

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, July 12, 2011 at 3:04 p.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  
HOPE L. HALLECK, Clerk

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**COUNTY BOARD RECESSED MEETING**

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**COUNTY BOARD BUSINESS AND REPORTS**

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**I. COUNTY BOARD REPORTS**

Chairman Zimmerman announced that Arlington is one of 11 communities in the country designated as "Walk Friendly" by Pedestrian and Bicycle Information Center (PBIC), and one of only four communities nationwide to receive the Gold Level, second highest designation. The County was recognized for pedestrian initiatives like WalkArlington and activities and encouragement programs like Walkabouts and Car-Free Diet. He presented a plaque to the Manager.

The Chairman provided an update on his Small Business Initiative. He and staff have met with more than 250 small business owners and the findings of which are available at [www.arlingtonva.us](http://www.arlingtonva.us), search "roundtable" and click on the link, "findings of the listening sessions." The action plan will be out by end of July.

Chairman Zimmerman reviewed several bus route and schedule changes will go into effect on August 15. For details, please visit [www.arlingtontransit.com](http://www.arlingtontransit.com).

The Chairman announced expanded Library Hours. With the restored hours, every Arlington branch library (except Plaza) now open until 9 p.m. three nights during each workweek and the Columbia Pike and Shirlington branches now have four more hours on Sundays, matching Central Libraries 1 p.m. - 9 p.m. Sunday schedule. For more information, please visit: [www.arlingtonva.us](http://www.arlingtonva.us), and click on Libraries.

Chairman Zimmerman discussed the series of charrettes, recently held as part of the Columbia Pike Land Use and Housing Study. Many people participated in person, over 100 viewers watched a live stream of the final charrette and the additional video on demand has had more than 800 views. To view the webcast, please visit [www.arlingtonva.us](http://www.arlingtonva.us), search "Columbia Pike Initiative" and go to the "Columbia Pike Land Use and Housing Study"

Chairman Zimmerman announced several upcoming events including Fire Station #3's official dedication on July 29, and the open house on July 30; Tell Arlington's Story Swapping Stories Workshop on July 19 at the Westover

Library; Tell Arlington's Story Smithsonian Family Afternoon on August 20 at Walter Reed and the County Fair on August 10-14. The Chairman also announced the Buckingham Festival on August 21, the Police-Fire-Sheriff 9-11 Memorial 5K on September 10 and September 11 commemoration on September 10 at the Air Force Memorial. Please visit

Finally, the Chairman congratulated the Arlington Rebels Baseball team, an under-11 all-star baseball team in the Cal Ripkin Division of Babe Ruth. Last year as an under-10 team, they won the State Championship. They won another tournament this weekend in Bowie Maryland. The Chairman wished them luck in their first game in the State Tournament, on Thursday night.

Jay Fiset, Member introduced Alex Zolum, a student who spoke at the Arlington Community Foundation Awards ceremony on Growing Up in Arlington as a winner of a scholarship. Mr. Zolum read his speech to the Board.

Vice-Chair Hynes introduced Barbara Gomez, Chair of the Arlington Partnership for Children, Youth and Families, who presented the Connect with Kids Champions Award to:

Child and Family Services Family Partnership Meeting Team:

Lissa Friedman, Team Supervisor  
Jaque Tuck  
Tammee Gaymon  
Marcella Rustioni  
Heather Wrenn  
Cassandra Chavez  
Ana Gilliam  
Tabitha Kelly  
Bernadette Boozer Madison

Vice-Chair Hynes announced that the following individuals and groups have also received Connect with Kids awards at celebrations all around the community:

Mr. Bernard Piper  
Vivian Delgado  
Mary Van Dyke  
Mary Callow  
Red Top Cab employees, Nick Pakidas, Jerome Green and Fred Jones  
Samantha Hall  
Steve Miller

Third Community Report Card has been published by the Partnership for Children, Youth and Families and will be posted on the County website at [www.arlingtonva.us](http://www.arlingtonva.us).

