

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, May 16, 2009 at 8:30 a.m.

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

ALSO PRESENT: RON CARLEE, County Manager  
STEPHEN A. MacISAAC, County Attorney  
HOPE L. HALLECK, Clerk  
and other staff

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**\* PUBLIC COMMENT**

Ms. Favola announced that today is neighborhood day. Please visit the Arlington County website to see a listing of the activities.

Rear Admiral Joseph Barth with the Army Navy Country Club spoke about the new clubhouse for the Army Navy Country Club.

Robert Atkins spoke about diversity.

Bruce Cameron, president of the Aurora Highlands Civic Association, spoke about the Aurora Hills Library.

Phil James spoke about adulteration of food and highway guard rails.

Ladd Connell, secretary of the Leeway Overlee Civic Association, spoke about Leeway Overlee's request for participation in the East Falls Church Redevelopment Plan.

Jim Hurysz spoke about the needs of Fairlington.

June O'Connell spoke about the ramifications of moving the Department of Human Service building from 3033 Wilson Boulevard to 2100 Washington Boulevard.

William Gillen spoke about the Aurora Hills Library and the Fiscal Year 2010 budget.

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**\* CONSENT ITEMS (ITEMS 1-20) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, MAY 16, 2009, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, MAY 19, 2009, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the County Board approved consent items #16 through #19. All other items were pulled from the consent agenda and scheduled for hearing at the May 19, 2009 County Board Recessed Meeting.

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**SITE PLANS/AMENDMENTS/REVIEWS**

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1. **SP #231 SITE PLAN AMENDMENT TO REVISE CONDITION #66 REGARDING ENERGY STAR LABEL APPLIANCES, FIXTURES AND/OR BUILDING COMPONENTS; PROPERTY LOCATED AT 1401 N. ADAMS ST. (RPC #18-005-042).**

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

[Board Report #1](#)

[Board Report #1-Supplemental Report \(Revised Condition #66\)](#)

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2. **SP #307 SITE PLAN AMENDMENT BY MR BOUNDARY CHANNEL LLC, TO AMEND CONDITION #1 TO EXTEND THE TERM OF THE SITE PLAN; PREMISES KNOWN AS 333 AND 355 OLD JEFFERSON DAVIS HIGHWAY (RPC# 34-023-001, -002).**

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

[Board Report #2](#)

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3. **SP #371 SITE PLAN AMENDMENT BY 1800 WILSON BOULEVARD, LLC, TO AMEND CONDITION #66 REGARDING ALTERNATIVE LEED COMPLIANCE MEASURES; 1800 WILSON BLVD. (RPC #17-010-038, -040 THROUGH -194).**

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

[Board Report #3](#)

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4. **SP #382 SITE PLAN AMENDMENT "ON THE COUNTY BOARD'S OWN MOTION" TO DELETE CONDITIONS #53 AND #68 FOR NATIONAL SCIENCE TEACHERS ASSOCIATION; PROPERTY LOCATED AT 1801, 1805 CLARENDON BLVD., 1836,1840 WILSON BLVD. (RPC #17-011-019, -021, -023).**

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

[Board Report #4](#)

[Board Report #4-Supplemental](#)

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**USE PERMITS REQUEST/REVIEWS/AMENDMENTS**

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5. **U-1146-54-2 USE PERMIT AMENDMENT FOR CLUBHOUSE ADDITION TO EXISTING POOL BATHHOUSE, PARKING REDUCTION, MODIFICATION OF REQUIRED PARKING IMPROVEMENTS;**

**PROPERTY LOCATED AT 411 N. JEFFERSON ST. (RPC # 13-043-018, -019, -050).**

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

[Board Report #5](#)

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6. **U-2730-92-1 USE PERMIT RENEWAL FOR FAMILY DAY CARE AT 6015 LEE HIGHWAY (JULIO AND MAGDA TORRICO, RPC# 01-058-009).**

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

[Board Report #6](#)

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7. **U-3126-05-1 USE PERMIT AMENDMENT TO MODIFY SIGN REQUIREMENTS FOR RETAIL TENANT SIGNS AND DIRECTIONAL SIGNS AND TO PERMIT CANOPY SIGNS UNDER SECTION 20. "CP-FBC" - COLUMBIA PIKE FORM BASED CODE DISTRICTS, SUBSECTION E.3. OF THE ARLINGTON COUNTY ZONING ORDINANCE; PROPERTY IS LOCATED AT 5400 COLUMBIA PIKE (RPC: #28-004-004 AND -005).**

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

[Board Report #7](#)

