

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, October 23, 2010 at 8:31 a.m.

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

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

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PUBLIC COMMENT

Robert Atkins voiced his concerns that a recently published study showed that the high school graduation rate in Arlington County has dropped in rankings from #60 to #73.

John Shumate expressed his dissatisfaction with the East Falls Church Report and the inclusion of the public in the process.

Michael Nardolilli, President of the Northern Virginia Conservation Trust (NVCT), shared some of the key findings of a recent study conducted by the Trust for Public Land, including that open spaces are a key economic driver.

Steve Hornstein expressed his thanks to the County Board and staff for their services and providing him a place to live during the last three years.

Audrey Clement, Green Party member, urged the County Board to file suit regarding the I-66 spot improvements.

Shelley Wade, as in the last couple of Board meetings, shared her concerns regarding the cut in Library hours and the need to restore them.

Jim Hurysz spoke about the lack of County services in the Fairlington neighborhood as a platform to challenge the current membership of the County Board.

Karl Van NewKirk, Chairman of the Arlington County Sister City Organization, updated the County Board about their current sponsoring activities. He also shared that all the County entities and staff he worked with were cooperative and informative.

T.D. Stanger advocated for process and compliance improvements. He illustrated his concerns with two examples: 1) vehicles that are not properly tagged and 2) the conflict presented by parking restrictions/allowances on the ability of street sweepers to carry out their job properly.

James Hurd commented that during the Lyon Park Civic Association's candidate meeting Vice-Chairman Christopher Zimmerman did not respond to a question about the previous County Manager's departure. He also voiced his support of Mr. T.D. Stanger's comments regarding the lack of compliance.

Robert Adamson voiced his support of projects that help sustain affordable housing and he requested information regarding the score of the permits.

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CONSENT ITEMS: (ITEMS 1-32) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, OCTOBER 23, 2010, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, OCTOBER 26, 2010, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).

Ms. Favola announced her declaration of personal interest pursuant to Section 2.2-3115.G in the use permit amendment requested by Marymount University (Item #6). Ms. Favola is employed by the University; however, under the State and Local Government Conflicts of Interest Act, because she is a member of a group who are all affected by the approval of the use permit, 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 CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by BARBARA A. FAVOLA, Member and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, , MARY HYNES, Member - Aye, J. WALTER TEJADA, Member – Aye, the Board approved the County Manager’s recommendation for all consent items #1 through #3, #6 through #17, #19 through #21, items #24 and #26 through #29, and items #31 and #32. Request for full hearing were submitted for items #4, #5, #18, #22, #23, #25 and #30, and these items are scheduled for hearing at the October 26, 2010 County Board recessed meeting.

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SITE PLANS/AMENDMENTS/REVIEW

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- 1. SP #18 SITE PLAN AMENDMENT 1812 HOLDINGS, LLC FOR MODIFICATION OF CONDITION #50 REGARDING TEMPORARY CONSTRUCTIONS SIGNS, AND FOR THE ADDITION OF NEW CONDITION #98 TO GRANT THE ZONING ADMINISTRATOR THE AUTHORITY TO MODIFY THE TIMING REQUIRED FOR COMPLIANCE WITH CERTAIN CONDITIONS; LOCATED AT 1812 AND 1850 NORTH MOORE STREET (RPC #16-037-004, AND 16-037-005).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject site plan amendment request to the November 13, 2010 County Board meeting.

[Board Report #1](#)

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- 2. SP #56 SITE PLAN AMENDMENT TO RECONFIGURE THE SERVICE DRIVE; LOCATED AT 1999 JEFFERSON DAVIS HIGHWAY AND 1800, 1851 AND 1901 S. BELL STREET (RPC #34-026-035 & -037).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject site plan amendment request to the November 13, 2010 County Board meeting.

[Board Report #2](#)

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3. **[SP #105 SITE PLAN AMENDMENT TO REVISE CONDITIONS #6, 9, 15, 16, 19, 25, 32, 41, 51, 65, 70, AND OTHER CONDITIONS AS APPLICABLE, AND TO ADD NEW CONDITIONS AS APPLICABLE, FOR METROPOLITAN PARK PHASE 3, LOCATED AT 1201 AND 1211 S. FERN ST. \(RPC# 35-003-010 AND -009\).](#)**

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

BE IT ORDAINED that, pursuant to application SP #105 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for the parcel of real property known as 1201 and 1211 S. Fern St. (RPC# 35-003-010 and -009) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions and amended Conditions #6, 15, 16, 19, 25, 65, and 70 (Conditions #9, 32, 41, and 51 were listed in the County Board meeting advertisement; however, staff and the applicant have agreed through further discussions that no revisions will be proposed to these four conditions as a part of this request). [Clerk's note: as set forth in the document entitled "Addendum 10-23-10-A-SP #105" attached for the public record to these minutes.]

[Board Report #3](#)

[Addendum 10-23-10-A-SP #105](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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6. **[U-1159-55-1 & U-2110-77-2 USE PERMIT AMENDMENT FOR THE INSTALLATION OF FIELD LIGHTS ON EXISTING ATHLETIC FIELDS, LOCATED AT 6600 LITTLE FALLS ROAD. \(RPC# 01-037-001\).](#)**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject use permit amendment request to the December 11, 2010 County Board meeting.

[Board Report #6](#)

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7. **[U-2064-76-2 USE PERMIT REVIEW FOR OPERATION OF VEHICLE SERVICE ESTABLISHMENT LOCATED AT 4601 WASHINGTON BLVD. \(SUNOCO, INC.\) \(RPC #14-012-001\).](#)**

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-2064-76-2 on file in the Office of the Zoning Administrator for renewal of use permit amendment for the operation of a vehicle service station for the parcel of real property known as 4601 Washington Blvd. (Sunoco, Inc.) (RPC # 14-012-001), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, with no further scheduled County Board review.