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## **II. APPOINTMENTS**

On a motion by CHRISTOPHER ZIMMERMAN, Chairman, seconded by 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 made the following appointments:

### Artisphere Advisory Board

Appoint Eric Nastasi for a term ending July 31, 2014  
Appoint Tom O'Neill for a term ending July 31, 2014

Commission on the Arts

Appoint Katie Greenan for a term ending July 31, 2014  
Appoint Edwin Fountain for a term ending July 31, 2014

Commission on the Status of Women

Reappoint Samantha Sewell for a term ending July 31, 2014

Community Development Citizens Advisory Committee

Reappoint Chona Bravante to represent Non-Profit Services for a term ending July 31, 2014  
Reappoint Sandra Green to represent Minority/Newcomer Interests for a term ending July 31, 2014  
Reappoint Pam Holcombe to represent Business Interests for a term ending July 31, 2014  
Reappoint Gretel Larocca to represent Low Income Interests for a term ending July 31, 2014  
Designate Maryclare Whitehead as Chair for a term ending July 31, 2012

Community Energy Advisory Group

Appoint Kevin Shooshan

Community Services Board

Reappoint Carol Skelly for a term ending June 30, 2014 and designate as Chairman for a term ending June 30, 2012  
Reappoint Jenette O'Keefe for a term ending June 30, 2014

Economic Development Commission

Reappoint Michael Foster for a term ending July 31, 2014

Equal Employment Opportunity Advisory Commission

Appoint Sharon Pinnock for a term ending July 31, 2014

Fiscal Affairs Advisory Commission

For terms ending July 31, 2013:

Appoint Tenley Peterson  
Appoint Michael Shea  
Reappoint William Gillen  
Reappoint Michael McMEnamin  
Reappoint Brent Allen Radcliffe  
Reappoint Martin Reape

Information Technology Advisory Commission

Appoint Ken Cohn for a term ending July 31, 2014

Neighborhood Traffic Calming Committee

Reappoint Ed Hilz for a term ending July 31, 2014  
Reappoint William (Chips) Johnson for a term ending July 31, 2014

Northern Virginia Conservation Trust

Appoint Gary Kirkbride for a term ending July 31, 2014

Tenant-Landlord Commission

Appoint Timothy B. Beason for a term ending March 31, 2014

Transportation Commission

Reappoint John Grant for a term ending July 31, 2014

Urban Forestry Commission

Reappoint Janet Nuzum for a term ending July 31, 2014

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**III. REGIONAL REPORTS**

Ms. Favola, Chair of the Council of Governments Chesapeake Bay Committee, announced that the Committee is working to achieve the goal of cleaning up the Bay within a 15-year time frame. Ms. Favola introduced Jeff Harn of the Department of Environmental Services, who made a presentation on how the plan for the Bay affects Arlington County.

Mr. Fisette presented information from the Northern Virginia Regional Commission regarding the census and suggested the County host a community forum to discuss the data.

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**IV. COUNTY MANAGER REPORT**

The Manager made a presentation about the County's response to the storm of July 3, 2011.

**CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS**

On a motion by CHRISTOPHER ZIMMERMAN, Chairman, 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-Aye, J. WALTER TEJADA, Member - Aye, the Board met in a closed meeting from 4:25 p.m. to 6:44 p.m., as authorized by Virginia Code sections 2.2-3711.A.3 and 7 for the purpose of discussing the following:

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

consultation with the County Attorney and appropriate staff concerning the following:

the County's authority to regulate uses based on the amount of gross floor area and the amount of parking required for the use;

potential litigation related to violation of environmental regulations by Mercury Refining Company, Inc.;

potential litigation with Global Recruiting Solutions; and

civil action number CL 11-882 pending in the Circuit Court of Arlington County.

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On a motion by CHRISTOPHER ZIMMERMAN, Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0 by roll call, the voting record as follows:

**Member & Vote**

- Mr. Zimmerman - Aye
- Ms. Hynes - Aye
- Ms. Favola - Aye
- Mr. Fisette - Aye
- Mr. Tejada - Aye

the Board certified that to the best of each member's knowledge that only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia and only such public business matters as were identified in the motion by which the closed meeting

was convened were heard, discussed, or considered by the Board.

