

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, May 14, 2011 at 8:34 a.m.

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

ALSO PRESENT: BARBARA M. DONNELLAN, County Manager
STEPHEN MacISAAC, County Attorney
ILENE MUHLBERG, Acting Clerk

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PUBLIC COMMENT

Jeffrey Humber expressed the concerns of various Aurora Highlands' neighbors regarding the plan for improvements on Arlington Ridge Rd.

Birhane Michael, representative of Arlington United Taxi Operators (AUTO), asked the County Board to review the taxi ordinance.

Robert Atkins commented on Board Member Barbara Favola's candidacy for the 31st District State Senate seat.

Shelley Wade requested the full reinstatement of library hours.

Audrey Clement commented that Arlington County's commercial recycling rate, while on par with the state's rate, lags behind those of Falls Church. This is concerning as Virginia itself lags far behind the rest of the nation in recycling infrastructure.

Jim Hurysz recommended increased public outreach regarding pedestrian and bicycle safety in preparation for Bike to Work Day (May 20th).

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ANALYSIS OF CONTINGENT ACCOUNTS.

The Board received a Summary of Fiscal Year 2011 Contingent Accounts showing balances of \$1,000,000 in General and \$10,177,321 in Affordable Housing Investment Fund as of May 4, 2011.

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CONSENT ITEMS (ITEMS 1-37) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, MAY 14, 2011, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, MAY 17, 2011, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).

Mr. Zimmerman, Ms. Hynes and Mr. Tejada each announced their declaration of personal interest pursuant to Section 2.2-3115.G in the Budget and Appropriation Resolutions for Fiscal Year 2012 (Item #31). Mr.

Zimmerman’s daughter, Ms. Hynes daughter and Mr. Tejada’s wife are employed by Arlington County Schools; however, under the State and Local Government Conflicts of Interest Act, because they are each a member of a group who are all affected by the approval of the use permit, they are able to participate in the discussions and votes concerning the use permit, and can do so fairly, objectively, and in the public interest.

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

On a motion by BARBARA A. FAVOLA, Member, seconded by MARY HYNES, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board approved the County Manager’s recommendation for consent items #1 and #2, #4 #5.A through #5.C, #5.E., #5.G. through #5.O, #6 through #14, #16 through #25, and #27 through #37. Requests for full hearing were submitted for items #3.A. and #3.B., #5.D., #5.F., #15, and #26, and these items are scheduled for hearing at the May 17, 2011 County Board recessed meeting.

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SITE PLANS/AMENDMENTS/REVIEW

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1. SP #106 SITE PLAN AMENDMENT OF MARK KIRWAN FOR A RESTAURANT WITH LIVE ENTERTAINMENT; LOCATED AT 2800 S. RANDOLPH ST., SUITE 110 (RPC# 29-014-020).

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

WHEREAS, an application for a Site Plan Amendment dated February 18, 2011 for Site Plan #106, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report(s) provided for the May 14, 2011 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 May 14, 2011, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
 - o Restaurant operating live entertainment; 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 February 18, 2011, for Site Plan #106, for a Site Plan Amendment for restaurant live entertainment, for the parcel of real property known as 2800 S. Randolph St., Suite 110 (RPC# 29-014-020) approval is granted and the parcel so described shall be used according to the

Site Plan Amendment Application, subject to the following conditions, and with a County Board review in one (1) year (May, 2012).

Conditions:

1. Live entertainment is permitted from 8 p.m. to 11 p.m., Sunday through Thursday; 8 p.m. to 1 a.m. Friday, Saturday, and the eve of all Federal Holidays. For the purposes of this condition, Federal Holidays shall be defined as all legal federal holidays, as well as St. Patrick's Day, Cinco de Mayo, and Halloween.
2. The applicant shall comply with the Arlington County noise ordinance and the windows and doors shall remain closed during the times of live entertainment. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building.
3. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
4. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
5. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Farmington Civic Association and the Farmington-Shirlington Neighborhood Conservation Area Representative.

[Board Report #1](#)

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2. SP #194 SITE PLAN AMENDMENT FOR OUTDOOR CAFÉ IN THE PUBLIC RIGHT OF WAY/ ON PUBLIC ACCESS EASEMENT; LOCATED AT 3100 CLARENDON BLVD. (RPC# 19-002-007).

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

WHEREAS, an application for a Site Plan Amendment dated February 23, 2011, for Site Plan # 194, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in the Staff Report(s) provided for the May 14, 2011 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 May 14, 2011, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

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

Outdoor café on a public sidewalk easement; 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 February 23, 2011 for Site Plan #194, 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, are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for an outdoor café in located on a public sidewalk easement, for the parcel of real property known as 3100 Clarendon Blvd., RPC# 19-002-007 approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to the following conditions, with a County Board review in one (1) year (May, 2012).

Conditions:

1. The outdoor seating area is permitted on Clarendon Boulevard and Washington Boulevard as shown on the plans entitled "Outdoor Seating Plan (Mad Rose Restaurant)," dated April 17, 2011, revised through May 12, 2011, and attached to this report. The applicant agrees to maintain a minimum of eight (8) feet of clear sidewalk width along Clarendon Boulevard and a minimum of six (6) feet of clear sidewalk width along Washington Boulevard. Clear sidewalk width shall be measured from the outer surface of the removable barrier. The outdoor seating shall be limited to a maximum total seating capacity of ~~77~~ 73 seats. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-A-SP #194" attached for the public record to these minutes.]
2. The applicant agrees that any use of umbrellas in the outdoor seating area shall not contain any signs or interfere with pedestrian movement along the sidewalk. No outdoor fixtures shall display any sign messages unless a sign permit has been approved by the Zoning Office.
3. 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.
4. The applicant agrees that the barrier, as depicted on the plan and as required by code, shall be installed so that it is not permanently affixed to the sidewalk and cannot easily be moved by patrons; however it shall be able to be removed by the applicant seasonally.
5. The applicant agrees that the site plan amendment for an outdoor café shall be reviewed by the County Board upon any change of tenancy of the subject space currently occupied by Mad Rose.

[Board Report #2](#)

[Board Report #2-Supplemental \(Revised Conditions\)](#)

[Addendum 5-14-11-A-SP #194](#)

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4. SP #397 SITE PLAN AMENDMENT FOR THE MHG GROUP TO 1) MODIFY CONDITION #18 REGARDING CLEAR SIDEWALK WIDTH TO PERMIT SUPPORT STRUCTURES OF AN AWNING TO BE LOCATED WITH AN 8-FOOT CLEAR SIDEWALK AND 2) MODIFY CONDITION #65, OUTDOOR CAFES, TO PERMIT AWNING SUPPORT STRUCTURES TO BE LOCATED WITHIN AN 8-FOOT CLEAR SIDEWALK AND WITHIN THE SIDEWALK RIGHT-OF-WAY AT 1200 N. GARFIELD ST. /3030 CLARENDON BLVD. (RPC# 18-013-011).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the subject site plan amendment request to the June 11, 2011, County Board meeting

[Board Report #4](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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5. AT&T TELECOMMUNICATIONS FACILITIES

- A. SP #28 Site Plan Amendment for AT&T antennas and related equipment on an existing telecommunications facility located at 5300 Columbia Pike. (RPC# 28-004-072 thru -121).

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

WHEREAS, an application for a Site Plan Amendment dated March 7, 2011, for Site Plan #28 was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report(s) provided for the May 14, 2011 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 or revised conditions; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on May 14, 2011, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

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

NOW THEREFORE, BE IT ORDAINED that, as requested by an application dated March 7, 2011, for Site Plan #28, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements on file in the office of Zoning Administration (which drawings are hereafter collectively referred to as "Revised Site Plan

Application”), for a Site Plan Amendment to allow the installation of antennas and related equipment on existing telecommunications facilities known as RPC# 28-004-072 thru -121, at 5300 Columbia Pike, approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to the following conditions:

1. The applicant agrees that the antennas and related equipment will be installed as shown on plans dated October 4, 2010 and approved by the County Board on May 14, 2011. The applicant agrees that any future installation of antennas or equipment cabinets may be reviewed and approved by the Zoning Administrator. [Clerk’s note: as set forth in the document entitled “Addendum 5-14-11-B-SP #28” attached for the public record to these minutes.]
 2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Columbia Forest Civic Association and the Zoning Administrator.
 3. The applicant agrees that any AT&T antennas on the site shall be removed within ninety (90) days after any cessation of use.
- B. SP #167 Site Plan Amendment for AT&T antennas and related equipment on an existing telecommunications facility located at 2121 Crystal Drive. (RPC# 34-020-234).