[Board Report #7](#)

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8. [U-2670-90-5 USE PERMIT REVIEW FOR A VEHICLE SERVICE ESTABLISHMENT LOCATED AT 6720, 6730 LEE HIGHWAY \(EXXON\) \(RCP #11-005-001, -042\).](#)

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-2670-90-5 on file in the Office of the Zoning Administrator for renewal of use permit amendment for the parcel of real property known as 6720, 6730 Lee Highway (Exxon) (RCP #11-005-001, -042), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, with an administrative review in one (1) year (October 2011) and a County Board review in three (3) years (October 2013).

[Board Report #8](#)

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9. [U-3091-04-1 USE PERMIT RENEWAL FOR EARLY YEARS PRESCHOOL AND PARENT'S DAY OUT PROGRAM LOCATED AT 3701 LORCOM LANE \(RPC #: 04-022-019\).](#)

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-3091-04-1 on file in the Office of the Zoning Administrator for renewal of use permit amendment for the parcel of real property known as 3701 Lorcom Lane (RPC #: 04-022-019), 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 (October 2013).

[Board Report #9](#)

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10. U-3202-08-2 USE PERMIT AMENDMENT FOR CLEARWIRE ANTENNAS AND GROUND EQUIPMENT ON AN EXISTING TELECOMMUNICATIONS FACILITY 2305 S. WALTER REED DRIVE RPC: 29-002-029.

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject use permit amendment request to the November 13, 2010 County Board meeting.

[Board Report #10](#)

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11. U-3227-09-4 USE PERMIT REVIEW OF AT&T ANTENNAS LOCATED AT 2400 S. GLEBE ROAD. (COUNTRY CLUB TOWERS) (RPC: 31-025-001).

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-3227-09-4 on file in the Office of the Zoning Administrator for renewal of use permit amendment for antennas for the parcel of real property known as 2400 S. Glebe Road. (Country Club Towers) (RPC: 31-025-001), 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 no further scheduled County Board review.

[Board Report #11](#)

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12. THE REQUEST FOR THIS ITEM HAS BEEN WITHDRAWN. THIS ITEM WAS REMOVED. U-3243-10-1 USE PERMIT OF HOMEMADE PIZZA CO. FOR FOOD DELIVERY SERVICE FOR A CARRY-OUT OPERATION LOCATED AT 4514 LEE HIGHWAY (RPC #07-003-008).

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13. U-3254-10-1 USE PERMIT FOR A TELECOMMUNICATIONS FACILITY LOCATED AT RESURRECTION LUTHERAN CHURCH AT 6201 WASHINGTON BLVD. (RPC # 11-032-011).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject use permit amendment request to the November 13, 2010 County Board meeting.

[Board Report #13](#)

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14. U-3268-10-1 USE PERMIT FOR A FAMILY DAY CARE HOME FOR NINE (9) CHILDREN LOCATED AT 3224 9TH ST. S. (RPC# 25-012-052).

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-3268-10-1 on file in the Office of the Zoning Administrator for renewal of use permit amendment for a family day care home for the parcel of real property known as 3224 9th St. S.. (RPC# 25-012-052) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions of the staff report, and with a County Board review in one (1) year (October 2011).

Proposed conditions:

1. The applicant agrees to meet the requirements of the Child Care Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshall’s Office.
2. The applicant agrees that the hours of operation are Monday through Friday between 7 a.m. and 6 p.m.
3. The applicant agrees that parents of children receiving care shall escort their children both to and from the home at all times.
4. The applicant agrees that pick-up and drop-off of the children shall occur off the street in the existing driveway.

Board Report #14

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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15. ENACTMENT OF AN ORDINANCE TO VACATE A PORTION OF AN EASEMENT FOR PUBLIC SIDEWALK, UTILITIES AND STORM DRAINAGE PURPOSES ON PART OF LOT 650, 3200 4TH STREET NORTH, ASHTON HEIGHTS (RPC # 19047010), WITH CONDITIONS.

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

1. Enacted the Ordinance to Vacate a portion of an Easement for Public Sidewalk, Utilities and Storm Drainage Purposes on Part of Lot 650, Ashton Heights (RPC# 19047010), with Conditions. [Clerk’s note: as set forth in the document entitled “Addendum 10-23-10-B-Ashton Heights” attached for the public record to these minutes.]

2. Authorized the Real Estate Bureau Chief, or his designee, to execute the Deed of Vacation on behalf of the County Board, subject to approval of such deed as to form by the County Attorney.

[Board Report #15](#)

[Addendum 10-23-10-B-Ashton Heights](#)

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16. APPROVAL OF A FIRST 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 First 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 10-23-10-C-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 First Amendment, subject to approval as to form by the County Attorney.

[Board Report #16](#)

[Addendum 10-23-10-C-Lucky Seven Lease](#)

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17. APPROVAL OF THE APPOINTMENT OF SUBSTITUTE TRUSTEES UNDER AN AFFORDABLE HOUSING INVESTMENT FUND/ HOME PROGRAM DEED OF TRUST NAMING ARLINGTON COUNTY, VIRGINIA, AS LENDER, AND AUTHORIZATION OF THE COUNTY MANAGER AND THE SUBSTITUTE TRUSTEES TO SUBORDINATE THE AFFORDABLE HOUSING INVESTMENT FUND/ HOME PROGRAM DEED OF TRUST TO A DEED OF PUBLIC STORM SEWER EASEMENT TO BE CONVEYED TO THE COUNTY ON PROPERTY KNOWN AS 4439 NORTH PERSHING DRIVE, ARLINGTON, VIRGINIA (RPC # 20024239).

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

1. Approved the appointment of substitute trustees for an Affordable Housing Investment Fund/Home Program ("AHIF") Deed of Trust, subject to approval of the substitution document as to form by the

County Attorney, on property now known as 4439 North Pershing Drive, Arlington, Virginia (RPC #20024239).

