequent to the installation Of the prefabricated accessory building.~~
- 22. ~~At the earliest possible opportunity, the applicant shall include in every lease that all antenna placed on the tower pursuant to the lease must be the smallest, least visible design that is technologically feasible. The applicant agrees further that each of its own antennae will also meet this criteria. In addition, the applicant agreed to provide, within 90 days of County Board approval of the use permit, a letter of intent to the County Board detailing the applicant's willingness to provide enhanced landscaping at Big Walnut Park and to work with the Program Director of the Head Start Program and the principals of Tuckahoe and Glebe Elementary Schools to establish educational alliances between these groups and GWETA. The applicant agrees to continue to offer educational alliances to the Director of the Head Start Program, and the principals of the Glebe and Tuckahoe Elementary Schools.~~
- 10. The applicant agrees, and agrees to require of lessees, to remove unused equipment from the tower immediately upon cessation of use.

[Board Report #9](#)

[Board Report #9-Supplemental](#)

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**14. U-3145-05-1 USE PERMIT RENEWAL FOR KLINE IMPORTS ARLINGTON, INC. TO OPERATE A TIRE SHOP, LOCATED AT 4060 LEE HIGHWAY (RPC# 06-018-002).**

On motion by BARBARA A. FAVOLA, 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 HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, after a duly advertised public hearing, at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3145-05-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit to operate a tire shop for the parcel of real property known as 4060 Lee Highway (Kline Imports Arlington, Inc.) (RPC #06-018-002), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, with an administrative review in four (4) months (September 2010), and a County Board review in one (1) year (May 2011).

[Board Report #14](#)

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**24. AMENDMENTS TO THE COLUMBIA PIKE FORM BASED CODE**

- A. FBC-10. Zoning Ordinance amendment to Section 20. (Appendix A), "CP-FBC" Columbia Pike Form Based Code Districts, subsection III.B.2.E. The Regulating Plans, Rules for the Regulating Plan and New Development Plans, Buildings, to clarify that a Building Envelope Standard may be extended up to 50 feet around a block corner.

[Board Report #24 A](#)

- B. FBC-11. Amendments to the Arlington County Zoning Ordinance, Section 20. (Appendix A), "CP-FBC" Columbia Pike Form Based Code Districts, to amend:
  1. Subsection II. Definitions to add definitions for "English basement," "porch" and "vestibule" and revise the existing definitions for "ground floor, ground story" and "Local street building;"
  2. Subsection III. The Regulating Plans B. Rules for the Regulating Plan and New Development Plans, 4. Parking, to require that parking be provided when there are more than two (2) dwelling units per Local street building on sites of less than 20,000 square feet in land area;
  3. Subsection IV. Building Envelope Standards to add references to "English basement," "porch," "vestibule," "ground floor, ground story" and "Local street building" where appropriate; to permit Local street buildings to have a ground story finished floor elevation of zero (0) to five (5) inches or 36 to 60 inches above the fronting sidewalk; to modify the minimum clear height for the ground story of Local site buildings and the ground and second stories of Neighborhood site buildings from nine (9) feet four (4) inches to nine (9) feet; to clarify the clear height depth requirement for the ground story of live/work buildings; to add language such that when the finished floor elevation of the ground floor is zero (0) to five (5) inches above grade a stoop is not required and the shy zone shall be distinguished from the sidewalk when a porch is not provided; to prohibit English basement units in Local street buildings with a finished floor elevation of less than 36 inches; to prohibit entries below the ground story on the required building line side of Local street buildings with a finished floor elevation of zero [0] to five [5] inches above grade; to allow up to two (2) entries per stoop, porch or, for Local street buildings with a finished floor elevation of zero [0] to five [5] inches above grade, per shy zone treatment; and to allow up to two (2) dwelling units and an English basement unit per Local street building.

