

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, July 21, 2012 at 8:36 a.m.

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

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

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**PUBLIC COMMENT**

Mr. Mark Downey commented on an issue with a neighbor and asked for assistance from the Police Department.

Ms. Audrey Clement of the Green Party of Virginia asked the Board to consider amending the building maintenance code to require “big box” stores in the County to install rooftop solar panels.

Mr. Robert Atkins commented on WMATA funding by Arlington County and the District of Columbia.

Ms. Constance M. O’Hearn, of Phoenix Bikes, thanked the Board for support of the Phoenix Bikes program.

Ms. Elfreda Baptist of the Williamsburg Condominium Association requested a meeting with Board members and staff regarding renovations at Rocky Run Park.

Mr. Jim Hurysz spoke about homeland security funds.

Mr. Matt Wavro commented about local taxes and the services they fund.

Mr. John Snyder of the Douglas Park Civic Association spoke about the damage from the Derecho storm in Douglas Park.

Ms. Carrie Johnson of the Friends of Long Bridge Park discussed the Fourth of July celebration.

Mr. Berhane Michael, of Tenants and Workers United/Arlington United Taxi Operators (AUTO), spoke about AUTO’s proposed changes to the taxi ordinance and asked the Board for a timetable to the proposal.

Mr. Lou Gatti commented on the name of Dittmar Street, whether it is correctly named North Dittmar Street, and the need to coordinate with the postal service about the correct name.

Mr. Michael Shaw spoke about the proposed re-design of Shirlington Road and stated that it should not result in a decrease in traffic lanes.

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**EMERGENCY DECLARATION**

A motion was made by MARY HYNES, Chair, seconded by J. WALTER TEJADA Vice Chairman to consent to the County Manager’s Declaration of Local Emergency. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye,

JAY FISSETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

WHEREAS, the County Board of Arlington County, Virginia does hereby find:

1. That due to heavy rain, damaging winds and damage to critical infrastructure, the County of Arlington faced dangerous conditions;
2. That due to dangerous conditions; damage to private and public facilities; a condition of extreme peril to life and property necessitated the proclamation of the existence of an emergency;
3. The County Manager declared a local emergency concurrent with the State of Emergency declared by the Governor of the Commonwealth of Virginia on June 30, 2012;
4. This Declaration of Local Emergency expired on July 7, 2012.

NOW THEREFORE, IT IS HEREBY PROCLAIMED that the County Board consents to the declaration of a local emergency by the County Manager and the emergency existed throughout Arlington County; and

IT IS FURTHER PROCLAIMED AND ORDERED that the Comprehensive Emergency Management Program Emergency Operations Plan was in effect during the emergency.

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#### CONSENT ITEMS.

A motion was made by MARY HYNES, Chair, seconded by J. WALTER TEJADA Vice Chairman to approve the County Manager's recommendation for all consent items except items #7, #12, #13, #31, #33, #39 and #42, which will be subject to full hearing at the June 19, 2012 County Board recessed meeting. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISSETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

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#### SITE PLANS/AMENDMENTS/REVIEW

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1. **Z-2372-89-1 PROFFER AMENDMENT TO MODIFY: PROFFER 36 REGARDING LOADING SPACE HEIGHT CLEARANCES; PROFFER 37 REGARDING REQUIRED PARKING SPACE HEIGHT CLEARANCES; AND PROFFER 48 REGARDING TOTAL PARKING SPACE COUNT AND ALLOCATION OF PARKING SPACES AMONG USES, WITH MODIFICATIONS TO USE REGULATIONS FOR PARKING SPACE DIMENSIONS AND ALLOCATION AMONG USES; LOCATED AT 2900 10TH ST. N. (RPC# 18-029-007).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the subject proffer amendment to the September 15, 2012 County Board meeting.

#### Board Report #1

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2. **PDSP #346 PHASED DEVELOPMENT SITE PLAN AMENDMENT TO TEMPORARILY EXPAND THE TYPES OF USES PERMITTED WITHIN SPACE DESIGNATED FOR RETAIL USE IN LAND**

**BAY A; LOCATED AT 2733 AND 2777 CRYSTAL DRIVE (RPC# 34-027-060; -061)**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve a site plan amendment to PDSP #346 to temporarily expand the types of uses permitted within space designated for retail use in Land Bay A; located at 2733 and 2777 Crystal Drive, subject to the conditions of the ordinance. [Clerk's note: as set forth in the document entitled "Addendum-7-21-12-A-PDSP #346" attached for the public record to these minutes.]

[Board Report #2](#)

[Addendum-7-21-12-A-PDSP #346](#)

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**3. SP #358 SITE PLAN AMENDMENT TO RE-APPROVE FOOD DELIVERY SERVICE FOR NAKED PIZZA; LOCATED AT 3900 FAIRFAX DRIVE (RPC# 14-043-031).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to re-approve a site plan amendment for SP #358 for food delivery service for Naked Pizza at 3900 Fairfax Drive, subject to all previously approved conditions, one (1) amended condition, and one (1) new condition; with a County Board review in one (1) year (July 2013). [Clerk's note: as set forth in the document entitled "Addendum-7-21-12-B-SP #358" attached for the public record to these minutes.]