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

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**\* CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, JULY 9, 2011)**

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- 1. SP# 51 SITE PLAN AMENDMENT OF ML JEFFERSON, LLC TO INCREASE GFA (GROSS FLOOR AREA), RENOVATE THE FAÇADE, MODIFY LANDSCAPE AND STREETScape, AND MODIFY ZONING ORDINANCE REQUIREMENTS FOR PARKING AT JEFFERSON PLAZA I LOCATED AT 1411 AND 1421 JEFFERSON DAVIS HIGHWAY, AND 1480 CRYSTAL DRIVE (RPC# 34-024-339, -340, AND -341).**

Following a duly advertised public hearing at which there were no speakers, on a motion by JAY FISETTE, 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 adopted the attached ordinance to approve a site plan amendment to SP#51 to increase GFA, to renovate the façade, and to modify the landscape and streetscape for the Jefferson Plaza I office building, with a modification of Zoning Ordinance regulations to allow off-site parking and modify the commercial/office use parking ratio, subject to the conditions of the ordinance applicable only to the Jefferson Plaza 1 office building. [Clerk's note: as set forth in the document entitled "Addendum 7-12-11-A- SP#51" attached for the public record to these minutes.]

[Board Report #1](#)

[Addendum 7-12-11-A- SP#51](#)

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- 20. U-3224-09-1 USE PERMIT AMENDMENT ETHIOPIAN COMMUNITY DEVELOPMENT COUNCIL, INC., FOR MODIFICATION OF FORM BASED CODE STREETScape STANDARDS AND CONDITION #19 REGARDING UNDERGROUNDING OF AERIAL UTILITIES; LOCATED AT 1036, 1100 AND 1106 S. HIGHLAND STREET (RPC #'S 32-007-167, -168 AND -022).**

Following a duly advertised public hearing at which there were no speakers, on a motion by CHRISTOPHER ZIMMERMAN, Chairman, 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 adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3224-09-1 on file in the Office of the Zoning Administrator for renewal of the use permit for the modification of Form Based Code Streetscape standards and Condition #19 regarding undergrounding of aerial utilities, for the parcel of real property known as 1036, 1100 and 1106 S. Highland St. (RPC#'s 32-007-167, -168 and -022), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the modified condition #19 and new Condition #45 of the staff report.

Modified Condition #19:

**Underground Existing Aerial Utilities**

19. The developer agrees to remove and/or place underground all existing aerial utilities ~~within or~~ along South Highland Street on the eastern periphery of the entire Use Permit site plan site, as shown on the final site development and landscape plan and the final engineering plan approved by the County Manager and the plan entitled Axumite/Condition #19 exhibit, prepared by Utility Professional Services, Inc., dated May 12, 2011, and on the final engineering plan approved by the County Manager, with the following exception:

- A. Up to two existing poles along the rear of the southern property line of the site, labeled UE39/253H and PNT/253G on the exhibit specified above, may be retained if any of the Owners of properties adjacent to the site and fronting 12<sup>th</sup> Street South that are served by these poles do not have service to their properties placed underground per subsection (iv)1 below.

Any utility improvements necessary to provide adequate utility services to this development or utility work necessary to provide a terminus to the underground facilities shall be paid for by the developer and shall not result in the installation of any additional utility poles or aerial devices, with the exception of the following:

- a. One new terminal pole at the southwest corner of the site, labeled TPXX1, as shown on the plan titled Axumite/Condition #19 exhibit.
- b. One new service pole on private property on the east side of South Highland Street to serve 1103 and/or 1107 South Highland Street if the Owner of either property does not have service to their property placed underground per subsection (iv)1 below.
- c. One new service pole on private property on the east side of South Highland Street to serve 3017 and 3013 12<sup>th</sup> Street South if the Owner of either property does not provide an easement for undergrounding to the nearest available existing pole east of South Highland Street.
- B. Relative to utility undergrounding associated with the single family homes at 3101, 3105, 3109, 3113, 3117 and 3121 12<sup>th</sup> Street S. and 1103 and 1107 S. Highland Street ("Single Family Homes"):
- (i) The developer agrees to place in escrow \$32,000 ("Escrow Fund") prior to the issuance of the Clearing, Grading, and Demolition Permit to be used as a contribution toward the actual incurred cost of undergrounding of utilities by others, as follows:
- (a) A maximum of \$10,000 per home for the 2 homes addressed on S. Highland Street.
- (b) A maximum of \$2,000 per home for the 6 homes addressed on 12<sup>th</sup> Street South. In the event that, prior to posting the Escrow Fund an Owner receives a contract from the utility company and consultants for the utility work and that contract amount is less than the amount allocated above for their home, then the amount required to be posted in the Escrow Fund attributable to that home may be reduced accordingly.
- (ii) Prior to the issuance of the Clearing, Grading and Demolition Permit, the developer shall provide the County with documentation that certified letters have been mailed by the developer to each of the record Owners of the Single Family

Homes requesting the Owners to confirm in writing with the developer within six (6) months of receipt of the letter whether they choose to pursue or not to pursue utility undergrounding to their Single Family Homes. Should an Owner not respond in writing within said six (6) months or chooses not to pursue undergrounding, that will serve to confirm that they elect not to underground, and the developer shall have no further obligation as to that Single Family Homes. The language in the certified letters shall be reviewed and approved by DES staff prior to being sent to the Owners.