2. Authorized the County Manager, or his designee, to execute the document appointing Stephen A. MacIsaac and Ara Tramblian, as Substitute Trustees, either of whom may act, under the AHIF Deed of Trust, subject to approval as to form by the County Attorney.
3. Authorized the County Manager, or his designee, and the Substitute Trustees to execute the Deed of Easement to subordinate the lien of the AHIF Deed of Trust on the subject property to the Deed of Easement, subject to approval as to form by the County Attorney.

[Clerk’s note: as set forth in the document entitled “Addendum 10-23-10-D-AHIF” attached for the public record to these minutes.]

[Board Report #17](#)

[Addendum 10-23-10-D-AHIF](#)

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ORDINANCES, PLANS AND POLICIES

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19. ADOPT AMENDMENT TO CHAPTER 9.2 OF THE ARLINGTON COUNTY CODE (FOOD AND FOOD HANDLING CODE).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted ordinance amendments to Chapter 9.2 of the Arlington County Code to increase the annual licensure fee for permanent and mobile food establishment licenses from \$100.00 to \$285.00.

AN ORDINANCE TO AMEND AND REENACT A PORTION OF CHAPTER 9.2 (FOOD AND FOOD HANDLING CODE) OF THE ARLINGTON COUNTY CODE TO INCREASE THE APPLICATION FEE FOR A FOOD ESTABLISHMENT LICENSE.

BE IT ORDAINED that § 9.2-3.1 of the Arlington County Code is amended and reenacted as follows, effective on the date of adoption of this ordinance:

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§ 9.2-3.1. Licenses for Food Establishments.

(a) No person shall operate a Food Establishment who does not have a valid License issued to him by the County Manager. Only a person who complies with the requirements of this Chapter may be entitled to receive or retain a License. Licenses are not transferable.

(b) An annual application fee of ~~one hundred dollars (\$100.00)~~ two hundred eighty-five dollars (\$285.00) shall be assessed for each licensed Food Establishment, Limited Food Establishment, Limited Service Mobile Food Unit, and Mobile Food Unit. A person who operates a Temporary Food Establishment at a local festival, fair, or other special event and who is not otherwise licensed to operate a Food Establishment, Limited Food Establishment, Limited Service Mobile Food Unit or Mobile Food Unit pursuant to this section shall be assessed an annual application fee of one hundred dollars (\$100.00). Such fees shall not be applicable to Food Establishments, Limited Food Establishments, Limited Service Mobile Food Units,

and Mobile Food Units operated by the Arlington County Public Schools; however, such fees shall apply to private vendors subcontracted by the County to operate Food Establishments, Limited Food Establishments, Limited Service Mobile Food Units, and Mobile Food Units. The annual fee shall be based on a calendar year and shall be due and payable in the month of December or upon initial application. The annual fee for ~~Mobile Units~~ and Limited Service Mobile Food Units shall be due and payable in the month of June or upon initial application. The application fee shall not be prorated. An additional fee of twenty-five dollars (\$25.00) shall be assessed for Food Establishment, Limited Food Establishment, Limited Service Mobile Food Unit, and Mobile Food Unit renewal applications received after December 31, and for ~~Mobile Unit~~ and Limited Service Mobile Food Unit renewal applications received after June 30 of the then-current calendar year.

(c) Establishments that fail to file the required application for renewal of their respective licenses will be operating without a valid license and will be subject to immediate closure in accordance with § 9.2-3.8.

(Ord. No. 02-16, 6-22-02; Ord. No. 03-11, 4-26-03; Ord. No. 06-09, 6-10-06, effective 7-1-06; Ord. No. 08-20, 10-18-08, effective 11-1-08; Ord. No. 10-__, 6-12-10, effective 7-1-10; Ord. No. 10-__, __-__-10, effective __-__-10)

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[Board Report #19](#)

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20. [THIS ITEM WILL BE HEARD AT THE NOVEMBER 13, 2010, COUNTY BOARD MEETING. ADOPTION OF THE NATURAL RESOURCES MANAGEMENT PLAN.](#)

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[CAPITAL PROJECTS](#)

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21. [APPROVAL OF THE AWARD OF CONTRACT NO. 247-10 FOR THE CONSTRUCTION OF PATRICK HENRY DRIVE PHASES I AND II IMPROVEMENTS.](#)

1. Approved the award of the Contract No. 247-10 to Jeffrey Stack, Inc. for the construction of the Patrick Henry Drive Street Improvement Project, in the amount of \$620,182.70, and authorize an allocation of \$62,018.27 as a contingency for change orders and increased quantities. The total project authorization is therefore \$682,200.97.
2. Authorized the Purchasing Agent to execute the contract documents for construction of the street improvements on Patrick Henry Drive, subject to review of such documents by the County Attorney.

[Board Report #21](#)

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24. APPROVAL OF AN AMENDED APPENDIX A TO A STANDARD PROJECT ADMINISTRATION AGREEMENT BETWEEN THE COUNTY BOARD AND THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE DEVELOPMENT AND ADMINISTRATION OF ROSSLYN CIRCLE IMPROVEMENTS AND THE NORTH LYNN STREET / ESPLANADE PROJECT.

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

1. Approved an Amended Appendix A to a Standard Project Administration Agreement between the County Board of Arlington, Virginia and the Commonwealth of Virginia, Department of Transportation (VDOT) dated November 13th 2008 for Rosslyn Circle / N. Lynn Street Esplanade Improvements and authorize the County Manager on behalf of the County Board to execute the Amended Appendix, subject to approval of the Amended Appendix as to form by the County Attorney. [Clerk's note: as set forth in the document entitled "Addendum 10-23-10-E-Rosslyn Circle" attached for the public record to these minutes.]
2. Approved the reallocation of County received funds associated with JBG/Waterview Project (SP #25 DC #62) to fund the Construction Phase of a combined Rosslyn Circle Improvements, N. Lynn Street/Esplanade Project ("Project").