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8. **U-3196-08-3 USE PERMIT RENEWAL FOR AFTER SCHOOL PROGRAM AT 716 S. GLEBE ROAD (YMCA, RPC #23-028-016).**

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

[Board Report #8](#)

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9. **U-3205-08-1 USE PERMIT RENEWAL FOR LIVE ENTERTAINMENT AT 2618 N. PERSHING DRIVE (EL MANANTIAL RESTAURANT, RPC #18-056-005).**

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

[Board Report #9](#)

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10. **U-3211-08-3 USE PERMIT BY HESS CONSTRUCTION AND ENGINEERING SERVICES FOR ACCESSORY PARKING AT 5115 LITTLE FALLS ROAD (COLUMBUS CLUB OF ARLINGTON RPC #02-024-027).**

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

Meeting.

[Board Report #10](#)

[Board Report #10-Supplemental](#)

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**11. TEMPORARY PARKING USE PERMITS**

- A. U-3215-09-1 Use Permit for accessory parking use at a place of worship for temporary construction workers, located at 1961 N. Culpeper St. (RPC #07-006-129).

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

[Board Report #11 A](#)

- B. The application for this item has been withdrawn. U-3216-09-1 Use Permit, accessory parking use at a place of worship for temporary construction workers, located at 4250 N. Glebe Road (RPC #03-067-067).

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

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**12. U-3220-09-1 USE PERMIT FOR CONDOMINIUM CONVERSION AT 2912 - 17TH STREET SOUTH, (PERRY S HALL APARTMENTS RPC #31-001-036).**

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

[Board Report #12](#)

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**13. U-3221-09-1 USE PERMIT TO INSTALL UP TO SIX (6) ANTENNAS ON EXISTING PENTHOUSE WALL AND PLACE UP TO TWO (2) EQUIPMENT CABINETS ON EXISTING ROOF FOR PURPOSES OF OPERATING A TELECOMMUNICATIONS FACILITY LOCATED AT 4343 LEE HIGHWAY (RPC: 06-001-036 - 06-001-077).**

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

[Board Report #13](#)

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

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**14. APPROVAL OF A DEED MODIFYING OR AMENDING A RESTRICTIVE COVENANT CONCERNING AFFORDABLE HOUSING, RUNNING TO THE BENEFIT OF THE COUNTY, ON REAL PROPERTY KNOWN AS 3215 24TH STREET SOUTH, PARCEL A, THE SHELTON (RPC #S 31022PEA; 31022101;**

**& 31022102), WHICH COVENANT IS CONTAINED IN A DEED OF VACATION RECORDED AMONG THE LAND RECORDS OF THE CIRCUIT COURT OF ARLINGTON COUNTY, VIRGINIA, IN DEED BOOK 4161 AT PAGE 1959. THE MODIFIED OR AMENDED COVENANT WILL RELEASE THE EXISTING COVENANT UNDER SPECIFIED CIRCUMSTANCES.**

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

[Board Report #14](#)

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**CAPITAL PROJECTS**

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- 15. AWARD OF A CONTRACT FOR LANDSCAPE ARCHITECTURAL SERVICES FOR THE MODERNIZATION AND RENOVATION OF VARIOUS ARLINGTON COUNTY PARKS, PLAYGROUNDS AND OPEN SPACES FOR UP TO A THREE YEAR PERIOD, AS PER RFP 467-08.**

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

[Board Report #15](#)

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**APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS**

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- 16. AMENDMENT TO A 2008 COMMUNITY HOUSING FINANCE CORPORATION (CHFC) FUND AGREEMENT WITH DOORWAYS CAMERON LLC AND CAMERON COMMONS LLC.**

On consent agenda vote, the Board took the following actions:

- 1. Approved an amendment to the CHFC fund agreement of June 30, 2008 with Doorways Cameron LLC and Cameron Commons LLC to increase the grant award to include all interest accumulated in the CHFC account to the date of final dispersal of the funds, consistent with the terms and conditions in the County Manager's May 5, 2009 report. Estimated amount is approximately \$32,000.
- 2. Authorized the County Manager to execute the required documents for a fund agreement amendment on behalf of Doorways Cameron LLC subject to approval by the County Attorney.