[Board Report #3](#)

[Addendum-7-21-12-B-SP #358](#)

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**4. WOODBURY PARK**

- A. SP #364 Site Plan Amendment to modify site plan Condition #66 to allow for the change in use of area required for convenience service or retail to a residential condominium unit; located at 2220 Fairfax Drive and 2303 N. 11th Street (RPC# 18-084-016).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve a site plan amendment to SP #364 to allow for the change in use of 1,000 square feet of convenience service area/retail space to residential, thereby eliminating Condition #66.

WHEREAS, an application for a Site Plan Amendment dated March 28, 2012 for Site Plan # 364, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report[s] prepared for the June 16, 2012 County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on June 16, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance; and

- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated March 28, 2012 for Site Plan # 364, and as such application has been modified, revised, or amended ("Revised Site Plan Application"), for a Site Plan Amendment to allow for a change in use of convenience service area/retail to residential, for the parcel of real property known as RPC# 18-084-016 and 2220 Fairfax Drive and 2303 N. 11th Street, approval is granted and the parcel so described shall be used according to the Site plan as originally approved on October 4, 2003 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to the all previous conditions, except that the following condition is deleted:

- ~~66. The developer agrees to provide convenience service area or retail in space located on the ground floor of the east building, to not exceed 1,000 square feet of gross floor area. The primary intent of the convenience service area or retail is to serve both the residents living within the new buildings and those living in the existing development. Any change in the use and/or significant change in the size of the space shall require County Board approval. The use and treatment of the space shall be consistent with Section 1 of the Zoning Ordinance, be reviewed and approved by the County Manager or his designee prior to the issuance of the first Certificate of Occupancy for the building, and the following restrictions shall apply:~~
- ~~a. There shall be no window displays or advertisements that face Fairfax Drive.~~
  - ~~b. There shall be no entrance to shops adjacent to Fairfax Drive, except from inside the building.~~
  - ~~c. There shall be no signs advertising such shop or services that shall be visible from outside the building adjacent to Fairfax Drive.~~
  - ~~d. Commodities or services offered shall be limited to only those under the general classification of groceries, drugs and valet service.~~
  - ~~e. There shall be no deliveries made from the shop outside of the building or project.~~
  - ~~f. The developer shall encourage the retail tenant to advertise employment opportunities within each residential building and shall give consideration to employing Woodbury Park residents. The developer shall also encourage the retail tenant to hire Woodbury Park residents where practicable.~~
  - ~~g. Hours of operation of the retail space shall be as extensive as commercially practicable.~~

[Board Report #4.A.](#)

- B. SP #364 Site Plan Amendment to allow a preschool for Full Circle Montessori, located at 2230 Fairfax Drive (RPC# 18-084-013).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve an amendment to SP #364 to renew approval of a preschool for Full Circle Montessori School located at 2230 Fairfax Drive for five (5) years (July 31, 2017), subject to all previously approved conditions and an amended Condition #67; with a County Board review in five (5) years (July 2017).

WHEREAS, an application for a Site Plan Amendment dated May 22, 2008 for Site Plan #364, was filed with the Office of the Zoning Administrator; and

WHEREAS, the use applied for in the Application was approved on two occasions on a temporary basis and is due to expire on July 31, 2012; and

WHEREAS, as indicated in Staff Report prepared for the July 21, 2012 County Board meeting, and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board re-approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on July 21, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

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

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated May 22, 2008 for Site Plan #364, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in the conditions below ( which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for a preschool, for the parcel of real property known as RPC# 18-084-013 and 2230 Fairfax Drive, Community Room, approval is granted and the parcel so described shall be used according to the Site plan as originally approved on October 4, 2003 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to all previous conditions and the following revised condition number 67:

67. The new community center shall contain approximately 3,700 square feet of gross floor area. The space in the center will be designed to house some or all of the following activities: community center administration, child care, computer center, fitness room, teen center, a multi-purpose room and related uses. Community center space shall not be used for Woodbury Park management and leasing purposes. Any use of the community center space other than those listed above shall be reviewed and approved by the Zoning Administrator as meeting the intent of this condition. Access to and use of the community center shall be restricted to residents of the existing and new residential buildings. The use of the community center shall be limited to solely activities for Woodbury Park residents. The applicant shall employ at least one full-time employee dedicated specifically to providing Woodbury Park community center activities. The applicant shall make best faith efforts to expand the hours of operation of the community center to maximize the community center amenities and services. Except for the students and employees of one preschool tenant, access to and use of the community center shall be limited solely to residents of Woodbury Park and to activities for Woodbury Park

residents (existing and new residential buildings). The preschool shall occupy no more than 835 square feet of the community center as shown on the drawings submitted May 22, 2008. This area shall be used only for instruction of students and school events. The applicant agrees that the preschool serving students who do not reside at Woodbury Park may be permitted to use the community center only under the following conditions:

- a. Parents of students attending the program or employees of the preschool shall escort students to and from the community center at all times. Pick up and drop-off times by vehicle shall be staggered. Parents arriving for pick up and drop off by vehicle shall use the short term parking spaces off of North Fairfax Drive or any parking space where the Parking Management Plan allows public parking.
- b. The applicant agrees to meet the requirements of the Child Care Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.
- c. The applicant agrees that the hours of operation for the preschool are from 8:30 a.m. to 2:45 p.m. on Mondays through Thursdays and 8:30 am to 12:30 p.m. Fridays, September through the first Friday in June.
- d. The applicant agrees to limit total enrollment to 25 students. A minimum of four (4) students, but no less than one-third of the total, enrolled in the program must be residents of the Woodbury Park complex (both old and new buildings) who are low-to-moderate income as defined by the Arlington County housing guidelines and are receiving subsidized tuition paying no more than fifty (50) dollars per month. By the 2011-2012 school year, there must be a minimum of eight (8) students, but no less than one-third of the total, who are low-to moderate income as defined by the Arlington County housing guidelines and are receiving subsidized tuition and paying no more than fifty (50) dollars per month.
- e. The applicant will submit an annual report to the Zoning Administrator which includes, but is not limited to: the number of students attending the School, the number of Woodbury Park (old and new buildings) residents attending, the number of students attending on subsidized tuition, as described above, the amount of the subsidy, the progress toward securing additional long-term subsidies for tuition, and demonstrate progress toward increasing the number of subsidized low-to-moderate income residents of Woodbury Park to eight (8) by the beginning of the 2011-2012 school year. Such report shall provide the information described above for each upcoming school year and shall be provided annually on or before July 19.
- f. The applicant agrees that the preschool use permitted at the Woodbury Park Community Center at 2230 Fairfax Drive is a temporary use only that has been approved for a limited five (5) year period, and not longer. During the five (5) year period, the use is permitted subject to all site plan conditions, and subject to the same reviews that could otherwise be made of any site plan use. The applicant further agrees that approval for the use will terminate after a period of five (5) years, on July 31, 2017, without further action by the County Board, unless otherwise approved prior to that date. The applicant agrees that it will cease use of the space for the purposes of live entertainment and dancing, and shall convert the space to another approved use, or fully vacate the space, on or before July 31, 2017. The applicant acknowledges and agrees that after July 31, 2017, it shall have no right to use the space for preschool purposes unless specific approval for that use is obtained from the County Board.

[Board Report #4.B.](#)

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5. **SP #397 SITE PLAN AMENDMENT FOR AN OUTDOOR CAFE IN THE RIGHT-OF-WAY FOR CIRCA, LOCATED AT 3030 CLARENDON BLVD. (RPC# 18-013-011).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve a site plan amendment to SP #397 for two (2) years, five (5) months (December 31, 2014) of outdoor café seating for Circa, located at 3030 Clarendon Blvd., subject to all previously approved conditions, and an amended Condition #65; with a County Board review in two (2) years, five (5) months (December 2014).

WHEREAS, an application for a Site Plan Amendment dated June 10, 2011 for Site Plan #397, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report prepared for the July 21, 2012 County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to all previous conditions with Condition 65 revised as shown below; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on July 21, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

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

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated June 10, 2011 for Site Plan #397, and as such application has been modified, revised, or amended from time to time through drawings and other documentation, and to include the revised Condition 65 as set forth below (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for an outdoor café in the public right-of-way until December 31, 2014, for the parcels of real property known as 3030 Clarendon Blvd. (RPC# 18-013-011), approval is granted and the parcel so described shall be used according to the Site plan as approved June 13, 2006 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to all previous conditions with Condition #65 revised as follows:

65. Outdoor cafés shall be permitted in the public right-of-way or within public easements along Clarendon Boulevard, Wilson Boulevard, North Highland Street, North Garfield Street, 11<sup>th</sup> Street North and for the plaza area at the southwest corner of the intersection of Clarendon Boulevard and North Garfield Street (the “Plaza”) in accordance with the applicable provisions of the Zoning Ordinance, with a maximum seating area and all other applicable requirements as set forth in the Zoning Ordinance and as determined by the Zoning Administrator. Unless otherwise specified by the Clarendon Sector Plan, in effect at the time of the issuance of the Clearing and Grading Permit, the following minimum sidewalk widths, which may not include a two foot shy zone adjacent to the buildings, shall be maintained even where outdoor cafes are established: A minimum of 8 feet of clear sidewalk width must be maintained along Wilson Boulevard, Clarendon Boulevard, and North Highland Street (with the exception of the sidewalks in front of the Underwood Building and the Old Dominion Building). A minimum of 6 feet of clear sidewalk width must be maintained along North Garfield Street and 11<sup>th</sup> Street North (with the exception of sidewalks in front of the Old Dominion Building). A minimum of 6 feet of clear sidewalk width must be maintained adjacent to the public art in the Plaza and a minimum of 6 feet of clear sidewalk width must be maintained between the building and the Plaza easement. With the exception of outdoor seating areas existing at the time of site plan approval, a minimum of 6 feet of clear sidewalk width must be maintained along the sidewalks fronting the Underwood Building and the Old Dominion Building. Plans for all outdoor cafes shall be subject to prior administrative approval by the Zoning Administrator for consistency with County ordinances, regulations and policies. Any outdoor café shall be administratively reviewed one year following its approval to evaluate it after a season of operation. At that time and at any time thereafter, the Zoning Administrator may review the approval, and the County Board may impose conditions on the operation of the outdoor café, or revoke the prior approval. The applicant further agrees that the outdoor tables and seating, and the fencing and other barriers located in the public right-of-way along the South side of Clarendon Boulevard must be completely removed from the Clarendon Boulevard frontage, and plugs shall be inserted in the barrier sleeve holes, each year during the months of December, January and February. Said plugs shall be flush with the sidewalk grade, and shall not constitute a tripping hazard.
- A. The applicant agrees that the outdoor café use in the public right-of-way permitted at Circa located at 3030 Clarendon Boulevard is a temporary use only that has been approved for a limited two (2) year, five (5) month period, and not longer. During the two (2) year, five (5) month period, the use is permitted subject to all site plan conditions, and subject to the same reviews that could otherwise be made of any site plan use. The applicant further agrees that approval for the use will terminate after a period of two (2) year, five (5) months, on December 31, 2014, without further action by the County Board, unless otherwise approved prior to that date. The applicant agrees that it will cease use of the space for the purposes of an outdoor café in the public right of way, and shall convert the space to another approved use, or fully vacate the space, on or before December 31, 2014. The applicant acknowledges and agrees that after December 31, 2014, it shall have no right to use the space for outdoor cafe purposes unless specific approval for that use is obtained from the County Board.

[Board Report #5](#)

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6. **SP #402 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN AMENDMENT TO ADD A PROJECTING SIGN FOR GIANT FOOD AT PENROSE SQUARE; LOCATED AT 2501 9TH ROAD SOUTH (RPC# 25-016-012).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve a site plan amendment to SP #402 to allow an additional projecting sign for Giant Food; located at 2501 9th Road South, subject to the conditions of the ordinance. [Clerk’s note: as set forth in the document entitled “Addendum-7-21-12-C-SP #402” attached for the public record to these minutes.]

[Board Report #6](#)

[Addendum-7-21-12-C-SP #402](#)

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**USE PERMITS REQUEST/REVIEWS/AMENDMENTS**

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**8. SP #49: U-12-1: USE PERMIT ASSOCIATED WITH A SITE PLAN FOR AN ADULT EDUCATIONAL FACILITY FOR CAPITAL ENGLISH ACADEMY; LOCATED AT 3401 COLUMBIA PIKE (RPC# 23-041-007).**

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

BE IT ORDAINED that, pursuant to application SP #49: U-12-1 on file in the Office of the Zoning Administrator for a use permit associated with a site plan for the parcel of real property located at 3401 Columbia Pike (RPC# 23-041-007), approval is granted and the parcel so described shall be used according to the approval requested by the application subject to the proposed conditions and with a County Board review in one (1) year (July 2013).

Conditions:

1. The applicant agrees to comply with all requirements set forth in all applicable ordinances and regulations, including, by way of illustration and not limitation, those administered by the Community Code Enforcement Office, the Zoning Office and the Fire Marshal's Office, including securing the appropriate building permit prior to the issuance of a certificate of occupancy.
2. The applicant agrees that a maximum of 90 students shall occupy the educational facility at any given time. The applicant agrees to submit a copy of their class schedule, including, without limitation, enrollment by class, detailing how it will meet this requirement to the Zoning Administrator upon application for a certificate of occupancy.
3. The applicant agrees to encourage students and staff to walk, bike, and use public transportation by providing information at the educational facility and on its website regarding public transit and other alternatives to driving. The applicant agrees to submit a copy of the materials used to provide this information to the Zoning Administrator upon application for a certificate of occupancy.

[Board Report #8](#)

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**9. SP #167: U-12-1 USE PERMIT ASSOCIATED WITH A SITE PLAN TO INSTALL A PUBLIC UTILITIES/TELECOMMUNICATIONS FACILITY FOR CRICKET COMMUNICATIONS; LOCATED AT 1801 CRYSTAL DRIVE (RPC# 34-020-232).**

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

BE IT ORDAINED that, pursuant to application SP #167: U-12-1 on file in the Office of the Zoning Administrator for a use permit associated with a site plan for the parcel of real property located at 1801 Crystal Drive (RPC# 34-020-232), approval is granted and the parcel so described shall be used according to the approval requested by the application subject to the proposed conditions.

