

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, July 14, 2009 at 3:00 p.m.

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

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

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COUNTY BOARD RECESSED MEETING

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COUNTY BOARD BUSINESS AND REPORTS

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I. COUNTY BOARD REPORTS

The Chairman announced the Emergency Needs-Hopelessness Prevention Fund. The Chairman showed a brief video on the issue of homelessness and why the Fund was necessary.

The Chairman announced that the Center for Nonprofit Advancement announced that Doorways for Women and Families received the 15th annual Washington Post Award for Excellence in Nonprofit Management. The competitive award recognizes outstanding achievement in nonprofit management. As the winner, Doorways received a \$10,000 cash grand and a scholarship to Georgetown University's Center for Public and Nonprofit Leadership's Nonprofit Management Executive Certificate Program. The Chairman congratulated Doorways for Women and Families. Doorways will celebrate their 30th anniversary in 2009. For more information about Doorways for Women and Families please visit www.doorwaysva.org.

The Chairman announced the Offender Aide and Restoration Program (OAR) recently received a Spirit of Service Award. This was a grant awarded at the 2009 Greater DC Cares Business and Non-Profit Philanthropy Summit. The award was presented to a single non-profit in the Washington Metro area in recognition of the use the organization makes of volunteers to impact the community. OAR's mission is to provide community-managed programs aimed at restoring the individual offender as a responsible member of the community by providing alternatives to incarceration, programs to inmates and services to ex-offenders. OAR staff work with former offenders once they are released, helping them find housing, social services and employment. OAR began its work in Arlington in 1974.

The Chairman announced Firefighters Appreciation Week, August 31 through September 7. For the past 55 years, Arlington's firefighters have teamed up with the Muscular Dystrophy Association in the fight against neuromuscular diseases. The Chairman asked Laura Rodgers, Pete DePuy, Anita and Joey Taylor and Chief Schwartz to come forward. The Chairman read the following proclamation:

FIREFIGHTER APPRECIATION WEEK

WHEREAS, fighting fires is one of the most hazardous professions requiring physical strength, stamina, extensive training, courage and selfless concern for the welfare of our citizens; and

WHEREAS, firefighters throughout the state and nation have teamed up for the past 55 years with the Muscular Dystrophy Association (MDA) in the fight against neuromuscular diseases; and

WHEREAS, the Arlington County Professional Firefighters Local 2800 raised more than \$200,000 over the past 7 years with their "Fill the Boot" campaigns; and

WHEREAS, the Muscular Dystrophy Association and the families it serves are extremely grateful to the Arlington County Firefighters for their support and dedication; and

WHEREAS, in honor of the efforts of the Arlington County Firefighters, the Muscular Dystrophy Association is sponsoring Arlington County Firefighter Appreciation Week and urge all citizens to join MDA in its tribute to the dedication and support we receive from our firefighters;

NOW, THEREFORE, I, Barbara A. Favola, Chairman of the County Board of Arlington, Virginia, do hereby proclaim the week of **August 31 – September 7, 2009** as

FIREFIGHTER APPRECIATION WEEK

in Arlington County, and urge all citizens to recognize and appreciate the dedication and efforts of the Arlington County firefighters.

The Chairman presented the proclamation to Chief Schwartz.

The Chairman announced the Mongolian Naadam Festival on July 12, 2009 in Barcroft Park. This was an event with an 800 year history, making it one of the longest running cultural celebrations on earth. The traditional wrestling competition was the main attractions and drew wrestlers from all over the country.

The Chairman announced the Festival Peruano on July 26, 2009. The festival celebrates Peru's independence from Spain with a traditional lineup of dances, music and cuisine. The event will take place from 11:00 a.m. to 6:00 p.m. at Shirley Park/Gunston Sports Field, 2700 S. Lang Street. The event is free.

The Chairman announced the Ecuadorian Festival on August 9, 2009. The event celebrates Ecuador's national day with traditional music and dance, food and crafts. It will take place from 11:00 a.m. to 6:00 p.m. at Barcroft Park. The event is free.

The Chairman announced the Bolivian Independence Day Celebration on August 9, 2009. Many of the area's Bolivian dance groups will perform traditional lively Bolivian dances. The event will take place at the Thomas Jefferson Theater.

The Chairman announced the Arlington County Fair August 9 through 23, 2009. Entrance to the Fair is free. County Board Members will be there. The event will take place at the Thomas Jefferson Community Center.

Mr. Tejada announced Hispanic Heritage Month which will take place September 15 through October 15.

Mr. Tejada introduced Lloyd Mostrom, a Community Role Model. Mr. Mostrom turns 100 years old this year. He was a World War II veteran. Arlington County has benefitted greatly from Mr. Mostrom's service and dedication to the community. Mr. Mostrom thanked Mr. Tejada for the recognition.

Mr. Tejada announced Community Volunteer Network Five Year Anniversary Summer Celebration. The event will take place at the Arlington Arts Center on July 20, 2009 at 6:30 p.m. For more information visit www.arlingtonva.us/volunteer.

Mr. Zimmerman announced that ART had record ridership in fiscal year 2009. ART has had over 1.4 million riders as of June 30. New ART routes have been implemented. The ART 77 route started June 8, 2009 connecting Shirlington and Courthouse. The ART 87 started on June 27, 2009 providing connection between Shirlington, Nauck, Arna Valley, Pentagon City and the Pentagon. More changes are coming for the new 2010 fiscal year. The ART 42 will take over for Metrobus 24P beginning the end of September. The ART 41 will be

extended into the evening hours on the weekday and weekend beginning in October. Beginning in January, the ART 75 will be extended to Shirlington. Finally, there will be a restructuring of the ART 74 which serves a number of communities along the Pike.

The Vice Chairman announced the Local Foods Local Chefs Program. This program is lead by the Virginia Cooperative Extension and will encourage local restaurants to feature local ingredients in their menu offerings. This will strengthen relationships with restaurant owners and local farmers. The program kicks off September 15, 2009 at Whole Foods in Clarendon. Participating restaurants are Liberty Tavern, Willow Restaurant, Eventide Restaurant, Restaurant Vero and Restaurant 3.

Ms. Hynes announced that Arlington has six farmers markets currently operating and provided the following information on each market:

1. Crystal City Farmers' Market – Tuesdays (May 12 through October 27), 3:00 p.m. to 7:00 p.m., Crystal Drive between 18th and 20th Streets
2. Clarendon Farmers' Market – Wednesdays (Year-round), 2:00 p.m. to 7:00 p.m., Clarendon Metro Park
3. Rosslyn Farmers' Market – Thursdays (May 14 through October 22), 11:45 a.m. to 3:00 p.m., North Lynn Street at Metro Park
4. Ballston Farmers' Market – Friday (Starting June 1), 11:00 a.m. to 3:00 p.m., Welburn Square at 9th Street North
5. Arlington Farmers' Market – Saturday (Year-round), 8:00 a.m. to 12:00 p.m., 2100 Clarendon Boulevard
6. Columbia Pike Farmers' Market – Sunday (May through November), 9:00 a.m. to 1:00 p.m., Pike Park at the corner of South Walter Reed Drive and Columbia Pike

Ms. Hynes announced that the Arlington Food Assistance Program is taking garden donations.

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II. **APPOINTMENTS**

On motion by BARBARA A. FAVOLA, Chairman, and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board made the following appointments:

Community Services Board

Reappoint Barry Gale
 Scott Brannon
 Brenda Hadiji
 Anne Hermann
 Sue Lowry

Commission on Long-Term Care Residences

Appoint Joan Richardson

Disability Advisory Commission

Appoint Kim DeBow

Environment & Energy Conservation Commission

Designate Shannon Cunniff as Chairman
Appoint Kelly Zonderwyk
 Michael Hanna

Economic Development Commission

Appoint Edward Bilich

Fiscal Affairs Advisory Commission

Reappoint Michael T. McMenamin

Human Rights Commission

Appoint Diane Mull
Charlotte Cleary

Northern Virginia Community College Board

Reappoint Emma Violand-Sanchez as the Arlington County representative

Northern Virginia Conservation Trust

Appoint William R Richardson, Jr. as an Arlington County representative

Park & Recreation Commission

Appoint Andrew Corso

Police Trial Board

Reappoint William H. Rhodes and designate as Chairman

Police Tow Advisory Board

Reappoint as Citizen Representatives:

Mary Skocz
Antonio Cooksey

Appoint as Citizen Representatives:

Gregory C. Raines
Charles R. Clohan

Appoint as Police Department Representatives:

Sergeant David Clenace
Detective Mathew Owens
Sharon Toney, Tow Administrator

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III. REGIONAL REPORTS

Ms. Hynes reported that the Aviation Policy Committee for the Washington Metropolitan Council of Governments is moving toward a format with more forums in collaboration with other groups.

Mr. Zimmerman reported that the June 22, 2009 Metro accident is under investigation by the National Transportation Safety Board (NTSB). At this point, NTSB has not determined the cause of the accident. The system will run on manual until further notice and the trains will stop at the end of the platform. Yesterday, NTSB issued an emergency report to WMATA and the industry regarding the automatic train control system that seems to have failed on June 22. NTSB has called on Metro to develop a back-up system that would provide an active alert in case such a failure occurs again. WMATA will begin developing that system right away since it is not currently commercially available. NTSB also gave WMATA the ok to bring in an outside industry panel of experts on this aspect of operating the railroad.

Mr. Zimmerman reported that the House Appropriations Committee for Transportation, Housing and Urban Development issued their bill and included the funding for Metro capital of \$150 million. The bill must survive the full Committee, House and the same action has to be taken in the Senate before it is put before the President for consideration. This is the key first step as a result of the legislation passed last year.

Mr. Zimmerman reported that Metro continues to have high ridership. More than 631,000 people rode Metro on the 4th of July.

Mr. Zimmerman reported that Metro will hold a public workshop on July 22 regarding Metro's Bicycle and Pedestrian Facility Planning. The event will take place from 5:30 p.m. to 8:30 p.m. at the Metro Headquarters, 600 5th Street, NW.

Mr. Zimmerman reported that there are now additional ways to reload value onto SmarTrip cards. Over 100 CVS locations and now Giant Food are taking part in the program. The hope is that the program will continue to expand. More information can be found on the Metro website.

Mr. Zimmerman reported that it is now possible to get real time information about when the next bus will arrive at any of Metro’s 12,000 bus stops throughout the region. More information can be found at www.wmata.com or 202-637-7000.

The Chairman reported she is participating in the Washington Metropolitan Council of Governments exercise on the visioning process for 2050. The process will identify goals that each of the jurisdictions in the region should commit to so that there is a high quality of life in the region in 2050. The conversation is ongoing and hopefully jurisdictions will be able to agree on a compact in the future.

The Chairman introduced Mr. John Hall, Field Office Director, with the Department of Housing and Urban Development. Mr. Hall gave a presentation on Field Policy and Management and the American Recovery and Reinvestment Act of 2009.