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

WHEREAS, an application for a Site Plan Amendment dated March 7, 2011, for Site Plan #167 was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report(s) provided for the County Board for its May 14, 2011 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 or revised conditions; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on May 14, 2011, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

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

NOW THEREFORE, BE IT ORDAINED that, as requested by an application dated March 7, 2011, for Site Plan #167, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements on file in the office of Zoning Administration (which drawings are hereafter collectively referred to as “Revised Site Plan Application”), for a Site Plan Amendment to allow the installation of antennas and related equipment on existing telecommunications facilities known as RPC# 34-020-234, at 2121 Crystal Drive, approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to the following conditions:

1. The applicant agrees that the antennas and related equipment will be installed as shown on plans dated November 1, 2010 and approved by the County Board on May 14, 2011. The applicant agrees that any future installation of antennas or equipment cabinets may be reviewed and approved by the Zoning Administrator. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-C-SP #167" attached for the public record to these minutes.]
 2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Crystal City leaders and the Zoning Administrator.
 3. The applicant agrees that any AT&T antennas on the site shall be removed within ninety (90) days after any cessation of use.
- C. U-3282-11-1 Use Permit for AT&T antennas and related equipment on an existing telecommunications facility located at 1900 Columbia Pike. (RPC# 32-001-042).

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-3282-11-1 on file in the Office of the Zoning Administrator for renewal of the use permit to install antennas and related equipment on existing telecommunications facilities, for the parcel of real property known as 1900 Columbia Pike (RPC# 32-001-042), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.

Proposed Conditions:

1. The applicant agrees that the antennas and related equipment cabinets will be installed as shown on plans dated January 20, 2011. The applicant agrees that any future installation of antennas or equipment cabinets may be reviewed and approved by the Zoning Administrator. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-D-U-3282-11-1" attached for the public record to these minutes.]
 2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility's operation. The name and telephone number of the liaison shall be provided to the Columbia Heights and Penrose Civic Associations and the Zoning Administrator.
 3. The applicant agrees that any AT&T antennas on the site shall be removed within ninety (90) days after any cessation of use.
- E. U-3285-11-1 Use Permit for AT&T antennas and related equipment on an existing telecommunications facility located within the VDOT right-of-way at Washington Boulevard (on ramp to I-66 westbound, at Exit 68).

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-3285-11-1 on file in the Office of the Zoning Administrator for renewal of the use permit to install antennas and related equipment on existing telecommunications facilities, for the parcel of real property known as VDOT right-of-way, Washington Boulevard (on ramp to I-66 westbound, at Exit 68) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.

Proposed Conditions:

1. The applicant agrees that the antennas and related equipment will be installed as shown on plans dated October 4, 2010 and approved by the County Board on May 14, 2011.

The applicant agrees that any future installation of antennas or equipment cabinets may be reviewed and approved by the Zoning Administrator. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-E- U-3285-11-1" attached for the public record to these minutes.]

2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Arlington-East Falls Church Civic Association and the Zoning Administrator.
 3. The applicant agrees that any AT&T antennas on the site shall be removed within ninety (90) days after any cessation of use.
 4. The applicant agrees to install a total of seven (7) Nellie Stevens Holly trees at 5/6' tall on the site, prior to the installation of new antennas and related equipment. The applicant agrees to the replacement of these trees if they do not survive.
- G. U-3287-11-1 Use Permit for AT&T antennas and related equipment on an existing telecommunications facility located at 815 18th St. S. (RPC# 35-005-002).

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-3287-11-1 on file in the Office of the Zoning Administrator for renewal of the use permit to install antennas and related equipment on existing telecommunications facilities, for the parcel of real property known as 815 18th St. S. (RPC# 35-005-002) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.

Proposed Conditions:

1. The applicant agrees that the antennas and related equipment will be installed as shown on plans dated October 12, 2010 and approved by the County Board on May 14, 2011. The applicant agrees that any future installation of antennas or equipment cabinets may be reviewed and approved by the Zoning Administrator. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-F- U-3287-11-1" attached for the public record to these minutes.]
 2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Aurora Highlands Civic Association and the Zoning Administrator.
 3. The applicant agrees that any AT&T antennas on the site shall be removed within ninety (90) days after any cessation of use.
- H. U-3288-11-1 Use Permit for AT&T antennas and related equipment on an existing telecommunications facility located at 4020 Washington Blvd. (RPC# 14-028-006).

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-3288-11-1 on file in the Office of the Zoning Administrator for renewal of the use permit to install antennas and related equipment on existing telecommunications facilities, for the parcel of real property known as 4020 Washington Boulevard (Quinton Arms Apartments) (RPC# 14-028-006) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.

Proposed Conditions:

1. The applicant agrees that the antennas and related equipment will be installed as shown on plans dated January 13, 2011 and approved by the County Board on May 14, 2011. The applicant agrees that any future installation of antennas or equipment cabinets may be reviewed and approved by the Zoning Administrator. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-G- U-3288-11-1" attached for the public record to these minutes.]
 2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Ballston-Virginia Square Civic Association and the Zoning Administrator.
 3. The applicant agrees that any AT&T antennas on the site shall be removed within ninety (90) days after any cessation of use.
- I. U-3289-11-1 Use Permit for AT&T antennas and related equipment on an existing telecommunications facility located within the VDOT right-of-way at Fairfax Drive (I-66 at Exit 71).

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-3289-11-1 on file in the Office of the Zoning Administrator for renewal of the use permit to install antennas and related equipment on existing telecommunications facilities, for the parcel of real property known as VDOT right-of-way at Fairfax Drive (I-66 at Exit 71) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.

Proposed Conditions:

1. The applicant agrees that the antennas and related equipment will be installed as shown on plans dated February 14, 2011 and approved by the County Board on May 14, 2011. The applicant agrees that any future installation of antennas or equipment cabinets may be reviewed and approved by the Zoning Administrator. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-H- U-3289-11-1" attached for the public record to these minutes.]
 2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Bluemont Civic Association, the Ballston-Virginia Square Civic Association, the Waycroft-Woodlawn Civic Association and the Zoning Administrator.
 3. The applicant agrees that any AT&T antennas on the site shall be removed within ninety (90) days after any cessation of use.
- J. U-3290-11-1 Use Permit for AT&T antennas and related equipment on an existing telecommunications facility located at 5115 Little Falls Road. (RPC# 02-024-027).

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-3290-11-1 on file in the Office of the Zoning Administrator for renewal of the use permit to install antennas and related equipment on existing telecommunications facilities, for the parcel of real property known as 5115 Little Falls Road. (RPC# 02-024-027) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.

Proposed Conditions:

1. The applicant agrees that the antennas and related equipment will be installed as shown on plans dated October 8, 2010 and approved by the County Board on May 14, 2011. The applicant agrees that any future installation of antennas or equipment cabinets may be reviewed and approved by the Zoning Administrator. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-I- U-3290-11-1" attached for the public record to these minutes.]
 2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Yorktown Civic Association, the Rock Spring Civic Association and the Zoning Administrator.
 3. The applicant agrees that any AT&T antennas on the site shall be removed within ninety (90) days after any cessation of use.
- K. U-3291-11-1 Use Permit for AT&T antennas and related equipment on an existing telecommunications facility located at 4401 Lee Highway. (RPC# 07-001-022).

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

BE IT ORDAINED that, pursuant to application U-3291-11-1 on file in the Office of the Zoning Administrator for renewal of the use permit to install antennas and related equipment on existing telecommunications facilities, for the parcel of real property known as 4401 Lee Highway. (RPC# 07-001-022) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.

Proposed Conditions:

1. The applicant agrees that the antennas and related equipment will be installed as shown on plans dated September 24, 2010 and approved by the County Board on May 14, 2011. The applicant agrees that any future installation of antennas or equipment cabinets may be reviewed and approved by the Zoning Administrator. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-J- U-3291-11-1" attached for the public record to these minutes.]
 2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Waverly Hills Civic Association and the Zoning Administrator.
 3. The applicant agrees that any AT&T antennas on the site shall be removed within ninety (90) days after any cessation of use.
- L. U-3292-11-1 Use Permit for AT&T antennas and related equipment on an existing telecommunications facility located at 4241 Columbia Pike. (RPC# 23-034-100).

