

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of #1 Courthouse Plaza thereof on Tuesday, September 16, 2008 at 3:00 p.m.

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

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

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COUNTY BOARD RECESSED MEETING

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COUNTY BOARD BUSINESS AND REPORTS

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I. COUNTY BOARD REPORTS

The Chairman announced that he and his colleagues on the County Board participated in the USS Arlington ceremony last week. The Chairman was honored to accept a gift of steel from the Pentagon 9-11 crash site from the U.S. Secretary of the Navy Donald Winter. The steel debris, along with other appropriate items, will be displayed in the soon-to-be-commissioned USS Arlington. The USS Arlington, along with the USS New York and the USS Somerset, were named to commemorate the September 11, 2001 attacks on the nation. The steel gift will provide an enduring coupling between the ship, its crew, and the Arlington community. Also in attendance at the ceremony were U.S. Senators John Warner and Jim Web, Congressman Jim Moran, a number of state elected officials, members of the USS Arlington Commissioning Committee, Arlington County Manager Ron Carlee and County staff.

The Chairman introduced Lieutenant Bill Dickinson (retired), a member of the USS Arlington Commissioning Committee. Mr. Dickinson served on the first USS Arlington, which was decommissioned in the 1970's. Mr. Dickinson presented the Chairman with the gift of a plaque and a picture of the first USS Arlington that will be part of Arlington County's donation to the new USS Arlington. The Chairman thanked Mr. Dickinson for the gifts and for his service.

The Chairman requested a moment of silence. The Chairman and Mr. Zimmerman had the honor of attending "The James Walton Memorial Dog Swim at Arlington Village". Jim Walton was a resident of Arlington Village and in June, he was killed in action in Afghanistan while serving in the Army. Jim's neighbors expressed that Jim was a great person that was always there to help out his fellow neighbors and friends. There was one other confirmed Arlintonian death in this military conflict, Navy Chief Joel Egan Baldwin age 37 who was killed December 21, 2004 in an attack by a suicide bomber in Iraq. In honor of Jim Walton and Joel Baldwin and everyone who has lost their lives while serving our country a moment of silence was taken.

The Chairman announced the upcoming November elections. He invited Linda Lindberg, Arlington County Registrar to the podium to speak. Ms. Lindberg provided advice for voters: 1) make sure you are registered to vote at your current address, 2) know where to go to vote on election day, 3) vote by absentee ballot if you are eligible, and 4) work at the polls on election day. For more information please call 703-228-3456 or visit www.arlingtonva.us/vote. The Chairman thanked Ms. Lindberg for her advice.

The Chairman announced that September 15 through October 15 is Hispanic Heritage Month. Arlington County employees hosted a proclamation celebration a few days ago. There are a number of other celebrations around the County this month. The Chairman encouraged those interested to visit www.arlintonva.us/libraries to view events sponsored by Arlington Libraries.

The Chairman announced that Saturday, September 20, FitArlington will be one of the sponsors of the Northern Virginia Senior Olympics. FitArlington will host the opening ceremonies and events at the Thomas Jefferson Community Center.

The Chairman announced that Saturday, September 20, the annual "Taste of the Pike" sponsored by the Columbia Pike Revitalization Organization will take place at the Arlington Mill Community Center from noon to 7:00 p.m.

The Chairman announced that Monday, September 22 is International Car-Free Day, part of a worldwide event. Visit www.carfreediet.com to learn how to go car-free for one day or even for one trip.

The Chairman announced the first of three free "Diversity Dialogues" on Wednesday, September 24 at 6:30 p.m. at Central Library. These community conversations were designed to help build bridges across cultures, ethnicities, and backgrounds. The Chairman announced that the other two "Diversity Dialogues" will be held at Barrett Elementary on Thursday, October 16 at 6:30 p.m. and at Drew Model School on Sunday, October 26 at 1:30 p.m.

The Chairman announced that Domestic Violence Awareness Month kicks off on Thursday, September 25 at 7:00 p.m. at Kenmore Middle School. The featured speaker for the event is Mrs. Mildred Muhammad, former wife of the D.C. Sniper and his first victim. Ms. Muhammad will discuss the terrors of domestic violence and why the system must be changed. The event is sponsored by Arlington's Project PEACE, which stands for Partnering to End Abuse in the Community for Everyone. Admission into the event is free and open to the public. For more information visit the County website www.arlingtonva.us and search the keyword "peace." The Vice Chairman explained that Project PEACE evolved from a community wide roundtable to develop a coordinated community response to domestic violence. The model has been tried in a few communities around the country and is a model that helps the entire community integrate services to victims of domestic violence. The Vice Chairman was proud to announce that there has been county-wide involvement and is please to report that participates have launched the community response to domestic violence.

