

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, December 12, 2009 at 8:30 a.m.

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

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

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*** PUBLIC COMMENT**

John Swallow expressed his concerns regarding Arlington County police officers that do not follow the County's traffic laws.

Rose Ann Ashlay spoke on behalf of Arlington County residents with disabilities that use the services provided by the STAR program.

Joanne del Toro, president of the Animal Welfare League (AWLA), thanked the Board and the County for their support in 2009.

John Reeder, member of the Arlington County Green Party, petitioned the Board to open and operate a year-round low-barrier shelter for homeless individuals, and to seek federal stimulus funds to create a public job program for homeless and unemployed residents.

Jim Van Blacom, County resident for twenty years and currently homeless, reinforced the message presented by Mr. John Reeder regarding the year-round, low barrier shelter and the creation of a public job program for homeless and unemployed residents.

Robert Atkins shared his concerns about the values being embraced by Arlington County.

Traci Pietra, Douglass Park resident since 1998, informed the Board of the creation a neighborhood "overcrowding action group" and how they can partner with the County on overcrowding issues.

R.P. McGlyn stated her support of Social Security, personal identity protection, and living wage.

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*** CONSENT ITEMS (ITEMS 1-27) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, DECEMBER 12, 2009, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, DECEMBER 15, 2009, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

Ms. Favola announced her declaration of personal interest pursuant to Section 2.2-3115.G in the use permit amendment applied for by Marymount University for modification of Condition #68 of approval regarding improvements under Old Dominion Drive Bridge (Item #7). Ms. Favola is employed by the University; however, under the State and Local Government Conflicts of Interest Act, because she is a member of a group who are all affected by the approval of the use permit, she

was able to participate in the discussions and votes concerning the use permit, and can do so fairly, objectively, and in the public interest.

On motion by Mr. Zimmerman, seconded by Mr. Fisetite and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A FAVOLA, Chairman - Aye, J. WALTER TEJADA, Member - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the County Board approved the County Manager's recommendation for all consent items, #1 through #5, #7 through #10, #12 through #19, #21, #22, and #25 through #27. Requests for full hearing were submitted for items #6, #11, #20a, and #24 and scheduled for hearing at the December 15, 2010 County Board Recessed Meeting.

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SITE PLANS/AMENDMENTS/REVIEWS

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1. SP #57 SITE PLAN AMENDMENT FOR ENHANCED EXTERIOR LIGHTING AT HOLIDAY INN LOCATED AT 4610 FAIRFAX DRIVE (RPC #14-053-056).

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

BE IT ORDAINED that, pursuant to applicant SP#57 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for enhanced exterior lighting at Holiday Inn for the parcel of real property known as 4610 Fairfax Drive (RPC #14-053-056), 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 new conditions:

Proposed conditions:

1. The applicant agrees that all project signs shall be consistent with the comprehensive sign plan dated December 12, 2009 and approved by the County Board on December 12, 2009. The developer further agrees that all signs shall be of the size, location, design, and structure shown on the comprehensive sign plan.

Minor changes to the approved signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of the sign to meet field conditions (less than 1 foot in any direction); or (ii) either a minor change in the area of the sign (less than 5%) or the total sign area for signs below 35 feet do not exceed 248 square feet and the rooftop signs do not exceed 123.14 square feet. All other changes to the approved signs will require site plan approval or amendment.
2. The applicant agrees to remove the existing 15-foot Lacey Station restaurant sign on the northern elevation of the building on or before February 2010.
3. The applicant agrees that the two (2) green up lights and any future, new rooftop signs will include dimmable lighting which would allow the lighting to be turned down if the County Manager finds the intensity of the lights has an adverse impact on the surrounding area. Should the County Manager determine that the green up lights or new lighted rooftop signs have an adverse effect on the surrounding area, the applicant agrees, within 24 hours notice from the County Manager, to reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.

[Board Report #1](#)

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2. SP #58 SITE PLAN AMENDMENT TO PERMIT A CHILD CARE CENTER FOR MANTLE OF ELIJAH CHRISTIAN PREPARATORY ACADEMY, INC.; LOCATED AT 1121 ARLINGTON BLVD. (RPC #17-039-001 THROUGH -432).

On the consent agenda vote, after a duly advertised public hearing, the Board voted to defer the site plan amendment to the January 23, 2010, County Board meeting.

[Board Report #2](#)

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3. SP #90 SITE PLAN AMENDMENT FOR MODIFICATION OF ROOFTOP SIGN; 1550 CRYSTAL DRIVE. (RPC #34-020-248).

