

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, February 11, 2012 at 8:30 a.m.

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

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

0000000000

PUBLIC COMMENT

Robert Atkins asked the County Board to release accurate crime data to demonstrate that opening a year-round shelter at 2020 N. 14th Street will not increase crime in the area and that homeless constituents could assist in deterring crime through being encouraged to report crimes they witness.

Gene Nelson claimed the County is failing to provide a safety net to older, unemployed Arlington citizens yet provides substantial assistance to constituents who are not yet U.S. citizens.

Sandra Hernandez shared her concerns about the adverse effect of Smart Growth planning on the community and asked for the voice of the community to be heard.

Tony Taylor urged the County Board to complete and connect Long Bridge Park and to include the funding needed in the ten-year Capital Improvement Program (CIP).

Jim Hurysz remarked about the poor conditions of roads in the County and asked about the timeline for repaving them.

0000000000

ANALYSIS OF CONTINGENT ACCOUNTS

The Board received a Summary of Fiscal Year 2012 Contingent Accounts showing balances of \$1,000,000 in General and \$3,899,554 in Affordable Housing Investment Fund as of February 6, 2012.

CONSENT ITEMS (ITEMS 1-23) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, FEBRUARY 11, 2012, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, FEBRUARY 14, 2012, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).

A motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Vice Chairman to approve the County Manager's recommendation for all consent items except items #18 and #19 which will be subject to full hearing at the February 14, 2012 County Board recessed meeting. The motion was adopted and carried by a vote of 4 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

0000000000

SITE PLANS/AMENDMENTS/REVIEW

0000000000

1. **SP# 18 SITE PLAN AMENDMENT TO MODIFY CONDITIONS #84 AND 85 TO ALLOW THE COUNTY MANAGER TO MODIFY AGREED UPON IMPROVEMENTS CALLED FOR IN THE COMMUNITY BENEFIT PLAN; LOCATED AT 1812 N. MOORE ST. (RPC# 16-037-004).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the site plan amendment request to allow the modification of Conditions #84 and #85, to the April 21, 2012, County Board meeting.

[Board Report #1](#)

0000000000

2. **SP# 18 SITE PLAN AMENDMENT TO MODIFY CONDITION #21 REGARDING STREET TREES AND CHANGE THE APPROVED 4.1 PLAN SHEET L101; LOCATED AT 1812 N. MOORE ST. (RPC# 16-037-004).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the site plan amendment request to allow a modification of 4.1 plan sheet L101 to allow for the removal of street trees from the plan, to the April 21, 2012, County Board meeting.

[Board Report #2-Revised Report](#)

0000000000

3. **SP #25 SITE PLAN AMENDMENT TO AMEND THE COMPREHENSIVE SIGN PLAN FOR THE WATERVIEW PROJECT (EAGLE BANK); LOCATED AT 1919 N. LYNN STREET (RPC# 16-018-004).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance for approval of a site plan amendment to the comprehensive sign plan for SP #25, subject to all previous conditions and the amended Condition #41 of the staff report. [Clerk's note: as set forth in the document entitled "Addendum-2-11-12-A- SP#25" attached for the public record to these minutes.]

[Board Report #3](#)

[Addendum-2-11-12-A- SP#25](#)

0000000000

4. **SP #105 SITE PLAN AMENDMENT TO REVISE CONDITION #1 TO EXTEND THE TERM OF THE METROPOLITAN PARK PHASE 3 SITE PLAN APPROVAL FOR THREE (3) YEARS UNTIL FEBRUARY 21, 2015, FOR THE PROPERTY LOCATED AT 1201 AND 1211 S. FERN ST. (RPC# 35-003-009 AND -010).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve the subject site plan amendment to revise Condition #1 to extend the site plan term for three (3) years until February 21, 2015.