On 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 HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, after a duly advertised public hearing, at which there were no speakers, the Board took the following actions:

1. Adopted the ordinance (FBC-10), as set forth in the document entitled "Addendum 5-25-10-D – FBC-10" attached for the public record to these minutes, to amend reenact, and recodify the Arlington County Zoning Ordinance, Section 20., "CP-FBC" Columbia Pike Form Based Code Districts, subsection III. The Regulating Plans to clarify that a Building Envelope Standard may be extended up to 50 feet around a Block Corner.
2. Adopted the ordinance (FBC-11), as set forth in the document entitled "Addendum 5-25-10-E – FBC-11" attached for the public record to these minutes, to amend, reenact, and recodify the Arlington County Zoning Ordinance, Section 20. (Appendix A), "CP-FBC" Columbia Pike Form Based Code Districts, subsection II. Definitions, subsection III. The Regulating Plans B. Rules for the Regulating Plan and New Development Plans 4. Parking and subsection IV. Building Envelope Standards of the Columbia Pike Special Revitalization District Form Based Code.

[Addendum 5-25-10-D – FBC-10](#)

[Addendum 5-25-10-E – FBC-11](#)

[Board Report #24 B](#)

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**25. APPROVE THE AWARD OF A CONTRACT TO MARTIN AND GASS, INC. FOR THE CONSTRUCTION OF VARIOUS UNDERGROUND UTILITIES ALONG COLUMBIA PIKE FROM SOUTH WAKEFIELD STREET TO FOUR MILE RUN, INVITATION TO BID NUMBER 206-10.**

On motion by MARY HUGHES 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 HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, after a public hearing, at which there were no speakers, the Board took the following actions:

1. Approved the award of Contract Number 206-10 to Martin and Gass, Inc. in the amount of \$1,848,291, together with an additional allocation of \$277,243 as a contingency for change orders and increased quantities, and \$184,829 for stipulated price items, for a total contract authorization of \$2,310,363.
2. Authorized the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

[Board Report #25](#)

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**34. FINAL AUTHORIZATION OF ISSUANCE OF GENERAL OBLIGATION BONDS THROUGH THE VIRGINIA PUBLIC SCHOOL AUTHORITY'S QUALIFIED SCHOOL CONSTRUCTION BOND PROGRAM.**

On motion by MARY HUGHES 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 HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, after a public hearing, at which the public spoke, the Board adopted the following resolution providing final authorization to issue and sell General Obligation School Bonds to the Virginia Public School Authority:

**A RESOLUTION TO PROVIDE FINAL AUTHORIZATION TO ISSUE AND SELL THE ARLINGTON COUNTY, VIRGINIA GENERAL OBLIGATION SCHOOL BOND, SERIES 2010 TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY**

WHEREAS, the County Board (the "Board") of Arlington County, Virginia (the "County") by resolution adopted April 27, 2010, (the "Preliminary Resolution") authorized the issuance and sale of its general obligation school bond in the estimated maximum principal amount of \$3,664,125 (the "Bond"), to finance certain capital projects for public school purposes, including certain energy efficiency improvements and renovations, as well as renewable energy projects, at various public school buildings within the County, subject to final authorization following a public hearing on the issuance of the Bond; and

WHEREAS, the Board has held a public hearing on the issuance of the Bond in accordance with Virginia Code Section 15.2-2606.

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

**1. Final Authorization of Bond.** The Board hereby authorizes the issuance and sale of the Bond in accordance with the terms and provisions of the Preliminary Resolution and such Preliminary Resolution is hereby ratified and confirmed.

**2. Filing of Resolution.** The appropriate officers or agents of the County are authorized and directed to file a certified copy of this resolution with the Circuit Court of Arlington County, Virginia pursuant to Section 15.2-2607 of the Virginia Code.

- 3. **Effective Date.** This resolution shall take effect immediately.

[Board Report #34](#)

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**35. REQUEST A BOARD RESOLUTION, AUTHORIZING THE COUNTY MANAGER TO SIGN THE MEMBER AGREEMENT TO JOIN THE VIRGINIA ASSOCIATION OF COUNTIES GROUP SELF-INSURANCE RISK POOL.**

On motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by MARY HUGHES HYNES, 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 HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, after a public hearing, at which the public spoke, the Board authorized the County Manager, or his designee to sign the Member Agreement, as set forth in the document entitled "Addendum 5-25-10-F – VACo Group Self-Insurance Risk Pool" attached for the public record to these minutes, with the Virginia Association of Counties group self-insurance risk pool.