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

BE IT ORDAINED that, pursuant to applicant SP#90 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for modification of a previously approved rooftop sign for the parcel of real property known as 1550 Crystal Drive (RPC #34-020-248) 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 modified conditions:

1. The applicant agrees that the sign illumination of all approved rooftop signs for 1550 Crystal Drive shall be turned off each day no later than midnight and shall remain off until dusk the next evening.
2. The developer agrees that the total sign area permitted for rooftop signs for the Crystal Square II building at 1550 Crystal Drive (SP #90) shall not exceed 409 square feet. This includes ~~the 131.38 square feet permitted for one rooftop level sign that reads "Lockheed Martin" on the western facade, the size, design, location and color of which shall be as shown on the drawings prepared by Signs Unlimited and entitled "Lockheed Martin Exterior Signage Plan," dated May 19, 2003 and approved by the County Board on July 19, 2003,~~ and the 84.6 square feet permitted for one rooftop sign that reads "Battelle" on the eastern facade of the building-, and the 199 square foot sign for Alion Science and Technology, located on the western facade, at the location and design as shown on the drawings submitted to the County from Apple Signs, dated October 15, 2009 [Clerk's note: as set forth in document entitled "Addendum 12-12-09-A – Alion Science and Technology" attached for the public record to these minutes.]
3. The developer agrees that the Battelle rooftop sign shall be of the same materials, dimensions, text and location as shown on the plans prepared by Metro Sign & Design dated August 15, 2008 (Revised), and presented to and approved by the County Board on September 13, 2008. The signs shall be illuminated only as shown on the drawings prepared by Metro Sign & Design and dated August 15, 2008 (Revised). The developer further agrees that the Alion rooftop sign shall be of the same materials, dimensions, text, and location as shown on the drawings submitted to the County from Apple Signs, dated October 15, 2009.

Minor changes to the approved ~~Battelle~~ rooftop signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include

only the following: (i) a minor adjustment in the location of the sign to meet field conditions (less than 1 foot in any direction); or (ii) a minor change in the area of the sign (less than 5%). All other changes to the approved rooftop signs will require site plan approval or amendment.

- 4. The developer agrees to install a rheostat or other appropriate variable resistor on all rooftop signs on the building at 1550 Crystal Drive, that will allow the developer to adjust the ~~Battelle rooftop~~ sign's lighting intensity from a level of 0 LUX to 500 LUX. The developer further agrees that if the County Manager finds that the intensity of the rooftop sign's lighting has an adverse effect on the surrounding area, the developer will, within 24 hours notice from the County Manager, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.

Addendum 12-12-09-A – Alion Science and Technology

Board Report #3

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4. SP #105 SITE PLAN AMENDMENT FOR MODIFICATION TO SITE PLAN CONDITIONS 17 AND 18 AND MODIFICATION TO LOCATION OF WATER FOUNTAIN, LOCATED AT 1221, 1301, AND 1311 S. FERN ST. (RPC #35-003-006, -007, -008).

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

BE IT ORDAINED that, pursuant to applicant SP#105 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for modification to site plan conditions 17 and 18 and modification to location of water fountain for the parcel of real property known as 1221, 1301, and 1311 S. Fern St. (RPC #35-003-006, -007, -008). subject to all previously approved conditions and the following two (2) amended conditions, Conditions #17 and #18:

- 17. The developer agrees to construct at South Fern Street a 49-foot wide cross-section between face of curb on the east and west sides, providing one 10-foot wide travel lane in each direction, along with an alternating 10-foot left-turn lane, a 10-foot wide right turn lane, and an 7 1/2 -foot wide parking lane on the east side, as shown on the final engineering plan approved by the County Manager, or his designee.

The developer agrees to construct ~~standard~~ crosswalks and nubs along South Fern Street at the intersections with 13th Street South and 14th Street South and to provide ~~standard~~ crosswalks across South Fern Street at the intersections of 13th Street South and 14th Street South, as in the locations shown on the final engineering plan approved by the County Manager, or his designee. The crosswalks' final design and materials shall be approved by the County Manager, or his designee.

- b. The developer agrees to construct at 13th Street South a 29.5-foot wide cross-section between face of curb on the north and south sides, providing one 10-foot travel lane and an eight-foot parking lane in the westbound direction, and a 10-foot travel lane in the eastbound direction, as shown on the final engineering plan approved by the County Manager, or his designee.

~~The developer agrees to install brick or concrete paver crosswalks, along with all necessary resulting curb ramps, around the Phase II application property and as per the Crosswalk Plan in~~

~~the (January 23, 2004) as they may be amended and modified by the County Board from time to time), and as shown on the final engineering plan.~~

The developer agrees to construct a crosswalk along 13th Street South at the intersection with South Fern Street in the locations shown on the final engineering plan approved by the County Manager, or his designee. The crosswalks' final design and materials shall be approved by the County Manager, or his designee.

- c. The developer agrees to construct at 14th Street South a 29.5-foot wide cross-section between face of curb on the north and south sides, providing one 10-foot travel lane and an eight-foot parking lane in the eastbound direction, and a 10-foot travel lane in the westbound direction, as shown on the final engineering plan approved by the County Manager, or his designee.