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IV. COUNTY MANAGER REPORT

The County Manager presented Arlington’s Economic Indicators for July 2009.

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

On motion by BARBARA A. FAVOLA, Chairman, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board met in a closed meeting from 4:34 p.m. to 6:31 p.m., as authorized by §§2.2-3711.A.3 and 7 of the Virginia Code, for the purpose of discussing two matters involving the acquisition of real property for public purposes, and one matter involving the disposition of publicly held real property, where in both cases discussion in public would adversely affect the County’s bargaining position, and for consultation with the County Attorney concerning civil action number 09-111 now pending before the Arlington County Circuit Court.

On motion by Ms. Favola, seconded by Mr. Fisetete and carried by a vote of 5 to 0 by roll call, the voting recorded as follows:

Member & Vote

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

the Board certified that to the best of each member's knowledge that (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia and (2) only such public business matters as were identified in the motion by which the closed meeting was convened as well as one added personnel matter permitted by section 2.2-3711.A(1), were heard, discussed, or considered by the Board.

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

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CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, JULY 11, 2009)

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member

- Aye, the Board approved the County Manager’s recommendation for all consent items in block except items #3, #8, #9, #10, #24, #29, and #33.

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SITE PLANS/AMENDMENTS/REVIEWS

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1. SP #20 SITE PLAN AMENDMENT TO REVISE CONDITION #60 TO MODIFY THE LOCATIONS FOR OUTDOOR CAFES ON THE LIBERTY CENTER SITE; LOCATED AT 875 N. RANDOLPH STREET, 4075 WILSON BOULEVARD, AND 888 AND 818 NORTH QUINCY STREET (RPC #14-044-018, 14-044-020 THRU 14-044-259).

On block vote, after a duly advertised public hearing, at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #20 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to revise Condition #60 to modify the locations for outdoor cafes on the Liberty Center site for the parcel of real property known as 875 N. Randolph Street, 4075 Wilson Boulevard, and 888 and 818 North Quincy Street (RPC #14-044-018, 14-044-020 through 14-044-259), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions and the following revised condition #60:

60. ~~Outdoor dining shall be permitted in areas consistent with the locations shown on the drawings dated December 19, 2001. The final design of these areas including details of design and materials shall be as shown on the final approved site development and landscaping plans. Café spaces shall be designed and operated to ensure that there is sufficient room for pedestrian passage on the adjacent public sidewalks. Outdoor cafes shall be permitted in the public rights-of-way or within public easements along Wilson Boulevard and North Quincy, Randolph and 9th Streets. A minimum of 10 feet of clear sidewalk width must be maintained along the Wilson Boulevard frontage of the site, and a minimum of eight (8) six (6) feet of clear sidewalk width must be maintained along the North Quincy, Randolph and 9th Street frontages of the site. Furthermore, outdoor cafes shall be permitted in the sidewalks contiguous to the office and residential building frontages flanking the public pocket park located adjacent to Wilson Boulevard, while maintaining an approximately 8-foot clear unobstructed walkway around the fountain leading to the public art as generally depicted in the attached plan. The outdoor cafés shall not extend more than 11 feet and nine (9) feet out from the office and residential building frontages, respectively, flanking the public pocket park and shall not be permitted in the walkway or plaza contiguous to the fountain element [as set forth in the document entitled "Addendum 7-14-09-A SP#20-Revised Condition 60" attached for the public record to these minutes].~~

[Board Report #1-Revised](#)

[Addendum 7-14-09 A: SP #20-Revised Condition 60](#)

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2. SP #25 SITE PLAN AMENDMENT TO ALLOW TEMPORARY USE OF APPROX. 897 SQ FT OF RETAIL SPACE FOR USE AS MARKETING AND LEASING CENTER AT THE WATERVIEW PROJECT; LOCATED AT 1925 N. LYNN ST., 1111 AND 1117, AND 1121 19TH STREET NORTH (RPC: 16-018-001, -010, -011, 16-018-012 THRU 16-018-146)

On block vote, after a duly advertised public hearing, at which there were no speakers the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #25 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to allow temporary use of approximately 897 square feet of retail space for use as marketing and leasing center at the Waterview project for the parcel of real property known as 1925 N. Lynn Street, 1111 and 1117, and 1121 19th Street North (RPC #16-018-001, -010, -011, 16-

018-012 through 16-018-146), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions and the following one (1) new condition applicable only to this request:

1. The developer agrees that the 897 sq ft retail space located at 1121 19th Street North in the Waterview – Hotel Palomar shall be used as a marketing and leasing office for a period not to exceed five (5) years, July 11, 2014. After five (5) years, the developer agrees that the space shall revert back to its original use as retail unless otherwise approved by the County Board by an extension of this site plan amendment.

[Board Report #2](#)

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3. [SP #34 ART PROPERTY ASSOCIATES, LLC \(MONDAY PROPERTIES\) FOR AN ADDITIONAL APPROX. 1,400 SQUARE FEET OF RETAIL GFA; LOCATED AT 1501 WILSON BLVD. \(RPC: 16-033-001\).](#)

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

BE IT ORDAINED that, pursuant to application SP #34 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for an additional approximately 1,400 square feet of retail GFA for the parcel of real property known as 1501 Wilson Boulevard (RPC #16-033-001), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions and clarifying condition #14 as follows:

14. The developer or owner agrees to remove snow along the sidewalk of N. Oak Street at 1501 Wilson Boulevard, within a reasonable time after snow has stopped falling but in no case later than snow removal provided for vehicular access to the site.

[Board Report #3](#)

[Board Report #3-Supplemental](#)

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4. [SP #65 SITE PLAN AMENDMENT REVIEW TO CONSTRUCT BASKETBALL COURT ON ROOF OF THE CENTURY CENTER; LOCATED AT 2351 JEFFERSON DAVIS HIGHWAY, 2450 CRYSTAL DRIVE, 2461 S. CLARK ST. \(RPC #34-020-032, -034, -035\).](#)

On block vote, after a duly advertised public hearing, at which there were no speakers the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to the application SP #65 on file in the Office of the Zoning Administrator for a special exception for a site plan to construct basketball court on roof of the Century Center for the parcel of real property known as 2351 Jefferson Davis Highway, 2450 Crystal Drive, 2461 S. Clark St. (RPC #34-020-032, -034, -035) approval is granted for the renewal and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions and with a County Board review one (1) year after the certificate of occupancy is issued or July 2011, whichever is sooner.

[Board Report #4](#)

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5. [SP #105 Pentagon City Phased Development Site Plan Amendment to change Condition #2 of the](#)

Pentagon City Phased Development Site Plan (PDSP) to permit the reallocation of density between Parcel 1D and Parcel 3; more specifically, to permit 930 residential units now allocated for Parcel 1D to be used either on that parcel or on Parcel 3, and to permit 300 hotel units now allocated for Parcel 3 to be used either on that parcel or on Parcel 1D; located at 1197 S. Fern St., 501 and 525 15th Street South, 1200, 1232, 1400, 1410, 1420, 1430, 1440 and 1450 S. Eads St. (RPC # 35-003-001, -002, -011, -012, -014, -015, -016, -017, -018, -019, -020, -021, -032, -033).

On block vote, after a duly advertised public hearing, at which there were no speakers the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to the application SP #105 on file in the Office of the Zoning Administrator for special exceptions for a site plan for Pentagon City Phased Development Site Plan Amendment to change Condition #2 of the Pentagon City Phased Development Site Plan (PDSP) to permit the reallocation of density between Parcel 1D and Parcel 3; more specifically, to permit 930 residential units now allocated for Parcel 1D to be used either on that parcel or on Parcel 3, and to permit 300 hotel units now allocated for Parcel 3 to be used either on that parcel or on Parcel 1D; for the parcel of real property known as 1197 S. Fern St., 501 and 525 15th Street South, 1200, 1232, 1400, 1410, 1420, 1430, 1440 and 1450 S. Eads St. (RPC # 35-003-001, -002, -011, -012, -014, -015, -016, -017, -018, -019, -020, -021, -032, -033). Approval is granted for the renewal and the parcel so described shall be used according to the approvals requested by the application, subject to all previous PDSP conditions, with Condition #2 revised as follows:

2. The following is a summary of the approved uses and densities by Parcel for the Pentagon City Phased Development Site Plan, as approved by the County Board on ~~December 18, 1997~~ July 11, 2009. Provided however, that: 1.) Any of the 930 residential units allocated for Parcel 1D may be used on that parcel or on Parcel 3; and, 2.) Any of the 300 hotel units allocated for Parcel 3 may be used on that parcel or on Parcel 1D.

| Parcel | Office GFA | Comm. GFA | Hotel Un. | Res. Un. | Park |
|---------------|-------------------|-----------------------------|------------------|-----------------|-------------|
| 1A/2A | - | 300,000 | - | 830 | - |
| 1B/2B | 172,000 | 1,019,300 | 450 | - | - |
| 1C | 1,078,000 | - | - | - | - |
| 1D | - | - | 882 | 930 | - |
| 2C | - | - | - | 624 | - |
| 3 | - | <u>100,000</u> ¹ | 300 | 2,282 | - |
| 4 | - | - | - | - | Park |
| 5 | - | 2,500 | - | 820 | - |
| Totals | 1,250,000 | 1,342,800 | 1,632 | 5,486 | Park |

Footnote:

1: On February 21, 2009, the County Board approved a PDSP Amendment to permit up to 100,000 SF of ground floor retail density on Parcel 3, known as Metropolitan Park residential development.

[Board Report #5](#)

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7. SP #173 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN FOR ARLINGTON PLAZA; LOCATED AT 2000 15TH ST. N. (RPC #17-014-005)

On block vote, after a duly advertised public hearing, at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to the application SP#173 on file in the Office of the Zoning Administrator for special exceptions for a site plan amendment for a comprehensive sign plan for Arlington Plaza for the parcel of real property known as at 2000 15th St. N. (RPC# 17-014-005) approval is granted and the parcel so described

shall be used according to the approvals requested by the application, subject to all previous conditions, but with the following amended condition #6:

6. All signs shall be a part of a coordinated sign treatment and shall conform to the adopted "Sign Standards for Site Plan Buildings" and be approved by the County Manager. The applicant agrees to limit all signs to the size, design, location, and color of the proposed signs on the drawings prepared by Jack Stone Signs, and entitled "2001 N. 15th Street, Arlington , VA," and dated May 21, 2009 as attached to the staff report and approved by the County Board on July 11, 2009, with the exception of additional window signs which may be allowed pursuant to Section 34.G.7, and the two (2) existing rooftop signs previously permitted by the March 16, 1985 site plan amendment which may be changed administratively in content but not size, location or design. The applicant agrees that the total sign area allowed excluding rooftop signs which are permitted to be up to 100 square feet each, and window signs as permitted in Section 34.G.7 will be no more than 165 square feet. The applicant further agrees that changes to the approved comprehensive sign that conform to Section 34 of the Zoning Ordinance may be approved administratively by the Zoning Administrator. Signs which do not conform to the requirements for Section 34 will require a site plan amendment [as set forth in the document entitled "Addendum 7-14-09-B 2001 N. 15th Street, Arlington , VA" attached for the public record to these minutes].