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-3292-11-1 on file in the Office of the Zoning Administrator for renewal of the use permit to install antennas and related equipment on existing telecommunications facilities, for the parcel of real property known as 4241 Columbia Pike. (RPC# 23-034-100) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.

Proposed Conditions:

1. The applicant agrees that the antennas and related equipment will be installed as shown on plans dated March 4, 2011 and approved by the County Board on May 14, 2011. The applicant agrees that any future installation of antennas or equipment cabinets may be reviewed and approved by the Zoning Administrator. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-K- U-3292-11-1" attached for the public record to these minutes.]
 2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Bancroft Civic Association and the Zoning Administrator.
 3. The applicant agrees that any AT&T antennas on the site shall be removed within ninety (90) days after any cessation of use.
- M. U-3293-11-1 Use Permit for AT&T antennas and related equipment on an existing telecommunications facility located at 1415 N Oak Street. (RPC# 17-032-010).

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

BE IT ORDAINED that, pursuant to application U-3293-11-1 on file in the Office of the Zoning Administrator for renewal of the use permit to install antennas and related equipment on existing telecommunications facilities, for the parcel of real property known as 1415 N Oak Street. (RPC# 17-032-010) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.

Proposed Conditions:

1. The applicant agrees that the antennas and related equipment will be installed as shown on plans dated October 25, 2010 and approved by the County Board on May 14, 2011. The applicant agrees that any future installation of antennas or equipment cabinets may be reviewed and approved by the Zoning Administrator. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-L- U-3293-11-1" attached for the public record to these minutes.]
 2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Radnor / Ft. Myer Heights Civic Association, the Rosslyn leaders and the Zoning Administrator.
 3. The applicant agrees that any AT&T antennas on the site shall be removed within ninety (90) days after any cessation of use.
- N. U-3294-11-1 Use Permit for AT&T antennas and related equipment on an existing telecommunications facility located within the VDOT right-of-way at South Glebe Road (I-395 at Exit 7).

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-3294-11-1 on file in the Office of the Zoning Administrator for renewal of the use permit to install antennas and related equipment on existing telecommunications facilities, for the parcel of real property known as VDOT right-of-way at South Glebe Road (I-395 at Exit 7) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.

Proposed Conditions:

1. The applicant agrees that the antennas and related equipment will be installed as shown on plans dated September 20, 2010 and approved by the County Board on May 14, 2011. The applicant agrees that any future installation of antennas or equipment cabinets may be reviewed and approved by the Zoning Administrator. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-M- U-3294-11-1" attached for the public record to these minutes.]
 2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Nauck Civic Association and the Zoning Administrator.
 3. The applicant agrees that any AT&T antennas on the site shall be removed within ninety (90) days after any cessation of use.
- O. U-3296-11-1 Use Permit for AT&T antennas and related equipment on an existing telecommunications facility located within the VDOT right-of-way at Lee Highway (on ramp to I-66 westbound, at Exit 72).

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-3296-11-1 on file in the Office of the Zoning Administrator for renewal of the use permit to install antennas and related equipment on existing telecommunications facilities, for the parcel of real property known as within the VDOT right-of way at Lee Highway (on ramp to I-66 westbound, at Exit 72) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report.

Proposed Conditions:

1. The applicant agrees that the antennas and related equipment will be installed as shown on plans dated October 8, 2010 and approved by the County Board on May 14, 2011. The applicant agrees that any future installation of antennas or equipment cabinets may be reviewed and approved by the Zoning Administrator. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-N- U-3296-11-1" attached for the public record to these minutes.]
2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Lyon Village Citizens' Association and the Zoning Administrator.
3. The applicant agrees that any AT&T antennas on the site shall be removed within ninety (90) days after any cessation of use.

[Board Report #5](#)

[Addendum 5-14-11-B-SP #28](#)

[Addendum 5-14-11-C-SP #167](#)

[Addendum 5-14-11-D- U-3282-11-1](#)

[Addendum 5-14-11-E- U-3285-11-1](#)

[Addendum 5-14-11-F- U-3287-11-1](#)

[Addendum 5-14-11-G- U-3288-11-1](#)

[Addendum 5-14-11-H- U-3289-11-1](#)

[Addendum 5-14-11-I- U-3290-11-1](#)

[Addendum 5-14-11-J- U-3291-11-1](#)

[Addendum 5-14-11-K- U-3292-11-1](#)

[Addendum 5-14-11-L- U-3293-11-1](#)

[Addendum 5-14-11-M- U-3294-11-1](#)

[Addendum 5-14-11-N- U-3296-11-1](#)

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6. U-1671-65-3 USE PERMIT AMENDMENT FOR MODIFICATION OF CONDITION #48 REGARDING LIGHTING INSTALLATIONS UNDERNEATH THE OLD DOMINION DRIVE BRIDGE; LOCATED AT 4763 OLD DOMINION DRIVE (RPC# 03-065-001).

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-1671-65-3 on file in the Office of the Zoning Administrator for renewal of the use permit, for the parcel of real property known as 4763 Old Dominion Drive (RPC# 03-065-001), 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 modified condition of the staff report.

Modified Condition:

Lighting Plan for Public Areas

48. The developer agrees to include a lighting plan for all internal and external public areas, including parking areas and lighting under the Old Dominion Drive Bridge along Yorktown Boulevard, as part of the final site development and landscape plan. This lighting plan shall be subject to review by the County Manager. The

developer shall include in the site development and landscape plan certification that the lighting plan meets the minimum standards of the Zoning Ordinance, Section 2, Subsection H, and the Illumination Engineering Society of North America Standards. Further, the developer agrees that such lighting shall meet dark sky standards as of the date of this approval. The developer agrees to obtain the approval of all lighting from the County Manager, and to install approved lighting, with the exception of the lighting under the Old Dominion Drive Bridge, before the issuance of the First Certificate of Occupancy for occupancy of the applicable phase of the project.

Prior to the issuance of the Master Certificate of Occupancy, the developer agrees to either 1) complete the installation of lighting under the Old Dominion Drive bridge which spans Yorktown Boulevard; or 2) post a bond in an amount which is a portion of the bond amount required in Condition #33, which is equal to the cost of installing such lighting under the Old Dominion Drive bridge; and which is acceptable to Arlington County. Such bond may be released to the developer upon completion of said lighting installation under the bridge. In the event that neither the necessary VDOT approvals to install the lights under the bridge have been issued by VDOT nor the lighting installed by the developer as of June 1, 2014, the developer may request in writing a review by the County Manager or his designee, at which time the County Manager may, upon determination that necessary VDOT approvals for said light installations are not reasonably likely to be forthcoming, release the bond amount to the developer.

[Board Report #6](#)

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7. U-3009-01-1 USE PERMIT RENEWAL FOR A FAMILY DAY CARE LOCATED AT 300 N. NOTTINGHAM ST. (RPC# 12-040-140).

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-3009-01-1 on file in the Office of the Zoning Administrator for renewal of the use permit, for the parcel of real property known as 300 N. Nottingham St. (RPC# 12-040-140), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions and with an administrative review in one (1) year (May 2012) and with no further scheduled County Board review.

[Board Report #7](#)

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8. FELLOWSHIP FOUNDATION

A. U-3081-04-1 USE PERMIT REVIEW TO RENEW A DORMITORY FOR THE FELLOWSHIP FOUNDATION LOCATED AT 2224 24TH ST. N. (RPC# 04-028-077).

B. U-3083-04-1 USE PERMIT REVIEW TO RENEW A DORMITORY FOR THE FELLOWSHIP FOUNDATION LOCATED AT 2200 24TH ST. N. (RPC# 04/028-089).

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

- A. BE IT ORDAINED that, pursuant to application U-3081-04-1 on file in the Office of the Zoning Administrator for renewal of the use permit, for the parcel of real property known as 2224 24th St. N. (RPC# 04-028-077), 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 with a review by the County Board in five (5) years (May 2016).

- B. BE IT ORDAINED that, pursuant to application U-3083-04-1 on file in the Office of the Zoning Administrator for renewal of the use permit, for the parcel of real property known as 2200 24th St. N. (RPC# 04-028-089), 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 with a review by the County Board in five (5) years (May 2016).