[Addendum 5-25-10-F – VACo Group Self-Insurance Risk Pool](#)

[Board Report #35](#)

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**36. MINUTES**

On motion by MARY HUGHES 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 HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, after a public hearing, at which there were no speakers, the Board approved the minutes from the November 14, 2009 Regular Meeting; November 17, 2009 Recessed Meeting; January 23, 2010 Regular Meeting; and January 26, 2010 Recessed Meeting.

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

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**42. NORTH RIVER STREET TRAFFIC CALMING PROJECT.**

On motion by MARY HUGHES HYNES, 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 HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - No, after a public hearing, at which the public spoke, the Board made the following findings and took the following actions:

1. The "area of impact" used to develop the North River Street Neighborhood Traffic Calming plan before the Board is consistent with the intent of the County Board's last Neighborhood Traffic Calming policy update of September 13, 2008, and was properly calculated;
2. In generally all circumstances, cul-de-sacs must be directly connected (i.e. no turn is necessary and the distance is approximately one block to reach the subject street) to the street segment where the speeding occurs to be included in the "area of impact";
3. Separate elements of an Neighborhood Traffic Calming plan (e.g., nubs or traffic circles) do not require distinct voting arrangements separate from the "area of impact"; and
4. The Concerned Citizens of Chain Bridge Forest's appeal is accordingly denied, and the Neighborhood Traffic Calming Committee's decision of April 26, 2010 is affirmed.

The Board further approved and funded the North River Street Neighborhood Traffic Calming projects as recommended by the Neighborhood Traffic Calming Committee, as stated in the County Manager's May 4, 2010 report.

[Board Report #42](#)

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**43. [ADOPTION OF A NON-CODIFIED ORDINANCE AMENDING THE ARLINGTON TRANSIT \("ART"\) PASSENGER FARE SCHEDULE BY INCREASING ART AND SPECIALIZED TRANSPORTATION FOR ARLINGTON RESIDENTS \("STAR"\) FARES, TO BECOME EFFECTIVE ON JULY 1, 2010 OR ON SUCH FUTURE DATE AS DETERMINED BY THE COUNTY BOARD.](#)**

On motion by BARBARA A. FAVOLA, 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 HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, after a public hearing, at which the public spoke, the Board deferred action on the adoption of a non-codified ordinance amending the Passenger Fare Schedule for the Arlington Transit ("ART") Transportation System and Specialized Transportation for Arlington Residents ("STAR"), to become effective on July 1, 2010 or on such future date as determined by the County Board. Further, the Board opened the public hearing and will continue to keep the public hearing open until the June 12, 2010 public hearing.

[Board Report #43](#)

[Board Report #43-Supplemental](#)

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**44. [SP #331 SITE PLAN AMENDMENT, PPF OFF 950 N GLEBE READ, LLC, TEMPORARY CONVERSION OF 4,363 SQ FT FROM RETAIL TO A COMMERCIAL USE LIMITED TO: INSTITUTION OF AN EDUCATIONAL NATURE, CONVERSION OF THE ENTIRE SIXTH FLOOR OFFICE SPACE TO EDUCATIONAL USE, AND MODIFICATIONS OF THE ACZO FOR ASSOCIATED SIGNAGE; 950 NORTH GLEBE ROAD \(RPC# 14-053-057\).](#)**

BARBARA A. FAVOLA, Member, made a motion, seconded for discussion purposes by MARY HUGHES HYNES, Member, to take the following actions:

1. Approve the site plan amendment for temporary conversion of approximately 4,363 sq. ft. of ground floor retail to a commercial use limited to an institution of educational nature with a review by the County Board in seven (7) years (May 2017), subject to all previously approved conditions and the following five (5) new conditions #76, #77, #78, #79 and #80 as proposed by the applicant with a revision to condition #76 as proposed by Ms. Favola during the May 25, 2010 County Board meeting as shown below:
  76. The applicant agrees that the temporary conversion of approximately 4,363 square feet of retail space (as shown on the floor plan, "Option B" dated March 10, 2010) to use by an institution of an educational nature shall be reviewed by the County Board in seven (7) years (May 2017) ~~from the issuance of the Certificate of Occupancy.~~ At the time of review, the County Board will have the opportunity to determine the continuation of this use or if the space shall revert to retail use, with no further action by the County Board.
  77. The applicant agrees to share proposed ground floor classroom and conference room located within the subject space for use by Bluemont Civic Association and the Ballston-Virginia Square Civic Association for meetings, workgroups, forums or other such activities. These areas within the subject space shall be made available to the public for three (3) days out of each month between the hours of 6:00 p.m. and 10:00 p.m. Monday through Friday and only when university classes and marketing activities are not being conducted at the subject space.
  78. The applicant agrees to install two (2) sets of power doors at the two (2) front entrances of the affected ground floor spaces. One set will be located at the main entrance of the proposed

marketing center space and the second set will be located at the proposed classroom space, next to the proposed marketing center.

79. The applicant agrees to include within their class enrollment materials and web-based marketing materials, the promotion of public transportation to their location at 950 North Glebe Road. The applicant will provide web-based and other marketing materials encouraging students, faculty, staff, and visitors to use alternative modes of transportation (Metrorail, Metrobus, ART-Arlington Transit) and other forms of public transportation. Materials will also identify other parking options in the area (excluding those within adjacent residential neighborhoods). Materials such as maps, schedules, and brochures will be readily available at the marketing center and throughout the spaces within the ground floor and sixth floor university spaces and on the GWU website for the 950 location.
  80. The applicant agrees that the portion of the retail storefront windows of the ground floor space (4,363 square feet) that is located between three and eight feet from existing grade, shall be at least 80 percent transparent, with a final window design plan to be approved by the County Manager or his designee as consistent with this condition, prior to the issuance of a Certificate of Occupancy. The purpose of this condition is to allow pedestrians to view the activity within the space and to allow persons within the space to view activity on the sidewalk and street. "Transparency" shall mean using glass or other transparent exterior material offering a view into an area of the space 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, or the like.
2. Approve the conversion of sixth floor office space to educational use and associated ground floor sign.

CHRISTOPHER ZIMMERMAN, Vice Chairman, moved an amendment to the motion, seconded by J. WALTER TEJADA, Member, to revert to the County Manager's recommendation regarding condition #76 as shown below:

76. The applicant agrees that the temporary conversion of approximately 4,363 square feet of retail space (as shown on the floor plan, "Option B" dated March 10, 2010) to use by an institution of an educational nature shall be reviewed by the County Board in five (5) years (May 2015). At the time of review, the County Board will have the opportunity to determine the continuation of this use or if the space shall revert to retail use, with no further action by the County Board.

The amended motion failed by a vote of 2 to 3, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, J. WALTER TEJADA, Member - Aye, JAY FISETTE, Chairman - No, BARBARA A. FAVOLA, Member - No, MARY HUGHES HYNES, Member - No.

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

BE IT ORDAINED that, pursuant to application SP#331 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for temporary conversion of 4,363 sq. ft. from retail to commercial use limited to an institution of an educational nature and conversion of the entire sixth floor office space to educational use and associated signage for the parcel of real property known as 950 North Glebe Road (RPC #14-053-057), 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 five (5) new conditions #76, #77, #78, #79 and #80 as proposed by the applicant with a revision to condition #76 as proposed by Ms. Favola during the May 25, 2010 County Board meeting, as set forth in the document entitled "Addendum 5-25-10-G – SP #331" attached for the public record to these minutes.

[Addendum 5-25-10-G – SP #331](#)

[Board Report #44](#)

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**ADJOURNMENT**

Without objection, at 12:16 a.m., the Board adjourned the meeting.

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JAY FISSETTE, Chairman

ATTEST:

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HOPE L. HALLECK, Clerk  
Approved: September 25, 2010