[Board Report #7](#)

[Addendum 7-14-09 A: SP #20-Revised Condition 60](#)

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8. SP# 193 SITE PLAN AMENDMENT FOR OUTDOOR CAFÉ SEATING IN PUBLIC RIGHT-OF-WAY AT BALLSTON COMMONS; LOCATED AT 671 NORTH GLEBE ROAD (RPC# 14-059-036, -037)

After a duly advertised public hearing, at which the public spoke, on a motion by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board accepted withdrawal of the subject site plan amendment request for outdoor café seating in the public right-of-way.

[Board Report #8-Revised](#)

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9. COURTHOUSE PLAZA HOTEL

A. SP #231 Site Plan Amendment to revise Condition #84 of the Courthouse Plaza Hotel Site Plan to modify the timing and requirements for the garage closure and bicycle storage facility; located at 1401 North Adams St. (RPC: 18-005-042, -053).

After a duly advertised public hearing, at which there were no speakers, on a motion by JAY FISETTE, Vice Chairman, seconded by BARBARA A. FAVOLA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, 9 the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to the application SP #231 on file in the Office of the Zoning Administrator for special exception for a site plan to revise Condition #84 of the Courthouse Plaza Hotel Site Plan to modify the timing and requirements for the garage closure and bicycle storage facility including modification of the location of the bicycle storage facility for the parcel of real property known as 1401 North Adams St. (RPC: 18-005-042, -053) 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 revisions to Condition #84 as follows:

84. a. **Garage closure.** ~~The developer agrees to finalize an agreements from among all building and property owners of Courthouse Plaza to permit closure of, that shall allow the existing garage entrance on 14th Street North, to be closed, prior to the issuance of the Footing to Grade Permit for the hotel. In the event the developer is unable to finalize the agreements prior to the issuance of the Footing to Grade Permit for the hotel, the developer agrees to make a financial contribution to Arlington County in an amount equal to the actual cost for the County to construct the improvements in accordance with a commercially reasonable scope of work for such improvements as such scope was discussed at the County Board's June 19, 2007 hearing. In the event the agreements are finalized and the building owner prefers to construct the garage closure improvements itself, the developer agrees to make a financial contribution to Arlington County in an amount equal to the actual cost for the building owner to construct the improvements in accordance with a commercially reasonable scope of work for such improvements as such scope was discussed at the County Board's June 19, 2007 hearing. In the event the agreements are finalized and the developer is permitted to construct the improvements, the developer agrees to close the existing garage opening and construct a masonry wall closure, or other design solution approved by the County Manager or his designee, and to modify the interior space to eliminate the vehicular parking spaces and replace them with 50 public bicycle parking racks, concurrent with construction of the hotel. The final executed agreement shall be submitted to the Zoning Administrator prior to the issuance of the Certificate for Partial Occupancy that allows occupancy of any part of the P1 level of the hotel parking garage. Consistent with the façade elevation drawings dated July 10 and 21, 2008, and the sample materials board, both of which were approved by the County on August 8, 2008, the developer agrees, at its expense, to construct the garage closure. The developer agrees to begin construction of improvements necessary to close the existing garage opening on 14th Street North with a masonry wall closure prior to the issuance of the Certificate for Partial Occupancy that allows occupancy of any part of the P1 level of the hotel parking garage. The garage closure shall be completed prior to the issuance of the Certificate for Partial Occupancy that allows occupancy of any space on the 10th floor of the hotel. The developer agrees that the masonry wall, or other design solution approved by the County Manager, shall be consistent in design, materials and color, with the façade treatment for the residential building's of the 14th Street elevation of the residential building, as shown on the façade elevation drawings dated July 10 and 21, 2008, and consistent with the sample materials board, which façade treatment and sample materials board were approved by the County on August 8, 2008. Drawings of the redesigned interior space, and the façade design for the garage closure, including a materials sample board, shall be submitted for review and approval by the County Manager as part of, or at the same time as, the review called for in Condition #31.~~
- Furthermore, the developer agrees that the existing egress parking ramp to the existing garage entrance on 14th Street shall be demolished and a wall shall be constructed to terminate access to the existing garage entrance on 14th Street. Construction of these improvements shall begin prior to the issuance of the Certificate for Partial Occupancy that allows occupancy of any space on the P1 level of the hotel parking garage, and shall be completed prior to the issuance of any Certificate for Partial Occupancy that allows occupancy of any space on the 10th floor of the hotel. The required office/retail parking for Courthouse Plaza shall be reduced by eight (8) spaces with the elimination of the existing eight (8) vehicular parking spaces that are currently located nearest to the existing egress parking ramp.
- The developer further agrees to construct a nub that extends from the hotel's new driveway entrance on 14th Street eastward past the existing driveway entrance and transitions to the existing curb alignment, as required in Condition #17.f, and as shown on the approved final engineering plan. In addition, the developer agrees to eliminate the existing driveway apron in front of the existing garage entrance and to construct new sidewalk and streetscape, including street trees, along that frontage, as required in Condition #17.h. Construction of these improvements shall begin prior to the issuance of the Certificate for Partial Occupancy that allows occupancy of any space on the P1 level of the hotel parking garage, and shall be completed prior to the Certificate for Partial Occupancy that allow occupancy of any space on the 10th floor of the hotel.
- b. **Bicycle storage facility.** ~~Access to the redesigned public bicycle storage area shall be provided from both the interior of the garage and from 14th Street, which shall include~~

oversized entry doors. Drawings showing the location, design and details of the public bicycle parking racks shall conform to the Arlington County Standard and shall be submitted for review and approval by the Zoning Administrator prior to the issuance of the Footing to Grade Structure Permit. Until the public bicycle parking racks are inspected and approved by Arlington County for meeting the requirements of the Arlington County Standard, the developer shall be responsible for maintaining the bicycle parking racks. Following approval by Arlington County, the County shall maintain and operate the bicycle parking racks. The required office/retail parking for Courthouse Plaza shall be reduced by eight (8) spaces with the elimination of the existing eight (8) vehicular parking spaces. The developer agrees to finalize an agreement with the owner of the lot upon which the bicycle storage facility is to be located (hereinafter collectively, "Office Owner"), whereby the Office Owner agrees to: 1) permit the developer to construct and equip, as set forth in this condition, a new bicycle storage facility in the Office Owner-controlled garage initially in the location shown in Attachment A to the County Manager's report ("Garage Location"); 2) maintain such bicycle storage facility (as it may be relocated or reconfigured from time to time); and 3) make such bicycle storage facility (as it may be relocated or reconfigured from time to time) available for use, at no user charge, by occupants and tenants of the office buildings of Courthouse Plaza during such times as the Office Owner-controlled garage is available to the occupants and tenants of the office buildings of Courthouse Plaza, except during times of periodic maintenance and construction and subject to such reasonable rules and regulations as may be established by the Office Owner from time to time; before issuance of the Certificate for Partial Occupancy that allows occupancy of any space on the P1 level of the hotel parking garage. The agreement shall provide that after the initial construction of the bicycle storage facility in the Garage Location according to the Plan, the Office Owner and its affiliates shall have the right from time to time, in their discretion and at their sole cost and expense, to relocate the bicycle storage facility to another portion of the Courthouse Plaza parking garage owned by the Office Owner and its affiliates or to reconfigure the bicycle storage facility (including changing the capacity thereof) in accordance with actual user needs as determined by the Office Owner and its affiliates. Office Owner and its affiliates shall replace vehicle parking spaces that may be displaced by the relocation or reconfiguration of the bicycle storage facility. Neither the Site Plan (as amended) nor the agreement referred to in this Condition shall be deemed to require any approval by the County in connection with any such relocation or reconfiguration.

As depicted in the attached Bike Room plan dated May 4, 2009 ("Plan"), the developer agrees, at its expense, to construct a bicycle storage facility that will accommodate the secure storage of 50 bicycles, including an enclosure in the Garage Location. The developer agrees to pay the costs of construction of the bicycle storage facility, installation of gates and other security features, including a card-reader (the specifications of which shall be determined by the Office Owner), bicycle racks to accommodate 50 bicycles and sufficient space to accommodate 50 clothing lockers, as depicted in the Plan. The developer agrees that construction of the bicycle storage facility and installation of all elements and equipment shall be completed in accordance with the Plan prior to the issuance of any Certificate for Partial Occupancy that allows occupancy of any space on the 10th floor of the hotel.

The developer agrees that the County shall have the option, at its expense, to install clothing lockers in the initial bicycle storage facility at the time it is constructed or at a later time consistent with the Plan. Upon completion of construction of the bicycle storage facility, all elements of the facility, including gates and other security features, bicycle racks, clothing lockers, and other equipment, shall be maintained by the owner of the real property upon which it is located, consistent with the final agreement between developer and Office Owner, and subject to the terms of this condition.

As part of construction of the new bicycle storage facility, as depicted in the Plan, the developer agrees to stripe two (2) new parking spaces in the area where the existing egress parking ramp will be demolished and a new wall constructed, as required in sub-paragraph "a" above, consistent with the attached P1 Level plan. The two (2) new parking spaces shall be striped prior to the issuance of any Certificate for Partial Occupancy that allows occupancy of any space on the 10th floor of the hotel [as set forth in the document entitled "Addendum 7-14-09-C Bike Room Plan" attached for the public record to these minutes].

[Addendum 7-14-09 C: Bike Room Plan](#)

B. Approval of an agreement by and between Arlington Hotel Associates LLC, VNO Courthouse I LLC; VNO Courthouse II LLC and the County Board of Arlington County, Virginia for Location and Construction of a Secure Bicycle Room Facility on Lot 1, Courthouse Plaza, RPC No. 18004065.

After a duly advertised public hearing, at which there were no speakers, on a motion by JAY FISETTE, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board approved the attached agreement by and between Arlington Hotel Associates LLC ("Arlington Hotel"), VNO Courthouse I LLC ("VNO I"); VNO Courthouse II LLC ("VNO II") and the County Board of Arlington County, Virginia ("County") for Location and Construction of a Secure Bicycle Room Facility on Lot 1, Courthouse Plaza, RPC No. 18004065 ("Agreement") and authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, the Agreement, subject to approval as to form by the County Attorney, as set forth in the document entitled "Addendum 7-14-09-D Agreement" attached for the public record to these minutes.