The developer agrees to install ~~brick or concrete paver~~ crosswalks, along with all necessary resulting curb ramps, around the Phase II application property ~~and as per the Crosswalk Plan in the Metropolitan Park Design Guidelines (January 23, 2004) as they may be amended and modified by the County Board from time to time, and as shown on the final engineering plan.~~ The crosswalks' final design and materials shall be approved by the County Manager, or his designee.

- d. The developer agrees to construct at South Fair Street a 27-foot wide cross-section between face of curb on the east and west sides, providing two 10-foot wide travel lanes and one seven-foot parking lane on the west side, as shown on the final engineering plan approved by the County Manager, or his designee.

The developer agrees to construct two ~~standard~~ crosswalks each at the intersections of South Fair Street with 14th Street South, and with 13th Street South. The developer also agrees to construct a nub mid-block on the west side of South Fair Street and ~~standard~~ a crosswalk across South Fair Street. ~~The above crosswalks shall be constructed per the Crosswalk Plan in the Metropolitan Park Design Guidelines (January 23, 2004) as they may be amended and modified by the County Board from time to time, and as shown on the final engineering plans.~~ The crosswalks' final design and materials shall be approved by the County Manager, or his designee.

18. The developer agrees that the final sidewalk pattern/design and final selection of materials and colors to be used shall be as determined by the County Manager on the final site development and landscape plan and final engineering plan, in accordance with the *Metropolitan Park Design Guidelines (January 23, 2004)* and the *Metropolitan Park Project Booklet (November 12, 2003)* or other applicable urban design standards approved by the County Board and in effect at the time of the final landscape plan approval. The developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project. The sidewalks along the street frontages of this development shall be consistent with the *Metropolitan Park Design Guidelines (January 23, 2004)* and the *Metropolitan Park Project Booklet (November 12, 2003)*, paved with scored concrete detailed with brick banding, brick, or an interlocking concrete paver and shall be placed on a properly-engineered base approved as such by the Division of Transportation. The sidewalk treatments shall continue across all driveway aprons for loading and garage entrances along all frontages of the site plan except that the paving pattern shall be slightly differentiated, and there shall be no barriers to impede the flow of pedestrian traffic. The sidewalks shall contain street trees placed in either tree pits, tree grates or planting strips, consistent with the *Metropolitan Park Design Guidelines (January 23, 2004)* and the *Metropolitan Park Project Booklet (November 12, 2003)*, *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Placement, planting and root enhancement options shall be consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standard. The developer agrees to maintain and replace the street trees and sidewalks for the life of the site plan. The sidewalk sections and street tree species shall be as follows:

South Fern Street - A minimum 17 1/2 -foot wide sidewalk measured from the back of curb, including 5 foot by 12 foot tree pits, providing a 10-foot, 10-inch clear sidewalk. The tree pits shall be planted with 4 1/2 inch caliper street trees (from the selection of broad deciduous street trees identified in the *Metropolitan Park Design Guidelines* (January 23, 2004) as they may be amended and modified by the County Board from time to time, and the *Metropolitan Park Project Booklet* (November 12, 2003), and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), placed 28 to 32 feet apart on center or as otherwise approved by the County Manager or his designee on the final site development and landscape plan and a minimum of eight (8) inches back from the back of curb.

14th Street South - A minimum 34-foot wide sidewalk measured from the back of curb along the north side with a 10-foot clear sidewalk and a minimum 15-foot wide sidewalk measured from the back of curb along the south side with a 9-foot 4-inch clear sidewalk, including 5 foot by 12 foot tree pits on both sides. The tree pits shall be planted with 4 1/2 inch caliper street trees (from the selection of broad deciduous street trees identified in the *Metropolitan Park Design Guidelines* (January 23, 2004) as they may be amended and modified by the County Board from time to time, and the *Metropolitan Park Project Booklet* (November 12, 2003), and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), placed 28 to 32 feet apart on center or as otherwise approved by the County Manager or his designee on the final site development and landscape plan and a minimum of eight (8) inches back from the back of curb.

13th Street South - A minimum 34-foot wide sidewalk measured from the back of curb along the south side with a 10-foot clear sidewalk, including 5 foot by 12 foot tree pits, and an approximately five foot wide temporary sidewalk measured from the back of curb along the north side. This temporary sidewalk will be reconstructed with phase 3 of Metropolitan Park. The tree pits shall be planted with 4 1/2 inch caliper street trees (from the selection of broad deciduous street trees identified in the *Metropolitan Park Design Guidelines* (January 23, 2004) as they may be amended and modified by the County Board from time to time, and the *Metropolitan Park Project Booklet* (November 12, 2003), and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), placed 28 to 32 feet apart on center or as otherwise approved by the County Manager or his designee on the final site development and landscape plan and a minimum of eight (8) inches back from the back of curb.