[Board Report #16](#)

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- 17. APPLICATION AND APPROPRIATION OF A VIRGINIA OFFICE OF EMERGENCY MEDICAL SERVICES (OEMS) GRANT FOR THE PURCHASE OF TOUGHBOOK LAPTOP COMPUTERS FOR THE FIRE DEPARTMENT'S ADVANCE LIFE SUPPORT (ALS) MEDIC UNITS.**

On consent agenda vote, the Board authorized the County Manager in FY 2009 to apply for and accept a \$47,450 OEMS grant to purchase toughbook laptop computers for the Fire Department's ALS Medic Units; and contingent upon approval, appropriated in FY 2009 \$47,450 grant funds from OEMS to the Fire Department for the purchase of toughbook laptop computers for the Department's ALS Medic Units.

[Board Report #17](#)

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**18. APPROPRIATION OF A VIRGINIA DEPARTMENT OF HEALTH FOUR-FOR-LIFE GRANT FOR THE FIRE DEPARTMENT EMERGENCY MEDICAL SERVICES (EMS).**

On consent agenda vote, the Board appropriated in FY 2009 \$68,167 Four-for-Life grant funds from the Virginia Department of Health to the Fire Department for training, operating supplies and operating equipment.

[Board Report #18](#)

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**19. APPROPRIATION OF AN OFFICE OF COMMONWEALTH PREPAREDNESS PUBLIC SAFETY INTEROPERABILITY REGIONAL GRANT.**

On consent agenda vote, the Board appropriated \$115,000 grant funds in FY 2009 from the Office of Commonwealth Preparedness to the Fire Department for the development of a regional public safety interoperability plan.

[Board Report #19-Revised](#)

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**OTHER**

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**20. MINUTES.**

This item was removed from the consent agenda and will be heard at the May 19, 2009 County Board Recessed Meeting.

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**REGULAR HEARING ITEMS**

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**21. SP #269 SITE PLAN AMENDMENT FOR LIVE ENTERTAINMENT AND DANCING AT 4100 N. FAIRFAX DRIVE (CARIBBEAN BREEZE RPC #14-046-025).**

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

BE IT ORDAINED that, pursuant to application SP #269 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for live entertainment and dancing for the parcel of real property known as 4100 North Fairfax Drive (Caribbean Breeze) (RPC #14-046-025), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the following conditions, and with a County Board review in six (6) months (November 2009):

1. The applicant agrees that live entertainment and dancing will be limited to Thursday, Friday, Saturday, from 5 p.m. to 1:30 a.m., and Sunday 10 a.m. to 3 p.m. and 5 p.m. to 1:30 a.m.
2. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal's Office, the Police Department, Community Code Enforcement Office and the Alcohol Beverage Control Board.

3. The applicant agrees that live entertainment shall meet the noise limits established in the County Noise Ordinance.
4. The applicant agrees to ensure that all windows and doors shall remain closed when live entertainment is being offered. The applicant agrees that no live entertainment shall be permitted outdoors, and further agrees to ensure that live entertainment performances inside the restaurant will not be broadcast to the exterior of the restaurant over the restaurant's audio system.
5. The applicant agrees no customer dancing shall occur without the applicant first obtaining approval of a dance hall permit.
6. The applicant agrees to 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 President of the Ballston-Virginia Square Civic Association and the President of the Berkeley Condominium Association.
7. The applicant agrees the restaurant live entertainment use shall terminate upon the termination of the current tenant lease or upon vacation of the current tenant from the subject site and shall not transfer to any other tenant without subsequent approval by the County Board of a new site plan amendment request.
8. Applicant agrees to curtail outdoor recreational activities in the front of the patio and any other potential outdoor noise generators including but not limited to radios, at 10:30 p.m. Sundays through Thursdays, and 11 p.m. Fridays and Saturdays. Any exterior speakers shall be aimed at the patio and away from the street. The applicant shall keep the mini-basketball set-up in the rear of the patio.

[Board Report #21-Revised](#)

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**22. [PROPOSED AMENDMENTS TO THE COUNTY'S TOWING ORDINANCE, CHAPTER 14.3 OF THE ARLINGTON COUNTY CODE.](#)**

On motion by JAY FISSETTE, Vice Chairman, seconded by MARY HUGHES HYNES, Member and carried by a vote of 4 to 1, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - No, after a duly advertised public hearing, at which the public spoke, the Board approved adoption of the proposed amendments to the County's towing ordinance, Chapter 14.3 of the Arlington County Code, set forth in the document entitled "Addendum 5-16-09-A – Chapter 14.3" attached for the public record to these minutes.

[Addendum 5-16-09-A – Chapter 14.3](#)

[Board Report #22](#)

[Board Report #22-Supplemental](#)

[Board Report #22-Supplemental #2 \(Revised Ordinance\)](#)

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**23. [AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 \(ARRA\) FUNDING](#)**

- A. Transit Stimulus Energy/Emission Grants.