[Board Report #24](#)

[Addendum 10-23-10-E-Rosslyn Circle](#)

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26. APPROVAL OF AN AWARD OF CONTRACT FOR THE CONSTRUCTION OF BUTLER HOLMES PARK LOCATED AT 101 S. BARTON ST., INVITATION TO BID NUMBER 229-10.

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

1. Approved the Award of Contract Number 229-10 in the amount of \$374,751.52 to Sumter Contracting Corp. and approve an allocation of \$37,475.15 as a contingency for change orders for a total contract authorization of \$412,226.67.
2. Authorized the Purchasing Agent to execute the contract documents and all other documents to implement the above actions, subject to review and approval of such documents by the County Attorney.

[Board Report #26](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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27. BUDGET STABILIZATION FUNDING TO RESTORE THE FEDERAL MEDICAL ASSISTANCE PERCENTAGES (FMAP) REDUCTIONS AND HOUSING GRANTS SHORTFALL.

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

1. Authorized use of the Budget Stabilization Fund to restore state budget reductions stemming from the Federal Medical Assistance Percentages (FMAP) and to address Housing Grants shortfalls.
2. Allocated \$457,615 from the Budget Stabilization Fund (101.450002.91102) to the Department of Human Services (101.54101) to offset the FMAP revenue loss.
3. Allocated \$406,000 from the Budget Stabilization Fund (101.450002.91102) to the Department of Human Services (101.499100.51108) to meet demand for Housing Grants.

[Board Report #27](#)

[Board Report #27-Supplemental](#)

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REQUESTS TO ADVERTISE

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28. REQUEST TO ADVERTISE PUBLIC HEARINGS ON PROPOSED A ZONING ORDINANCE AMENDMENT TO SECTION 37.F, VIOLATIONS AND PENALTIES, CRIMINAL PENALTIES, TO MAKE IT UNLAWFUL FOR A FIRM, CORPORATION, OWNER, AGENT OR OCCUPANT TO VIOLATE SECTION 37G, AND ALSO MAKES IT UNLAWFUL FOR A FIRM, CORPORATION, OWNER, AGENT OR OCCUPANT TO CAUSE OR, WITH KNOWLEDGE, PERMIT VIOLATIONS OF SECTION 37.G.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the resolution to authorize advertisement of public hearings by the Planning Commission on November 29, 2010 and the County Board on December 11, 2010, on the ordinance to amend, reenact, and recodify the provisions in Sections 37.F, *Violations and Penalties, Criminal Penalties*, to make it unlawful for a firm, corporation, owner, agent or occupant to violate Section 37.G, and also to clarify that a firm, corporation, owner, agent or occupant causing or, with knowledge, permitting violations of Section 37.G, can be cited and held criminally liable for such violations.

RESOLUTION TO AUTHORIZE THE ADVERTISEMENT OF PUBLIC HEARINGS TO CONSIDER THE PROPOSED AMENDMENTS TO SECTION 37. "VIOLATIONS AND PENALTIES" OF THE ARLINGTON COUNTY ZONING ORDINANCE AT THE NOVEMBER 29, 2010, PLANNING COMMISSION AND THE DECEMBER 11, 2010, COUNTY BOARD MEETINGS TO MAKE IT UNLAWFUL FOR A FIRM, CORPORATION, OWNER, AGENT OR OCCUPANT TO VIOLATE SECTION 37.G, AND TO CLARIFY THAT A FIRM, CORPORATION, OWNER, AGENT OR OCCUPANT CAUSING OR, WITH KNOWLEDGE, PERMITTING VIOLATIONS OF SECTION 37.G CAN BE CITED AND HELD CRIMINALLY LIABLE FOR SUCH VIOLATIONS, TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE AND GOOD ZONING PRACTICE.

The County Board of Arlington County hereby resolves to authorize advertisement of the following amendments to Section 37.F, Violations and Penalties, of the Arlington County Zoning Ordinance for public hearings at the November 29, 2010 Planning Commission and the December 11, 2010, County Board meetings. This amendment would amend, reenact and recodify the proposed zoning ordinance provisions in order to make it unlawful for a firm, corporation, owner, agent or occupant to violate Section 37.G, and also to clarify that a firm, corporation, owner, agent or occupant causing or, with knowledge, permitting violations of Section 37.G, can be cited and held criminally liable for such violations, to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice:

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SECTION 37. VIOLATIONS AND PENALTIES

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- F. *Criminal Penalties.* It shall be unlawful and constitute a misdemeanor for any person, firm, corporation, owner, agent or occupant to violate any of the provisions of this ordinance, referenced in subsection 37.G below. It shall furthermore be unlawful for any person, firm, corporation, owner, agent or occupant to cause or, with knowledge, permit such action to be taken upon such person’s, firm’s or corporation’s behalf. Any person, firm, corporation, owner, agent or occupant who is convicted of a violation of any of the provisions of this ordinance shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). If the violation is uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in compliance with the Zoning Ordinance within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00), and any such failure during any succeeding 10 day period shall constitute a separate misdemeanor offense for each 10 day period punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1,500).

(Ord. No. 97-16, 7-19-97; Ord. No. 98-12, 4-18-98; Ord. No. 99-23, 11-13-99; Ord. No. 09-02, 2-21-09)

[Board Report #28](#)

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29. REQUEST TO ADVERTISE A PUBLIC HEARING FOR PROPOSED AMENDMENTS TO THE COUNTY’S GARBAGE, REFUSE AND WEEDS CODE, CHAPTER 10, ARTICLE I AND IV, REFUSE AND RECYCLING RESPECTIVELY, OF THE ARLINGTON COUNTY CODE.