The Chairman announced the Arlington Environmental Collection and Recycling Event (E-CARE) on Saturday, October 11 from 8:30 a.m. to 3:00 p.m. at Thomas Jefferson Middle School. This is a twice-yearly event where Arlington residents can safely dispose of household hazardous materials. Bikes, small metal items, electronic equipment, shoes, eyeglasses, and durable medical equipment can also be recycled. During the Spring 2008 E-CARE, more than 1800 residents dropped off 80 tons of electronics and 47 tons of hazardous materials. For more information visit www.arlingtonva.us and search for "E-CARE".

The Chairman announced that on Saturday, October 11, the Fire Department will hold an Open House event at all Arlington County Fire Stations from 10:00 a.m. to 4:00 p.m. This event is held in celebration of Fire Prevention Week.

The Chairman announced the Columbia Pike Housing Initiative and asked Mr. Zimmerman to speak on the issue. Mr. Zimmerman announced that the Columbia Pike Initiative was a concept plan developed over several years. The Initiative was originally adopted by the Board in 2002 and then updated in 2005 from which have come a number of different elements including: the Form Based Code, the Street-Scape Task Force, and the Transit Plan. The last element in the concept that needs to be completed is the Columbia Pike Housing Initiative. It will provide for a process over the next 18 to 24 months in which economic analysis and a process for engaging the community will be examined. First and foremost, the Housing Initiative will deal with the issue of providing appropriate housing opportunities and ensure that appropriate housing will be available in the future to serve a range of different needs including: families of different sizes, housing for those with special needs, and to meet the need for a range of affordability options so that the diversity of the community can be preserved. Mr. Zimmerman summarized what the plan will include:

- Develop a plan that includes a new vision that will coincide with the community's housing goals and complement the County's efforts to enhance the quality of life along the corridor with an emphasis on affordable housing preservation and opportunities for revitalization and redevelopment in targeted areas; and
- Develop and improve a housing stock that is diverse in housing type, as well as affordability for individuals, seniors, and families; and
- Develop a plan that is compatible with and builds on the adopted vision for the commercial nodes and the future streetcar along the corridor; and
- Develop a plan that encourages mixed-use, infill development adjacent to Columbia Pike to promote

- walkability and use of the future transit; and
- Identify new and existing tools and incentives to help implement this new vision

County staff will be working with a “Working Group” and a larger “Plenary Group” on which there will be representation from all the communities along the Pike.

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

RESOLUTION on the *Columbia Pike Land Use & Housing Study* – A study of residential areas along Columbia Pike

WHEREAS, the County Board finds that initiating the next phase of long-range planning along Columbia Pike is critical in anticipation of market adjustments and changes along the Pike which would place higher demands on residential properties as a result of prior planning and redevelopment activities in the Columbia Pike Revitalization District; and

WHEREAS, the County Board finds that the possible loss of affordable housing along the Pike if appropriate planning measures are not undertaken is of great concern; and

WHEREAS, the County Board finds that commencing this planning initiative is consistent with recommendations included in the *Columbia Pike Initiative – A Revitalization Plan, Update 2005*, which described the future planning study, the Columbia Pike Housing Initiative, to study the residential areas along the Pike that were not included in the first phase of the plan and consistent with the County Board Chairman’s list of priorities expressed on January 1, 2008; and

WHEREAS, the County Board expects that the second phase of the *Columbia Pike Initiative Plan* would be prepared which would establish a vision for the residential areas that is compatible with the builds upon the adopted vision for the commercial notes and future streetcar along Columbia Pike; and

WHEREAS, the County Board expects that through this effort, an emphasis will be placed on finding strategies and tools to preserve affordable housing with opportunities for revitalization and redevelopment in order to enhance the quality of life along the corridor; and

WHEREAS, the County Board expects that the existing housing would be improved and housing options expanded in order to achieve a housing stock that is consistent with the County’s adopted Housing Goals and Targets; diverse in type, affordability, and ownership, and attracts a broad population of individuals, seniors, and families; and

WHEREAS, the County Board expects that the vision expressed in the new plan would also encourage mixed-use, infill developments adjacent to Columbia Pike to promote walkability and use of the future transit.

NOW, THEREFORE, be it Resolved that, based on the aforementioned considerations, the County Board of Arlington County thereby authorizes the County Manager to commence the Columbia Pike Land Use & Housing Initiative and establish a Plenary Group with representatives from neighborhoods along Columbia Pike, advisory commission, CPRO, major property owners, major developers, and housing and tenant advocacy groups to assist staff and consultant teams by identifying critical issues for discussion, reviewing and discussing analysis and recommendations, and communication with the broader community, as described further in the attached study proposal.