Site Plan Amendment Ordinance

WHEREAS, an application for a Site Plan Amendment dated November 28, 2011 for Site Plan # 105, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report[s] provided to the County Board for its February 11, 2012 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[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on February 11, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

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

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated November 28, 2011 for Site Plan # 105 for a Site Plan Amendment to extend the term of the site plan approval, for the parcels of real property known as RPC# 35-003-009 and -010 located at address 1201 and 1211 South Fern Street, approval is granted and the parcels so described shall be used according to the Site Plan Amendment Application, subject to the amended conditions as follows and all previously approved conditions:

1. Site Plan Term

The developer (as used in these conditions, the term "developer" shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1 and the revised plans dated January 21, 2008 and reviewed and approved by the County Board and made a part of the public record on February 21, 2009, including all renderings, drawings, and presentation boards presented during public hearings, together with any modifications proposed by the developer and accepted by the County Board or vice versa.

This site plan approval expires ~~three (3) years after the date of County Board approval on February 21, 2015~~ if a building permit has not been issued for the first building to be constructed pursuant to the approved plan. Extension of this approval shall be at the sole discretion of the County Board. The owner agrees that this discretion shall include a review of this site plan and its conditions for their compliance with then current County policies for land use, zoning and special exception uses. Extension of the site plan is subject to, among other things, inclusion of amended or additional site plan conditions necessary to bring the plan into compliance with then current County policies and standards together with any modifications proposed by the owner and accepted by the County Board or vice versa.

[Board Report #4](#)

0000000000

5. **[SP#105 SITE PLAN AMENDMENT REVIEW FOR EXTENDED HOURS OF THE ICE SKATING RINK WITHIN THE PLAZA IN THE PENTAGON ROW DEVELOPMENT LOCATED AT 1101, 1201 AND 1301 SOUTH JOYCE STREET AND 900 ARMY NAVY DRIVE \(RPC# 35-005-031\).](#)**

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 a site plan amendment for extended hours of the ice skating rink within the plaza in the Pentagon Row development for the parcel of real property known as 1101, 1201 And 1301 South Joyce Street and 900 Army Navy Drive (RPC# 35-005-031), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions and with no further scheduled County Board review.

[Board Report #5](#)

0000000000

6. **[SP #401 SITE PLAN AMENDMENT TO MODIFY CONDITION #64 REGARDING THE EXPANSION OF ALLOWABLE USES WITHIN THE RETAIL SPACE AT 800 N. GLEBE ROAD \(RPC# 14-053-062\).](#)**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject site plan amendment request to allow a conversion of retail to office management space, to the March 10, 2012, County Board meeting.

[Board Report #6](#)

0000000000

7. **[SP #403 SITE PLAN AMENDMENT TO MODIFY ROOF TOP PLAN TO ALLOW CONSTRUCTION OF A ROOF TOP POOL WITH ASSOCIATED AMENITIES AND IMPROVEMENTS AND TO EXTEND THE SITE PLAN TERM; LOCATED AT 2009 14TH ST. N. \(RPC# 17-014-001\).](#)**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject site plan amendment to the March 10, 2012, County Board meeting.

[Board Report #7](#)

0000000000

8. **[SP #416 SITE PLAN AMENDMENT TO AMEND CONDITIONS #15 AND 18 OF THE APPROVED SITE PLAN FOR VIRGINIA SQUARE TOWERS, RELATIVE TO THE TIMING FOR THE REQUIRED ENGINEERING PLAN APPROVAL, LOCATED AT 900-920 N. KANSAS ST., 3440 AND 3444 FAIRFAX DRIVE, 845-913 N. LINCOLN ST., AND 3425 WILSON BLVD.;](#)**

(RPC# 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018 THROUGH -025).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve a site plan amendment to Conditions #15 and 18, subject to all previously approved conditions and to amend Conditions #15 and 18. [Clerk's note: as set forth in the document entitled "Addendum-2-11-12-B-SP#416" attached for the public record to these minutes.]

[Board Report #8](#)

[Addendum-2-11-12-B- SP#416](#)

0000000000

USE PERMITS REQUEST/REVIEWS/AMENDMENTS

0000000000

9. U-2732-92-3 USE PERMIT REVIEW FOR LIVE ENTERTAINMENT LOCATED AT 1836 WILSON BLVD. (RHODESIDE GRILL) (RPC# 17-011-023).