(iii) Within six (6) months of an Owner indicating in writing that they choose to pursue utility undergrounding to their home, the Owner shall provide the developer with a fully executed contract to complete the undergrounding as described herein to their home. The developer shall disperse funds from the Escrow Fund (defined above) to the Owner, as required by their contract (i.e., deposits, final payments) but in no event to exceed the maximum dollar amounts set forth in this condition. The Owner shall be responsible for providing the developer with the receipt certifying completion of the utility work within four (4) months from execution of the contract. In the event that an Owner does not enter a contract to do the work or complete the work in a timely fashion as stipulated herein, then the developer shall be under no further obligation to disperse funds to that Owner.

(iv) The scope of the work to be contracted for by the Owners shall include the following:

1. This work by others will include conversion of all existing aerial services from overhead to underground at each of the affected homes. These existing utility services are typically power, phone, and cable lines which will be buried underground. This may require boring across these properties with placement of possible conduits to protect the cable. The homes' meter bases may also need to be changed from overhead type to underground type. In some cases, it may require some internal upgrades as determined by a certified electrician.
2. As to scope of work for the 12<sup>th</sup> Street South addressed homes only, funding for the interior work within a home shall be limited to work up to and including replacement of the circuit breaker box, if necessary.

Further, if the Owner contracts for work that is outside the scope described herein, or exceeds the maximum Escrow Fund contribution stipulated herein for their home, the funding for the work outside the scope or exceeding the allocated amount in the Escrow Fund shall be the responsibility of the Owner and not the developer.

The developer agrees to also contact the Development Services Bureau Chief, Transportation Division, of the Department of Environmental Services in Arlington County not less than two (2) months prior to its planned commencement of utility undergrounding for each phase of the project to offer the County, at no cost to the County, access to the locations where the developer plans to excavate trenches or similar

areas to install underground utilities so the County may install its fiber optic cable and/or conduit in those places concurrently with the developer's utility installation. Such access, and the terms and conditions under which access to the site will be provided and the undergrounding activities of the County and the developer will be coordinated, shall be set forth in an agreement approved by the County Manager and the County Attorney. All utility relocation shall be completed prior to the issuance of the Certificate of Occupancy for the first unit. Shell and Core Certificate of Occupancy. The developer agrees that this condition does, and shall not be construed to grant, to the developer, any rights or permissions for the developer to install utilities and related facilities underground within any land in which the County has a property interest, unless the developer first obtains from the County all approvals and permissions which authorize such installation(s).

New Condition #45:

**Affordable Housing Plan**

- 45. The applicant agrees that 10% of the units will be sold at prices affordable to 3-person households with incomes at or below 80% of the Area Median Income (AMI) as determined and annually published by the U.S. Department of Housing and Urban Development (HUD). Not less than five (5) business days prior to closing on the sale of any of the units, the applicant agrees to send to the County Manager a copy of the sales agreement for the unit and other evidence of the sales price for the unit.

Board Report #20

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**21. OUTDOOR CAFÉS AT 1025 N. FILLMORE ST. (RPC# 18-024-020)**

- B. U-3265-10-1 Use Permit to renew an outdoor cafe in the public right-of-way; located at 1025 N. Fillmore Street (Screwtop Wine Bar) (RPC# 18-024-020).

Following a duly advertised public hearing at which there were speakers, on a motion by JAY FISETTE, Member, seconded by BARBARA A. FAVOLA, 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 adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3265-10-1 on file in the Office of the Zoning Administrator for renewal of the use permit for the parcel of real property known as 1025 N. Fillmore Street (Screwtop Wine Bar) (RPC# 18-024-020), 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 a County Board review in three (3) years (July 2014).