Conditions for Use Permit for Telecommunications Equipment, associated with Site Plan #167:

1. The applicant agrees that the telecommunications facility, consisting of three (3) new antennas and a related equipment cabinet, will be constructed as shown on the application package dated April 20, 2012 and approved by the County Board on July 21, 2012. The applicant agrees that any future installation of antennas or equipment cabinets shall be subject to review, and approval, by the Zoning Administrator.
2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name, telephone, and e-mail address of the liaison shall be provided to the Aurora Highlands Civic Association, the Crystal Park Condominium I, the Crystal City Business Improvement District (BID) and the Zoning Administrator.
3. The applicant agrees that any existing non-functioning antennas on the roof of the building shall be removed at the time of installation of the proposed new antennas. The applicant further agrees that, in the future, any Cricket Communications antennas on the site shall be removed within ninety (90) days after cessation of use.
4. The applicant agrees that the proposed rooftop equipment cabinet and related utility connection equipment shall match the exterior appearance and color of the existing building as shown on the application package dated April 20, 2012 and approved by the County Board on July 21, 2012. [Clerk's note: as set forth in the document entitled "Addendum-7-21-12-D- SP #167" attached for the public record to these minutes.]

[Board Report #9](#)

Addendum-7-21-12-D- SP #167

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**10. U-2664-90-5 USE PERMIT REVIEW FOR A HALF-DAY PRESCHOOL LOCATED AT FAITH LUTHERAN CHURCH; 3313 ARLINGTON BLVD. (RPC# 19-039-067).**

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-2664-90-5 on file in the Office of the Zoning Administrator for a use permit review for the parcel of real property located at Faith Lutheran Church; 3313 Arlington Blvd. (RPC# 19-039-067), approval is granted and the parcel so described shall be used according to the approval requested by the application subject to all previous conditions, with no further scheduled County Board review.

[Board Report #10](#)

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**11. U-3088-04-1 USE PERMIT REVIEW FOR A YOGA STUDIO AND RETAIL SALES AT SUN AND MOON YOGA STUDIO, LOCATED AT 3811 LEE HIGHWAY (RPC# 05-051-001).**

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

BE IT ORDAINED that, pursuant to application U-3088-04-1 on file in the Office of the Zoning Administrator for a use permit for yoga classes for children up to age eighteen (18), for the parcel of real property located at Sun and Moon Yoga Studio, 3811 Lee Highway (RPC# 05-051-001), approval is granted and the parcel so described shall be used according to the approval requested by the application subject to all previously approved conditions, with no further scheduled County Board review.

[Board Report #11](#)

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**14. U-3301-11-1 USE PERMIT REVIEW OF A HEALTH CLUB (YOGA STUDIO) WITH A MODIFICATION TO PARKING REQUIREMENTS FOR LITTLE RIVER YOGA; LOCATED AT 6025 WILSON BLVD (RPC# 12-024-001).**

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

BE IT ORDAINED that, pursuant to application U-3301-11-1 on file in the Office of the Zoning Administrator for a use permit renewal for the parcel of real property located at Little River Yoga, 6025 Wilson Blvd (RPC# 12-024-001), approval is granted and the parcel so described shall be used according to the approval requested by the application subject to the conditions of the staff report and with a three (3) year County Board review (July 2015). [Clerk's note: no conditions are listed in the staff report.]

[Board Report #14](#)

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**15. U-3332-12-2 USE PERMIT AMENDMENT FOR AN OUTDOOR CAFÉ ON AN EASEMENT OF PUBLIC USE FOR WILLIAM JEFFREY'S TAVERN; LOCATED AT 2301 COLUMBIA PIKE, SUITE 100 (RPC# 25-017-098).**

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-3332-12-2 on file in the Office of the Zoning Administrator for a use permit amendment for expansion of an outdoor café at William Jeffrey's Tavern for the parcel of real property located at 2301 Columbia Pike, Suite 100 (RPC# 25-017-098), approval is granted and the parcel so described shall be used according to the approval requested by the application subject to the conditions of the staff report, with a County Board review in May 2013. Conditions (pertaining to all outdoor seating at William Jeffrey's Tavern):

~~8.—The applicant agrees that outdoor café seating is permitted for nine months of the year along Columbia Pike, but not along S. Adams Street unless otherwise approved by the County Board. The applicant further agrees that it shall not use the outdoor seating area until a Certificate of Occupancy has been obtained for that use. The applicant agrees that outdoor café seating is permitted as set forth on the plan dated 4/17/2012 revised 4/30/2012 and entitled "Patio Plan for Columbia Pike Seating." The applicant agrees that outdoor café~~

~~seating and related equipment is permitted only in accordance with the plan approved for issuance of the Certificate of Occupancy.~~