[Board Report #8](#)

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9. **U-3145-05-1 USE PERMIT REVIEW FOR KLINE IMPORTS ARLINGTON, INC. TO OPERATE A VEHICLE SERVICE ESTABLISHMENT, LOCATED AT 4060 LEE HIGHWAY (RPC# 06-018-002).**

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-3145-05-1 on file in the Office of the Zoning Administrator for renewal of the use permit, for the parcel of real property known as 4060 Lee Highway (RPC# 06-018-002), 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, with an administrative review in one (1) month (June 2011) and County Board review in one (1) year (May 2012).

[Board Report #9](#)

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10. **U-3205-08-1 USE PERMIT RENEWAL FOR A RESTAURANT WITH LIVE ENTERTAINMENT AT THE EL MANANTIAL RESTAURANT; LOCATED AT 2618 NORTH PERSHING DRIVE (RPC# 18-056-005).**

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

BE IT ORDAINED that, pursuant to application U-3205-08-1 on file in the Office of the Zoning Administrator for renewal of the use permit, for the parcel of real property known as 2618 North Pershing Drive (RPC# 18-056-005), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions with an administrative review in one (1) year (May 2012) and a County Board review in three (3) years.

[Board Report #10](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

11. **ENACTMENT OF AN ORDINANCE TO VACATE A PORTION OF A 10 FOOT SANITARY SEWER EASEMENT RUNNING SOUTH TO NORTH ACROSS THE SOUTHEAST CORNER OF LOT 25-B, WASHINGTON VIEW, RPC# 17-011-009, WITH CONDITIONS.**

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

1. Enacted the attached Ordinance to Vacate a Portion of a 10 foot Sanitary Sewer Easement Running South to North Across the Southeast Corner of Lot 25-B, Washington View, RPC# 17-011-009, with Conditions.
2. Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, the Deed of Vacation and all documents necessary to effectuate the Ordinance of Vacation, subject to approval as to form by the County Attorney.

AN ORDINANCE TO VACATE A PORTION OF A 10 FOOT SANITARY SEWER EASEMENT RUNNING SOUTH TO NORTH ACROSS THE SOUTHEAST CORNER OF LOT 25-B, WASHINGTON VIEW, RPC NO. 17011009, WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request by ZOM 1900 Wilson, L.P. ("Applicant") and Skylark Investments, LLC ("Owner") (Owner and Applicant collectively called "Owner/Applicant"), on file in the offices of the Department of Environmental Services, a portion of a 10 foot Sanitary Sewer Easement running south to north across the southeast corner of Lot 25-B, Washington View, RPC No. 17011009, and created by a Deed, dated August 21, 1978, recorded in Deed Book 1974, at Page 503 on August 31, 1978 among the land records of Arlington County, Virginia ("Sewer Easement"), and which portion of the Sewer Easement is shown on a plat entitled "Plat Showing The Vacation of A 10' Sanitary Sewer Easement on Lot 26 Washington View (Deed Book K-4, page 335) Arlington County, Virginia," dated March 3, 2011, prepared by Bowman Consulting Group, Ltd., attached to the County Manager's April 20, 2011 report as Exhibit A, is hereby vacated, subject to the following conditions:

1. The Applicant/Owner shall, at its own cost and expense, either remove or abandon in place, as determined and required by County Manager, or designee, the existing sanitary sewer facilities vacated herein ("Sanitary Sewer Line(s)"). If such Sanitary Sewer Line(s) are required to be relocated, then the Applicant/Owner shall, at its own cost and expense, relocate and reconstruct the Sanitary Sewer Line(s) and related appurtenant facilities of size, dimension and location acceptable to Arlington County ("County"), in strict accordance with Arlington County Construction Standards and Specifications, and all applicable laws, ordinances, regulations and policies.
2. The Applicant/Owner shall dedicate, grant and convey to the County sanitary sewer easements, at locations and of dimensions necessary to accommodate the relocated Water Main, Sanitary Sewer Line(s) and appurtenant facilities as required by the County. Such line(s) and facilities, upon acceptance by the County, shall be owned by the County.
3. The Applicant/Owner shall submit, for review and approval, to the Department of Environmental Services ("DES"), a utility relocation and engineering design plan ("Plan"), either as part of the final engineering plans required by the conditions of Site Plan # 411 ("Site Plan") or as a separate utility relocation and engineering design plan, for the construction, relocation, removal, replacement and/or abandonment of the Sanitary Sewer Line and appurtenant facilities. The Plan shall be subject to approval by the County Manager, or designee and shall be in compliance with the Arlington County Construction Standards and Specifications. The Plan shall included, among other things, the requirement that the Applicant/Owner shall, at its sole cost and expense, repave the full width of Clarendon Boulevard from the intersection of the western side of future Troy Street in an easterly direction to a point which is fifty (50) feet past the area disturbed resulting from the installation of the utility lines relocated from 17th Street North, in accordance with County Standards and Specifications ("Clarendon Boulevard Repaving").
4. The Applicant/Owner shall submit to the County Manager, or designee, a bond, letter of credit, or other security, in an amount and in a form as determined by, and acceptable to, the County Manager or designee, to secure the proper construction, relocation, removal, replacement or

abandonment of the Sanitary Sewer Line and appurtenant facilities and the Clarendon Boulevard Repaving, according to the approved Plan.

5. The Applicant /Owner shall prepare and submit to the County for review and approval, the Deed(s) of Vacation, all required plats, and all required deeds of easement, and deeds of dedication, subject to approval thereof as to substance by the County Manager, or designee, and approval of the deeds as to form by the County Attorney.
6. The Applicant/Owner shall record all plats, the Deed(s) of Vacation, and all deeds of easement and/or dedication required by the conditions of this Ordinance of Vacation among the land records of the Clerk of the Circuit Court of Arlington County.
7. The Applicant/Owner shall pay all fees, including the fees for review, approval, and recordation of the required documents associated with the Ordinance of Vacation.
8. All conditions of the Ordinance of Vacation shall be met by May 14, 2014, or the Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

[Board Report #11](#)

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12. ENACTMENT OF AN ORDINANCE TO PERMIT THE ENCROACHMENT OF: 1) TWO CANVASS CANOPIES, PORTION OF AN ENTRANCE CANOPY OVER THE REVOLVING DOOR, A BLADE SIGN AND A REVOLVING DOOR IN A PORTION OF AN EASEMENT FOR PUBLIC SIDEWALK ALONG THE EASTERN BOUNDARY OF PARCEL "A" 3101 WILSON L.L.C., ABUTTING THE EASTERN BOUNDARY OF NORTH HIGHLAND STREET, RPC# 150-71-031; AND 2) AN ENTRANCE CANOPY IN THE RIGHT OF WAY FOR NORTH HIGHLAND STREET, ABUTTING THE EASTERN BOUNDARY OF PARCEL "A" 3101 WILSON L.L.C., RPC# 150-71-031, ALL WITH CONDITIONS.

On the consent agenda vote, after a duly advertised public hearing, the Board enacted the attached Ordinance to permit the encroachment of: 1) two canvass canopies, portion of an entrance canopy over the revolving door, a blade sign and a revolving door in a portion of an easement for public sidewalk along the eastern boundary of Parcel "A" 3101 Wilson L.L.C., abutting the eastern boundary of North Highland Street, RPC# 150-71-031; and 2) an entrance canopy in the right of way for North Highland Street, abutting the eastern boundary of Parcel "A" 3101 Wilson L.L.C., RPC# 150-71-031, with Conditions.