[Board Report #9B](#)

[Addendum 7-14-09 D: Agreement](#)

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10. [SP #255 SITE PLAN AMENDMENT REVIEW FOR LIVE ENTERTAINMENT AND DANCING AT TARA TEMPLE; LOCATED AT 4001 FAIRFAX DRIVE \(RPC #14-029-014\)](#)

After a duly advertised public hearing, at which the public spoke, on a motion by J. WALTER TEJADA, Member, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board voted to revise the County Manager recommendation and deferred Site Plan Amendment SP #255 for live entertainment and dancing at Tara Temple; located at 4001 Fairfax Drive (RPC #14-029-014) to the September 26, 2009 Board Meeting.

[Board Report #10](#)

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12. [SP #357, SITE PLAN AMENDMENT TO ALLOW CERTAIN PROFESSIONAL OFFICE USES IN ADDITION TO RETAIL, IN APPROVED RETAIL SPACE; LOCATED AT 1601 CLARENDON BLVD. \(RPC #17-010-037\).](#)

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #357 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to expand the uses permitted in the 1,675 square foot retail space to include certain professional office uses for the parcel of real property known as 1601 Clarendon Boulevard (RPC #17-010-037), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to County Board review in ten (10) years (July, 2019) and the following two (2) new conditions:

- 77. The applicant agrees that those uses listed in the *Rosslyn-Ballston Corridor Retail Action Plan* as Consumer and Business Services shall be allowed in the 1,675 square foot space located at 1601 Clarendon Boulevard, for a period of ten years (July, 2019). At the end of the ten year period the County Board may determine whether Consumer and Business Service uses are still appropriate in the subject space.

78. The developer agrees that the 1,675 square foot space located at 1601 Clarendon Boulevard will be required to have an overall minimum transparency of 50% as measured from floor to ceiling. In addition, the portion of the storefront that is located between three and eight feet from grade is required to be at least 80% transparent. The purpose of this condition is to allow pedestrians to view the activity within the space and to allow patrons and employees of the establishment to view the activity on the sidewalk and street. "Transparency" shall mean using glass or other transparent exterior material offering a view into an area of the establishment where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like. Certain medical and dental office uses (for example, examination rooms), shall be allowed flexibility from the above transparency requirements by providing a plan for transparency subject to review and approval by the County Manager or his designee.

[Board Report #12](#)

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13. SP #359 SITE PLAN AMENDMENT TO PERMIT RETAIL SPACES TO BE LEASED TO CONSUMER AND BUSINESS SERVICES AT STATION SQUARE AT CLARENDON; LOCATED AT 2900 CLARENDON BOULEVARD (RPC# 18-014-328, -329).

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP#359 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to allow units 110 and 130 in Building to be leased to an electronics store/cellular telephone/telecommunications outlet and a salon for the parcel of real property known as 2900 Clarendon Boulevard (RPC: 18-014-328, -329), 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 the following revised condition:

58. The developer agrees to develop a retail attraction and marketing plan for the retail space located on the first floor of Building A. The plan shall identify the types of retail desired, the marketing strategy to attract the retail, and strategies to retain the retail. The developer shall make every effort to attract businesses that complement existing uses or that provide goods and services not readily available in the area. The plan shall include measures to ensure occupancy of a portion of the retail space by local, regional, or retained/displaced businesses. The plan shall also include information regarding any anticipated joint promotional and/or advertising efforts to be undertaken by the applicant in conjunction with the retail occupants. The retail attraction and marketing plan shall be in accordance with the approved Retail Action Plan for the Rosslyn-Ballston Corridor, dated January 2001 and approved by the County Board in May 2001, with the exception that an electronics store/cellular telephone/telecommunications outlet is permitted in commercial unit 110 of Building A at 2900 Clarendon Boulevard, specifically one that is characterized as a comprehensive store that not only offers limited cellular phone services, but a variety of phone products and other products and services, such as Internet and television services. In addition, a salon is permitted in the approximately 2,002 square foot portion of commercial unit 130 in Building A at 2900 Clarendon Boulevard.

The plan shall be provided to the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Citizens Association, the Ashton Heights Civic Association, and the Clarendon Alliance. The plan, plus any comments made by the above mentioned organizations, and the developer's response thereto, shall be reviewed and approved by the Department of Economic Development before being submitted to the Zoning Administrator. The above-grade building permit shall not be issued until documentation has been provided to the Zoning Administrator assuring that the plan has been approved by the Department of Economic Development. Any change in the use of the retail space from retail to office or other non-retail use shall require a site plan amendment.

The retail spaces shall be designed and constructed to include interior and exterior improvements necessary to ensure that they are functional and attractive to prospective retailers and that they animate the street frontage. These elements shall include, but not limited to: approximately 14 foot floor to ceiling heights; immediate access to the service corridor/areas; direct street frontage and

access; provision for any venting systems required for any food preparation or restaurant use to the building roof; and sufficient transparency of the building facade to achieve adequate street exposure.

[Board Report #13](#)

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14. SP #364 SITE PLAN AMENDMENT RENEWAL FOR A MONTESSORI PRESCHOOL AT THE WOODBURY PARK COMMUNITY CENTER; LOCATED AT 2230 N. FAIRFAX DRIVE (RPC# 18-084-013, -014, -015).

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #364 on file in the Office of the Zoning Administrator for renewal of a special exception for a site plan for a Montessori preschool at the Woodbury Park community center for the parcel of real property known as at 2230 Fairfax Dr. (RPC #18-084-013, -014, 015), approval is granted and the parcel so described shall be used according to the site plan approval requested by the application, subject to all previously approved conditions, and with a County Board review in three (3) years (July 2012).

[Board Report #14](#)

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15. SP #371 SITE PLAN AMENDMENT TO MODIFY THE CONDITION REGARDING LEED COMPLIANCE; LOCATED AT 1800 WILSON BLVD. (RPC# 17-010-038, -040 THROUGH -194).

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board voted to defer consideration of the site plan amendment request to the September 26, 2009, County Board meeting.

[Board Report #15](#)

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16. SP #390 SITE PLAN AMENDMENT TO REVISE CONDITION #67 TO MODIFY THE TIMING FOR GRANTING PUBLIC USE AND/OR ACCESS EASEMENTS FOR THE NORTH TRACT LOFTS RESIDENTIAL SITE PLAN; LOCATED AT 305 10TH STREET SOUTH (RPC: 34-024-457).

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #390 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to modify the timing for granting public use and/or access easements for the North Tract Lofts Residential Site Plan for the parcel of real property known as 305 10th Street South (RPC: 34-024-457), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions and with revisions to Conditions #6 and #67 as follows:

6. The developer agrees to develop a plan for temporary pedestrian and vehicular circulation during construction. This plan shall identify temporary sidewalks, interim lighting, fencing around the site, construction vehicle routes, and any other feature necessary to ensure safe pedestrian and vehicular travel around the site during construction. The developer agrees to submit this plan to, and obtain approval of the plan from, the County Manager or his designee as meeting these standards, before the issuance of the Clearing, Grading and Demolition Permit. The County Manager may approve amendments to the plan, if consistent with this approval. Upon initial occupancy of the site plan by residential tenants, the developer agrees to post notices informing residents that they may utilize the G-1 level of the parking garage to gain access through the site at all times during construction until all sidewalks and streetscape are complete and available for public access.

67. The developer agrees to grant permanent public use and/or access easements, in a form acceptable to the County Attorney and County Manager, to the County Board of Arlington County providing for public use and/or access to the plaza and open space areas outlined below, consistent with the plans dated June 16, 2005. The final location of the easements may change with the preparation of the final building plans. The developer agrees to construct and landscape these areas, as shown on plans dated June 16, 2005 and made a part of the public record on July 9, 2005. Final landscape design and installation shall be approved by the County Manager or his designee as part of the final site development and landscape plan. Construction and landscaping of these areas shall be completed for the respective phase of construction, consistent with the approved phasing plan, prior to the granting of the easements for each phase. Granting of the public use and/or access easements for each phase shall be completed prior to the issuance of the first Shell and Core certificate of occupancy for the building respective phase of construction, consistent with the approved phasing plan. The easements shall be granted by deed, in form and substance acceptable to the County Manager, and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County. The developer shall be responsible for maintaining these areas, which include:

- a. Public use and access of the plaza and open space area located adjacent to 6th Street South;
- b. Public access of the two (2) courtyards;
- c. Public access of the 8-foot wide pedestrian walkway located contiguous to the south property line and which extends from 10th Street South eastward to the site's east property line;
- d. Public access of the approximately 5-foot wide building setback areas located adjacent to the entrances to the courtyards and open space and plaza areas, as measured from the site's east property line.
- e. Public use and access of the private street and associated sidewalk, streetscape and landscaped buffer.

[Board Report #16](#)

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17. SP #402 SITE PLAN AMENDMENT TO MODIFY CONDITIONS PERTAINING TO THE PLAT OF EXCAVATED AREA AND WALL CHECK SURVEY OF THE PENROSE SQUARE PROJECT; LOCATED AT 2501 9TH ROAD S. (RPC# 25-016-012, -013, -014).

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #402 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to modify conditions pertaining to the plat of excavated area and wall check survey of the Penrose Square project for the parcel of real property known as at 2501 9th Rd. S. (RPC #25-016-012, -013, -014), 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 the following revised conditions:

Plat of Excavated Area

36. The developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the building's ground floor elevation(s) at the building's lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #1 and #10 above. Spot elevations shall be taken at spots determined at the time of the pre-construction meeting and shall at a minimum consist of two corners and spot elevations from 50 % of the total area to be excavated. The elevations shall be provided prior to the issuance of the footing to grade permit. Provided however, that when the Zoning Administrator determines that the excavated area will be greater than 20,000 square feet, the Zoning Administrator may reduce the area for which elevations must be provided before issuance of a footing to grade permit. Additional elevations confirming the elevations of the remainder of the excavation shall be provided prior to issuance of any permit for above grade construction.

Wall Check Survey

45. The developer agrees to submit one (1) original and three (3) copies of a wall check survey to confirm its

consistency with the plans approved by the County Board, as referenced in Conditions #1 and #10 above. The wall check survey shall show the location of the walls at the top level of the below-grade structure, and will be provided prior to the issuance of a permit for above-grade construction. The developer further agrees that, within thirty (30) days after approval of the wall check survey, to submit to the Zoning Administrator a wall check survey showing the location of the walls and the elevation of the slab, at grade.

[Board Report #17](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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18. U-3018-01-1 USE PERMIT RENEWAL FOR LIVE ENTERTAINMENT AND DANCING AT THE SPORTS HOUSE GRILL; LOCATED AT 3249 COLUMBIA PIKE (RPC# 25-012-001).

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3018-01-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for live entertainment and dancing at the Sports House Grill for the parcel of real property known as at 3249 Columbia Pike (RPC #25-012-001), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, and the following revised condition, with an administrative review in six (6) months (January 2010), and with a County Board review in one (1) year (July 2010).