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-2732-92-3 on file in the Office of the Zoning Administrator for a use permit for live entertainment for the parcel of real property known as 1836 Wilson Blvd. (Rhodeside Grill) (RPC# 17-011-023), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions and with no a County Board review in five (5) years (February 2017).

[Board Report #9](#)

0000000000

10. U-3149-06-1 USE PERMIT REVIEW FOR LIVE ENTERTAINMENT AND DANCING AT THE ARLINGTON CINEMA & DRAFTHOUSE; LOCATED AT 2903 AND 2911 COLUMBIA PIKE (RPC# 25-013-002).

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

BE IT ORDAINED that, pursuant to application U-3149-06-1 on file in the Office of the Zoning Administrator for a use permit for live entertainment and dancing at the Arlington Cinema & Drafhhouse for the parcel of real property known as 2903 And 2911 Columbia Pike (RPC# 25-013-002), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, with a County Board review in five (5) years (February 2017).

[Board Report #10](#)

oooo0oooo

11. U-3193-08-1 USE PERMIT REVIEW FOR A MARTIAL ARTS STUDIO; LOCATED AT 2407 AND 2411 WILSON BLVD. (RPC# 15-060-002).

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

BE IT ORDAINED that, pursuant to application U-3193-08-1 on file in the Office of the Zoning Administrator for a use permit renewal for a martial arts studio for the parcel of real property known as 2407 and 2411 Wilson Blvd. (RPC# 15-060-002), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, with a County Board review in five (5) years (February 2017).

[Board Report #11](#)

oooo0oooo

12. U-3277-11-1 USE PERMIT REVIEW FOR A CHILD CARE CENTER LOCATED AT 5232 LEE HIGHWAY (LITTLE AMBASSADOR’S ACADEMY) (RPC# 09-001-021).

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-3277-11-1 on file in the Office of the Zoning Administrator for a use permit renewal for a child care center for the parcel of real property known as 5232 Lee Highway (Little Ambassador’s Academy) (RPC# 09-001-021), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, with an administrative review in three (3) months (May 2012) and a County Board review in three (3) years (February 2015).

[Board Report #12](#)

oooo0oooo

ORDINANCES, PLANS AND POLICIES

oooo0oooo

13. ADOPT ADVERTISED CHANGES TO CHAPTER 31 OF THE ARLINGTON COUNTY CODE TO MERGE THE EQUAL EMPLOYMENT OPPORTUNITY ADVISORY COMMISSION AND THE HUMAN RIGHTS COMMISSION.

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

1. Adopted the proposed amendments to Chapter 31 of the Arlington County Code, also known as the Human Rights Ordinance, as written in attachment A. e
2. Rescind the November 17, 1984 Board Resolution creating the Equal Employment Opportunity Commission (see attachment B for content of the 1984 Board Resolution).

[Clerk's note: as set forth in the document entitled "Addendum-2-11-12-C- EEOAC/Human Rights" attached for the public record to these minutes.]

[Board Report #13](#)

[Addendum-2-11-12-C- EEOAC/Human Rights](#)

0000000000

CAPITAL PROJECTS

0000000000

14. AMENDMENT TO THE ARLINGTON MILL COMMUNITY CENTER (AMCC) DESIGN CONTRACT 182-10 TO PROVIDE ADDITIONAL FUNDS FOR REDESIGN TO MINIMIZE IMPACT TO THE RESOURCE PROTECTION AREA AND IMPROVE THE PARKING GARAGE ENTRY.

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

1. Approved an Amendment to Agreement Number 182-10 between the County Board and Davis Carter Scott, Ltd. (DCS) for AMCC design services to increase the funding authorization by \$150,000 and a contingency of \$25,000 for a total contract authorization of \$1,721,872;
2. Authorized the Purchasing Agent to execute an amendment to the original agreement, subject to review and approval by the County Attorney.