AN ORDINANCE TO PERMIT THE ENCROACHMENT OF: 1) TWO CANVASS CANOPIES, A PORTION OF AN ENTRANCE CANOPY, A BLADE SIGN AND A REVOLVING DOOR IN A PORTION OF AN EXISTING EASEMENT FOR PUBLIC SIDEWALK ALONG THE EASTERN BOUNDARY OF PARCEL "A" 3101 WILSON L.L.C., ABUTTING THE EASTERN BOUNDARY OF NORTH HIGHLAND STREET, RPC #150-71-031; AND 2) AN ENTRANCE CANOPY IN THE RIGHT OF WAY FOR NORTH HIGHLAND STREET, ABUTTING THE EASTERN BOUNDARY OF PARCEL "A" 3101 WILSON L.L.C., RPC #150-71-031, ALL WITH CONDITIONS

BE IT ORDAINED by the County Board of Arlington County, Virginia ("County"), that Hart Hartford Building, LLC, its successors and assigns, as Owner of Parcel "A" 3101 Wilson L.L.C., RPC #150-71-031 ("Property"), as shown on the Plat and Ballston Tap Room, LLC, Applicant (jointly, "Owner/Applicant"), are permitted to construct and operate and are required to maintain: 1) two canvass canopies, a portion of an entrance canopy, a blade sign and a revolving door, which will encroach into a portion of a Public Sidewalk Easement along the eastern boundary of the Property (Deed Book 3702 at Page 1216) ; and 2) an entrance canopy, which will encroach into a portion of

the County right-of-way for North Highland Street (Deed Book 132 at Page 279), abutting the eastern boundary of the Property (collectively, "Encroachments"). The dimensions (length and width) and spatial location of the permitted encroachments are depicted on, and shall be consistent with the dimensions and locations (collectively, "Encroachment Area(s)") designated on Exhibit A, attached to the County Manager's Report dated May 11, 2011, entitled "Plat Showing Various Encroachment Areas on North Highland Street Deed Book 132 and Page 279 and Parcel A 3101 Wilson LLC Deed Book 3132 Page 1005 Arlington County, Virginia," dated February 23, 2011, prepared by VIKA Incorporated, and the dimensions and locations (collectively, "Encroachment Area(s)") designated on the drawing entitled "American Tap Room, The Hartford Office Building 3101 Wilson Blvd Arlington, VA 22201, Encroachment Sections ASK -13," dated March 1, 2011, prepared by Chatelain Architects, p.c. [sic] (collectively, "Plat"); [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-P-North Highland Street" attached for the public record to these minutes.]

BE IT FURTHER ORDAINED, that these permissions shall be a license only, and shall continue until the earlier of: the office building permitted by Site Plan #298, as amended by the County Board on January 25, 2011 ("Site Plan"), is destroyed, removed and/or not rebuilt consistent with, and as authorized by the Site Plan, or until such time as the County requires, at any time, in writing to the Owner/Applicant, that the Encroachments permitted herein and depicted on the Plat be removed. Nothing herein shall be construed to either allow the installation of any structure other than the structures specifically permitted herein and depicted on the Plat; or to allow any greater encroachment beyond the area(s) shown on the Plat;

BE IT FURTHER ORDAINED, that if the Site Plan is no longer in effect or if at any time the County requests, in writing to the Owner/Applicant, that all or some of the Encroachments be removed, then the Owner/Applicant shall, at its sole cost and expense, remove the specified Encroachments, and remove all facilities and structures related thereto, and shall restore such area(s) to the condition in which it existed before this Encroachment Ordinance was enacted;

BE IT FURTHER ORDAINED, that the Owner/Applicant, at its sole cost and expense, shall continuously and, at all times, promptly maintain, including snow and ice removal, the areas of the Encroachments, including all maintenance, restoration, repair and replacement of all facilities, within and adjacent to the Encroachment Area(s);

BE IT FURTHER ORDAINED, that this permission shall not release the Owner/Applicant of negligence on either of their parts on account of such Encroachments. The Owner/Applicant, by availing themselves of the permissions authorized by this Ordinance and by continuing to have the Encroachments encroach within the Property, Public Sidewalk Easement, and the County right of way for North Highland Street, thereby each agree for themselves, their successors in title and interest, and assigns, to the provisions of this Ordinance and agree to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, and agents from all claims, negligence, damages, costs and expenses arising out of the permission for the Encroachments to encroach within the Property.

BE IT FURTHER ORDAINED, that the County may record, or cause to be recorded, in the land records of the Arlington County Circuit Court, a certified copy of the Encroachment Ordinance and the Plat.

[Board Report #12](#)

[Addendum 5-14-11-P-North Highland Street](#)

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- 13. APPROVAL OF A THIRD AMENDMENT TO LEASE AGREEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS LANDLORD, AND THE LUCKY SEVEN FOOD MART INC., AS TENANT, FOR REAL PROPERTY AND IMPROVEMENTS KNOWN AS 2406 SHIRLINGTON ROAD, ARLINGTON, VIRGINIA (RPC # 31035002).**

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

1. Approved the attached Third Amendment to Lease Agreement by and between the County Board of Arlington County, Virginia, as Landlord, and the Lucky Seven Food Mart Inc., as Tenant, concerning the extension of the lease term for real property and improvements known as 2406 Shirlington Road, Arlington, Virginia (RPC # 31035002). [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-Q-Lucky Seven Lease" attached for the public record to these minutes.]
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the Third Amendment, subject to approval as to form by the County Attorney.

[Board Report #13](#)

[Addendum 5-14-11-Q-Lucky Seven Lease](#)

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14. APPROVAL AND AUTHORIZATION TO ACCEPT A DEED OF EASEMENT FOR PUBLIC SIDEWALK, UTILITIES, AND DRAINAGE PURPOSES FOR A DEPARTMENT OF ENVIRONMENTAL SERVICES SIDEWALK REALIGNMENT PROJECT ON PROPERTY LOCATED AT 608 N. HIGHLAND ST., ARLINGTON, VIRGINIA (RPC #19-290-006).

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

1. Approved the attached Deed of Easement for Public Sidewalk, Utilities and Drainage Purposes on the property located at 608 North Highland Street, Arlington, Virginia (RPC #19-290-006); [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-R-608 N. Highland Street" attached for the public record to these minutes.]
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept, on behalf of the County Board, the attached Deed of Easement, subject to approval as to form by the County Attorney.

[Board Report #14](#)

[Addendum 5-14-11-R-608 N. Highland Street](#)

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16. APPROVAL OF ELECTION OF OPTION TO EXTEND A DEED OF LEASE, BETWEEN CESC SQUARE L.L.C., AS LANDLORD, AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS TENANT, FOR A SECOND ONE YEAR PERIOD, FOR THE BRAC TRANSITION OFFICE SPACE AT 1638 B CRYSTAL SQUARE ARCADE, ARLINGTON, VA (RPC NUMBER 34-020-249), AND RATIFICATION OF ELECTION NOTICE.

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

1. Approved the Election of Option to Extend a Deed of Lease, between CESC Square L.L.C., as Landlord, and the County Board of Arlington County, Virginia, as Tenant, for a second one year period, for the BRAC Transition Office space at 1638 B Crystal Square Arcade, Arlington, VA.
2. Ratified the Real Estate Bureau Chief's execution, and delivery to the Landlord on behalf of the County Board, of the attached Notice of Election of Option to Extend Deed of Lease. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-S-BRAC Transition Office" attached for the public record to these minutes.]

[Board Report #16](#)

[Addendum 5-14-11-S-BRAC Transition Office](#)

ORDINANCES, PLANS AND POLICIES

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- 17. Z-2550-10-1 REZONING FROM "R-6" ONE FAMILY DWELLING DISTRICTS TO "S-3A" SPECIAL DISTRICTS; FOR LYON PARK LOCATED AT 414 AND 420 N. FILLMORE ST. (RPC# 18-050-001).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the requested rezoning to the June 27, 2011, Planning Commission and July 9, 2011, County Board meetings.

[Board Report #17](#)

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- 18. ADOPT TECHNICAL AMENDMENTS TO CHAPTERS 21, 35, AND 46 (RETIREMENT ORDINANCES) OF THE ARLINGTON COUNTY CODE TO INCORPORATE RECENT FEDERAL REGULATIONS.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the proposed amendments to Chapters 21, 35, and 46 (Retirement Ordinances) of the Arlington County Code. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-T-Retirement Ordinances" attached for the public record to these minutes.]

[Board Report #18](#)

[Addendum 5-14-11-T-Retirement Ordinances](#)

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- 19. ADOPT AN ORDINANCE TO AMEND CHAPTER 20-2 (BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS ESTABLISHED; POWERS; COMPENSATION) AND CHAPTER 20-5 (PROCEDURES GOVERNING DIRECTOR OF REAL ESTATE ASSESSMENTS, GENERAL REASSESSMENT BOARD AND BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA (CODE).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted an ordinance to amend Chapter 20-2 (Board of Equalization of Real Estate Assessments Established; Powers; Compensation)

and Chapter 20-5 (Procedures Governing Director of Real Estate Assessments, General Reassessment Board and Board of Equalization of Real Estate Assessments) of the Code of Arlington County, Virginia ("Code") to increase the number of members of the Board of Equalization of Real Estate Assessments from five (5) to seven (7) members and allow the Board of Equalization of Real Estate Assessments to sit in panels of at least three (3) members to hear appeals of real estate assessments.

BE IT ORDAINED by the County Board of Arlington, Virginia that Chapter 20, of the Arlington County Code is amended, reenacted and recodified to read in pertinent part as follows:

§ 20-2. Board of equalization of real estate assessments established; powers; compensation.