Revised Condition # 1:

1. The applicant agrees to limit the hours of live entertainment and dancing by customers to ~~Thursday~~ Wednesday through ~~Saturday~~ Sunday between the hours of 10 p.m. - 1 a.m. Live entertainment is also permitted on the eve of all legal U.S. holidays, St. Patrick's Day, and Cinco de Mayo. The applicant is also permitted to have three (3) additional days of live entertainment per year for ethnic and cultural holidays, for which the applicant would submit a letter to, and obtain permission from, the Zoning Department to have live entertainment for that specific holiday prior to the event.

[Board Report #18](#)

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19. U-3126-05-1 USE PERMIT AMENDMENT TO MODIFY CONDITION # 18 TO PERMIT TANDEM SPACES TO BE COUNTED TOWARD THE TOTAL PARKING QUANTITY REQUIREMENT AT THE 55 HUNDRED PROJECT; LOCATED AT 5500 COLUMBIA PIKE (RPC# 28-004-212).

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED, that, pursuant to the application U-3126-05-1 on file in the Office of the Zoning Administrator for a special exception for a use permit to modify Condition #18 to permit tandem spaces to be counted toward the total parking quantity requirement at 55 Hundred project for the parcel of real property known as 5500 Columbia Pike (RPC: #28-004-212), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, and the following revised condition:

18. The developer agrees to use diligent, good faith efforts to acquire and dedicate to public street purposes the right-of-way on the adjacent (Goins) property necessary to implement Scheme 18, such efforts to be completed by the time of submission of final engineering plans. Depending on whether the developer is successful in obtaining the aforesaid right-of-way, Scheme 18 or Scheme 19 shall be built pursuant to the approved Use Permit. Further, depending on whether the developer is successful

in obtaining such right-of-way on the adjacent property, the developer agrees to construct either (a) 368 underground parking spaces (Scheme 18), up to 325 of which may be reserved for use by condominium owners, 43 of which shall be made available to the general public and retail patrons on a non-reserved basis; or (b) construct a minimum of 320 underground parking spaces (Scheme 19), ~~up to~~ Of these 320 spaces, up to 282, of which including up to 24 tandem parking spaces, may be reserved for use by condominium owners, and at least 38 spaces of which shall be made available to the general public and retail patrons on a non-reserved basis.

Depending on whether Scheme 18 or 19 is implemented, the developer agrees to make 38 (Scheme 19) or 43 (Scheme 18) substantially contiguous parking spaces on the uppermost level of the garage ("shared spaces") available to the general public on an unreserved, high turnover, hourly basis for visitors and patrons from 7:00 a.m. to 6:00 p.m. on weekdays (other than the holidays listed below). These shared spaces shall be provided free of charge or at up to market rates. The shared and reserved retail spaces, and their availability for this use, shall be clearly labeled. Further, the shared spaces shall also be fully accessible to the general public, for free or up to market rates, after 6:00 p.m. weekdays and on weekends and all legal holidays (defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas). The developer may prohibit entry, but not exit, of vehicles between the hours of 2:00 a.m. and 6:00 a.m. Public access to all garage spaces not reserved for residential condominium users shall be by means of the elevators and stairs that access the ground floor retail space.

Depending on whether Scheme 18 or 19 is implemented, the developer also agrees to provide storage space for 196 (Scheme 18) or 170 (Scheme 19) bicycles within the garage along with 2 sidewalk bicycle racks in order to meet the bicycle parking requirements of the Form Based Code.

[Board Report #19](#)

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20. U-3144-05-1 USE PERMIT AMENDMENT TO MODIFY CONDITION #19 TO PERMIT TANDEM SPACES TO BE COUNTED TOWARD THE TOTAL PARKING QUANTITY REQUIREMENT AND ADJUST THE PARKING ALLOCATIONS FOR RESERVED AND SHARED SPACES; AND TO MODIFY THE AWNING HEIGHT CLEARANCE AT THE SIENA PARK PROJECT; LOCATED AT 2301 COLUMBIA PIKE (RPC# 25-017-098).

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED, that, pursuant to the application U-3144-05-1 on file in the Office of the Zoning Administrator for a special exception for a use permit to modify Condition #19 to permit tandem spaces to be counted toward the total parking quantity requirement and adjust the parking allocations for reserved and shared spaces; and to modify the awning height clearance for five (5) awnings along South Wayne Street and South Adams Street for the parcel of real property known 2301 Columbia Pike (RPC: #25-017-098), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, and the following revised Condition # 19, and one (1) new Condition #27.

19. The developer agrees to construct a minimum of 408 underground parking spaces as part of the development, ~~and agrees that up to~~ Of those 408 parking spaces, up to 263, including up to six (6) tandem spaces, may be reserved for residential occupants; ~~38 up to 48~~ of these spaces may be reserved for office and retail users; and at least ~~107 97~~ spaces shall be made available at all times to shoppers and visitors to the site and to the general public on a non-reserved basis. The developer agrees to develop a parking management plan which outlines how guest and visitor parking for the building, parking for residential, office, and/or retail tenants' employees and customers, and general public parking will be provided, where the parking will be located and how guests and visitors, retail employees and customers, and the general public, will be directed to the parking spaces. The parking management plan shall also include the location of any secure areas and the location of security gates or other measures to restrict access. The parking management plan shall encourage parking by visitors and customers of the project, through ease of access to the parking spaces, signage, and fee structure. The fee structure shall discourage daily commuter parking. The developer shall submit the parking management plan, which shall include the parking fees and details of the validation program,

to the Zoning Administrator and it shall be reviewed and approved by the County Manager prior to the issuance of the first Certificate of Occupancy for any portion of the site. The developer agrees to submit an annual report to the Zoning Administrator documenting compliance with the parking management plan as well as any changes to the plan. The developer further agrees that, if, at the discretion of the developer, either the residential unit count or commercial square footage is reduced subsequent to County Board approval of the use permit (U-3144-05-01) the parking ratios described in this report shall be maintained. The developer also agrees to provide 79 bicycle parking racks within the parking garage for residents and visitors to the site.

27. The developer agrees that the awning height clearances for five (5) awnings along South Wayne Street and South Adams Street, as shown on drawings dated June 22, 2009, shall have a clearance height of at least eight (8) feet from the ground, and otherwise remain consistent with the regulation set forth in the Form Based Code for awnings. Furthermore, the developer agrees that the Façade Plan will be modified, as needed, to reflect this approval.

[Board Report #20](#)

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24. CHILD CARE ZONING ORDINANCE AMENDMENT AND USE PERMIT REQUEST

A. ZOA-09-07 ZONING ORDINANCE AMENDMENT TO SECTION 3. "S-3A" SPECIAL DISTRICTS TO PERMIT CHILD CARE CENTERS AND OTHER PROGRAMS LICENSED PURSUANT TO CHAPTER 52 OF THE COUNTY CODE BY USE PERMIT APPROVAL.

B. U-3222-09-3 USE PERMIT FOR A CHILD CARE CENTER AT THE WILSON SCHOOL PROPERTY; LOCATED AT 1601 WILSON BOULEVARD (RPC# 16-032-001).

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

A. Adopted the following ordinance (ZOA-09-07) to amend, reenact, and recodify Section 3 of the Arlington County Zoning Ordinance to permit child care centers and other programs licensed pursuant to Chapter 52 of the County Code by Use Permit approval.

AN ORDINANCE TO AMEND, REENACT AND RECODIFY SECTION 3 "S-3A" SPECIAL DISTRICTS OF THE ARLINGTON COUNTY ZONING ORDINANCE TO PERMIT CHILD CARE AND OTHER PROGRAMS LICENSED PURSUANT TO CHAPTER 52 OF THE COUNTY CODE SUBJECT TO USE PERMITS, IN ORDER 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.

Be it ordained that Section 3 "S-3A" Special Districts of the Arlington County Zoning Ordinance is hereby amended, reenacted and recodified as follows to allow child care and other programs licensed by Chapter 52 of the County Code, and in order 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:

* * *

SECTION 3. "S-3A" SPECIAL DISTRICTS

* * *

A. Uses Permitted.

1. Public parks, playgrounds, recreational and community center buildings and grounds.
2. Semipublic or private parks and recreation areas, when owned and operated by a nonprofit organization.
3. Public buildings and properties of a cultural, recreational administrative or service type, including libraries, fire stations, museums and art galleries but not including repair garages, storage or repair yards or warehouses.
4. Country clubs, golf courses, and other private noncommercial recreational areas and facilities or recreation centers, including swimming pools.
5. Cemeteries, but not including crematoriums.
6. Churches and other places of worship and Sunday school buildings, but excluding rescue missions or temporary revivals.
7. Public and private arboretums, forests, wild life reservations and conservation areas, including stream valley drainage areas.
8. Single-family dwelling on lot with a minimum area of three (3) acres per dwelling unit.
9. Secondary uses of churches, schools, public buildings and public properties, including the daily or hourly rental to profit or nonprofit entities of classrooms, meeting rooms, auditoriums, multilevel parking structures and recreational facilities for uses of a cultural, educational, recreational or public service nature. The Zoning Administrator may approve, for periods not to exceed seven (7) consecutive days, commercial uses incidental to and not inconsistent with the above when he finds that such uses will not disrupt the surrounding community.
10. Conditional uses: The following uses may also be permitted subject to securing a use permit as provided in Section 36.G., "Use Permits":
 - a. Hospitals and institutions of an educational, religious, charitable, or philanthropic nature, except animal hospitals and institutions of a corrective nature; provided, however, that such buildings shall not be located upon sites containing an area of less than five (5) acres.
 - b. Public utilities and services such as railroad, trolley, bus, air or boat passenger stations; right-of-way and tracks (but excluding car barns, garages, railroad yards, siding and shops); static transformer stations, transmission lines and towers, commercial and public utility radio towers, telephone exchange (but excluding service and storage yards); provided, that the exterior appearance of any building permitted under this paragraph shall be in keeping with the character of the neighborhood in which it is located.
 - c. Schools and colleges and other public and private educational institutions.
 - d. Institutional homes, counseling service, occupational therapy, and similar social service uses.
 - e. Accessory buildings, including a private garage, provided that a detached accessory building shall be located as required in Section 32, herein.
 - f. Public parking area on a transitional site if said area is located and developed as required in Section 33.
 - g. To permit the productive use of existing publicly owned structures on a temporary basis, when the board determines it to be advisable to have such structures available for possible public use at the end of the period of temporary use, the County Board may permit commercial use of an existing structure on a transitional site in conjunction with and primarily for the purpose of providing services to an existing adjacent use for a period not to exceed fifteen (15) years subject to the provision of parking as required in Section 33. Such uses may be permitted notwithstanding the fact that not more than twenty-five (25) percent of the area of the existing structure is located outside the portion of the site within which transitional uses are permitted.
 - h. Off-site parking area incidental to a use permitted in an "S," "R" or "RA" District. Unless located on publicly owned land, such parking area shall be on land in the same fee ownership as the land on which the appurtenant use is located.
 - i. Publicly owned public parking area subject to the following conditions:
 - (1) The parking areas shall be developed in accordance with the requirements of Section 33;
 - (2) No parking shall be located within twenty-five (25) feet of the boundary of an "R" District;
 - (3) The parking area shall have frontage on a distributor street, secondary arterial, primary arterial, or controlled access facility as designated on the master thoroughfare plan.
 - j. Recycling centers.
 - k. Uses permitted and conducted in kiosks in accordance with the requirements of Section

31.A.18.