[Columbia Pike Land/Use Housing Study Proposal](#)

The Vice Chairman recommended that a timeline for key decision points be included in the Land Use & Housing Planning Study Proposal so that the Board can engage with the planning group for Columbia Pike during the process.

Ms. Hynes announce that September is National Preparedness Month. Ms. Hynes stated that she has been working with the following three Committees that advise the Board and the Manager on the issues of preparedness: the Citizen Core, the Local Emergency Planning Committee, and the Emergency Medical Services Committee. All of these committees are concerned with what happens in terms of planning for emergencies

but they currently do not necessarily work together. The three groups have decided to launch a year long look at the state of preparedness in Arlington County led by the citizen groups themselves and working with County staff. The hope is to bring the County Board recommendations a year from now on ways that the Board can streamline and strengthen the consideration and understanding of preparedness challenges for the community. Additionally, recommendations will be provided on how to structure citizen advice to the Board on an ongoing basis. The kick-off for this undertaking will begin on September 23, 2008 with an open meeting on the first floor of 2100 Clarendon Boulevard. Ms. Hynes encouraged those interested in this issue to come and participate in the conversation.

The Vice Chairman announced that the Arlington REAP (Refugee & Education Program) English as a second language outreach program is being recognized for a Presidential award. The program was started in 1975 and has helped more than 70,000 adults learn or become more proficient in English. The awards ceremony will take place on Wednesday, September 17, 2008 at the Eisenhower Executive Office Building. The Vice Chairman congratulated both the County and Schools staff that work jointly on this program.

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II. APPOINTMENTS

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

Commission on Aging

Appoint The Honorable Mary Margaret Whipple
 Andrew Moore
 Arlene E. Wilson
 William S. Fralin
 Thomas H. Kerwin

Community Services Board

Appoint Van Newstrom

Fiscal Affairs Advisory Commission

Reappoint Clinton Stuart Raynor

Housing Commission

Designate Kathleen McSweeney as Chair

Commission on Long-Term Care Residences

Appoint Brenda Cox
 Lynne J. Pilot

Information Technology Advisory Commission

Appoint Larry Mayer

Committee on Program Performance

Appoint Terron Sims, II as FAAC representative

Community Development Citizens Advisory Committee

Reappoint Portia Clark

Commission for the Arts

Appoint Lance J. Wolf

Equal Opportunity Advisory Commission

Appoint Ibie Falcusan

Planning Commission

Appoint Steve Cole

Economic Development Commission

Reappoint Bryant Monroe
Scott Nadeau

Urban Forestry Commission

Reappoint Kerry Britton
Ed Hilz

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III. REGIONAL REPORTS

Mr. Zimmerman announced that Metro had record ridership days in both June and July. ART continues to see increased ridership on Arlington transit busses. The increased ridership trend is also being seen on the Virginia Railway Express, the commuter rail system in Northern Virginia. On the other hand, transportation funds are drying up all over the place. State transportation funding is looking very bleak with big cuts being announced. In addition, the Federal Government announced that they are running out of funds and will not be able to provide funds to states to match. It remains to be seen where relief will come from for investment in transportation infrastructure and service.

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IV. COUNTY MANAGER REPORT

The County Manager introduced Gary Sabean, Deputy Treasure for Compliance, with the Treasurer's Office to provide a report on Arlington's Tax Delinquency Rate. Mr. Sabean reported that the delinquency rate for fiscal year 2008 is at all time low of 0.80%. This is a record low for the ninth year in a row.

The County Manager announced Preparedness Month and encouraged individuals to go to www.arlingtonva.us and become familiar with information provided on the site on emergency preparedness. The Manager encouraged individuals to have a plan especially for instances of power outages. On Saturday, November 8, 2008 from 9:00 a.m. – noon Arlington will partner with Alexandria for an exercise to test how distribution of medications during an emergency will occur. Interested volunteers would only need to volunteer 30 minutes of their time. Please contact 703-228-5580 or visit www.arlingtonva.us/dhs for more information.

The Vice Chairman asked the County Manager for an update on the preparation of a fact sheet on the Housing Authority Referendum question on the ballot. The County Manager reported that he was in consultation with the County Attorney's Office to try and pull a fact sheet together before the elections.