All duties imposed and all powers conferred by law in the review for equalization of assessments of real estate in the county shall be exercised by a board of equalization, herein called the "board of equalization of real estate assessments," which shall also have the power to review all assessments and changes of assessments previously made by the director of real estate assessments, the general reassessment board or any other assessing officer, board, or authority in the county in accordance with applicable law. Such board of equalization of real estate assessments shall consist of seven (57) members who shall be freeholders in the county and appointed to such board ~~annually~~ by the county board. The board of equalization of real estate assessments shall have the authority, on its own motion or upon protest as herein provided, to change any assessment of real estate in the county, to add to the tax rolls any real estate erroneously omitted, ~~to remove properties from the tax rolls when acquired by owners not subject to taxation,~~ and to correct errors in tax assessment records, in accordance with the policies and procedures prescribed in this chapter. Effective June 1, 2009, the members of the board of equalization of real estate assessments shall receive as compensation the sum of two hundred dollars (\$200.00) per meeting or recessed meeting attended.

§ 20-5. Procedures governing director of real estate assessments, general reassessment board and board of equalization of real estate assessments.

- (d) Hearings shall be scheduled by the board of equalization of real estate assessments with due regard for the convenience of the protestant and with due regard for the time required by the director of real estate assessments to investigate the protest and to ~~prepare justification of~~ respond to the protested assessment. The board of equalization of real estate assessments shall publish notice in a newspaper having general circulation in the county, giving the regular time and place of its hearings. ~~A quorum for meetings of the board of equalization shall be three (3) members.~~ The board of equalization of real estate assessments shall determine and rule upon all protested assessments and all proposed reduced assessments within ninety (90) days of the date of the hearing. All actions of such board affecting assessments of real estate in such county shall ~~require an affirmative vote of at least three (3) members and shall~~ be certified by such board to the director of real estate assessments on forms prepared by and prescribed by the director. The authority of such board shall cease as of October 31 of each year. Notice of the decision of the board of equalization of real estate assessments shall be prepared ~~in triplicate,~~ and a copy thereof shall be given to the protestant and affected taxpayer by the department of real estate assessments through the mails promptly after the decision is so certified.
- (e) The board of equalization of real estate assessments may sit in panels of at least three (3) members each under the following terms and conditions:
- The presence of all members of the panel shall be necessary to constitute a quorum.
 - The chairman of the board of equalization of real estate assessments shall assign the members to panels and, insofar as practicable, rotate the membership of the panels.

3. The chairman of the board of equalization of real estate assessments shall preside over any panel of which he is a member and shall designate the presiding member of the other panels.
4. Each panel shall perform its duties independently of the others.
5. The board of equalization shall sit en banc (i) when there is a dissent in the panel to which the matter was originally assigned and an aggrieved party requests an en banc hearing within ten (10) days of the decision of the panel or (ii) upon its own motion at any time in any matter in which the majority of the board of equalization of real estate assessments determines it is appropriate to do so. The board of equalization of real estate assessments sitting en banc shall consider and decide the matter and may affirm, overrule or modify any previous decision by any panel.

[Board Report #19](#)

[Board Report #19-Supplemental](#)

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CAPITAL PROJECTS

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20. APPROVE AN INCREASED AUTHORIZATION FOR CONSTRUCTION CONTRACT 83-10 WITH COMBINED SERVICES, INC. FOR THE REPLACEMENT OF THE WASHERS AND DRYERS AT THE ARLINGTON COUNTY DETENTION CENTER LOCATED AT 1435 N. COURTHOUSE ROAD.

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

1. Approved an increase of \$20,000 for contract 83-10 between the County Board of Arlington County, Virginia and Construction Services, Inc. for general construction services to replace the washers and dryers in the Arlington County Detention Center and an increase in contingency of \$5,000 for a total contract authorization of \$297,550.
2. Authorized the Purchasing Agent to execute necessary amendments to the contract documents, subject to legal review by the County Attorney.

[Board Report #20](#)

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21. APPROVAL OF AN AWARD OF CONTRACT FOR THE COMPLETE HEATING, VENTILATION AND AIR CONDITION(HVAC) SYSTEM REPLACEMENT AT THE WATER, SEWER AND STREETS(W/S/S) ADMINISTRATION BUILDING , INVITATION TO BID NUMBER 154-11.

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

1. Approved the Award of Contract Number 154-11 in the amount of eight hundred twenty three thousand one hundred ninety seven dollars (\$823,197.00) to John D. Clayborne, Inc., and approve an allocation not to exceed one hundred thirty five thousand dollars (\$135,000) as a contingency for change orders, for a total contract authorization of nine hundred fifty eight thousand one hundred ninety seven dollars (\$958,197).

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

[Board Report #21](#)

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22. WPCP CONSTRUCTION PROJECTS

- A. Authorize amendments to Malcolm Pirnie, Inc.'s (Malcolm) construction services contract No. 96-03 for the Department of Environmental Services Water Pollution Control Plant Master Plan 2001 Update ("WPCP MP01") project.

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

1. Authorize an Amendment to Contract No. 96-03 between the County Board and Malcolm in an amount not to exceed \$50,000 to provide additional Engineering Construction Services for the Phase 7F Standby Generator Facility (SGF) project.
2. Authorize an Amendment to Agreement No. 96-03 between the County Board and Malcolm in an amount not to exceed \$150,000 to provide additional Engineering Construction Services for the Phase 7H Off Site Pumping Stations upgrade project.
3. Authorize the Purchasing Agent to execute the Amendments subject to legal review by the County Attorney.

[Board Report #22 A](#)

- B. Approve the award of contract for the Arlington County Water Pollution Control Bureau (WPCB) Phase 8B activated sludge effluent (ASE) pipe replacement and authorize an amendment to the current contract with Malcolm Pirnie, Inc. (Malcolm) for engineering services related to the construction of the ASE Pipe Replacement project.

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

1. Approved the award of Contract No. 74-11 to Norair Engineering Corp. for the Phase 8B ASE Pipe Replacement project in an amount not to exceed \$ 2,862,465.
2. Authorized an amendment to Contract No. 96-03 held by Malcolm in an amount not to exceed \$ 125,000.
3. Authorized the Purchasing Agent to execute the Contract Documents and the Amendment subject to legal review by the County Attorney.

[Board Report #22 B](#)

- C. Approve the award of contract for the Arlington County Water Pollution Control Bureau (WPCB) Phase 7G New Maintenance Building (NMB) construction project and authorize an amendment to the current contract with Malcolm Pirnie, Inc. (Malcolm) for engineering

services related to the construction of the NMB project.

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

1. Approved the award of Contract No. 75-11 to R.E. Daffan, Inc. for the Phase 7G New Maintenance Building project in an amount not to exceed \$7,055,250.
2. Authorized an amendment to Contract No. 96-03 held by Malcolm in an amount not to exceed \$600,000.
3. Authorized the Purchasing Agent to execute the Contract Documents and the Amendment subject to legal review by the County Attorney.

[Board Report #22 C](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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23. PART C FUNDING FOR THE DEPARTMENT OF HUMAN SERVICES

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

1. Appropriated \$31,899 in FY 2011 and \$47,849 in FY 2012 in Federal Part C funds from the Virginia Department of Behavioral Health and Developmental Services (101.374501) to the Department of Human Services (101.55201).
2. Appropriated \$16,768 in FY 2011 and \$100,605 in FY 2012 in State Part C Funds from the Virginia Department of Behavioral Health and Developmental Services (101.364501) to the Department of Human Services (101.55201).

[Board Report #23](#)

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24. AUTHORIZATIONS TO FILE FISCAL YEAR 2012 COMMUTER SERVICES PROGRAM GRANT APPLICATIONS AND APPROVAL OF A PROJECT AGREEMENT BETWEEN THE COUNTY BOARD AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT).

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

1. Adopted the attached Resolution authorizing the County Manager to execute and file an application to the Virginia Department of Rail and Public Transportation (DRPT) totaling \$1,875,000 consisting of DRPT grant and matching County funds from the Transportation Demand Management (TDM)/Commuter Assistance Projects Grant Program.
2. Adopted the attached Resolution authorizing the County Manager to execute and file an application to DRPT totaling \$1,810,000 consisting of DRPT grant and matching County funds from the Transportation Management Project (TMP) Program.