- ~~9. The applicant agrees to submit a revised landscape plan for review and approval by the County Manager or her designee prior to the issuance of the Certificate of Occupancy for the outdoor café seating. This plan shall show the revised number and location of benches along the project frontage.~~
- ~~10. The applicant agrees to maintain a minimum of six (6) feet of clear sidewalk width at all times along the sidewalk on Columbia Pike. The applicant further agrees that the railing associated with the café seating along Columbia Pike shall be relocated during the hours in which the café is not in use so that it is flush with the seating.~~
- ~~11. The applicant agrees that the hours of operation for outdoor café seating shall be limited to no later than 11:30 pm Sunday through Thursday and no later than 12:30 am Thursdays, Fridays and Saturdays, and the eve before all Federal Holidays (for the purposes of this condition Federal Holidays are defined as all legal Federal Holidays as well as St. Patrick's Day, Cinco de Mayo, and Halloween).~~
- ~~12. The applicant agrees that any use of umbrellas in the outdoor seating area shall be done in a manner that does not interfere with pedestrian movement along the sidewalk.~~
- ~~13. The applicant agrees that there shall be no music or audio system sound piped outside to the outdoor seating area at any time.~~
- ~~14. The applicant agrees that all outdoor seating, including without limitation tables, chairs, and removable barriers, shall be removed from the sidewalk annually during the winter months (December, January, and February). No outdoor seating equipment shall be stored on the sidewalk. The applicant further agrees that no permanent furniture, including tables, chairs, railings or umbrellas, shall be installed as part of the outdoor seating.~~
9. The applicant agrees that outdoor café seating is permitted for nine months of the year along the restaurant's frontage along Columbia Pike and S. Adams Street. The applicant further agrees that it shall not use the outdoor seating area until a Certificate of Occupancy has been obtained for that use. The applicant agrees that outdoor café seating is permitted as set forth on the plan dated 4/17/2012 revised 4/30/2012 and entitled "Patio Plan for Columbia Pike Seating," presented for the County Board May 19, 2012; and the plans dated 4/17/2012, revised 4/30/2012, and for approval 7/3/2012 and entitled "Patio Plan" presented for the County Board July 21, 2012. The applicant agrees that outdoor café seating and related equipment is permitted only in accordance with the plan approved for issuance of the Certificate of Occupancy. [Clerk's note: as set forth in the document entitled "Addendum-7-21-12-E- U-3332-12-2" attached for the public record to these minutes.]
10. The applicant agrees to submit a revised landscape plan for review and approval by the County Manager or her designee prior to the issuance of the Certificate of Occupancy for the outdoor café seating. This plan shall show the revised number and location of benches along the project frontage.
11. The applicant agrees to maintain a minimum of six (6) feet of clear sidewalk width at all times along the sidewalk on Columbia Pike and S. Adams Street. The applicant further agrees that the railing associated with the café seating along Columbia Pike shall be relocated during the hours in which the café is not in use so that it is flush with the seating.
12. The applicant agrees that the hours of operation for outdoor café seating shall be limited to no later than 11:30 pm Sunday through Thursday and no later than 12:30 am Thursdays, Fridays and Saturdays, and the eve before all Federal Holidays (for the purposes of this condition Federal Holidays are defined as all legal Federal Holidays as well as St. Patrick's Day, Cinco de Mayo, and Halloween).

- 13. The applicant agrees that any use of umbrellas in the outdoor seating area shall be done in a manner that does not interfere with pedestrian movement along the sidewalk.
- 14. The applicant agrees that all outdoor seating, including without limitation tables, chairs, and removable barriers, shall be removed from the sidewalk annually during the winter months (December, January, and February). No outdoor seating equipment shall be stored on the sidewalk. The applicant further agrees that no permanent furniture, including tables, chairs, railings or umbrellas, shall be installed as part of the outdoor seating.
- 15. The applicant agrees to submit a letter to the Zoning Administrator prior to the issuance of the Certificate of Occupancy for the outdoor seating along S. Adams Street and part of Columbia Pike from a certified engineer attesting to the structural integrity of the proposed platform for seating.
- 16. The applicant agrees to submit colored drawings and renderings which label the materials and colors for the temporary outdoor seating platform, for review by the County Manager for consistency with this use permit approval prior to the issuance of the Certificate of Occupancy for the outdoor seating along S. Adams Street and part of Columbia Pike. The developer further agrees to obtain the approval of the County Manager of the platform design and treatment as being consistent with the County Board approval before the issuance of the Certificate of Occupancy for the outdoor seating along S. Adams Street and part of Columbia Pike.
- 17. The applicant agrees to designate and make available a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to outdoor café seating and an on-site liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding outdoor café seating. The name, telephone number, and electronic mail address (if one is established) shall be submitted to the Zoning Administrator and a copy sent to the Columbia Heights Civic Association, and the Penrose Neighborhood Association.