Board Report #21 B

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**32. APPROVAL OF STANDARD FORM ARTISPHERE FACILITIES USE APPLICATION AND AGREEMENT FOR SHORT TERM USE OF SPACE AT THE ARTISPHERE, 1101 WILSON BOULEVARD (RPC#16-039-002), AND SPECTRUM THEATER, 1611 N. KENT ST. (RPC# 16-039-035).**

Following a duly advertised public hearing at which there were speakers, on a motion by J. WALTER TEJADA, Member, seconded by BARBARA A. FAVOLA, 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. Approved the attached standard form Artisphere Facilities Use Application and Agreement for short term use of space at the Artisphere and Spectrum Theater [Clerk’s note: as set forth in the document entitled “Addendum 7-12-11-B- Artisphere” attached for the public record to these minutes.]; and
2. Authorized the Artisphere Executive Director, or his designee, to sign the Artisphere Facilities Use Application and Agreement on behalf of the County Board, in the form of those attached, provided that such Agreements are: fully completed by both parties; and comply with the policies, procedures, and fee schedules adopted, approved, or authorized by the County Board.

[Board Report #32](#)

[Addendum 7-12-11-B- Artisphere](#)

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

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**REGULAR HEARING ITEMS**

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9. **SP #397 SITE PLAN AMENDMENT TO CONDITION #65, FOR THE PROJECT LOCATED AT 1200 NORTH GARFIELD STREET, RELATED TO OUTDOOR CAFES, TO PROVIDE FOR REMOVAL OF THE OUTDOOR SEATING AND BARRIERS, INCLUDING THE INSERTION OF PLUGS IN THE BARRIER SLEEVE HOLES, FROM SOME OF THE OUTDOOR CAFES THAT FRONT ON STREETS THAT ABUT THE PROJECT, FOR THE MONTHS OF DECEMBER, JANUARY AND FEBRUARY, AND OTHER AMENDMENTS THAT PROVIDE FOR SEASONAL USE OF OUTDOOR CAFES LOCATED ON SIDEWALKS AROUND THE PROJECT (RPC# 18-013-011).**

Following a duly advertised public hearing at which there were speakers, on a motion by JAY FISETTE, Member, seconded by BARBARA A. FAVOLA, Member and carried by a vote of 4 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Abstain, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board adopted the attached ordinance approving a site plan amendment to SP #397 to require removal of the outdoor café located in the public right-of- way, including the fencing tables, and chairs, and the fence sleeve holes be capped, in the months of December, January and February, subject to the conditions of the ordinance applicable only to this site plan amendment, with a County Board review in one (1) year (July 2012).

On a motion by MARY HYNES, Vice Chairman, seconded by JAY FISETTE, Member and carried by a vote of 4 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Abstain, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board added language to condition #65. [Clerk’s note: language to be added shown in bold.]

WHEREAS, an application for a Site Plan Amendment dated June 10, 2011 for SP #397, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report provided to the County Board for its July 9, 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 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 July 9, 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 the General Land Use Plan, and with the uses permitted and use regulations of the C-O Districts as set forth in the Zoning Ordinance; and
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated June 10, 2011 for SP #397, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 of the site plan (which drawings, etc. are hereafter collectively referred to as "Revised Site Plan Application"), for the parcels of real property known as RPC # 18-013-011 and 3030 Clarendon Boulevard and 1200 North Garfield Street, approval is granted and the parcels so described shall be used according to the Revised Site Plan Application, subject to all previously approved conditions (numbers 1 through 87) with Condition #65 amended as follows:

65. Outdoor cafés shall be permitted in the public right-of-way or within public easements along Clarendon Boulevard, Wilson Boulevard, North Highland Street, North Garfield Street, 11<sup>th</sup> Street North and for the plaza area at the southwest corner of the intersection of Clarendon Boulevard and North Garfield Street (the "Plaza") in accordance with the applicable provisions of the Zoning Ordinance, with a maximum seating area and all other applicable requirements as set forth in the Zoning Ordinance and as determined by the Zoning Administrator. Unless otherwise specified by the Clarendon Sector Plan, in effect at the time of the issuance of the Clearing and Grading Permit, the following minimum sidewalk widths, which may not include a two foot shy zone adjacent to the buildings, shall be maintained even where outdoor cafes are established: A minimum of 8 feet of clear sidewalk width must be maintained along Wilson Boulevard, Clarendon Boulevard, and North Highland Street (with the exception of the sidewalks in front of the Underwood Building and the Old Dominion Building). A minimum of 6 feet of clear sidewalk width must be maintained along North Garfield Street and 11<sup>th</sup> Street North (with the exception of sidewalks in front of the Old Dominion Building). A minimum of 6 feet of clear sidewalk width must be maintained adjacent to the public art in the Plaza and a minimum of 6 feet of clear sidewalk width must be maintained between the building and the Plaza easement. With the exception of outdoor seating areas existing at the time of site plan approval, a minimum of 6 feet of clear sidewalk width must be maintained along the sidewalks fronting the Underwood Building and the Old Dominion Building. Plans for all outdoor cafes shall be subject to prior administrative approval by the Zoning Administrator for consistency with County ordinances, regulations and policies. Any outdoor café shall be administratively reviewed one year following its approval to evaluate it after a season of operation. At that time and at any time thereafter, the Zoning Administrator may review the approval, and the County Board may impose conditions on the operation of the outdoor café, or revoke the prior approval. The applicant further agrees that the outdoor tables and seating, and the fencing and other barriers located in the public right-of-way along the South Side of Clarendon Boulevard must be completely removed from the Clarendon Boulevard frontage, and plugs shall be inserted in the barrier sleeve holes, each year during the months of December, January and February. Said plugs shall be flush with the sidewalk grade, and shall not constitute a tripping hazard.

[Board Report #9](#)

[Board Report #9-Supplemental Report \(Revised Condition\)](#)

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**ADDITIONAL ITEMS**

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**1. SETTLEMENT OFFER BY EPA RELATING TO MERCURY REFINING SUPERFUND SITE USED BY THE COUNTY.**

On a motion by CHRISTOPHER ZIMMERMAN, Chairman, seconded by BARBARA A. FAVOLA, 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 approved the attached Administrative Settlement Agreement Order on Consent with the United States Environmental Protection Agency and authorized the County Manager to execute the same, on behalf of the County. [Clerk's note: as set forth in the document entitled "Addendum 7-12-11-C- EPA" attached for the public record to these minutes.];

[Addendum 7-12-11-C- EPA](#)

**2. GLOBAL RECRUITING SOLUTIONS-POTENTIAL SUIT FOR RECOVERY OF SMALL CONTRACT CLAIM.**

On a motion by CHRISTOPHER ZIMMERMAN, Chairman, 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 authorized the County Attorney to institute legal action against Global Recruiting Solutions to recover damages related to a breach of contract.

**3. REQUEST TO ADVERTISE "ON THE COUNTY BOARD'S OWN MOTION" PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE ARLINGTON COUNTY ZONING ORDINANCE TO SECTION 19. "C-1" LOCAL COMMERCIAL DISTRICTS AND SECTION 26. "C-2" SERVICE COMMERCIAL – COMMUNITY BUSINESS DISTRICTS TO PROVIDE THAT USES IN BUILDINGS WITH A GROSS FLOOR AREA OF 50,000 SQUARE FEET OR MORE ON ANY LEVEL, OR THAT PROPOSE TO PROVIDE 200 OR MORE PARKING SPACES ARE SUBJECT TO APPROVAL BY THE COUNTY BOARD OF A SPECIAL EXCEPTION USE PERMIT.**

On a motion by CHRISTOPHER ZIMMERMAN, Chairman, seconded by BARBARA A. FAVOLA, 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 adopt the attached resolution to authorize advertisement of public hearings on the subject zoning ordinance amendment by the Planning Commission and the County Board on September 6, 2011 and September 17, 2011, respectively, to consider amendments to section 19. "C-1" local commercial districts and section 26. "C-2" service commercial – community business districts to provide that commercial uses in buildings with a gross floor area of 50,000 square feet or more on any level, or that propose to provide 200 or more parking spaces are subject to approval by the county board of a special exception use permit. [Clerk's note: as set forth in the document entitled "Addendum 7-12-11-D- RTA Zoning Ordinance" attached for the public record to these minutes.];

[Board Report #52-Additional Item](#)

[Addendum 7-12-11-D- RTA Zoning Ordinance](#)

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**ADJOURNMENT**

Without objection, at 8:21 p.m., the Board adjourned the meeting.

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CHRISTOPHER ZIMMERMAN, Chairman

ATTEST:

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HOPE L. HALLECK, Clerk  
Approved: September 17, 2011