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

On motion by J. WALTER TEJADA, Chairman, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board met in a closed meeting from 4:11 p.m. to 6:35 p.m., as authorized by §§2.2-3711.A.3 and 7 of the Virginia Code, for the purposes of discussing three matters involving the acquisition of real property for public purposes, and disposition of publicly held real property, where discussion in public would adversely affect the County's negotiating and bargaining position; and four matters requiring consultation with the County Attorney concerning the procedures available to the County Board in taking corrective measure on blighted property; proposed Zoning Text Amendments to the by right development regulations in the RA 6-15 and RA 8-18 zoning districts; the measures available to the County Board to preserve historic property and to ensure that site plan projects are built in accordance with approved plans; the meaning and application of section 36.H.6.j of the Zoning Ordinance; and the franchise fee provisions of the Comcast cable television franchise agreement.

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

Member & Vote

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

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

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

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CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, SEPTEMBER 13, 2008)

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5. CLARENDON LIVE ENTERTAINMENT

- A. SP #194 Site Plan Review (Carry-Over): live entertainment and dancing; 3100 Clarendon Blvd. (SoBe Seafood Co., RPC #19-002-007).
- B. SP #362 Site Plan Review (Carry-Over): live entertainment; outdoor menu box; 2900 Wilson Blvd. (La Tasca, RPC #18-011-001).
- C. U-2873-95-2 Use Permit Review (Carry-Over): live entertainment; 1101 N. Highland St. (Clarendon Grill, RPC #18-013-010).
- D. U-2886-96-3 and U-2861-95-1 Use Permit Review (Carry-Over): WOW Enterprises, Inc., review live entertainment, outdoor seating; 2854 Wilson Blvd. (Whitlow's on Wilson, RPC #18-010-008).
- E. U-2984-00-1 Use Permit Review (Carry-Over): live entertainment; 3185 Wilson Blvd. (Clarendon Ballroom, RPC #15-075-003).
- F. U-3046-02-1 Use Permit Review (Carry-Over): live entertainment and dancing; 2901 Wilson Blvd. (Boulevard Woodgrill, RPC #15-066-019).
- G. U-3050-02-1 Use Permit Review (Carry-Over): live entertainment; 2933 Wilson Blvd. (Mexicali Blues, RPC #15-006-001).
- H. U-3114-04-1 Use Permit Review (Carry-Over): live entertainment; 3207 Washington Blvd (Molly Malone's, RPC #15-078-001).
- I. U-3125-05-1 Use Permit Review (Carry-Over): live entertainment; 2915 Wilson Blvd (Rira Clarendon, RPC #15-006-002).

On motion by J. WALTER TEJADA, Chairman, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which there were no speakers, the Board deferred the subject site plan amendment and use permit reviews to the November 15, 2008, County Board meeting.

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6. [SP #220 SITE PLAN AMENDMENT \(CARRY-OVER\): LPC COMMERCIAL SERVICES, INC., CONVERT APPROXIMATELY 12,087 SQUARE FEET OF STORAGE, OFFICE AND FITNESS CENTER SPACE BACK TO PARKING; 2500 WILSON BLVD. \(RPC #18-007-011\).](#)

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: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, 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 #220 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to convert approximately 12,087 sq. ft. of storage, office and fitness center space back into parking for the parcel of real property known as 2500 Wilson Boulevard (RPC #18-007-011), 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, the following revised conditions #27 and #29, and the following new conditions #31 and #32:

27. The owner agrees to submit a detailed transportation demand management plan to be approved by the County Manager or his designee before issuance of the Building Permit for the conversion of the subject space. The transportation demand management plan shall include, but not be limited to the following strategies:
 - a. The owner agrees to designate a member of the building management team as an employee transportation coordinator (ETC) for the development. The ETC shall be responsible for implementing the transportation demand management plan approved by the County and act as a liaison with County staff for promotional activities to the development tenant employees. The ETC shall submit an annual report to the Department of Public Works for review, detailing the effectiveness of the program's strategies. Periodic reports may be required as determined by the County to evaluate compliance with the adopted program.
 - b. The owner agrees to design and implement a parking management plan that includes the following elements:
 - (1) Free parking for vanpools and three-person carpools;
 - (2) Two-person carpools shall receive a parking subsidy equal to one-half the single occupant vehicle monthly parking rate;
 - (3) Monthly parking rates for single occupant vehicles shall be consistent with comparable office buildings located in Arlington County development corridors;
 - (4) Parking spaces for ridesharing vehicles shall be conveniently located adjacent to garage entrances, exits, or elevators. The owner shall not limit the number of parking spaces allocated to the parking management plan.
 - c. The owner agrees to implement a transit subsidy program for employees of the owner who chooses to participate, providing a subsidy of \$60 per month.
 - d. The owner agrees to implement a transit subsidy program for all tenant office employees who choose to participate, providing a subsidy of \$60 per month per employee for a six-month subsidy period. The transit subsidy program shall be offered to all new tenants.
 - e. The owner agrees to contribute \$2,500 annually for five (5) years to Arlington County to assist in the funding of commuter services to employees. The contribution would be directed to the Ballston Area Transportation Association or other Commuter Services Center as directed by the County Manager. The first contribution shall be paid prior to issuance of the Certificate of Occupancy and the remaining contributions shall be paid prior to the anniversary date of the Certificate of Occupancy.
 - f. The developer shall provide a Transportation Information Center Display (kiosk), the