[Board Report #15](#)

[Addendum-7-21-12-E- U-3332-12-2](#)

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- 16. **U-3340-12-1 USE PERMIT TO ALLOW A 50' TELECOMMUNICATIONS POLE WITH ACCOMPANYING EQUIPMENT SHELTER AND A MODIFICATION TO SETBACKS FOR THE TELECOMMUNICATIONS POLE AND EQUIPMENT SHELTER FOR NEW CINGULAR WIRELESS D/B/A AT&T MOBILITY; LOCATED NEAR JEFFERSON DAVIS HIGHWAY AND WASHINGTON BOULEVARD (RPC# 34-036-001, PARCEL 3).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the subject use permit request to the September 15, 2012 County Board meeting.

[Board Report #16](#)

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- 17. **U-3341-12-1 USE PERMIT NORTHEAST STARS MONTESSORI FOR A NURSERY SCHOOL REGULATED BY CHAPTER 52 OF THE ARLINGTON COUNTY CODE; LOCATED AT 1601 13TH ROAD S. (RPC# 33-009-001).**

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

BE IT ORDAINED that, pursuant to application U-3341-12-1 on file in the Office of the Zoning Administrator for a use permit for the parcel of real property located at 1601 13th Road S. (RPC# 33-009-001), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions of the staff report, with a County Board review in one (1) year (July 2013).

Conditions:

1. The applicant agrees that the hours of operation will be weekdays from 8:00 a.m. to 6:00 p.m. with a maximum capacity of 26 children. Up to ten (10) of the 26 children may be age thirty (30) months or younger, provided that the Zoning Administrator may permit, through administrative change, greater than ten (10) children of this age group if it is determined that sufficient parking exists on site for day care employees. Provided, however, that the Child Care Office may determine the final number of children that can be served in the program following the required renovations and improvements to the site. This number may be modified based on appropriate space ratios. The applicant agrees not to enroll more than 26 children, or such lesser number as the Child Care Office has determined can be accommodated and as evidenced by the certificate of occupancy.
2. The applicant agrees to meet all requirements of the Child Care Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.
3. The applicant agrees that the outdoor play area used by children of the subject day care shall be located at Carver Park or otherwise on the grounds of the Hoffman-Boston School and shall comply with Section 52 of the Arlington County Code. The applicant further agrees that all outdoor play shall be planned at scheduled intervals acceptable to the Child Care Office to minimize potential neighborhood impacts. The applicant agrees to obtain the approval of the County Manager or her designee of a plan for such play prior to the issuance of any certificate of occupancy for the child care use on the site if she finds that the plan does not conflict with other uses in the neighborhood or other users of Carver Park, and if it is determined by the Child Care Office that appropriate staff is allocated to escort and supervise children.
4. The applicant agrees to prepare a pick-up and drop-off plan delineating approximately 150' of curbside frontage along Pierce Street for such activities, and will obtain County Manager or her designee's approval of such plan, as not having an undue adverse impact on traffic flow in the area, on traffic safety, or on the children's safety, prior to the issuance of any Certificate of Occupancy for a child care center on the site. The plan shall require employees to escort children from the pick-up/drop-off location to the building. Hours of pick-up and drop off will be between 8:00 and 8:30 am, and between 2:45 and 3:00 pm. The applicant agrees to implement the approved plan and, prior to the first day of operation of the day care, submit written documentation to the Zoning Administrator that a letter has been distributed to the parents of the children in care explaining the procedures for dropping off and picking up children in accordance with the plan.
5. The applicant agrees to prepare a plan delineating the location of the on-site parking that would accommodate staff associated with the proposed child care center, and obtain the County Manager or her designee's approval for such plan prior to the issuance of a Certificate of Occupancy for the child care center. The applicant further agrees to provide, prior to the issuance of the Certificate of Occupancy for the child care center, documentation that the Mt. Olive Baptist Church complies with parking requirements per ACZO Section 33. The applicant further agrees that they may remain at this location only so long as the Mt. Olive Baptist Church maintains parking off-site in a manner permitted by ACZO Section 33.

- 6. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this child care center. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator, as well as to the Arlington View Civic Association and the Hoffman-Boston Elementary School, prior to the issuance of the Certificate of Occupancy for a child care center on the site.

[Board Report #17](#)

[Board Report #17-Supplemental Report](#)

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**18. U-3342-12-1 USE PERMIT FOR A FAMILY DAY CARE OF UP TO NINE (9) CHILDREN FOR MAGGIE’S HOUSE; LOCATED AT 3232 13TH STREET SOUTH (RPC# 32-017-025).**

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-3342-12-1 on file in the Office of the Zoning Administrator for a use permit for a family day care home for up to nine (9) children for the parcel of real property located at 3232 13th Street South (RPC# 32-017-025), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions of the staff report, and with a County Board review in one (1) year (July 2013).

Conditions:

- 1. The applicant agrees to comply, throughout the life of the use permit, with all requirements of the Child Care Office, the Community Code Enforcement Office, the Environmental Health Bureau, and the Fire Marshal’s Office, including the installation of smoke detection devices.
- 2. The applicant agrees to limit the number of children in care to nine (9) children.
- 3. The applicant agrees that the hours of operation of the family day care home shall occur only between 7:30 a.m. and 5:30 p.m., Mondays through Fridays.