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the request to advertise a public hearing to be held December 11, 2010, to consider proposed amendments, as set forth in Attachment A, to Chapter 10 of the Arlington County Code, Garbage, Refuse and Weeds, regarding refuse and recycling. [Clerk’s note: as set forth in the document entitled “Addendum 10-23-10-F-Chapter 10” attached for the public record to these

minutes.]

[Board Report #29](#)

[Addendum 10-23-10-F-Chapter 10](#)

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OTHER

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31. AHC FINANCING

- A. Consideration of the financing of the AHC, Inc. multifamily Scattered Site residential housing project.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the proposed resolution authorizing the Arlington County Industrial Development Authority (the "IDA") to issue up to \$13 million in tax exempt revenue and refunding bonds for the refinancing and renovation of the AHC, Inc. "Scattered Site" housing project.

RESOLUTION OF THE COUNTY BOARD
 OF ARLINGTON COUNTY, VIRGINIA
 WITH RESPECT TO INDUSTRIAL DEVELOPMENT AUTHORITY
 FINANCING FOR AHC INC.

WHEREAS, the Industrial Development Authority of Arlington County, Virginia (the "Authority") has considered the application of AHC Inc. ("AHC") requesting the issuance of the Authority's revenue bonds in an amount not to exceed \$13,000,000 (the "Bonds") to assist AHC and AHC Limited Partnership – 21 ("LP-21" and, together with AHC, the "Borrower"), an entity affiliated with and controlled by AHC, in (a) refunding a portion of the Authority's Multifamily Housing Mortgage Revenue and Refunding Bonds (AHC Inc. Projects), Series 2003 previously issued to benefit AHC, (b) financing and refinancing certain of the costs of the acquisition, construction, renovation and equipping of the following multifamily residential rental housing facilities to be owned by LP-21: (i) Ashton House Apartments, consisting of 28 rental units housed in 3 buildings and located at 5701, 5706 and 5712 North 10th Road, Arlington, Virginia 22205; (ii) North Ashton Apartments, consisting of 9 rental units housed in 1 building and located at 5711 North 11th Road, Arlington, Virginia 22205; (iii) Taylor Square Apartments, consisting of 44 rental units housed in 3 buildings and located at 4235, 4241 and 4245 South 16th Street, Arlington, Virginia 22204; and (iv) Key Gardens Apartments, consisting of 22 rental units housed in 2 buildings and located at 5121 and 5125 Columbia Pike, Arlington, Virginia 22204 and (c) financing costs of issuance, funding of any required reserves and other financeable expenditures (collectively, the "Project"), and has held a public hearing on October 6, 2010;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Authority issues its bonds on behalf of the County of Arlington, Virginia (the "County"); the Project is located in the County and the County Board of Arlington County, Virginia (the "Board") constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

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

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), to permit the Authority to assist in the financing of the Project.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Borrower. The issuance of revenue bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the County of Arlington, Virginia and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of such Bonds. Neither the County of Arlington, Virginia nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and money pledged therefor.

3. This resolution shall take effect immediately upon its adoption.

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- B. Consideration of the revised terms and conditions for conversion and re-subordination of three (3) existing County loans to AHC Inc. multifamily residential properties to a new ownership entity and a new first deed of trust to facilitate the substantial renovations of 103 affordable apartment homes at Ashton House, Key Gardens, Taylor Square Apartments and North Ashton.

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

1. Approved the conversion of the existing Affordable Housing Investment Fund (AHIF) and Community Development Block Grant loans and deeds of trust on the Ashton House, Key Garden, and Taylor Square Apartments to a new ownership affiliate as detailed in the staff report and re-subordination of the County loans to a new primary loan in the amount of up to \$13.0 million during the construction financing period and up to \$9.0 million during the permanent financing period.
2. Authorized the County Manager to approve the new ownership affiliate and to execute, subject to approval by the County Attorney, replacement AHIF and CDBG loan Agreements and deeds of subordination, which will subordinate the County's existing loans for the Ashton House, Key Garden and Taylor Square Apartments to a new first deed of trust as detailed in the staff report and subject to the conditions set forth in the report and to amend or execute other related contract and loan documents, subject to approval by the County Attorney.
3. Authorized the County's Manager, with the concurrence of the County Attorney, to act as the County's representative in approving financing and revisions that are described in this report or are necessary to remove any ambiguity or inconsistency or which improves the County's financial security or financial position, or address any tax or regulatory concerns of the investor or lender,

and which changes do not adversely affect the County financially prior to execution of the County's financing documents.

Loan Terms and Conditions: Staff recommends that the County Board approve the conversion of the existing County loans on these properties to the new ownership entity, the re-subordination of the County loan under new subordination agreements and issuance of a County Manager CEO letter of support to VHDA, subject to the following terms and conditions:

1. The applicant shall execute a generally standard AHIF and CDBG Program Agreement and loan instruments for the County loan in a form acceptable to the County Manager and the County Attorney.
2. The County financing assistance will be in the form of a subordinated residual receipts loan, secured by the four Scattered Site properties, and repayable from the collective cash flow from the properties. This loan will be made at an interest rate of 4%, compounded annually, over a term of 30 years. This loan will be subordinate to the primary mortgages in the aggregate amount of up to \$13 million during the construction financing period and up to \$9.0 million during the permanent financing period.
3. The County shall receive 15% of residual cash flow until the deferred developer fee is paid-off. After the deferred fee is paid-off, the County's share of residual cash flow will increase to 75% of residual cash flow until all the County loans are paid in full. These payments will be subordinate to any cash flow payments required to comply with Low Income Housing Tax Credit program parameters, including payment of the deferred developer fee.
4. The term of affordability shall be 60 years. However, if at any time in year 35 or later (but prior to the end of the full 60-year commitment period), AHC desires to refinance the property and is unable to refinance because the units are income-restricted, AHC may return to the County Board with a request to consider a recommendation to allow the units (or a portion thereof) to be rented at levels necessary for the financial feasibility of the refinance.
5. The applicant must comply with the affordable housing set-aside for the rental units as follows: All 103 or 100% of the units shall remain affordable at rents established in accordance with 60% AMI LIHTC rents as published annually by VHDA for the unit size, minus a utility allowance (if applicable) as per the schedule annually approved by HUD for apartments in Arlington for 60 years. In addition, all units which were previously committed at rents and incomes at or below 50% of the AMI shall remain committed at these levels through the duration of the affordability term.
6. Future payment on notes taken back by AHC for the acquisition proceeds shall be reinvested in future AHC-sponsored affordable housing projects in Arlington County. As with other loan terms, County staff will monitor use of these funds to ensure they are invested as prescribed.
7. The applicant, its designated ownership entity, heirs or assigns shall provide a purchase option including a right of first refusal to the County or its designee, if the developer decides to sell the property to an unrelated third-party purchaser any time prior to or at the end of the 60-year affordability term, wherein the County or its designee shall have the right, but not the obligation, for a period of up to 180 days, to purchase the property at 90 percent of its then-appraised fair market value. If the owner's appraiser and County's appraiser do not concur on the fair market value of the property, the two appraisers shall select a third appraiser using the industry-standard three appraiser method to determine the fair market value.
8. AHC agrees to work with the County's Department of Human Services (DHS) on including up to six (6) units for DHS supportive housing program consumers.

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32. [MINUTES](#)

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

January 1, 2010	Organizational Meeting
March 23, 2010	Public Budget Hearing
March 24, 2010	Public Budget Hearing
April 26, 2010	Work Session with the East Falls Church Task Force
May 18, 2010	Work Session with the Planning Commission
August 19, 2010	Special Meeting
August 26, 2010	Work Session with the Retail Task Force
September 25, 2010	Regular Meeting
September 28, 2010	Recessed Meeting

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[REGULAR HEARING ITEMS](#)

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33. [FISCAL YEAR \(FY\) 2010 CLOSEOUT AND REAPPROPRIATION INTO FY 2011](#)

After 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: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, , MARY HYNES, Member - Aye, J. WALTER TEJADA, Member – Aye, the Board took the following actions:

1. Adopted the revised FY 2010 County government appropriation resolution shown on Attachment 1.
2. Allocated from the FY 2010 General Fund Balance the following amounts based on County Board policy, prior actions of the County Board, and staff evaluations:
 - a. \$12,811,007 for the FY 2011 budget, already appropriated in April 2010 as part of the FY 2011 adopted budget;

- b. \$35,050,026 to the General Fund Operating Reserve: \$30,769,734 in existing reserves, \$1,608,209 from one-time funds identified at FY 2011 budget adoption, \$282,239 in FY 2010 closeout funding, and \$2,389,844 to increase the reserve from 3.50 percent to 3.75 percent of the General Fund budget in FY 2011;
 - c. \$5,000,000 to the County's Self Insurance Reserve;
 - d. \$21,221,635 net to affordable housing programs from unexpended FY 2010 Affordable Housing Investment Fund allocations and loan repayments, and appropriate to Non-Departmental (101.91102) (\$24,469,929 expense, \$3,248,294 HUD Home revenue);
 - e. \$663,804 to the FreshAIRE program funded by the remaining balance of expenditure savings and tax revenue from FY 2010, and appropriate to the Department of Environmental Services (101.40002);
 - f. \$3,032,049 in restricted revenue from seized assets, and appropriate \$84,839 to the Commonwealth Attorney (101.20701) and \$2,947,210 to Police (101.31423);
 - g. \$33,218,860 from the FY 2010 General Fund Balance to the Schools for unspent appropriations, revenue increases based on the FY 2010 revenue sharing agreement, and the Schools share of the General Fund Operating reserve.
3. Allocated \$1,012,911 to restore funding for the employee furlough day approved as part of the FY 2011 adopted budget and appropriate to Non-Departmental (101.91102).
 4. Amended the FY 2011 County Budget by approving the appropriations in Attachment 2. This attachment includes an encumbrance carryover of \$150,176 and a net General Fund carryover (expense minus revenue) of \$4,731,271 for incomplete projects.
 5. Allocated \$13,942,559 to FY 2011 pay-as-you go capital and appropriate to Fund 313 as a transfer to capital from the General Fund (101.91107);
 6. Allocated \$1,925,000 to FY 2011 for a contingent for projects unforeseen at FY 2011 budget adoption and appropriate to Non-Departmental (101.91102).
 7. Allocated \$1,250,000 to FY 2012 to fund one-time expenses relating to an additional Fire recruit class, technology or energy investment opportunities to achieve ongoing savings or other FY 2012 one-time expenses (e.g. additional election costs).
 8. Allocated \$3,000,000 to FY 2012 to fund the ongoing cost of the market pay adjustment approved effective January 2010. This funding is the remaining balance from \$6.0 million allocated as part of FY 2009 closeout for FY 2011 and FY 2012 employee compensation.

[Clerk's note: as set forth in the document entitled "Addendum 10-23-10-G-FY2010 Closeout" attached for the public record to these minutes.]

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[Addendum 10-23-10-G-FY2010 Closeout](#)

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34. [FISCAL YEAR \(FY\) 2012 FINANCIAL FORECAST AND BUDGET GUIDANCE.](#)

After a duly advertised public hearing at which there were speakers, on a motion by MARY HYNES, Member, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, , MARY HYNES, Member - Aye, J. WALTER TEJADA, Member – Aye, the Board received the County Manager’s Budget Forecast for Fiscal Year 2012 and provided budget guidance for Fiscal Year 2012 with the following changes: [Clerk’s note: text to be deleted is shown in strikethrough. Text to be added is shown in underline.]