South Fair Street - A minimum 13-foot wide sidewalk measured from the back of curb along the east side with a 7-foot 4-inch clear sidewalk, and a minimum 15-foot wide sidewalk measured from the back of curb along the west side with a 9-foot 4-inch clear sidewalk, including 5 foot by 12 foot tree pits on both sides. The tree pits shall be planted with 4 1/2 inch caliper street trees (from the selection of broad deciduous street trees identified in the *Metropolitan Park Design Guidelines* (January 23, 2004) as they may be amended and modified by the County Board from time to time, and the *Metropolitan Park Project Booklet* (November 12, 2003), and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), placed 28 to 32 feet apart on center or as otherwise approved by the County Manager or his designee on the final site development and landscape plan and a minimum of eight (8) inches back from the back of curb.

5. SP #193 SITE PLAN AMENDMENT RENEWAL FOR EXPANDED THEATER; LOCATED AT 4238 WILSON BOULEVARD. (COMEDYSPORTZ, RPC #14-059-035).

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

BE IT ORDAINED that, pursuant to applicant SP#193 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for expanded theater for the parcel of real property known as 4238 Wilson Boulevard (ComedySportz, RPC #14-059-035) subject to all previous conditions, and the following one (1) new condition, with a review by the County Board in five (5) years (December 2014).

- 3. This approval for live entertainment at is valid only for ComedySportz. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.

[Board Report #5](#)

[Board Report #5-Supplemental](#)

[Board Report #5-Revised Supplemental](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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7. U-1671-65-3 USE PERMIT AMENDMENT FOR MODIFICATION OF CONDITION #68 OF APPROVAL REGARDING IMPROVEMENTS UNDER OLD DOMINION DRIVE BRIDGE; LOCATED AT 4763 OLD DOMINION DRIVE, 2807 N. GLEBE ROAD., AND 4655 26TH ST. N. (RPC# 03-065-001).

On the consent agenda vote, after a duly advertised public hearing, the Board voted to defer the use permit amendment to the January 23, 2010, County Board meeting.

[Board Report #7](#)

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8. U-3138-05-1 USE PERMIT RENEWAL FOR A FAMILY DAY CARE LOCATED AT 3617 SOUTH 13TH STREET (RPC #26-025-002).

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

ordinance:

BE IT ORDAINED that, pursuant to application U-3138-05-1 on file in the Office of the Zoning Administrator for a special exception for the renewal of a use permit for a family day care for the parcel of real property known as 3617 South 13th Street (RPC #26-025-002), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previous conditions and with a County Board review in five (5) years (December 2014).

[Board Report #8](#)

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- 9. U-3139-05-1 USE PERMIT RENEWAL FOR CHILD CARE CENTER AND USE PERMIT AMENDMENT FOR AN INCREASE IN CHILDREN AT 825 23RD ST. SOUTH (RPC# 36-031-005).**

On the consent agenda vote, after a duly advertised public hearing, the Board voted to defer the use permit renewal for a child care center and the requested amendment for an increase in children to the January 23, 2010, County Board meeting.

[Board Report #9](#)

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- 10. A. U-3140-05-1 USE PERMIT RENEWAL FOR AN EARLY HEAD START PROGRAM LOCATED AT 737 SOUTH CARLIN SPRINGS ROAD (CAMPBELL ELEMENTARY SCHOOL, NORTHERN VIRGINIA FAMILY SERVICE, RPC #22-001-086).**
- B. U-3142-05-2 USE PERMIT RENEWAL FOR A HEAD START PROGRAM LOCATED AT 737 SOUTH CARLIN SPRINGS ROAD (CAMPBELL ELEMENTARY SCHOOL, THE COMMUNITY DEVELOPMENT INSTITUTE, RPC #22-001-086).**

On the consent agenda vote, after a duly advertised public hearing, the Board voted to discontinue the subject use permits for the Early Head Start and Head Start Programs at Campbell Elementary School located at 737 South Carlin Springs Road.

[Board Report #10 A,B.](#)

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- 11. U-3202-08-2 USE PERMIT RENEWAL FOR NEW CINGULAR WIRELESS TELECOMMUNICATIONS FACILITY, ANTENNAS, AND GROUND EQUIPMENT AND USE PERMIT AMENDMENT FOR T MOBILE TO LOCATE ANTENNAS ON AN EXISTING TELECOMMUNICATIONS FACILITY LOCATED AT 2305 S. WALTER REED DRIVE (RPC #29-002-029).**

On the consent agenda vote, after a duly advertised public hearing, the Board voted to defer the use permit renewal for the telecommunications facility and the use permit amendment for new antennas on an existing telecommunications facility at 2305 S. Walter Reed Drive to the April 2010 County Board meeting.

[Board Report #11](#)

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12. U-3209-08-1 USE PERMIT RENEWAL FOR A RECYCLING FACILITY LOCATED AT 1021 N. QUINCY STREET (RPC #14-030-017).