- I. Child care center or other programs licensed pursuant to Chapter 52 of the Arlington County Code.

- 11. Properties that are located in the Columbia Pike Special Revitalization District may be developed in accordance with Section 20. "CP-FBC" Form Based Code Districts. After such development all uses permitted in Section 20 shall be permitted on the property, subject to all regulations in Section 20.

* * *

- B. Adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3222-09-3 on file in the Office of the Zoning Administrator for special exception for a use permit for a child care center at the Wilson School property for the parcel of real property known as 1601 Wilson Boulevard (RPC #16-032-001), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions, and with a County Board review in one (1) year (July 2010).

- 1. The applicant agrees to meet the requirements of the Childcare Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.
- 2. The applicant agrees that children shall be escorted by adults to and from the building at all times including during pickup and drop-off.
- 3. The applicant agrees that the hours of operation of the child care center would be Mondays through Friday, from 6:45 a.m. to 6:00 p.m. for a maximum of 185 children.
- 4. The applicant agrees that staff will escort and supervise any children who use the playground area at the adjacent park.
- 5. The applicant agrees to designate a neighborhood liaison to conduct ongoing meetings with the civic associations and nearby residents to address concerns that may be related to this child care center. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator, as well as to the North Rosslyn and Radnor/Ft. Myer Heights Civic Associations.

[Board Report #24 A](#)

[Board Report #24 B](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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- 25. APPROVAL OF A RESOLUTION GRANTING A DENSITY CREDIT, UNDER SECTION 36.L. OF THE ARLINGTON COUNTY ZONING ORDINANCE, TO THE PROPERTY KNOWN AS WILSON BOULEVARD CHRISTIAN CHURCH, LOCATED AT 3850 WILSON BOULEVARD, RPC NO. 20003001 ("CHURCH PROPERTY"), IN EXCHANGE FOR A FEE SIMPLE DEDICATION TO THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA OF A PORTION OF THE CHURCH PROPERTY FOR PUBLIC PURPOSES; AND APPROVAL OF A DEED OF TEMPORARY EASEMENT AND CONSTRUCTION AGREEMENT ON THE CHURCH PROPERTY FOR A STREET IMPROVEMENT PROJECT.**

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board took the following actions:

- 1. Approved the following Resolution dated June 26, 2009, granting a density credit in the amount of density that would be yielded by 4,091 square feet of land area to the property known as Wilson

Boulevard Christian Church, located at 3850 Wilson Boulevard, RPC No. 20003001 ("Church Property"), in exchange for the fee simple dedication to the County Board of Arlington County, Virginia, of a 4,091 square foot portion of the Church Property for public purposes;

2. Approved a Deed of Dedication, attached hereto as Exhibit B, from the Trustees of Ballston Christian Church to the County Board dedicating in fee simple the 4,091 square feet of the Church Property as set forth in the document entitled "Addendum 7-14-09-E: Deed of Dedication and Deed of Temporary Easement and Construction Agreement," attached for the public record to these minutes;
3. Authorized the Real Estate Bureau Chief or his designee, to accept on behalf of the County Board, the Deed of Dedication, subject to approval of the Deed as to form and acknowledgement of the density credit by the County Attorney;
4. Approved a Deed of Temporary Easement and Construction Agreement, attached hereto as Exhibit C, from the Trustees of Ballston Christian Church, to the County Board ("Temporary Easement") on a portion of the Church Property "Addendum 7-14-09-E: Deed of Dedication and Deed of Temporary Easement and Construction Agreement, pgs. 1-13" attached for the public record to these minutes; and
5. Authorized the Real Estate Bureau Chief, or his designee, to accept on behalf of the County Board, the Deed of Temporary Easement, subject to approval as to form by the County Attorney.

RESOLUTION GRANTING DENSITY CREDIT

WHEREAS, the County Manager has recommended that, in exchange for the fee simple dedication of 4,091 square feet of the property located at 3850 Wilson Boulevard (RPC# 20003001) (the "Property") for public purposes, the County hereby grants a density credit pursuant to Section 36.L. of the Arlington County Zoning Ordinance in the amount of density that would be yielded by 4,091 square feet of land area (the area of the Property being dedicated for public purposes) to the remaining 31,149 square foot parcel ("Remaining Parcel") as shown on the attached plat (RPC # 20003001), such that the remaining parcel will be treated as a 35,240 square foot parcel for the purposes of density calculations; and

WHEREAS, upon consideration of the staff report of the County Manager dated June 26, 2009, and other information presented at the time of consideration of this matter, the County Board finds that:

- The Property is currently zoned "C-2", Service Commercial,
- The portion of the Property to be dedicated for public purposes is needed by the County for a public use as public street and public sidewalk,
- The portion of the Property to be dedicated for said public purpose is suitable in location, size, shape, condition and topography for such public purposes There are no encumbrances, title restrictions, or survey exceptions to such portion of the Property that would restrict, adversely affect, or otherwise interfere with public use of said portion of the Property for such public purpose or any other,
- The portion of the Property to be dedicated for such public purpose is in accordance with the County's Comprehensive Plan and the dedication of such portion to the Property will contribute to the implementation of the transportation improvements for Wilson Blvd as detailed in the Virginia Square Sector Plan, adopted by the County Board of Arlington County, Virginia on December 7, 2002; and
- The portion of the Property for which density credit is to be granted will be dedicated to the County Board without monetary or other compensation except for granting of density credit.

NOW THEREFORE, BE IT RESOLVED, that in exchange for the dedication of the above-described portion of the Property for public use, the County Board, pursuant to Section 36.L. of the Arlington County Zoning Ordinance, hereby grants a density credit in the amount of density that would be yielded by 4,091 square feet of land area to the Remaining Parcel as referenced in the attached Dedication and Temporary Construction Plat for the Remaining Parcel.

[Board Report #25](#)

[Addendum 7-14-09-E: Deed of Dedication and Deed of Temporary Easement and Construction Agreement](#)

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26. APPROVAL OF DEEDS OF EASEMENTS FOR PUBLIC STORM SEWER PROJECT ON PROPERTIES LOCATED AT 3101 JOHN MARSHALL DRIVE (RPC# 02-031-025), 3206 N. KENSINGTON ST. (RPC# 02-031-012), AND 3212 N. KENSINGTON ST. (RPC# 02-031-011).

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board took the following actions:

1. Approved the attached Deed of Easement between Sunline, Inc., a Virginia corporation, and the County Board of Arlington County, Virginia, for the acquisition of a permanent easement on a portion of the property located at 3101 John Marshall Drive, RPC 02031025, as set forth in the document entitled "Addendum 7-14-09-F: Deeds," attached for the public record to these minutes; and
2. Approved the attached Deed of Easements between Marie C. Milnes-Vasquez and Anthony J. Johnstone and the County Board of Arlington County, Virginia, for the acquisition of two permanent easements on portions of the property located at 3206 N. Kensington Street, RPC 02031012, as set forth in the document entitled "Addendum 7-14-09-F: Deeds, pgs. 1-19" attached for the public record to these minutes; and
3. Approved the attached Deed of Easement between John Matthew McCracken and Lynette S. McCracken, husband and wife, and the County Board of Arlington County, Virginia, for the acquisition of a permanent easement on a portion of the property located at 3212 N. Kensington Street, RPC 02031011, as set forth in the document entitled "Addendum 7-14-09-F: Deeds, pgs. 1-19" attached for the public record to these minutes; and
4. Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his designee, to accept on behalf of the County Board, the Deed of Easement attached hereto as Attachment 1, for a permanent easement on a portion of the property located at 3101 John Marshall Drive, subject to approval as to form by the County Attorney, as set forth in the document entitled "Addendum 7-14-09-F: Deeds, pgs. 1-19" attached for the public record to these minutes; and
5. Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his designee, to accept on behalf of the County Board, the Deed of Easement attached hereto as Attachment 2, for two permanent easements on portions of the property located at 3206 N. Kensington Street, subject to approval as to form by the County Attorney, as set forth in the document entitled "Addendum 7-14-09-F: Deeds," attached for the public record to these minutes; and
6. Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his designee, to accept on behalf of the County Board, the Deed of Easement attached hereto as Attachment 3, for a permanent easement on a portion of the property located at 3212 N. Kensington Street, subject to approval as to form by the County Attorney, as set forth in the document entitled "Addendum 7-14-09-F: Deeds," attached for the public record to these minutes.

[Board Report #26](#)

[Addendum 7-14-09 F: Deeds](#)

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ORDINANCES, PLANS AND POLICIES

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27. ORDINANCE TO AMEND CHAPTER 20-2 (BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS ESTABLISHED; POWERS; COMPENSATION) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA ("CODE").

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board voted to Amend Chapter 20-2 (Board of Equalization of Real Estate Assessments Established; Powers; Compensation) of the Code of Arlington County, Virginia ("Code"), to increase compensation for the Board of Equalization from \$70 per day to \$200 per meeting and adopted the following ordinance to read in pertinent part as follows:

* * *

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

All duties imposed and all powers conferred by law in the review for equalization of assessments of real estate in the county shall be exercised by a board of equalization, herein called the "board of equalization of real estate assessments," which shall also have the power to review all assessments and changes of assessments previously made by the director of real estate assessment, the general reassessment board or any other assessing officer, board, or authority in the county in accordance with ~~Section 58-895 to Section 58-915 of the Code of Virginia, 1950~~ applicable law. Such board of equalization of real estate assessments shall consist of (5) members who shall be freeholders in the county and appointed to such board annually by the county board. The board of equalization of real estate assessments shall have the authority, on its own motion or upon protest as herein provided, to change any assessment of real estate in the county, to add to the tax rolls any real estate erroneously omitted, to remove properties from the tax rolls when acquired by owners not subject to taxation, and to correct errors in tax assessment records, in accordance with the policies and procedures prescribed in this chapter. Effective June 1, 2009, the members of the board of equalization of real estate assessments shall receive as compensation the sum of seventy dollars (\$70.00) per day for each day of service two hundred dollars (\$200.00) per meeting or recessed meeting attended.

(12-18-76; Ord. No. 83-4, 1-10-83; Ord. No. 92-56, 1-1-93)

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[Board Report #27](#)

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CAPITAL PROJECTS

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29. AWARD OF CONTRACT FOR THE PROVISION AND INSTALLATION OF IMPROVEMENTS TO THE SITE AT FAIRLINGTON COMMUNITY CENTER, 3308 S. STAFFORD ST., INVITATION TO BID NUMBER 204-09.