**FINAL FY 2012 BUDGET GUIDANCE
DIRECTION TO MANAGER FOR PREPARATION OF FY 2012 BUDGET**

GOALS:

The County Board directs the County Manager to prepare a FY 2012 budget that reflects the current economic situation while honoring the County’s vision and legacy. Specifically, the FY 2012 budget must, at a minimum, fund services that protect the health and safety of our residents, continue our investments in affordable housing and environmental sustainability, fund the public schools, and ensure a safety net for those in need.

PRINCIPLES:

1. Provide a balanced budget that limits FY 2012 County Expenditures (excludes~~ing~~ Schools Transfer) to the FY 2011 adopted level plus 1.14% (Consumer Price Index – Urban, change over the previous 12 months)
2. Allow for expenditures above the total noted in (1) in three situations:
 - a. To abide by the provisions of the revenue sharing agreement with the Schools
 - b. To meet explicit commitments previously made by the County Board for new facilities (i.e. Mary Marshall Assisted Living Facility, Fire Station 3, Long ~~Branch~~ Bridge Park Phase 1, and Columbia Pike Garage (Penrose)).
 - c. If fully offset by fee revenue.
3. Ensure that the budget provides for long-term financial sustainability.
4. Preserve the County’s Triple AAA bond ratings.
5. Fully fund all debt, lease and other contractual commitment including those “subject to appropriation” in the base budget.
6. Add no new positions or programs supported by local tax revenues unless
 - a. Bringing existing services in-house can be shown to save money
 - b. There is a dedicated funding source for the positions or programs
 - c. They are to meet explicit commitments previously made by the County Board for the facilities listed in 2.b. above.
7. Eliminate duplication and inefficiencies.
8. Provide options for compensation that address competitive and/or health care pressures

STRATEGIES:

1. Evaluate strategic choices such as investments in maintenance capital that would reduce ongoing operating expenses.
2. When proposing the elimination of a non-essential service, present, where possible, fee options that could offset the potential elimination of a non-essential service and/or new public/private partnerships designed to deliver the service.
3. Present alternatives that reduce costs through consolidation, mergers, contracting, partnerships, and other service mechanisms.
4. Incorporate evaluation of 2010 and 2011 cuts, where information is known, and identify performance measures that will be used to evaluate significant cuts proposed for 2012.

5. Provide comparative analysis of compensation in the region showing Arlington's performance in recent years and assessing current standing, and relating to longstanding County compensation goals.

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35. ENACT THE ORDINANCE (ATTACHED TO THE STAFF REPORT) TO AMEND, REENACT AND RECODIFY CHAPTER 14.2 (MOTOR VEHICLES AND TRAFFIC) SECTION 14.2-12(A) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA CONCERNING MAXIMUM AND MINIMUM SPEED LIMITS BY DECREASING THE SPEED LIMITS ON NORTH PERSHING DRIVE FROM ARLINGTON BOULEVARD/STATE ROUTE 50 (FORT MYER) TO NORTH 2ND STREET.

After a duly advertised public hearing at which there were speakers, on a motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, , MARY HYNES, Member - Aye, J. WALTER TEJADA, Member – Aye, the Board enacted the following Ordinance to Amend, Reenact and Recodify Chapter 14.2 (Motor Vehicles and Traffic) Section 14.2-12(a) of the Code of Arlington County, Virginia Concerning Maximum and Minimum Speed Limits by Decreasing the Speed Limits on North Pershing Drive from Arlington Boulevard/State Route 50 (Fort Myer) to North 2nd Street.

AN ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 14.2 (MOTOR VEHICLES AND TRAFFIC), SECTION 14.2-12 (a) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA CONCERNING MAXIMUM AND MINIMUM SPEED LIMITS BY DECREASING THE SPEED LIMIT ON NORTH PERSHING DRIVE FROM ARLINGTON BOULEVARD/STATE ROUTE 50 (FORT MYER) TO NORTH 2nd STREET.

I. BE IT ORDAINED that Chapter 14.2, Section 14.2-12 (a) of the Code of Arlington County, Virginia is hereby amended, reenacted and recodified to read, in pertinent part, as follows:

§ 14.2-12. Maximum and minimum speed limits.

(a) No person shall drive any vehicle upon a highway in this county at a speed in excess of twenty-five (25) miles per hour except upon the following highways or portions thereof on which the speed limits shall be as follows:

Thirty (30) miles per hour upon:

North 10th Street between Arlington Boulevard and North Washington Boulevard.
Fairfax Drive between North Monroe Street and North Glebe Road.
George Washington Parkway, marked portions either side of Key Bridge.
Kirkwood Road from Washington Boulevard to Spout Run Parkway.
Lorcom Lane from Old Dominion Drive to Spout Run Parkway.
Nellie Custis Drive from Lorcom Lane to Military Road.
South Arlington Mill Drive from Shirlington Road to Walter Reed Drive.
North Carlin Springs Road from North Glebe Road to Arlington Boulevard.
South Carlin Springs Road from Arlington Boulevard to Columbia Pike.
Fairfax Drive from Arlington Boulevard to North Barton Street.
Little Falls Road from Yorktown Boulevard at North Kensington Street to Williamsburg Boulevard.
~~North Pershing Drive from Arlington Boulevard (Fort Myer) to North 2nd Street.~~
Quaker Lane from Shirley Highway to King Street.
Walter Reed Drive from Columbia Pike to King Street.
North Westmoreland Street from Arlington County line to Fairfax Drive.