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

BE IT ORDAINED that, pursuant to application U-3209-08-1 on file in the Office of the Zoning Administrator for a special exception for the renewal of a use permit for a recycling facility for the parcel of real property known as 1021 N. Quincy Street (RPC #14-030-017), 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, with a County Board review in three (3) years (December 2012).

[Board Report #12](#)

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13. U-3231-09-1 USE PERMIT FOR A TELECOMMUNICATIONS FACILITY LOCATED AT 2030 NORTH ADAMS STREET (RPC #15-007-084 THROUGH -209).

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

BE IT ORDAINED that, pursuant to application U-3231-09-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for a telecommunications facility for the parcel of real property known as 2030 North Adams Street (RPC #15-007-084 through -209), 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:

1. The applicant agrees that the two (2) Clearwire dish antennas on the existing building at 2030 North Adams Street will be installed as shown on plans labeled "Site Name VA0905" dated May 18, 2009 [Clerk's note: as set forth in the document entitled: "Addendum 12-12-09-B – 2030 N. Adams St." attached for the public record to these minutes]. A modification of the placement of the dish antennas may be made at the time of installation, provided that the antennas shall be no higher than shown on the plans. More than two (2) Clearwire dish antennas on the building would require a use permit amendment.
2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Circle Condominiums and the Zoning Administrator.

3. The applicant agrees that the Clearwire and Sprint antennas shall be removed within ninety (90) days after any cessation of use.

[Board Report #13](#)

[Addendum 12-12-09-B – 2030 N. Adams St.](#)

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14. U-3232-09-1 USE PERMIT FOR PUBLIC UTILITY/TELECOMMUNICATIONS FOR 2 MICROWAVE/DISH ANTENNAS LOCATED AT 815 18TH STREET SOUTH (RPC #35-005-002).

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

BE IT ORDAINED that, pursuant to application U-3232-09-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for public utility/telecommunications for 2 microwave/dish antennas for the parcel of real property known as 815 18th Street South (RPC #35-005-002), 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:

1. The applicant agrees that the two (2) Clearwire dish antennas on the existing building at 815 18th Street South will be installed as shown on plans dated June 16, 2009 [Clerk's note: as set forth in the document entitled: "Addendum 12-12-09-C – 18th Street S." attached for the public record to these minutes]. More than two (2) Clearwire dish antennas on the building would require a use permit amendment.
2. The applicant shall identify a community liaison who shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Aurora Highlands Civic Association and the Zoning Administrator.
3. The applicant agrees that the antennas shall be removed within ninety (90) days after any cessation of use.

[Board Report #14](#)

[Addendum 12-12-09-C – 18th Street S.](#)

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15. U-3233-09-1 USE PERMIT FOR LIVE ENTERTAINMENT AND DANCING AT SPIDER KELLY'S LOCATED AT 3181 WILSON BLVD (RPC #15-075-002).

On the consent agenda vote, after a duly advertised public hearing, the Board voted to defer the use permit request to the January 23, 2010, County Board meeting.

[Board Report #15](#)

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16. U-3234-09-1 USE PERMIT FOR PUBLIC UTILITY/TELECOMMUNICATIONS FOR ANTENNAS LOCATED AT 100 NORTH WAYNE STREET (RPC #18-059-022).

On the consent agenda vote, after a duly advertised public hearing, the Board voted to defer the use permit request to the January 23, 2010, County Board meeting.

[Board Report #16](#)

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17. U-3235-09-1 USE PERMIT FOR CLEARWIRE FOR THREE (3) DISH ANTENNAS ON AN EXISTING TOWER LOCATED AT 6900 WASHINGTON BLVD. WITHIN VDOT RIGHT-OF-WAY.

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

BE IT ORDAINED that, pursuant to application U-3235-09-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for three (3) dish antennas on an existing tower within VDOT right-of-way for the parcel of real property known as 6900 Washington Boulevard, 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:

1. The applicant agrees that the three (3) Clearwire dish antennas on the existing tower at 6900 Washington Boulevard will be installed as shown on plans dated June 10, 2009 [Clerk’s note: as set forth in the document entitled: “Addendum 12-12-09-D – Washington Boulevard” attached for the public record to these minutes]. More than three (3) Clearwire dish antennas on the tower would require a use permit amendment.
2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Arlington-East Falls Church Civic Association and the Zoning Administrator.
3. The applicant agrees that the Clearwire antennas shall be removed within ninety (90) days after any cessation of use.

[Board Report #17](#)

[Addendum 12-12-09-D – Washington Boulevard](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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18. APPROVAL AND AUTHORIZATION TO ACCEPT A QUITCLAIM DEED FROM VIRGINIA ELECTRIC AND POWER COMPANY CONCERNING CERTAIN UTILITY EASEMENT RIGHTS TO THE COUNTY BOARD AT FAIRLINGTON COMMUNITY CENTER, LOCATED AT 3308 SOUTH STAFFORD STREET, ARLINGTON, VIRGINIA (RPC 30012001).