[Board Report #23.A.](#)

- B. Expansion of Arlington's Community Action Agency Service Area.

[Board Report #23.B.](#)

- C. Homelessness Prevention and Community Services Block Grant funds under the American Recovery and Reinvestment Act of 2009.

[Board Report #23.C.](#)

[Board Report #23 C-Attachment](#)

[Board Report #23 C-Supplemental](#)

- D. Community Development Block Grant funds under the American Recovery and Reinvestment Act of 2009

[Board Report #23.D.](#)

- E. Application to Virginia Department of Health (VDH) for the Drinking Water State Revolving Fund (DWSRF) Program, American Recovery and Reinvestment Act of 2009 (ARRA) funding or other drinking water funding. .

[Board Report #23.E.](#)

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

1. Authorized the County Manager to apply through the Washington Metropolitan Council of Governments Clean Cities Coalition for a grant of \$3.0 million from the United States Department of Energy Clean Cities (DOE Clean Cities) FY 09 Petroleum Reduction Technologies Projects for the Transportation Sector - Funding Opportunity Number: DE-PS26-09NT01236-00; said grant to be used to construct a Compressed Natural Gas (CNG) fueling facility at the ART House site.
2. Authorized the County Manager to apply for a grant of \$3.025 million from the Federal Transit Administration's Transit Investments for Greenhouse Gas and Energy Reduction program; said grant to purchase five (5) CNG-electric hybrid buses to replace the remaining diesel powered buses in the ART fleet.
3. Authorized expansion of Arlington's Community Action Agency service area into the City of Falls Church.
4. Designated one seat for a City of Falls Church representative on the Community Development Citizens Advisory Committee Low Income/NSA Sector.
5. Authorized the County Manager or his designee to sign a Memorandum of Understanding between the County and the City of Falls Church.
6. Approved the County's Substantial Amendment to the Consolidated Plan to include the Homelessness Prevention and Rapid Re-Housing Program and Community Service Block Grant (CSBG) funded programs.
7. Authorized the County Manager to submit the approved Substantial Amendment and required certifications to the US Department of Housing and Urban Development (HUD).
8. Appropriated \$728,367 in HUD funds in FY 2010 to the Department of Human Services (DHS).
9. Appropriated up to \$370,000 in CSBG funds in FY 2010 to the Department of Community Planning,

Housing and Development (CPHD).

10. Allocated \$246,451 in HUD funds to three homeless service providers:
  - (a) \$123,043 to Arlington Street People's Network (A-SPAN) for case management services for individuals;
  - (b) \$61,704 to the Arlington-Alexandria Coalition for the Homeless (AACH) for case management services for families; and
  - (c) \$61,704 to Doorways for case management services for families.
11. Allocated \$370,000 CSBG funds to three homeless service providers and DHS:
  - (a) \$65,000 to A-SPAN for housing location and placement services;
  - (b) \$15,000 to AACH for case management services for families;
  - (c) \$15,000 to Doorways for case management services for families; and
  - (d) Up to \$275,000 to DHS for employment training and child care support services.
12. Authorized the County Manager to award specified grants to nonprofit community partners and sign grant agreements when approved as to form by the County Attorney.
13. Approved the Substantial Amendment to the County's Consolidated Plan FY 2009 Action Plan to include the Community Development Block Grant Recovery (CDBG-R) funded programs consistent with the program descriptions provided in the County Manager's May 16, 2009 report.
14. Authorized the County Manager to submit the approved Substantial Amendment and required certifications to the US Department of Housing and Urban Development (HUD).
15. Appropriated \$475,768 in HUD funds in FY 2010 to the Department of Community Planning Housing and Development (206.72000).
16. Allocated \$22,408 CDBG-R funds to the City of Falls Church for eligible activities.
17. Allocate up to \$453,360 CDBG-R funds to the following nonprofit housing developers to undertake energy efficiency improvements at approved properties.
  - (a) Arlington Partnership for Affordable Housing (APAH);
  - (b) AHC, Inc.
  - (c) Wesley Housing Development Corporation (WHDC).
18. Authorized the County Manager to award grants to specified nonprofit housing partners and sign grant agreements consistent with HUD requirements when approved as to form by the County Attorney.
19. Endorsed the application to Virginia Department of Health (VDH) for Drinking Water funding.

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**ADJOURNMENT**

Without objection, at 11:25 a.m., the Board recessed until the May 19, 2009 Recessed Meeting.

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BARBARA A. FAVOLA, Chairman

ATTEST:

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HOPE L. HALLECK, Clerk  
Approved: September 26, 2009