South 15th Street from Jefferson Davis Highway to South Hayes Street.
Chain Bridge Road from North Glebe Road to Fairfax County Line.
Washington Boulevard from Kirkwood Road to Lee Highway.
Spout Run Parkway from Lee Highway to Kirkwood Road.
Williamsburg Boulevard from North Glebe Road to North 29th Street.
Yorktown Boulevard from North 26th Street to North Kensington Street.
Old Dominion Drive from Lorcom Lane to North Abingdon Street.
Military Road from North Glebe Road to Lee Highway.
South George Mason Drive from Arlington Boulevard to Fairfax County line.
South Four Mile Run Drive (West Roadway) from Columbia Pike to South Walter Reed Drive.
Washington Boulevard from North Pershing Drive to North 10th Street.
Columbia Pike from Pentagon Reservation to South Dinwiddie Street.
Army Navy Drive from South 25th Street to South Nash Street.
South Eads Street from South 15th Street to Army Navy Drive.
South Hayes Street from South 15th Street to South 12th Street.
Wilson Boulevard from North Glebe Road to Fairfax County Line.
South Four Mile Run Drive from South Walter Reed Drive to Shirlington Road.
North George Mason Drive from Yorktown Boulevard to Arlington Boulevard.
South Eads Street from South 24th Street to South Glebe Road.
North Roosevelt Street from North 17th Street to Falls Church City line.
North Sycamore Street from Williamsburg Boulevard to North Washington Boulevard.
Clarendon Boulevard from Washington Boulevard to North Oak Street.
Crystal Drive from Jefferson Davis Highway to South 12th Street.
Fairfax Drive from Little Falls Road to Washington Boulevard.
Fort Myer Drive from Key Bridge to Arlington Boulevard (including underpass).
Fort Myer Drive underpass at Wilson Boulevard.
North Glebe Road from Arlington Boulevard to Lee Highway.
Lee Highway from the Federal line at the approach to Key Bridge at Rosslyn to North Nash Street.
Lee Highway from North Quincy Street to Falls Church City Line.
North Lynn Street from Arlington Boulevard to Key Bridge.
North Meade Street from Arlington Boulevard to Jackson Avenue.
Washington Boulevard from Lee Highway to North Westmoreland Street.
Wilson Boulevard from Jefferson Davis Highway to Washington Boulevard.

Thirty-five (35) miles per hour upon:

U.S. Route 1
Old Dominion Drive from Military Road to Lorcom Lane
Columbia Pike from South Dinwiddie Street to Fairfax County line.
South Glebe Road from West Glebe Road to Jefferson Davis Highway
State Route 233 (Airport Viaduct) from Jefferson Davis Highway to Mount Vernon Parkway right-of-way.
South 5th Road from South Carlin Springs Road to Fairfax County line.
Washington Boulevard from Arlington Boulevard to North Pershing Drive.
Old Dominion Drive from North Abingdon Street to North Glebe Road.
Army Navy Drive from South Nash Street to South 12th Street.
South Joyce Street from Columbia Pike to Army Navy Drive.
North Sycamore Street from North Washington Boulevard to North 17th Street.
South Glebe Road from West Glebe Road to Arlington Boulevard.
South Hayes Street from South 15th Street to Army Navy Drive.
Old Dominion Drive from North Glebe Road to Fairfax County line.
North Glebe Road from Lee Highway to ramp from Military Road.
Lee Highway from North Veitch Street to North Quincy Street.
Spout Run Parkway from George Washington Memorial Parkway to Lee Highway.

Forty (40) miles per hour upon:

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Forty-Five (45) miles per hour upon:

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Fifty (50) miles per hour upon:

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Fifty-Five (55) miles per hour upon:

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II. The remaining sub-subsections of § 14.2-12(a) not hereby amended shall remain as previously enacted.

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36. [SP #1 SITE PLAN AMENDMENT TO MODIFY ZONING ORDINANCE SIGN REQUIREMENTS INCLUDING BANNERS, AT THE ARLINGTON TEMPLE UNITED METHODIST CHURCH; LOCATED AT 1830 N. FORT MYER DRIVE, \(RPC# 16-036-006\).](#)

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

BE IT ORDAINED that, pursuant to application SP #1 on file in the Office of the Zoning Administrator for renewal of the revised proposed site plan amendment for signs for the parcel of real property known as 1830 N. Fort Myer Drive, (RPC# 16-036-006), 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 to a modified Condition #3, with a County Board Review in five (5) years (October 2015). [Clerk’s note: as set forth in the document entitled “Addendum 10-23-10-H-Arlington Temple” attached for the public record to these minutes.]

Proposed amended condition:

3. ~~There shall be no freestanding signs.~~ The applicant (as used in these conditions, the term “applicant” shall mean the owner, the tenant “Arlington Temple United Methodist Church” and all successors and assigns of either of them) agrees that, in building or using any sign on the property at 1830 Fort Myer Drive, it will comply with the conditions set forth below and the drawings referenced below:
 - a. The applicant agrees that all permitted signs on the property are as shown on and detailed in the charts in the supplemental staff report dated October 20, 2010 and titled “Existing Signs for Arlington Temple United Methodist Church Building”, “Revised Proposal—Tenant Signs and Banners Visible From Public Right of Way”, and “Proposed Banner Signs in Skywalk Area (Not Visible From Public Street)” and in the exhibits attached to that report entitled: (1)“Supplemental Attachment 1” and (2)“Pin Mounted Sign” . The total area of all signs and banners on the property shall not exceed 452 square feet.
 - b. The applicant agrees that minor changes to the approved signs and banners may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of a sign or banner to meet field conditions (less than 1 foot in any direction); or (ii) a minor change in the area of an individual sign or banner (less than 5%).
 - c. There shall be no freestanding signs.

[Board Report #36-Revised](#)

[Addendum 10-23-10-H-Arlington Temple](#)

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- 37. APPEAL TO THE COUNTY BOARD BY SPECIALTY CONSTRUCTION MANAGEMENT OF A DENIAL OF A CLAIM RELATED TO CONSTRUCTION WORK AT THE WATER POLLUTION CONTROL PLANT. (THERE IS NO REPORT FOR THIS ITEM.)**

This item will be considered at the October 26, 2010 Recessed County Board meeting.

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ADDITIONAL ITEMS

ADJOURNMENT

Without objection, at 11:27 a.m., the Board recessed until the October 26, 2010 Recessed Meeting.

JAY FISETTE, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: November 13, 2010