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

- 1. Approved the deed of quitclaim ("Deed") between Virginia Electric and Power Company ("DVP") and the County Board of Arlington County, Virginia ("County Board") conveying to the County Board certain DVP utility easement rights no longer needed to provide service to the Fairlington Community Center, 3308 South Stafford Street, Arlington, Virginia (RPC 30012001), [Clerk's note: as set forth in document entitled "Addendum 12-12-09-E – Exhibit A" attached for the public record to these minutes.]
- 2. Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his designee, to accept the Deed, on behalf of the County Board, subject to approval as to form by the County Attorney.

[Board Report #18](#)

[Addendum 12-12-09-E – Exhibit A](#)

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ORDINANCES, PLANS AND POLICIES

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19. ADOPTION OF A RESOLUTION CERTIFYING THAT THE GENERAL LAND USE PLAN, AN ELEMENT OF THE COMPREHENSIVE PLAN OF ARLINGTON COUNTY, ACCOMMODATES GROWTH IN A MANNER CONSISTENT WITH THE REQUIREMENTS OF VIRGINIA CODE §15.2-2223.1 REQUIRING URBAN DEVELOPMENT AREAS.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following resolution to certify that the General Land Use Plan incorporates areas that meet the requirements of urban development areas pursuant to Virginia Code §15.2-2223.1 [Clerk's note: as set forth in document entitled "Addendum 12-12-09- F– GLUP Resolution" attached for the public record to these minutes.]

[Board Report #19](#)

[Addendum 12-12-09-F – GLUP Resolution](#)

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CAPITAL PROJECTS

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20. APPROVE THE AWARD OF CONTRACT FOR THE PHASE 7I INTERIOR LIGHTING UPGRADE PROJECT AT THE ARLINGTON COUNTY WATER POLLUTION PLANT (WPCP), INVITATION

TO BID NO. 341-09; AND APPROVAL OF AN AMENDMENT TO THE CURRENT CONTRACT WITH THE CONTRACTOR FOR ENGINEERING CONSTRUCTION SERVICES RELATED TO THE PHASE 7I PROJECT.

- B. On the consent agenda vote, after a duly advertised public hearing, the Board took the following actions:
 - 1. Approved the award of Contract No. 341-09 for the Phase 7I Interior Lighting Upgrade Project to Alpha Construction Co., Inc. (Alpha) in an amount not to exceed \$1,250,400.
 - 2. Authorized an amendment (No. 9) to engineering Contract No. 96-03 held by Malcolm Pirnie, Inc. (Malcolm) in the amount not to exceed \$142,000.
 - 3. Authorized the Purchasing Agent to execute the contract documents and the amendment subject to legal review by the County Attorney.

[Board Report #20.B.](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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21. AUTHORIZATION AND APPROPRIATION OF FY 2009 INTERNET CRIMES AGAINST CHILDREN (ICAC) SUB-GRANT FROM THE VIRGINIA STATE POLICE.

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

- 1. Authorized the County Manager to accept \$12,500 in non-competitive grant funds from the Virginia State Police.
- 2. Appropriated \$12,500 in grant funds in FY 2010 from the Virginia State Police to the Police Department for costs associated with ICAC Task Force.

[Board Report #21](#)

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22. APPROPRIATION OF FUNDS FROM THE HOUSING RESERVE FUND AND RECEIPTED LOAN REPAYMENTS TO THE AFFORDABLE HOUSING INVESTMENT FUND (AHIF) ACCOUNT.

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

- 1. Appropriated \$3,825,586 from the Housing Reserve Fund (HRF) (799.359910) to the AHIF account (101.91102) for future use in affordable housing development projects.

- 2. Appropriated \$2,814,197 from loan repayments received in FY10 (101.357000) to the AHIF account (101.91102) for future use in affordable housing development projects.

[Board Report #22](#)

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23. THIS ITEM WAS REMOVED

REQUESTS TO ADVERTISE

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- 25. REQUEST TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 20. (APPENDIX A), "CP-FBC" COLUMBIA PIKE - FORM BASED CODE DISTRICTS, SECTION II. DEFINITIONS, SECTION III. THE REGULATING PLANS, SECTION V. STREETSCAPE STANDARDS AND SECTION VI. ARCHITECTURAL STANDARDS TO MODIFY THE QUANTITY AND PLACEMENT REGULATIONS FOR STREETSCAPE ELEMENTS INCLUDING BICYCLE PARKING, BENCHES, STREET TREE ALIGNMENT LINE, AND STREET TREES.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the resolution attached to the County Manager’s December 4, 2009 report to authorize advertisement of public hearings on amendments to the Arlington County Zoning Ordinance, Section 20. (Appendix A), "CP-FBC" Columbia Pike - Form Based Code Districts, Section II. Definitions, Section III. The Regulating Plans, Section V. Streetscape Standards and Section VI. Architectural Standards, [Clerk’s note: as set forth in the document entitled "Addendum 12-12-09-G – Streetscape Standards" attached for the public record to these minutes].