3. Approved the attached Agreement between the County Board and Commonwealth of Virginia which would allow the County to participate in the DRPT Trip Planning Transit Program and authorize the County Manager or her designee to sign the Agreement.

RESOLUTION
Request for State Aid
for TDM Operating

BE IT RESOLVED BY THE County Board of Arlington County, Virginia, that the County Manager is authorized, for and on behalf of Arlington County, to execute and file an application to the Virginia Department of Rail and Public Transportation (DRPT), Commonwealth of Virginia, for a grant of financial assistance in the amount of \$1,500,000 for the fiscal year commencing July 1, 2011, to defray costs borne by Arlington County for ongoing implementation of the County's TDM/Commuter Assistance program (Arlington County Commuter Services - ACCS) and to accept from DRPT grants in such amount as may be awarded, and to execute and furnish to DRPT such documents and other information as may be required for submitting and processing the grant request.

The County Board of Arlington County, Virginia, certifies that the funds shall be used in accordance with the requirements of Section 58.1-638A.4 of the Code of Virginia; that Arlington County will provide funds in the amount of \$375,000 which will be used to match the state funds in the ratio as required in such Code Section, that the record of receipts of expenditures of funds granted to Arlington County may be subject to audit by the Virginia Department of Rail and Public Transportation and by the State Auditor of Public Accounts; and that funds granted to Arlington County for defraying the expenses of the Commuter Services program of Arlington County shall be used only for such purposes as authorized in the Code of Virginia.

RESOLUTION
Request for State Aid
for Transportation Management Project Fund

BE IT RESOLVED BY THE County Board of Arlington County, Virginia, that the County Manager is authorized, for and on behalf of Arlington County, to execute and file an application to the Virginia Department of Rail and Public Transportation (DRPT), Commonwealth of Virginia, for a TMP grant of financial assistance in the amount of \$1,448,000 for the fiscal year commencing July 1, 2011, to defray costs borne by Arlington County for the implementation of: Driver, Pedestrian and Cyclist Safety Program; Mobility Lab Distance and on-site TDM learning for businesses; and a bike-sharing project and to accept from DRPT grants in such amount as may be awarded, and to execute and furnish to DRPT such documents and other information as may be required for submitting and processing the grant request.

The County Board of Arlington County, Virginia, certifies that the funds shall be used in accordance with the requirements of Section 58.1-638A.4 of the Code of Virginia; that Arlington County will provide funds in the amount of \$362,000, which will be used to match the state funds in the ratio as required in such Code Section; that the record of receipts of expenditures of funds granted to Arlington County may be subject to audit by the Virginia Department of Rail and Public Transportation and by the State Auditor of Public Accounts; and that funds granted to Arlington County for defraying the expenses of the Commuter Services program of Arlington County shall be used only for such purposes as authorized in the Code of Virginia.

Trip Planning Transit Program

Agreement Between Arlington County and the Department of Rail and Public Transportation (DRPT)

By its signature hereto, the Grantee hereby certifies that it understands that the Department of Rail and Public Transportation (DRPT) intends to enter into an agreement with a trip planning provider ("the Agreement") for the benefit of its Grantees;

For the consideration of DRPT's entering into the Agreement for the Grantee's benefit, and of the opportunity to participate in the Trip Planning Transit Program thereunder, the Grantee hereby agrees to cooperate with DRPT to provide DRPT or DRPT's trip planning representative with already published data that will include text, data, materials and other content related to schedules, fares, location and general availability of public transportation for which it plans and/or operates. The Grantee further agrees to participate in the Trip Planning Transit Program in good faith, to make a reasonable effort to provide DRPT or DRPT's trip planning representative with timely and accurate data, to make timely updates to data, and to promptly inform DRPT of all data provided if provided directly to the DRPT trip planning representative.

[Board Report #24](#)

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25. ADOPTION OF A RESOLUTION AUTHORIZING ARLINGTON COUNTY'S PARTICIPATION IN THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S FISCAL YEAR 2012 REVENUE SHARING PROGRAM.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the attached "Resolution Authorizing Application to the Virginia Department of Transportation for FY2012 Revenue Sharing Program Funds" to be submitted to the Virginia Department of Transportation ("VDOT").

RESOLUTION AUTHORIZING APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FY2012 REVENUE SHARING PROGRAM FUNDS

WHEREAS, the County Board of Arlington County, Virginia ("County Board") desires to submit an application to the Virginia Department of Transportation for an allocation of \$1,060,000 in Fiscal Year 2012 Revenue Sharing Program funds; and

WHEREAS, \$500,000 of these funds will be requested for the construction of the Old Dominion Drive Phase 2 street improvements project, between North Glebe Road and 38th Street North; and

WHEREAS, \$170,000 of these funds will be requested for the construction of the Washington Boulevard Phase 2 trail project, between 2nd Street South and Columbia Pike; and

WHEREAS, \$225,000 of these funds will be requested for improvements to the Five Points intersection; and

WHEREAS, \$40,000 of these funds will be requested for construction of a new sidewalk along the west side of Kirkwood Road, between 17th Street North and Lee Highway; and

WHEREAS, \$125,000 of these funds will be requested for preliminary engineering of improvements to the South Joyce Street/Army Navy Drive Phase 2 project, from South Joyce Street to South Hayes Street along Army Navy Drive.

NOW, THEREFORE, BE IT RESOLVED THAT the County Board hereby supports the making of applications and authorizes and directs the County Manager to make applications to the Virginia Department of Transportation for \$1,060,000 of Fiscal Year 2012 Revenue Sharing Program funds for the above described projects, and further authorizes the County Manager to execute project administration agreements for any approved revenue sharing projects subject to approval of such agreements as to form by the County Attorney.

[Board Report #25](#)

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REQUESTS TO ADVERTISE

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27. REQUEST TO ADVERTISE FOR A PUBLIC HEARING TO AMEND THE ORDINANCE ON PRECINCTS AND POLLING PLACES.

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the advertisement for a public hearing on June 11, 2011, to consider proposed amendments to the ordinance on precincts and polling places to adjust several precinct boundaries and to create one new precinct from the current Oakridge 032 precinct with the proposed name of Gunston 052, voting at Gunston Community Center, 2700 South Lang Street. The proposal also changes the polling place for the Oakridge 032 precinct to Oakridge School, 1414 24th Street South. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-O-Precincts and Polling Places" attached for the public record to these minutes.]

[Board Report #27](#)

[Addendum 5-14-11-O-Precincts and Polling Places](#)

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28. REQUEST TO ADVERTISE A PUBLIC HEARING REGARDING AMENDMENTS TO THE COUNTY'S TAXICAB ORDINANCE, CHAPTER 25.1 OF THE ARLINGTON COUNTY CODE, RELATING TO FINGERPRINT PROCESSING AND CRIMINAL BACKGROUND CHECKS.

On the consent agenda vote, after a duly advertised public hearing, the Board authorized advertisement of a public hearing on June 11, 2011, regarding amendments to section 25.1-9 of the County Code (a portion of the County's taxicab ordinance), which would allow local law-enforcement authorities to utilize fingerprint submissions to conduct criminal history investigations on applicants for public vehicle driver's licenses.

[Board Report #28](#)

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29. REQUEST TO ADVERTISE FOR A PUBLIC HEARING ON JUNE 11, 2011 TO CONSIDER A PROPOSED ORDINANCE RE-ESTABLISHING THE CRYSTAL CITY BUSINESS IMPROVEMENT SERVICE DISTRICT WITHOUT A SUNSET.

On the consent agenda vote, after a duly advertised public hearing, the Board authorized advertisement of a public hearing to be held on June 11, 2011 to consider adoption of the attached ordinance (Attachment 1) re-establishing the Crystal City Business Improvement Service District without a sunset. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-U-Crystal City BID" attached for the public record to these minutes.]