[Board Report #14](#)

0000000000

15. AWARD OF CONTRACT TO B & B SIGNAL COMPANY, LLC, FOR CONSTRUCTION OF TRAFFIC SIGNALS, CURB AND GUTTER, SIDEWALKS, MEDIANS, STREET LIGHTS AND STORM STRUCTURES ON NORTH GLEBE ROAD BETWEEN FAIRFAX DRIVE AND CARLIN SPRINGS ROAD AND FAIRFAX DRIVE BETWEEN NORTH WAKEFIELD STREET AND NORTH GLEBE ROAD. INVITATION TO BID NUMBER 86-11.

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

1. Approved the Award of Contract 86-11 to B&B Signal Company, LLC to construct traffic signals, curb and gutter, sidewalks, medians, street lights and storm sewer structures on North Glebe Road between Fairfax Drive and Carlin Springs Road and Fairfax Drive between North Wakefield Street and North Glebe Road in the amount of \$2,539,354 and authorize additional funds in the amount of \$253,935 as a contingency for change orders and increased quantities, for a total contract authorization of \$2,793,289.
2. Authorized the Purchasing Agent to execute the Contract Documents, subject to legal review by the County Attorney.

[Board Report #15](#)

oooo0oooo

16. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE LEE HIGHWAY CHERRYDALE ELECTRICAL UTILITY UNDERGROUNDING IMPROVEMENTS, PHASE II PROJECT, INVITATION TO BID NO. 643-12.

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

1. Awarded a contract for the construction of the Lee Highway Cherrydale Electrical Utility Undergrounding Improvements, Phase II project to Trafford Corporation in the amount of \$939,984.75 and authorize an allocation of \$150,000.00 as a contingency for change orders and increased quantities, and \$150,000.00 for stipulated price items. The total project authorization is therefore \$1,239,984.75.
2. Authorized the Purchasing Agent to execute the contract documents subject to review by the County Attorney.

[Board Report #16](#)

oooo0oooo

17. AWARD OF CONTRACT TO ELECTRIFIERS INC., FOR CONSTRUCTION OF NEW STREETLIGHTS ALONG COLUMBIA PIKE ON THE AREAS BETWEEN SOUTH FREDERICK AND SOUTH SCOTT STREETS.

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

1. Approved award of Contract Number 596-12 to Electrifiers Inc., in the amount of \$1,089,838.30.
2. Approved an additional allocation of \$85,000.00 for contingencies, engineering and inspection, for a total amount authorization of \$1,174,838.30.
3. Authorized the Purchasing Agent to execute the contract documents, subject to approval by the County Attorney.

[Board Report #17](#)

oooo0oooo

APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

oooo0oooo

20. TRANSFER THE CULTURAL ARTS DIVISION (CAD), CULTURAL AFFAIRS' SUPPLEMENTAL FEE PROGRAM, AND ARTISPHERE BUDGET APPROPRIATIONS FROM THE DEPARTMENT OF PARKS & RECREATION (DPR) TO ARLINGTON ECONOMIC DEVELOPMENT (AED).

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

1. De-appropriated \$1,883,658 in revenue and \$6,274,614 in expense (101.80000), 30.60 permanent FTEs and 3.17 temporary FTEs from the Department of Parks & Recreation (DPR) for FY 2012 for the Cultural Affairs Division, Cultural Affairs' Supplemental Fee Program and Artisphere which have been transferred to Arlington Economic Development (AED).
2. Appropriated \$1,423,273 in revenue and \$5,814,229 in expense (101.71000), 30.60 permanent FTEs and 3.17 temporary FTEs to Arlington Economic Development (AED) for FY 2012 for the Cultural Affairs Division, Cultural Affairs' Supplemental Fee Program, and Artisphere programming.

[Board Report #20](#)

ooooo0ooooo

21. AUTHORIZATIONS TO EXECUTE AND FILE FISCAL YEAR 2013 COMMUTER SERVICES PROGRAM GRANT APPLICATIONS; APPROVAL OF PROJECT AGREEMENTS BETWEEN THE COUNTY BOARD AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT); AND AUTHORIZATION FOR THE COUNTY MANAGER TO EXECUTE AGREEMENTS, AND RELATED DOCUMENTS, NECESSARY TO ACCEPT FUNDS GRANTED.