After a duly advertised public hearing at which there were no speakers, on a motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board voted to approve the Award of Contract Number 204-09 in the amount of \$1,216,000.00 to John L. Mattingly Construction Company, Inc. and approve an allocation of \$184,000.00 as a contingency for

change orders for a total contract authorization of \$1,400,000.00 and authorize the Purchasing Agent to execute the contract documents, subject to review of such documents by the County Attorney.

[Board Report #29 \(revised\)](#)

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31. AWARD OF CONTRACT NUMBER 346-08 BETWEEN THE ARLINGTON COUNTY BOARD AND TOOLE DESIGN GROUP, LLC TO PROVIDE TRANSPORTATION ENGINEERING SERVICES FOR CUSTIS TRAIL IMPROVEMENTS AT ROSSLYN CIRCLE AND ON NORTH LYNN STREET FROM EASTBOUND LEE HIGHWAY TO WESTBOUND LEE HIGHWAY AS RELATED TO THE ROSSLYN ESPLANADE.

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board voted to approve the award of a Contract Number 346-08 between the Arlington County Board of Arlington County, Virginia and Toole Design Group, LLC, Inc. to provide Transportation Engineering Services at a cost not to exceed \$1,119,000 and to authorize the Purchasing Agent to execute the contract documents, subject to legal review by the County Attorney. The Contract amount is \$932,326 and a 20% contingency of \$186,674 is requested due to potential additional work associated with the federal-funding requirements for a total contract authorization of \$1,119,000 and authorize the Purchasing Agent to execute the contract documents, subject to review of such documents by the County Attorney.

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32. AWARD OF AMENDMENT NO. 1 TO AGREEMENT NO. 457-08 BETWEEN THE ARLINGTON COUNTY BOARD AND PB AMERICAS, INC. AND AUTHORIZATION OF ADDITIONAL FUNDS TO INCORPORATE STREETCAR TRACK IN THE FINAL DESIGN, CONSTRUCTION BID DOCUMENTS, AND CONSTRUCTION ADMINISTRATIVE SERVICES FOR THE CRYSTAL CITY POTOMAC YARD TRANSITWAY.

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board took the following actions:

1. Approved the award of Amendment No. 1 to Agreement No. 457-08 between the Arlington County Board and PB Americas to incorporate streetcar track design services and streetcar track construction administrative services to the design and engineering contract for the Potomac Yard section of Crystal City Potomac Yard Transitway.
2. Authorized additional funds in an amount of \$115,000, plus a contingency of \$11,500 for a total increase of \$126,500, resulting in a total contract authorization not to exceed \$584,500 for design services and construction administrative services for the Crystal City Potomac Yard Transitway.
3. Authorized the Purchasing Agent to execute the contract documents for Amendment No. 1 to Agreement No. 457-08, subject to legal review by the County Attorney.

[Board Report #32](#)

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33. FUNDING REQUEST FOR NEIGHBORHOOD CONSERVATION (NC) PROGRAM PROJECTS.

After a duly advertised public hearing at which the public spoke, on a motion by CHRIS ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Member, carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member -

Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, the Board approved the use of a total of \$3,300,030 of Neighborhood Conservation bond funds for the priority neighborhood projects listed in Attachment A, as set forth in the document entitled "Addendum 7-14-09-G: Projects Recommended for NC Funding" attached for the public record to these minutes, and approved by the Neighborhood Conservation Advisory Committee (NCAC) for Spring 2009, and authorized the County Manager to proceed with implementation of these projects.

[Board Report #33](#)

[Board Report #33 Attachment](#)

[Addendum 7-14-09 G: Projects Recommended for NC Funding](#)

APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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35. ARLINGTON COMMISSION FOR THE ARTS GRANT RECOMMENDATIONS.

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board voted to approve the allocation of \$279,077 for the financial support of Arlington arts organizations and artists as recommended by the Arlington Commission for the Arts.

[Board Report #35](#)

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OTHER

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42. DESIGNATION OF THE COUNTY MANAGER OR HIS DESIGNEE AS ENVIRONMENTAL OFFICER UNDER 24 CFR SUBTITLE A, §58.13.

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board designated the County Manager or his designee as Environmental Officer for purposes of compliance with U.S. Department of Housing and Urban Development (HUD) regulations and designated the County Manager or his designee as the Certifying Officer or "responsible Federal official" to ensure compliance with the national Environmental Policy Act (NEPA) and other applicable federal laws.

[Board Report #42](#)

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43. RED FLAG" IDENTITY THEFT PREVENTION PROGRAM.

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following Resolution in the staff report dated June 5, 2009 (the "Resolution"), approving the "Red Flag" Identity Theft Prevention Program, (as set forth in the document entitled "Addendum 7-14-09-H: Red Flag Identity Theft Program" attached for the public record to these minutes), in compliance with Part 681 of Title 16 of the Code of Federal Regulations, implementing Title 15, Chapter 41, Subchapter III, §§ 1681 through

1681x of the United States Code, as promulgated by the Fair and Accurate Credit Transactions Act of 2003 ("FACTA").

RESOLUTION CONCERNING "RED FLAG RULES" IDENTITY THEFT PREVENTION PROGRAM

Be it resolved by the County Board of Arlington County, Virginia, that:

Pursuant to Part 681 of Title 16 of the Code of Federal Regulations, implementing Title 15, Chapter 41, Subchapter III, §§ 1681 through 1681x of the United States Code, as promulgated by the Fair and Accurate Credit Transactions Act of 2003 ("FACTA") the County Board adopts the attached "Red Flag Rules" Identity Theft Prevention Program;

BE IT RESOLVED that this resolution and the "Red Flag Rules" Identity Theft Prevention Program shall take effect upon enactment.

[Board Report #43](#)

[Addendum 7-14-09 H: Red Flag Identity Theft Program](#)

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44. SUBSTITUTION OF THE LETTER OF CREDIT FOR THE BALLSTON PUBLIC PARKING GARAGE REVENUE BONDS.

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board adopted the following Resolution, Approving the terms and conditions of the Bank of America's proposal; Authorizing the County Manager and the Director of the Department of Management and Finance, or either of them, after legal review and approval by the County Attorney, to accept the proposal from the Bank, with any amendments, to extend the 2009 Letter of Credit for an additional two-year term; Authorizing the County Manager, and the Director of the Department of Management and Finance, or either of them, to negotiate and approve on behalf of the County the Letter of Credit and Reimbursement Agreement, or amendments to the existing Reimbursement Agreement, and such instruments, advancements or certificates necessary or appropriate to carry out the renewal and amendment of the existing Letter of Credit; and, Authorizing the Chairman of the County Board, the County Manager, and the Director of the Department of Management and Finance, or any of them, to execute on behalf of the County the Reimbursement Agreement.

A RESOLUTION OF THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA AUTHORIZING THE EXTENSION OF THE LETTER OF CREDIT IN CONNECTION WITH THE COUNTY OF ARLINGTON, VIRGINIA VARIABLE RATE DEMAND REVENUE BONDS (BALLSTON PUBLIC PARKING PROJECT)

WHEREAS, the County authorized and previously issued, pursuant to an Indenture of Trust, dated as of August 1, 1984, between U. S. Bank National Association, as successor trustee (the "Trustee") and the County, \$22,300,000 aggregate principal amount of the County's Variable Rate Demand Revenue Bonds Ballston Public Parking (the "Bonds") to various purchasers;

WHEREAS, the Bonds are secured by a Letter of Credit (the "2009 Letter of Credit") issued by Bank of America, N.A. (the "Bank") which expires on September 22, 2009; and

WHEREAS, the County proposes to extend the 2009 Letter of Credit:

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

1. Acceptance of Proposal. The County Manager and the Director of the Department of Management and Finance, or either of them, are authorized and directed to accept the proposal from the Bank,

dated June 30, 2009, with such amendments as the County Manager and the Director of the Department of Management and Finance, or either of them, may approve (the "Proposal") to extend the 2009 Letter of Credit for an additional two year term.

2. Authorization of Reimbursement Agreement. The County Manager and the Director of the Department of Management and Finance, or either of them, are authorized to negotiate and approve a Reimbursement Agreement or amendments to the existing Reimbursement Agreement for the 2009 Letter of Credit (the "Reimbursement Agreement") containing such provisions as may be approved by the County Manager and the Director of the Department of Management and Finance, or either of them, whose approval shall be evidenced conclusively by the execution and delivery of the Reimbursement Agreement. The execution and delivery of and performance by the County under the Reimbursement Agreement are authorized.
3. Execution of Documents. The Chairman and the Vice Chairman of the County Board, the County Manager and the Director of the Department of Management and Finance, or any of them, are authorized to execute on behalf of the County the Reimbursement Agreement and, if required, the County Manager and the Clerk of the County Board, or either of them, are authorized and directed to affix or to cause to be affixed the seal of the County to such document and to attest such seal. The Chairman and the Vice Chairman of the County Board, the County Manager and the Director of the Department of Management and Finance or their designees are authorized to execute and deliver on behalf of the County such instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.
4. Disclosure Documents. The County Manager and the Director of the Department of Management and Finance, or either of them, is authorized and directed to prepare, execute, if required, and deliver an Addendum to the Placement Memorandum with respect to the Bonds, if deemed necessary or advisable by such officers. The use and distribution of any such Addendum to the Placement Memorandum is authorized and approved. Any such Addendum to the Placement Memorandum shall be published in such publications and distributed in such manner, including by electronic distribution, at such times as the County Manager, or such officers and agents of the County as he may designate, shall determine.
5. Effective Date. This Resolution shall take effect immediately.

[Board Report #44](#)

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45. AUTHORIZATION TO EXECUTE A SPECIAL WARRANTY DEED TO CONVEY THE COUNTY'S SECURITY INTEREST IN THE NORTHERN VIRGINIA CRIMINAL JUSTICE ACADEMY.

On a block vote, after a duly advertised public hearing at which there were no speakers, the Board approved the attached Special Warranty Deed attached hereto to the staff report dated June 25, 2009 to convey the County's security interest in the Northern Virginia Criminal Justice Academy (the "Academy") and authorized the County Manager to execute the Special Warranty Deed, on behalf of the County Board, subject to approval as to form by the County Attorney, and as set forth in the document entitled "Addendum 7-14-09-I: Northern VA Criminal Justice Academy Special Warranty Deed," attached for the public record to these minutes.

[Board Report #45](#)

[Addendum 7-14-09-I: Northern VA Criminal Justice Academy Special Warranty Deed](#)

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46. MINUTES.

On a block vote, the Board approved the revised minutes from the April 25, 2009 Recessed Meeting.