[Board Report #29](#)

[Addendum 5-14-11-U-Crystal City BID](#)

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30. REQUEST TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE ARLINGTON COUNTY ZONING ORDINANCE, SECTIONS 3, 4, 18A, 20, 22, 25, 26A AND 27,

IN ORDER TO REGULATE FARMERS MARKETS AS OPEN-AIR MARKETS, AND TO PERMIT OPEN-AIR MARKETS, SUBJECT TO SPECIAL EXCEPTION USE PERMIT APPROVAL, IN ALL COMMERCIAL AND INDUSTRIAL DISTRICTS ('C' AND 'M' DISTRICTS), AND IN "S-3A", "S-D", "CP-FBC", "MU-VS", "C-TH" AND "P-S" DISTRICTS. USE PERMIT APPROVAL WOULD ALSO BE SUBJECT TO SUBMITTAL OF A PARKING PLAN FOR CUSTOMER AND VENDOR PARKING SUFFICIENT TO MITIGATE IMPACTS ON SURROUNDING NEIGHBORHOODS, AND WOULD REQUIRE THAT NO OPEN-AIR MARKET MAY OPERATE WITHIN 100 FEET OF AN 'R' DISTRICT, OR WITHIN 1,000 FEET OF ANOTHER OPEN-AIR MARKET, UNLESS OTHERWISE PERMITTED BY THE COUNTY BOARD.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the attached resolution to authorize advertisement of public hearings by the Planning Commission on May 31, 2011 and the County Board on June 11, 2011 to consider amending the Arlington County Zoning Ordinance, Sections 3, 4, 18A, 20, 22, 25, 26A and 27 in order to regulate farmers markets as open-air markets and to permit open-air markets, subject to special exception use permit approval, in all commercial and industrial districts ('C' and 'M' Districts), and in "S-3A", "S-D", "CP-FBC", "MU-VS" and "P-S" Districts. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-V-Farmer's Markets" attached for the public record to these minutes.]

[Board Report #30](#)

[Addendum 5-14-11-V-Farmer's Markets](#)

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OTHER

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31. AMENDMENTS TO THE BUDGET AND APPROPRIATION RESOLUTIONS FOR FISCAL YEAR 2012.

On the consent agenda vote, after a duly advertised public hearing, the Board approved the amended FY 2012 Budget and Appropriation Resolutions (Attachments I and II) to reflect final changes to the Arlington Public Schools (APS) budget approved by the School Board for FY 2012. [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-W-Budget and Appropriations Resolutions" attached for the public record to these minutes.]

[Board Report #31](#)

[Addendum 5-14-11-W-Budget and Appropriations Resolutions](#)

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32. SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT AND REFUNDING BONDS

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the attached resolution (Attachment 1) authorizing the sale of General Obligation Public Improvement and Refunding Bonds in an amount not to exceed \$207* million. (*Rounded numbers.) [Clerk's note: as set forth in the document entitled "Addendum 5-14-11-X-Budget and Appropriations Resolutions" attached for the public record to these minutes.]

[Board Report #32](#)

[Addendum 5-14-11-X-Budget and Appropriations Resolutions](#)

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33. APPROVE AN AMENDMENT TO THE MASTER LEASE AGREEMENT TO EXTEND THE ACQUISITION PERIOD OF THE MASTER LEASE AGREEMENT AN ADDITIONAL TWELVE (12) MONTHS.

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

1. Approved the Resolution (Attachment 1) authorizing the amendment of the Master Lease Agreement.
2. Authorized the County Manager to negotiate the amendment (Attachment 2) to extend the Master Lease Agreement an additional twelve months.

[Clerk's note: as set forth in the document entitled "Addendum 5-14-11-Y-Master Lease Agreement" attached for the public record to these minutes.]

[Board Report #33](#)

[Addendum 5-14-11-Y-Master Lease Agreement](#)

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34. ALLOCATION OF FISCAL YEAR (FY) 2011 AFFORDABLE HOUSING INVESTMENT FUND (AHIF)/HOME FUNDS AS A LOAN TO THE ARLINGTON PARTNERSHIP FOR AFFORDABLE HOUSING (APAH) TO ASSIST WITH THE ACQUISITION OF MARBELLA APARTMENTS.

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

1. Allocated up to \$4,031,000 in FY 2011 AHIF/HOME funds (101.495130.91102), contingent upon APAH receiving a funding commitment from the Virginia Housing Development Authority (VHDA) and of which any funds not used for closing will be placed in a County-held contingency account for one year following the closing date and shall be drawn subject to the approval of the County Manager, to Arlington Partnership for Affordable Housing (APAH) (101.456300.91102), or its designated County-approved ownership affiliate, to assist with the acquisition of Marbella Apartments. The financing assistance is in the form of a subordinated, residual receipts loan, subject to the terms and conditions outlined in this report.
2. Authorized the County Manager to execute the required documents for a loan for up to \$4,031,000 to APAH or its designated County-approved ownership affiliate, and authorize and direct the trustees for the County's Deed of Trust to execute the required loan and subordination 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 financing or program revisions that are necessary to remove any ambiguity or inconsistency or which improve the County's financial security or financial position, and which changes do not adversely affect the County financially, prior to or after execution of the County's financing documents.

[Board Report #34](#)

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35. LYON VILLAGE PARK

- A. Donation of a tennis practice wall with an inscription for Carl J. Diener at Lyon Village Park.

On the consent agenda vote, after a duly advertised public hearing, the Board accepted and approved the donation and installation of the tennis practice wall with an inscription on it at Lyon Village Park memorializing Carl J. Diener, as recommended by the Park and Recreation Commission.

[Board Report #35 A](#)

[Board Report #35 A-Supplemental \(Revised Recommendation\)](#)

B. Dedication of a memorial plaque at Lyon Village Park for Carl J. Diener.

On the consent agenda vote, after a duly advertised public hearing, the Board accepted and approved the donation and installation of the tennis practice wall with an inscription on it at Lyon Village Park memorializing Carl Diener, Jr., as recommended by the Park and Recreation Commission.

[Board Report #35 B](#)

[Board Report #35 B-Supplemental \(Revised Recommendation\)](#)

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36. NAME THE PARK INFORMALLY KNOWN AS "HERNDON & 13TH PARK" AS "JAMES HUNTER PARK"

On the consent agenda vote, after a duly advertised public hearing, the Board approved the naming of the park informally known as "Herndon & 13th Park" as "James Hunter Park", as recommended by the Park and Recreation Commission.

[Board Report #36](#)

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37. MINUTES

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

April 16, 2011	Regular Meeting
April 26, 2011	Recessed Meeting

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REGULAR HEARING ITEMS

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38. AMENDMENTS TO THE MASTER TRANSPORTATION PLAN (MTP) GOALS AND POLICIES AND PEDESTRIAN ELEMENTS CONCERNING THE MTP AMENDMENT PROCESS, STREET

TYOLOGY, STREET DESIGN MODIFICATIONS AND SIDEWALK WIDTHS.

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

1. Adopted amendments to the County Comprehensive Plan’s MTP Goals and Policies Summary to add a section entitled “MTP Plan Amendments” and to amend provisions concerning street typology and street design modifications, with a modification to Policy IV, MTP Plan Amendments to amend the last sentence. [Clerk’s note: as set forth in the document entitled “Addendum 5-14-11-Z-Master Transportation Plan” attached for the public record to these minutes.]
2. Adopted an amendment to the County Comprehensive Plan’s MTP Pedestrian Element concerning sidewalk width.

[Board Report #38](#)

[Addendum 5-14-11-Z-Master Transportation Plan](#)

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39. U-3297-11-1 USE PERMIT FOR A RESTAURANT WITH LIVE ENTERTAINMENT AT THE WESTOVER MARKET LOCATED AT 5841-5877 N. WASHINGTON BLVD. (RPC# 10-027-012 & -013).

Following a duly advertised public hearing at which there were speakers, on a motion by MARY HYNES, Vice Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 4 to 1, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, J. WALTER TEJADA, Member - Aye, JAY FISETTE, Member - No, the Board closed the public hearing on this item and deferred consideration of the subject use permit to the May 17, 2011 Recessed Board meeting and directed staff, in consultation with the County Attorney and applicant, to bring back for the Board’s consideration a permit application which merges the two lists of proposed conditions and include the experimental condition of having live music one weekend night per week, to commence half-way between when construction begins and October 2011, with close monitoring by staff. If the outcome of the experiment is acceptable, it will finish at the end of October 2011, after which there will be a follow-up evaluation. The Manager should bring a progress report to the Board at the end of September 2011. [Clerk’s note: as set forth in the document entitled “Addendum 5-14-11-AA-Westover Market Proposed Conditions” attached for the public record to these minutes.]

[Board Report #39](#)

[Addendum 5-14-11-AA-Westover Market Proposed Conditions](#)

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ADDITIONAL ITEMS

ADJOURNMENT

Without objection, at 1:37 p.m., the Board recessed until the May 17, 2011 Recessed Meeting.

CHRISTOPHER ZIMMERMAN, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: June 11, 2011