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

1. Adopted the Resolution authorizing the County Manager to execute and file an application to the Virginia Department of Rail and Public Transportation (DRPT) totaling \$1,307,544 from the Transportation Demand Management (TDM) Operating Assistance Grant Program.
2. Adopted the Resolution authorizing the County Manager to execute and file an application to the Virginia Department of Rail and Public Transportation (DRPT) totaling \$2,000,000 from the Demonstration Project Assistance Grant Program.
3. Adopted the Resolution authorizing the County Manager to execute and file an application to the Virginia Department of Rail and Public Transportation (DRPT) totaling \$600,000 from the Transportation Management Project (TMP) Assistance Grant Program.
4. Adopted the Resolution authorizing the County Manager to execute and file an application to the Virginia Department of Rail and Public Transportation (DRPT) totaling \$450,000 from the Technical Assistance Grant Program.
5. Authorized the County Manager to execute, on behalf of the County Board, a Project Agreement for Use of Commonwealth Transportation Funds Fiscal Year 2013 and related documents, for each Application, accepting funds granted to the County Board pursuant to such Application, provided that: A. the Project Agreement is in the form attached to this Board Report as Attachment 5; B. the funds granted do not exceed the corresponding Application amount; and, C. all conditions of the grant are consistent with the conditions of the Application and the Master Agreement between the County Board and the Commonwealth of Virginia, Department of Rail and Public Transportation, existing on the date of the Application; subject to approval of such Agreements and documents as to form by the County Attorney.
[Clerk's note: as set forth in the document entitled "Addendum-2-11-12-D- Commuter Services Grant" attached for the public record to these minutes.]

[Board Report #21](#)

[Addendum-2-11-12-D- Commuter Services Grant](#)

0000000000

22. APPROPRIATION OF FUND BALANCE TO THE WASTE DISPOSAL TRUST FUND.

On the consent agenda vote, after a duly advertised public hearing, the Board appropriated \$550,000 from fund balance to the General Fund Non-Departmental account (101.91102) to provide resources for the Waste Disposal Trust Fund.

[Board Report #22](#)

0000000000

REQUESTS TO ADVERTISE

0000000000

23. REQUEST TO ADVERTISE PUBLIC HEARINGS TO CONSIDER THE LOCAL DESIGNATION AND HISTORIC DISTRICT ZONING OVERLAY OF THE CALLOWAY CEMETERY, LOCATED AT 5000 LEE HIGHWAY (RPC # 08-002-004; CEMETERY SECTION ONLY).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the resolution to authorize the advertisement (Attachment A of the staff report) of public hearings by the Planning Commission on February 27, 2012, and the County Board on March 10, 2012, to consider adoption of an ordinance (see also Attachment A) designating the Calloway Cemetery, located at 5000 Lee Hwy., as a local historic district and the creation of an historic district zoning overlay to consist only of the cemetery portion of the site, which includes approximately 7,100 square feet and that is part of the property known as RPC # 08-002-004 that lies west of the parking lot and driveway for the Calloway United Methodist Church.

RESOLUTION TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS TO CONSIDER AN ORDINANCE TO DESIGNATE THE CALLOWAY CEMETERY, LOCATED AT 5000 LEE HWY., WHICH INCLUDES APPROXIMATELY 7,100 SQUARE FEET AND IS THE PORTION OF THE PROPERTY KNOWN AS RPC # 08-002-004 THAT LIES WEST OF THE PARKING LOT AND DRIVEWAY FOR THE CALLOWAY UNITED METHODIST CHURCH, AS AN HISTORIC DISTRICT OVERLAY ZONE, AT THE FEBRUARY 27, 2012, PLANNING COMMISSION AND THE MARCH 10, 2012, COUNTY BOARD MEETINGS.