content/design/location of which shall be approved by Arlington County Commuter Services (ACCS) / Arlington Transportation Partners (ATP) to contain printed materials related to local transportation alternatives and maintain a stock of said materials at all times. The kiosk shall be ordered and paid for within 30 days after approval and installed upon delivery.

29. The owner agrees to make the conference facility available for use by, and at no charge to, community and non-profit organizations, including (Clarendon Courthouse Civic Association, Lyon Village Civic Association, Condominium/Homeowners/Renters Associations located in the Courthouse Sector Plan Area, and Arlington County government funded organizations and agencies) from 6:00 p.m. to 10:00 p.m. on weekdays during the life of the site plan on a space-available basis. This use shall be subject to written notice from the community or non-profit organization at least 30 days in advance of the date of the requested use of the facility and also subject to the owner not requiring the facility for that date and time. The developer agrees to provide, at no charge, parking, on-site personnel to admit community and non-profit organizations, and set-up and custodial services, including cleaning, preparation and re-arrangement, for use of the conference facility by community and public agencies for the life of the site plan. In the event of damage or the need for excessive clean up created by a non-developer user, the applicant may impose reasonable charges to such user not in excess of the reasonable cost of repairing the damage or the needed cleaning. Serving or consumption of alcoholic beverages in the conference room and ancillary facilities by community and non-profit organizations is prohibited.

31. The applicant shall permanently convert ground floor office space fronting Wilson Boulevard and North Barton Street and totaling approximately 4,179 square feet, which was previously occupied by the Tennis Factory, to retail use which shall only be leased to retail tenants. Any proposal to use the space for any other use shall require a site plan amendment.

The applicant further agrees that the retail windows along Wilson Boulevard and North Barton Street shall not be obstructed in a manner which precludes views into the interior of the space. The purpose of this condition is to allow pedestrians to view the activity within the retail establishment and to allow patrons and employees of the retail establishments to view the activity on the sidewalk and street. This requirement shall not be satisfied by views in to areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like.

32. The developer agrees to make the 24 surface parking spaces accessible from N. Cleveland Street available to the public, free of charge, for parking after hours on weekday evenings and 24 hours 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).

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8. SP #397 SITE PLAN AMENDMENT: SAUL CENTERS, INC., MODIFY CONDITIONS #33, #42, #77, AND #78, REGARDING: TIMING OF PERMITS AND PERMANENT PRESERVATION EASEMENTS; 3000, 3028 WILSON BLVD., 1101 N. HIGHLAND ST., 3030 CLARENDON BLVD., 1200 N. GARFIELD ST., (RPC #18-012-003, -004, 18-013-007, -010, -011).

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, 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 #397 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to modify conditions, including but not limited to, plat of excavated area, wall check survey, recordation of historic preservation easements, and applicable development standards for the parcel of real property known as 3000, 3028 Wilson Blvd., 3030 Clarendon Blvd., 1200 N. Garfield St., and 1101 N. Highland St. (RPC #18-012-003, -004, 18-013-007, -010, -011), 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 conditions #33, #42, #77, and #78:

33. For any phase of the project, the developer may choose to seek issuance of a Footing to Grade Permit prior to a Final Building Permit. Alternatively, the developer may choose to bypass the Footing to Grade Permit and seek only a Final Building Permit. In either case, prior to the issuance of the permit being sought for each of the North and South Blocks, the developer agrees to submit a preliminary plat of the excavated area showing spot elevations at two corners of the building at the building's lowest level (the "Preliminary Spot Elevations Plat"). Such spot elevations must be consistent with the plans approved by the County Board on June 13, 2006. For the South Block the Preliminary Spot Elevations Plat may be submitted when 20% of the square footage of the excavated area reaches the building's lowest level. For the North Block the Preliminary Spot Elevations Plat may be submitted when 50% of the square footage of the excavated area reaches the building's lowest level.
- Prior to commencing any above-grade construction, the developer further agrees to submit a final plat of the excavated area showing spot elevations (The "Final Spot Elevations Plat"). The Final Spot Elevations Plat will 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 on June 13, 2006, and as indicated in the plans referenced in Conditions #1 and #10 above. Both the Preliminary and Final Spot Elevations Plats must be drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size.
42. 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 wall check plat submission may be phased at the discretion of the Zoning Administrator.
77. Within one hundred twenty (120) days after the issuance of the final building permit, the developer agrees to record a permanent preservation easement, subject to review by the County Manager, running to either the benefit of the Northern Virginia Conservation Trust (NVCT), the County Board, or to another entity identified and mutually acceptable to the landowner of the Underwood Building and County Manager over the area occupied by the building known as the "Underwood Building" (which occupies approximately 4,162 square feet of land area) and which occupies the western portion of the block bounded by Wilson Boulevard, Clarendon Boulevard, North Highland Street and North Garfield Street. This preservation easement shall commit to preserve and maintain the exterior of the building, subject to the terms of this condition, in its present (June 10, 2006) configuration. The developer need not preserve any aspects of the interior of the building and, for purposes of the building's operations, may replace or add to equipment on the roof or on, in, or attached to the penthouse. The easement shall permit modifications to be made to the Underwood Building, as specifically set forth below. This easement will allow the commercial signage, awnings and doorways on the Underwood Building to be changed, provided that such signage/awnings otherwise complies with the Arlington County Sign Ordinance or if permitted in the comprehensive sign plan, and provided that signage color may be subject to commercially reasonable standards customarily applied with respect to commercial signage on historic properties. The developer shall be permitted to make modifications to the exterior of the building as required by insurance carriers for insurance on the Underwood Building or businesses therein. The developer may make modifications as required by, or according to standards set forth in, any Federal, state or local laws (such as ADA, etc.). The developer shall be permitted to maintain, repair or replace any exterior features with features that are similar as to design, materials, and decoration, so that they appear to be the same. The easement shall permit other exterior modifications proposed by the developer of the Underwood Building if, after review by the Historical Affairs and Landmark Review Board (HALRB) the County Manager determines that the modifications will not be detrimental to the historic nature of the building prior to acceptance by the NVCT, the County Board, or other entity identified. The developer may receive any available tax credits as a result of any improvements or renovations that are performed to the exterior or the interior of the Underwood Building. The developer specifically agrees that no work shall be performed on the exterior of the Underwood Building prior to the recording of a permanent preservation easement, except as outlined above, and that the County may take such actions as it deems necessary, to include the issuance of a stop work order for the entire project, if the developer fails to comply with this condition.
78. Within one hundred twenty (120) days after the issuance of the final building permit, the developer agrees to record a permanent preservation easement, subject to review by the County Manager, running to either the benefit of the Northern Virginia Conservation Trust (NVCT), the County Board, or to another entity identified and mutually acceptable to the landowner of the Old Dominion Building

and County Manager over the area known as the "Old Dominion Building" (which occupies approximately 6,531 square feet of land area) and which occupies the southwestern portion of the block bounded by Clarendon Boulevard, North Garfield Street, 11th Street North, and North Highland Street. This preservation easement shall commit to preserve and maintain the exterior of the building, subject to the terms of this condition, in its present (June 10, 2006) configuration. The developer need not preserve any aspects of the interior of the building and, for purposes of the building's operations, may replace or add to equipment on the roof or on, in or attached to the penthouse. The easement shall permit modifications to be made to the Old Dominion Building, as specifically set forth below. This easement will allow the commercial signage, awnings and doorways on the Old Dominion Building to be changed, provided that such signage/awnings otherwise complies with the Arlington County Sign Ordinance or if permitted in the comprehensive sign plan, and provided that signage color may be subject to commercially reasonable standards customarily applied with respect to commercial signage on historic properties. The developer shall be permitted to make modifications to the exterior of the building as required by insurance carriers for insurance on the Old Dominion Building or businesses therein. The developer may make modifications as required by, or according to standards set forth in, any Federal, state or local laws (such as ADA, etc.). The developer shall be permitted to maintain, repair or replace any exterior features with features that are similar as to design, materials, and decoration, so that they appear to be the same. The easement shall permit other exterior modifications proposed by the developer of the Old Dominion Building if, after review by the Historical Affairs and Landmark Review Board (HALRB) the County Manager determines that the modifications will not be detrimental to the historic nature of the building prior to acceptance by the NVCT, the County Board or other entity identified. The developer may receive any available tax credits as a result of any improvements or renovations that are performed to the exterior or the interior of the Old Dominion Building. The developer specifically agrees that no work shall be performed on the exterior of the Old Dominion Building prior to the recording of a permanent preservation easement, except as outlined above, and that the County may take such actions as it deems necessary, to include the issuance of a stop work order for the entire project, if the developer fails to comply with this condition.