[Board Report #25](#)

[Board Report #25-Supplemental](#)

[Addendum 12-12-09-G – Streetscape Standards](#)

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OTHER

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- 26. AMENDMENTS TO SCHOOLS APPROPRIATIONS FOR FY 2010 BASED ON CLOSEOUT OF FY 2009.**

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

1. Approved the revised appropriations for various School funds in FY 2010 to reflect the approved School Board resolutions in the FY 2009 Final Fiscal Status Report.
2. Appropriated \$24,513,422 from the FY 2009 fund balance to non-departmental to increase the transfer to the Schools as follows:
 - Schools Operating Fund: \$15,362,564
 - Capital Projects Fund: \$ 9,150,858

[Board Report #26](#)

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27. MINUTES.

On the consent agenda vote, after a duly advertised public hearing, the Board approved the minutes for the following meeting dates:

September 16, 2009	Closed Meeting
October 14, 2009	Closed Meeting
October 22, 2009	Closed Meeting
October 23, 2009	Work Session with the School Board
October 27, 2009	Closed Meeting
October 29, 2009	Closed Meeting
November 5, 2009	Work Session with the Virginia General Assembly
November 6, 2009	Closed Meeting
November 12, 2009	Closed Meeting
November 16, 2009	Closed Meeting
November 20, 2009	Closed Meeting

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REGULAR HEARING ITEMS

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28. **ZOA-09-10 ZONING ORDINANCE AMENDMENTS TO SECTIONS 1, 2, AND 31A. THESE AMENDMENTS WOULD UPDATE SECTION 31A.HISTORIC PRESERVATION DISTRICTS, SECTION 1. DEFINITIONS, AND SECTION 2.B. GENERAL REGULATIONS. THE AMENDMENTS WOULD REVISE THE ZONING ORDINANCE TO IMPLEMENT THE GOALS AND POLICIES IN THE ADOPTED 2006 HISTORIC PRESERVATION MASTER PLAN.**

ADDITIONALLY, AN ORDINANCE TO END THE CURRENT TERMS OF THE HISTORICAL AFFAIRS AND LANDMARK REVIEW BOARD (HALRB), AND AUTHORIZE APPOINTMENT OF MEMBER FOR NEW TERMS.

After a duly advertised public hearing at which the public spoke, on a motion by Mr. Zimmerman, seconded by Ms. Hynes and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola – Aye, Mr. Fisette – Aye, Ms. Hynes – Aye, Mr. Tejada – Aye and Mr. Zimmerman – Aye, the Board voted to:

(1) amend, reenact, and recodify the provisions in Sections 1, 2, and 31A of the Arlington County Zoning Ordinance, excluding section E12 lines 471-473 and defer the review of those changes to the February Board meeting, and

(2) to end the terms of the current HALRB members as of midnight, December 31, 2009, and to authorize appointment of members for new terms; [Clerk's note: as set forth in document entitled "Addendum 12-12-09-H- HALRB" attached for the public record to these minutes. Text to be added is shown with an underline and text to be deleted is shown with strikethrough. Text to be added or deleted, that has been modified since advertisement is shown with a double underline or double strikethrough, respectively].

[Board Report #28](#)

[Board Report #28-Supplemental](#)

[Addendum 12-12-09-H- HALRB](#)

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29. ZO-09-09 ZONING ORDINANCE AMENDMENT TO SECTION 36. ADMINISTRATION AND PROCEDURES TO PERMIT, BY SPECIAL EXCEPTION SITE PLAN APPROVAL, MODIFICATION OF DENSITY REGULATIONS, SPECIFICALLY TO PERMIT BONUS DENSITY, FOR THE PROVISION OF CHILD CARE CENTERS AND COMMUNITY FACILITIES AND OTHER MINOR MODIFICATIONS TO THE LANGUAGE IN SECTION 36. TO MORE ACCURATELY REFLECT THE SPECIFIC ENABLING AUTHORITY FOUND IN THE CODE OF VIRGINIA AS WELL AS CURRENT COUNTY PRACTICE.

After a duly advertised public hearing at which the public spoke, on a motion by Ms. Hynes, seconded by Mr. Zimmerman and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola – Aye, Mr. Fisette – Aye, Ms. Hynes – Aye, Mr. Tejada – Aye and Mr. Zimmerman – Aye, the Board took the following action:

Deferred consideration of item #29 and directed staff to bring back an initial assessment by the January Board meeting of the options to address the need to provide child care and, after a thorough review, recommendations to advertise proposed amendments to section 36.H.5. of the Zoning Ordinance pertaining to modifications of uses permitted and use regulations that ensure as much clarity as possible in applying the ordinance to specific site plan applications. In addition, the proposed revisions should be accompanied by any draft implementation documents, guidelines, and the like proposed to be used by staff in formulating recommendations in specific site plan applications.