The County Board of Arlington County hereby resolves to authorize the advertisement of public hearings to consider an ordinance to designate the Calloway Cemetery, located at 5000 Lee Hwy. which includes approximately 7,100 square feet and is that part of the property known as RPC # 08-002-004 that lies west of the parking lot and driveway for the Calloway United Methodist Church, as an Historic District and Overlay Zone, at the February 27, 2012, Planning Commission and the March 10, 2012, County Board meetings.

* * *

Z – 2554 – 11-1 HISTORIC DISTRICT

Proposed Historic District designation of the Calloway Cemetery located at 5000 Lee Hwy.

AN ORDINANCE PURSUANT TO CHAPTER 31A OF THE ARLINGTON COUNTY ZONING ORDINANCE AND THE HISTORICAL AFFAIRS AND LANDMARK REVIEW BOARD SUBMITTAL Z-2554-11-1, TO

DESIGNATE THE CALLOWAY CEMETERY, LOCATED AT 5000 LEE HWY. AND DESCRIBED HEREIN, AS AN HISTORIC DISTRICT IN ORDER TO PRESERVE OBJECTS WITHIN ARLINGTON COUNTY HAVING IMPORTANT HISTORIC, ARCHITECTURAL, ARCHAEOLOGICAL OR CULTURAL INTEREST AND TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY AND PROTECT AGAINST THE DESTRUCTION OF OR ENCROACHMENT UPON HISTORIC AREAS.

WHEREAS, the Historical Affairs and Landmark Review Board (HALRB), based upon research, analysis, and study contained in the County’s Historic District Designation Form and other information considered by it, recommends that the Calloway Cemetery be designated as an Historic District; and

WHEREAS, based on that form and other information presented to the County Board, and after a duly advertised public hearing, the Board finds that the property meets three of the eleven designation criteria listed in Section 31A, Part C.1.d of the Arlington Zoning Ordinance; and

WHEREAS, the County Manager recommends that the County Board designate the property as an Historic District; and

WHEREAS, the County Board finds that the historic and cultural significance of the property qualifies it for designation as an Historic District and that such designation will protect against destruction of or encroachment upon historic areas.

THEREFORE, BE IT ORDAINED that the property in Arlington County known as the Calloway Cemetery, located at 5000 Lee Hwy., which includes approximately 7,100 square feet and is part of the property known as Real Property Code # 08-002-004 that lies west of the parking lot and driveway for the Calloway United Methodist Church, (and which is shown on the map that is attached hereto as the westernmost portion of the parcel, is hereby designated as an historic district pursuant to Section 31A of the Arlington County Zoning Ordinance, and Historical Affairs and Landmark Review Board submittal Z-2554-11-1 on file in the Office of the Zoning Administrator, and the zoning map is hereby amended to record the designation as an Historic District overlay zone. All land and objects comprising the cemetery portion of 5000 Lee Hwy. is included within the boundary of the Calloway Cemetery Historic District.

[Board Report #23](#)

ooooo0ooooo

OTHER

ooooo0ooooo

24. MINUTES

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

- | | |
|------------------|------------------|
| January 21, 2012 | Regular Meeting |
| January 24, 2012 | Recessed Meeting |

[Item #24 - Minutes](#)

0000000000

REGULAR HEARING ITEMS

0000000000

25. U-3297-11-1 USE PERMIT AMENDMENT TO CHANGE CONDITIONS #6, #8, #14 OF THE EXISTING USE PERMIT FOR LIVE ENTERTAINMENT FOR WESTOVER MARKET, LOCATED AT 5841, 5853, AND 5877 N. WASHINGTON BLVD. (RPC# 10-027-012 AND -013).

Following a duly advertised public hearing at which there were speakers, a motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Member to adopt the following ordinance. The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

BE IT ORDAINED that, pursuant to application U-3297-11-1 on file in the Office of the Zoning Administrator for a use permit amendment to change Conditions #6, #8, #14 of the existing use permit for live entertainment for Westover Market for the parcel of real property known as 5841, 5853, and 5877 N. Washington Blvd. (RPC# 10-027-012 and -013), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, but with amended Conditions #6, 8, and 14 as shown in this report, with an administrative review in June 2012 and a County Board review in nine (9) months (November 2012).