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13. U-2968-99-1 USE PERMIT REVIEW: OUTDOOR CAFÉ: 3028 WILSON BLVD. (HARD TIMES CAFÉ, RPC #18-012-003).

On motion by J. WALTER TEJADA, Chairman, seconded by JAY FISSETTE, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISSETTE, Member - Aye, MARY HUGHES HYNES, 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 U-2968-99-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for an outdoor café for the parcel of real property known as 3028 Wilson Boulevard (Hard Times Café) (RPC #18-012-003), 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 one (1) year (September 2009).

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35. REVISED DEPARTMENTAL APPROPRIATIONS RESULTING FROM STATE BUDGET CUTS.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISSETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board reduced General Fund departmental appropriations by \$1,238,906 (see Attachment 1 of the County Manager's August 25, 2008 report) to reflect State revenue reductions to the County in FY 2009.

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

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REGULAR HEARING ITEMS (REGULAR HEARING ITEMS FROM SATURDAY, SEPTEMBER 13, 2008, IF NEEDED, AS WELL AS THOSE LISTED BELOW)

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55. FORT MYER HEIGHTS NORTH

A. Adoption of the Fort Myer Heights North Plan.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the 2008 Fort Myer Heights North Plan as set forth in Attachment A of the County Manager's September, 2008 report.

Attachment A - Fort Myer Heights North Plan 2008

- B. GP-300-04-2 General Land Use Plan amendments to add an open space symbol (triangle) to the following locations to encourage public open space: Northeast corner of block bordered by 16th Street North, North Queen St., 14th St. North, and North Quinn Street; and Southwest corner of block bordered by Clarendon Boulevard, North Quinn Street, North Rhodes Street, and 16th Street North (south of the existing public park); and the northeast corner of the block bordered by 14th Street North, North Rhodes Street, Fairfax Drive, and North Rolfe Street.
- C. GP-300-04-3 General Land Use Plan amendments to amend the General Land Use Plan booklet to revise language describing the purposes of the Fort Myer Heights North Special District and amend the back of the General Land Use Plan map to reflect adoption of the Fort Myer Heights North Plan.

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by JAY FISETTE, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the following resolution as set forth in the document entitled "Addendum 9-16-08-A – General Land Use Plan Resolution" to approve the following General Land Use Plan amendments:

- a) GP-300-04-2 General Land Use Plan amendments to add an open space symbol (triangle) to key locations in the Fort Myer Heights North Special District as shown on Exhibit 1 of the County Manager's September 10, 2008 report; and
- b) GP-300-04-3 General Land Use Plan amendments to amend the General Land Use Plan booklet to revise language describing the purposes of the Fort Myer Heights North Special District and amend the back of the General Land Use Plan map to reflect adoption of the Fort Myer Heights North Plan as shown on Exhibits 2 and 3 of the County Manager's September 10, 2008 report.

Addendum 9-16-08-A – General Land Use Plan Resolution

- D. Zoning Ordinance amendments to Section 13. "RA8-18" Apartment Dwelling Districts and Section 15. "RA6-15" Apartment Dwelling Districts of Zoning Ordinance, to add new items to list of Special Exceptions to preserve the character of "Fort Myer Heights North Special District" and to achieve Fort Myer Heights North Plan goals of affordable housing, historic preservation, open space, significant trees and neighborhood scale. All properties within boundaries of the district would be eligible for special regulations and incentives recommended in the Fort Myer Heights North Plan, and would be subject to special urban design guidelines set forth therein. Changes include reducing by-right building heights by ten feet in order to ensure that by-right development is more in keeping with the character of the neighborhood and community's vision, allowing for site plan development up to 3.24 FAR in return for specific community benefits, and provision of transfer of development rights incentives for affordable housing, historic preservation and open space purposes.

On motion by J. WALTER TEJADA, Chairman, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board deferred consideration of the ordinance attached to the County Manager's September 10, 2008 report as Attachment C to amend, reenact and recodify Zoning Ordinance Section 13. "RA8-18" Apartment Dwelling Districts and Section 15. "RA6-15" Apartment Dwelling Districts of the Zoning Ordinance, to add new items to the list of Special Exceptions to preserve the character of the "Fort Myer Heights North Special District" and to achieve the Fort Myer Heights North Plan goals of affordable housing, historic preservation, open space, significant trees and neighborhood scale, to the October 18, 2008, County Board meeting.