[Board Report #29](#)

[Board Report #29-Supplemental](#)

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30. [U-3226-09-1 2825 WILSON, LLC FOR COMPREHENSIVE SIGN PLAN LOCATED AT 2825 WILSON BOULEVARD \(RPC# 15-065-001\).](#)

After a duly advertised public hearing at which there were no speakers, Mr. Zimmerman made a motion, seconded by Mr. Tejada, to deny the subject use permit request; Mr. Zimmerman then made a substitute motion which was seconded by Mr. Fisetto, and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola – Aye, Mr. Fisetto – Aye, Ms. Hynes – Aye, Mr. Tejada – Aye and Mr. Zimmerman – Aye, on which the Board voted to defer consideration of the subject use permit request for a comprehensive sign plan to the January 2010 County Board meeting with extensive guidance from the Board.

[Board Report #30](#)

[Board Report #30-Supplemental](#)

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31. [SP #167 SITE PLAN AMENDMENT FOR ROOFTOP SIGNS AT THE CRYSTAL PARK PROJECT; LOCATED AT 2121 CRYSTAL DRIVE, \(RPC: #34-020-234\).](#)

After a duly advertised public hearing at which the public spoke, on a motion by Ms. Favola, seconded by Mr. Fisetto and carried by a vote of 5 to 0, the voting recorded as follows: Ms. Favola – Aye, Mr. Fisetto – Aye, Ms. Hynes – Aye, Mr. Tejada – Aye and Mr. Zimmerman – Aye, the Board:

1. Adopted the following ordinance:

BE IT ORDAINED that, pursuant to applicant SP#167 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for rooftop signs at the Crystal Park Project for the parcel of real property known as 2121 Crystal Drive (RPC #34-020-234) to allow one (1) rooftop sign on the east façade of 493.2 square feet subject to all previously approved conditions and the following one (1) amended condition:

34. ~~No signs shall be permitted on the proposed buildings which will be visible from the parkway, the sanctuary or the airport.~~
 - a. The applicant agrees to limit the rooftop signs for the building at 2121 Crystal Drive to one (1) rooftop sign on the east façade, consistent with the location and design as shown on the drawings submitted to the County from Jack Stone Signs, Drawing #7719, and approved by the County Board on December 12, 2009. The total area of such rooftop sign shall not exceed 493.2 square feet. [Clerk's note: as set forth in document entitled "Addendum 12-12-09-I- Drawing #7719" attached for the public record to these minutes].
 - b. The applicant agrees that the rooftop sign for the building at 2121 Crystal Drive shall be illuminated only as shown on the plans from Jack Stone Signs, Drawing #7719. The applicant agrees that the rooftop sign shall not be illuminated between the hours of Midnight and 6 a.m., seven days per week. The developer agrees to install a rheostat or other appropriate variable resistor that will allow the developer to adjust (decrease) the rooftop sign's lighting intensity.

The developer further agrees that if the County Manager finds that the intensity of the rooftop sign's lighting has an adverse effect on the surrounding area, the developer will, within 24 hours notice from the County Manager, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.

- c. Minor changes to the approved rooftop sign at 2121 Crystal Drive may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of the sign to meet field conditions (less than 1 foot in any direction) or (ii) a minor change in the area of the sign (less than 5%). All other changes to the approved rooftop signs will require site plan approval or amendment.
- d. The applicant agrees that, for the building at 2121 Crystal Drive, also known as Crystal Park 2, the permitted area for signs other than rooftop signs shall be limited to 318.8 square feet, and

- 2. Deferred consideration of the proposed rooftop sign on the west facade to the County Board meeting of February 20, 2010.

[Board Report #31](#)

[Addendum 12-12-09- I – Drawing #7719](#)

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

On motion by Ms. Favola, seconded by Mr. Fisetto, and carried by a vote of 5 to 0, the voting recorded as follows, Ms. Favola – Aye, Mr. Fisetto – Aye, Ms. Hynes – Aye, Mr. Tejada – Aye and Mr. Zimmerman – Aye, the Board met in a closed session from 1:06 p.m. to 2:35 p.m., as authorized by Virginia Code section 2.2-3711.A.3 and 7, for the purposes of discussing two matters involving the acquisition of real property for public purposes and two matters involving the disposition of publicly held real property where discussion in public would adversely affect the County's bargaining position; and for consultation with the County Attorney concerning legal provisions that require zoning ordinances to be of general applicability, and the County's authority to require transfers of interests in property as a condition of use permit approval.

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

Member & Vote

- Ms. Favola - Aye
- Mr. Fisetto - 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 were heard, discussed, or considered by the Board.

ADJOURNMENT

Without objection, at 2:37 p.m., the Board recessed until the December 15, 2009 Recessed Meeting.

BARBARA FAVOLA, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: April 24, 2010