Revised Conditions #6, #8, #14:

- 6. The applicant agrees to retain an acoustical engineer or similar expert acceptable to the County Manager to develop a sound management plan that conforms to this condition, submit to and obtain approval from the County Manager for the plan, and implement and thereafter maintain such plan throughout the life of the use permit. The sound management plan shall ensure that the sound emitted from the live entertainment shall not exceed the limits of the Noise Control Ordinance or the limits specified hereinafter, whichever is less. The approved sound management plan shall be implemented beginning at or before commencement of live entertainment at the site. The applicant agrees that if a test involving live entertainment is necessary for the acoustical engineer to properly assess the feasibility of the sound management plan, the applicant agrees to request approval of such test from the Zoning Administrator at least 72 hours before commencement of the test. The applicant when making such a request shall submit the name and phone number of the acoustical engineer that will be on site conducting the test, the proposed schedule of said test, and the nature of the music being performed during said test. The applicant further agrees to inform the Westover Village Civic Association and nearest neighbors identified in Condition #3 at least 24 hours before commencing such test, if said test is approved by the Zoning Administrator. The applicant agrees that only one (1) test shall be approved by the Zoning Administrator.

~~Such plan may include, in the Manager’s discretion after consultation with the Zoning Administrator concerning the enforceability of the plan, provisions for automatic monitoring by a recordable webcam of a decibel meter placed at the nearest residential property line, or by some other recordable process acceptable to the County Manager and the Zoning Administrator. Regardless of the monitoring tool used, d During the live entertainment the decibels measured shall at no time exceed 60 dB before 9 p.m. and 55 dB after 9 p.m., or the limits of the County Noise Ordinance, whichever is stricter, with the sound management plan making an accounting for environmental noise, e.g. vehicular traffic, aircraft, etc. The applicant shall submit a written report of the recorded information no later than the 30th of every month to the Arlington County Zoning Administrator, the neighbors identified in Condition #3, and the President of the Westover Village Civic Association.~~

~~The applicant agrees that he will cause the acoustical engineer, or a similar expert acceptable to the County Manager, shall, for a period of six (6) months after the commencement of live entertainment, or such longer period as the County Manager directs to ensure the checks have occurred and shown compliance with this condition for a six month period, to conduct random unannounced checks of the noise level and the management of the sound at least once per week month while the live~~

entertainment is occurring. The tests shall be conducted in accordance with the procedures in the County Noise Control Ordinance from, at a minimum, two (2) locations including from the nearest residential property line. The acoustical engineer or expert shall also submit a ~~monthly~~ written report of the results of such tests to the applicant, the Arlington County Zoning Administrator, the neighbors identified in Condition #3, and the President of the Westover Village Civic Association. Results that show any noise levels above those referenced in this condition shall, without limitation as to the bases for revocation, be grounds for revocation of the use permit for live entertainment.

8. The applicant agrees that live entertainment is permitted only from April 1 to October 31 three days a week: on Wednesdays from 6 p.m. to 8 p.m.; and Fridays from 6 p.m. to 10 p.m., Saturdays from 5 p.m. to 9 p.m., and at no other times. Live entertainment shall not be amplified and shall not consist of electric or electronic instruments, except as permitted in Condition #14. The applicant agrees that Westover Market shall provide the amplification equipment, including speakers, mixing board and any equipment that controls volume. Volume shall always be controlled by a Westover Market employee. Performers shall not be permitted to control the volume.
14. The use permit shall be subject to an administrative review ~~two (2) months after the live entertainment has began, but not earlier than September 2011~~ in June 2012.