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

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52. CULTURAL CENTER

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

BE IT ORDAINED that, pursuant to application Site Plan #18 (1812 N. Moore St.) to modify site plan conditions #92 and #96 and Site Plan #89 (1101 Wilson Blvd. / Newseum) to modify site plan conditions #1 and #2 all on file in the Office of the Zoning Administrator concerning the lease by the developer to the County of the former Newseum space relative to the conversion option and to provide for lease amendments for the real property known as 1850 N. Moore St., 1812 N. Moore St., 1101 Wilson Blvd. (RPC #16-037-004, -005, 16-039-002) approval is granted and the parcel so described shall be used according to the approval requested by application.

On motion by JAY FISETTE, Vice Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing at which the public spoke, the Board approved the Second Amendment to Deed of Lease between 1101 Wilson Owner, LLC (the "Landlord") and the County Board of Arlington County, Virginia (the "Second Amendment") to provide for additional abated base rent and other provisions at 1101 Wilson Boulevard for the proposed Cultural Center space as needed, and as set forth in the document entitled "Addendum 7-14-09-J: Second Amendment" attached for the public record to these minutes, and authorized the County Manager, or his designee, to execute on behalf of the County Board of Arlington County, Virginia, the Second Amendment to Deed of Lease and all related documents, conditioned upon receipt by the County of lender approval of the Second Amendment as required by the Lease, all subject to approval as to form by the County Attorney.

On motion by JAY FISETTE, Vice Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing at which the public spoke, the Board voted to authorize the County Manager to sign the Memorandum of Understanding ("MOU") with the Rosslyn Business Improvement Corporation ("RBIC") for the joint funding and operating support of the Cultural Center. Further revisions to the MOU, subject to County Attorney review, will be executed by the County Manager.

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

- Appropriated \$1,015,000 in Rosslyn Business Improvement District revenues to Department of Parks, Recreation and Cultural Resources (PRCR) expenses for FY 2010 operating costs of the Cultural Center.
- Approve the internal reallocation of currently authorized funds within the Cultural Affairs Division budget for operating support of the Cultural Center of approximately \$186,000 in FY 2010 during

- construction for pre-opening programmatic support.
- Approve \$6.7 million in capital funds to transform the former Newseum space into the Cultural Center, from the following sources: \$1,100,000 from the Rosslyn Fund and \$5.6 million from County pay as you go (PAYG) capital funds; no currently approved capital projects would be deferred or eliminated.
- Approve \$50,000 from the Rosslyn Fund to support the operating cost of the leased space during FY 2010. A majority of the FY 2010 operating and pre-opening expenses will come from the Rosslyn Business Improvement Corporation, as detailed in the projected operating budget of the Cultural Center below.
- Appropriate \$1,150,000 from the Rosslyn Fund Trust and Agency Account, with \$50,000 to PRCR expenses for FY 2010 operating costs and \$1,100,000 to General Fund PAYG capital account to cover a portion of the estimated renovation costs.

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

1. Bring to the Board each September a report on the performance of the Cultural Center that:
 - a. Details the level of County operating funds allocated and spent at the cultural center for the fiscal year ending the previous June 30;
 - b. Evaluates the extent to which the business goals (as laid out in the plan from Cultural Affairs that is part of the July 14, 2009 Board item or any subsequent plan presented to the County Board) have been met or exceeded; and
 - c. Assesses, using FY2010 as a baseline, the change in economic activity and level of economic vitality of the Rosslyn area, recognizing that the Cultural Center is one component of an attractive, vibrant Rosslyn. Selected indicators might include hotel tax, meals tax, retail sales tax. AND
2. As part of the FY2011 budget, to recommend amendments to the County's financial policies to establish pay-go funding targets. These targets will be used to drive systematic reinvestment in our community infrastructure in concert with planned economic growth.

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[Board Report #52-Supplemental](#)

[Board Report #52-Attachment 1](#)

[Board Report #52-Attachment 2](#)

[Board Report #52-Attachment 3](#)

[Board Report #52-Attachment 4](#)

[Board Report #52-Attachment 5](#)

[Board Report #52-Attachment 6](#)

[Board Report #52-Attachment 7](#)

[Board Report #52-Attachment 8](#)

[Board Report #52 Addendum J-Second Amendment](#)

[7-14-09 Addendum J Second Amendment](#)

53. ADOPTION OF A RESOLUTION REQUESTING VDOT AND THE COMMONWEALTH TRANSPORTATION BOARD TO TRANSFER AND CONVEY TO THE COUNTY BOARD OF ARLINGTON CERTAIN SECTIONS OF PRIMARY ROADS, COLUMBIA PIKE, SOUTH JOYCE STREET AND ARMY NAVY DRIVE.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing at which the public spoke, the Board adopted the following revised Resolution in the supplemental report dated July 14, 2009 (the "Resolution"), requesting that the Commonwealth Transportation Board transfer and convey to the County Board of Arlington County, Virginia certain sections of primary and secondary roads, known as Columbia Turnpike (State Route 244), South Joyce Street and Army Navy Drive.

**RESOLUTION OF THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA
REQUESTING COMMONWEALTH TRANSPORTATION BOARD TO TRANSFER COLUMBIA
PIKE AND OTHER STATE ROADS FROM THE STATE ROAD SYSTEM TO THE ARLINGTON
COUNTY ROAD SYSTEM**

WHEREAS, the County Board has undertaken a review of the benefits of transferring certain roads in the State road system to the local road system operated and maintained by the County; and

WHEREAS, the County Board currently maintains and constructs improvements on 960 lane miles of roads in the County's local road system; and

WHEREAS, among other transportation corridors in Arlington County, the County Board has invested and will continue to invest significant financial resources of the County in improving and expanding Columbia Pike(Route 244), an existing State primary system highway, consistent with the County's plans for revitalization of Columbia Pike, including the implementation of a street car program along Columbia Pike; and

WHEREAS, the County Board has determined that conveyance of title to the right of way and various easements for portions of Columbia Pike, as well as property interests in portions of various other streets in the State road system ancillary to Columbia Pike, as further described herein, would facilitate the County's revitalization plans for Columbia Pike and development of the street car program on Columbia Pike; and

WHEREAS, it would be advantageous for both the traveling public and the County for the County Board to obtain title to Columbia Pike and property interests in portions of the ancillary roads described herein, and to thereafter improve and maintain such sections of public road and right-of-way as part of the County's local road system in accordance with the aforesaid County plans for revitalization of Columbia Pike and development of the street car program on Columbia Pike; and

WHEREAS, the County Board has determined that, before the right of way for Columbia Pike and property interests in the other streets ancillary thereto can become part of the County's local road system, efforts currently underway to determine, survey, and plat the precise limits of the right of way and easements to be transferred or assigned, as well as that right of way and those interests to be retained by the Commonwealth, must be completed, the title thereto examined, other necessary due diligence concluded, and related agreements prepared, and the County Board must approve the deeds and such related agreements and documents necessary and required by the Commonwealth of Virginia and the County Board to effect a transfer, including, but not limited to, the legal description of the right of way being transferred; and

WHEREAS, in accordance with § 33.1-35 of the Code of Virginia 1950, as amended, a local governing body that receives payments pursuant to § 33.1-23.5:1 or § 33.1-41 can request that the Commonwealth Transportation Board transfer roads from the primary system of State highways to the local road system operated by the locality.

NOW, THEREFORE, BE IT RESOLVED, that the County Board of Arlington County, Virginia, pursuant to §§ 33.1-35 and 149 of the Code of Virginia 1950, as amended, hereby requests that the Commonwealth Transportation Board transfer to the County Board Columbia Pike from the primary system of State highways to the County's local road system, for the entire length of Columbia Turnpike within the County limits, and approve conveyance of the right of way and easements for Columbia Pike, and the ancillary streets of South Joyce Street, and Army Navy

Drive, as appropriate, and further described in Attachment A (attached hereto), for the said development and improvement or operation and maintenance of public roads or right of way; and

BE IT FURTHER RESOLVED, that the aforesaid transfer is subject to development of a final description of the spatial areas to be transferred and conveyed in fee simple, development of the spatial areas, permitted uses, rights and responsibilities of the Commonwealth of Virginia and the County Board in the easements to be transferred and conveyed; and the County Board's approval, by resolution, of the deeds, agreements, and other documents necessary and required by the Commonwealth of Virginia and the County Board to effect the transfer.

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54. ARLINGTON PUBLIC SCHOOLS / ARLINGTON COUNTY GOVERNMENT MEMORANDUM OF UNDERSTANDING FOR AQUATICS MANAGEMENT BETWEEN ARLINGTON COUNTY GOVERNMENT AND ARLINGTON PUBLIC SCHOOLS.

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

1. Authorized the County Manager to sign the Memorandum of Understanding, as set forth in the document entitled "Addendum 7-14-09-K: Aquatics MOU" attached for the public record to these minutes, between the Arlington County Board ("County") and Arlington County School Board ("APS"), on behalf of the County Board to set forth general policies and procedures related to the operation and use of the Arlington indoor swimming pools located within or adjacent to the three high schools. The accompanying Aquatics Operations Procedures, as set forth in the document entitled "Addendum 7-14-09-L: Aquatics Operating Procedures" attached for the public record to these minutes, provide details of the operational agreement between APS and the County and will serve as an implementation guide for the new management agreement established by the MOU.
2. De-appropriate \$316,979 revenue and expense, 3.0 permanent FTEs and 12.2 temporary FTEs from the Department of Parks, Recreation and Cultural Resources for FY 2010.
3. Reallocate \$286,988 within the Department of Parks, Recreation and Cultural Resources from direct expenses for swimming pool operations to contractual services for payment to the Arlington County Public Schools.
4. Increase by \$603,967 the FY 2010 appropriation to the Arlington Public Schools, Community Activities Fund for use by APS in operating and maintaining the Pools during the FY 2010 fiscal year. This represents the net tax support for the community swim and pool rentals program within the DPRCR FY 2010 expense budget, as well as the pool revenue which will now be collected directly by APS.

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[Addendum 7-14-09 K: Aquatics MOU](#)

[Addendum 7-14-09-L: Aquatics Operating Procedures](#)

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ADDITIONAL ITEMS

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CLAIM OF SOFTSCAPE, INC.

On motion by BARBARA A. FAVOLA, Chairman, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, denied the breach of contract claims set forth in Softscape, Inc.'s letter dated June 3, 2009 relating to Contract No. 185-02 for the development of a case management software system for the Department of Human Services because it was not timely made in accordance with the terms of the contract, among other reasons. And the County Board declined to consider the fraud claims set forth in Softscape Inc.'s letter dated June 3, 2009 because tort claims are not properly brought before the County Board under the Virginia claims statute and because the County Board is expressly not waiving sovereign immunity.

ADJOURNMENT

Without objection, at 11:00 p.m., the Board adjourned the meeting.

BARBARA A. FAVOLA, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: February 20, 2010