[Board Report #55 A., B., C., D.](#)

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56. **DECLARATION OF BLIGHT AND PLAN FOR REPAIR, DEMOLITION OR OTHER DISPOSITION: "C-O-1.0" COMMERCIAL OFFICE BUSINESS AND APARTMENT DISTRICTS, 4- STORY, MIXED-USE RESIDENTIAL STRUCTURE, PREMISES KNOWN AS 3800 LEE HIGHWAY. (RPC #06-026-052)**

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by J. WALTER TEJADA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board deferred action on declaring the property at 3800 Lee Highway to be blighted as defined in Section 29-12.A of the Arlington County Code and approving the County Manager's Plan to demolish the four-story wood framed superstructure down to the concrete first floor, to construct a weatherproof roof or cap over the first floor, with appropriate stormwater management provisions, to remove debris and miscellaneous items, and secure entry to the premises to prevent illegal dumping and storage and authorized the County Manager to carry out the plan, to the December 13, 2008, County Board meeting; authorized the County Attorney to institute all necessary legal action to compel compliance with the order of the Building Official and to recover any costs incurred by the County in doing so.

[Board Report #56](#)

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57. **APPROVAL OF AN EXCHANGE AGREEMENT BETWEEN COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA AND THE UNITED STATES OF AMERICA BY WHICH THE COUNTY WOULD ACQUIRE APPROXIMATELY 4.23 ACRES OF REAL PROPERTY. (A PORTION OF PROPERTY KNOWN AS NAVY ANNEX, FEDERAL OFFICE BUILDING #2 (PART OF RPC #34-014-001) FROM THE USA IN EXCHANGE FOR COUNTY'S CONVEYANCE, TO THE USA, OF APPROXIMATELY 4.23 ACRES OF REAL PROPERTY, A PORTION OF SOUTHGATE ROAD RIGHT-OF-WAY BOUNDED BY THE FOLLOWING PARCELS OF LAND: ARLINGTON NATIONAL CEMETERY TO THE NORTH; LAND OF THE UNITED STATES OF AMERICA KNOWN AS HENDERSON HALL MARINE CORP BARRACKS (RPC #34-004-001) AND A REMAINDER PORTION OF THE EAST. (THERE IS NO REPORT FOR THIS ITEM.)**

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: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board took the following actions:

1. Approved the Exchange Agreement, attached to the County Manager's September 9, 2008 report, between the County Board of Arlington County, Virginia (the "County") and the United States of America (the "USA") by which the County would acquire approximately 4.23 acres of real property being a portion of real property known as Navy Annex, Federal Office Building #2 (Part of RPC #34014001) from the USA in exchange for the County's conveyance to the USA of approximately 4.23 acres of real property being a portion of the Southgate Road right-of-way bounded by the following parcels of land: Arlington National Cemetery to the north; land of the United States of America, known as Henderson Hall Marine Corp Barracks (RPC #34004001), and a remainder portion of Southgate Road to the west; land of the United States of America, known as Navy Annex, Federal Office Building #2 (RPC 34014001) to the south; and Columbia Pike (Virginia State Route 244) to the east;

2. Authorized the Real Estate Bureau Chief, on behalf of the County Board, to extend or ratify the extension of the closing date specified in the Exchange Agreement for any period of time acceptable to the County Manager; and
3. Authorized the Real Estate Bureau Chief to execute the Exchange Agreement and all related documents necessary for the exchange of the properties, subject to approval as to form of all documents by the County Attorney.

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ADDITIONAL ITEMS

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PURCHASE AGREEMENT, THRIFTY CAR RENTAL 2900 JEFFERSON DAVIS HIGHWAY

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

1. Approved the Agreement of Sale (the "Agreement") attached to the County Manager's August 12, 2008 report as Attachment 1 between Ken Elder, Judie Elder and Stephanie C. Rader ("Sellers") and the County Board of Arlington County Virginia ("Buyer") for the purchase of approximately 22,516 square feet of land and improvements known as 2900 Jefferson Davis Highway, and more particularly described in Exhibit A of the County Manager's August 12, 2008 report, RPC #37026007 (the "Property");
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute, on behalf of the County Board of Arlington County Virginia, the Agreement and all related documents necessary for the acquisition, subject to approval as to form of all documents by the County Attorney.

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ADJOURNMENT

Without objection, at 8:36 p.m. the Board adjourned the meeting.

J. WALTER TEJADA, Chairman

ATTEST:

HOPE L. HALLECK, Acting Clerk
Approved: November 15, 2008