Upon completion of the administrative review, and provided the County Manager determines that the applicant has complied with all conditions of the use permit up to the time of the review, the applicant shall be permitted to have live entertainment using amplified musical instruments and related equipment including, but not limited to, speakers, a mixing board, and sound control equipment, on Saturday evenings only until the end of the 2012~~±~~ season on October 31, 2011~~±~~, and no further unless this use permit is further amended by the County Board, at the County Board's discretion, when the use permit is reviewed in November 2012. In accordance with the sound management plan, the applicant agrees to install a compression limiter or similar device that will automatically limit the decibels received at the nearest residential property line. Such device shall be installed before commencing amplified live entertainment performances. All other conditions of the use permits shall remain in effect. The County shall notify the Westover Village Civic Association and nearest neighbors identified in Condition #3 once a decision is made to allow the applicant to have live entertainment using amplified musical instruments.

[Board Report #25](#)

ooooo0ooooo

26. U-3306-11-1 USE PERMIT TO MODIFY SETBACK AND YARDS ON A PIPE-STEM LOT LOCATED ADJACENT TO 2615 N. NOTTINGHAM STREET (ARLINGTON DESIGNER HOMES) (RPC# 01-075-020).

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by CHRISTOPHER ZIMMERMAN, Member, to adopt the following ordinance. The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

BE IT ORDAINED that, pursuant to application U-3306-11-1 on file in the Office of the Zoning Administrator for a use permit to allow construction of a building on a pipe-stem lot with side yards of twelve feet, for the parcel of real property known as 2615 N. Nottingham Street (Arlington Designer Homes) (RPC# 01-075-020), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions in the staff report. [Clerk's note: as set forth in the document entitled "Addendum-2-11-12-E- 2615 N. Nottingham Street" attached for the public record to these minutes.]

[Board Report #26](#)

[Board Report #26-Supplemental Report](#)

[Addendum-2-11-12-E- 2615 N. Nottingham Street](#)

0000000000

27. SP #122 SITE PLAN AMENDMENT FOR ADDITION OF GROSS FLOOR AREA AND TO ALLOW FOR ROOF DECK, WITH MODIFICATIONS OF USE REGULATIONS TO INCLUDE BUILDING HEIGHT AND DENSITY, AND OTHER MODIFICATIONS AS NECESSARY TO ACHIEVE THE PROPOSED DEVELOPMENT PLAN; LOCATED AT 1300 17TH ST. N. (RPC# 17-003-032, -031).

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by J. WALTER TEJADA, Vice Chairman to adopt the ordinance to approve the subject site plan amendment request for a roof deck at 1300 17th Street N., with modifications for height and density subject to all previously approved conditions and to the new conditions of the staff report. The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk’s note: as set forth in the document entitled “Addendum-2-11-12-F- SP#122” attached for the public record to these minutes.]

[Board Report #27](#)

[Board Report #27-Supplemental Report](#)

[Addendum-2-11-12-F- SP#122](#)

0000000000

28. PARKING RATE INCREASE FOR THE BALLSTON PUBLIC PARKING GARAGE, EFFECTIVE MAY 1, 2012.

Following a duly advertised public hearing at which there were speakers, a motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Member, to:

1. Amend the current Ballston Public Parking Garage rate schedule as follows:

<u>Daily Rate</u>	
Up to 3 Hours	\$1.00
Up to 4 Hours	\$3.00
Up to 5 Hours	\$5.00
Up to 6 Hours	\$6.00
Up to 7 Hours	\$7.00
Up to 8 Hours	\$8.00
Maximum Daily Rate	\$10.00

Entry after 6 pm \$1.00

No discounts for weekend parking

<u>Monthly Rate</u>	
Five-day Monthly	\$105.00
Seven-day Monthly	\$145.00

2. Authorize implementation of the above rate schedule as of May 1, 2012, or as soon thereafter as the rate schedule can be implemented.
3. Authorize the Chairman of the County Board and the County Manager to sign, on behalf of the County, any documents as may be necessary to implement the above changes in the rate schedule.

The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

[Board Report #28](#)

oooo0oooo

ADJOURNMENT

Without objection, at 11:19 a.m., the Board recessed until the February 14, 2012 Recessed Meeting.

MARY HUGHES HYNES, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: March 10, 2012