[Board Report #18](#)

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**VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES**

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**19. AN ORDINANCE TO VACATE A PORTION OF 20TH STREET NORTH RUNNING IN A WESTERLY DIRECTION FROM, AND ABUTTING THE NORTHEAST CORNER OF LOT 21, HARRISON’S ADDITION TO DOMINION HEIGHTS, 1905 N. LINCOLN STREET, ARLINGTON, VIRGINIA, RPC NO. 06-031-044, WITH CONDITIONS.**

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

1. Enacted the Ordinance to Vacate a portion of 20th Street North running in a westerly direction from, and abutting the northeast corner of Lot 21, Harrison's Addition to Dominion Heights, 1905 N. Lincoln Street, Arlington, Virginia, RPC #06-031-044, with conditions.
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the Deed of Vacation, and all other documents necessary to effectuate the Ordinance of Vacation, subject to approval as to form by the County Attorney.

**AN ORDINANCE TO VACATE A PORTION OF 20TH STREET NORTH RUNNING IN A WESTERLY DIRECTION FROM, AND ABUTTING THE NORTHEAST CORNER OF LOT 21, HARRISON'S ADDITION TO DOMINION HEIGHTS, 1905 N. LINCOLN STREET, ARLINGTON, VIRGINIA, RPC NO. 06-031-044, WITH CONDITIONS.**

**BE IT ORDAINED** that, pursuant to a request by Joan Lizbeth Masburn ("Owner/Applicant"), on file with the Department of Environmental Services, a portion of 20<sup>th</sup> Street North running in a westerly direction from, and abutting the northeast corner of Lot 21, Harrison's Addition to Dominion Heights, 1905 N. Lincoln Street, Arlington, Virginia, RPC No. 06-031-044 ("Property"), and created by a Deed of Dedication, dated April 18, 1913, and recorded in Deed Book 137 at Page 263 among the land records of Arlington County, Virginia ("20<sup>th</sup> Street North"), and which portion of 20<sup>th</sup> Street North is shown on a plat entitled, "Plat Showing Vacation of a Portion of 20<sup>th</sup> Street North and Area Dedicated for Public Street and Utilities Purposes and Easement for Public Sidewalk, Utilities and Drainage Purposes on Lot 21 Harrison's Addition to Dominion Heights D.B. 137, Pg. 263 Arlington County, Virginia," dated April 24, 2012, prepared by the Arlington, Virginia Department of Environmental Services Engineering Bureau – Survey Section ("Plat"), attached to the County Manager's Report dated July 1, 2012, as Exhibit A, and designated on the Plat as "Portion of 20<sup>th</sup> Street North Hereby Vacated Area = 661 SQ. FT.," is hereby vacated subject to the following conditions: [Clerk's note: as set forth in the document entitled "Addendum-7-21-12-F- 20<sup>th</sup> Street N. Vacation" attached for the public record to these minutes.]

1. Prior to the recordation of a Deed of Vacation for the vacated portion of 20<sup>th</sup> Street North, the Owner/Applicant shall dedicate, grant and convey to the County, by general warranty deed, approved as to form by the County Attorney, the following:
  - a. A portion of the Property depicted on the Plat as "Area Hereby Dedicated for Public Street and Utilities Purposes Area = 1,055 Sq. Ft.;" and
  - b. A portion of the Property depicted on the Plat as "Easement for Public Sidewalk, Utilities and Drainage Purposes Hereby Granted Area = 448 Sq. Ft."
2. The County staff shall prepare the Deed of Vacation, all required plats, and all required deed of easement, subject to approval thereof by the County Manager, or her designee, and approval of the deed(s) as to form by the County Attorney. The Real Estate Bureau Chief is authorized to accept, on behalf of the County Board, the general warranty deed and deed of easement, subject to approval thereof as to form by the County Attorney.
3. The County will record all plats, the Deed of Vacation, and general warranty deed and deed of easement required by this Ordinance of Vacation.
4. The County will pay all fees for recording of the required Deed of Vacation, deed of easement, all required plats and documents associated with this Ordinance of Vacation.
5. All conditions of this Ordinance of Vacation shall be met by June 16, 2015, or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

[Board Report #19](#)

[Addendum-7-21-12-F- 20th Street N. Vacation](#)

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**20. AN ORDINANCE TO VACATE AN EASEMENT FOR CONSTRUCTION MAINTENANCE PURPOSES RUNNING FOR A DISTANCE OF 156.15 FEET, MORE OR LESS, IN A WESTERLY DIRECTION FROM THE NORTHWEST CORNER OF THE INTERSECTION OF COLUMBIA PIKE AND SOUTH GREENBRIER STREET ALONG AND ABUTTING THE SOUTHERN BOUNDARY OF PARCELS 1 AND 2, RESUBDIVISION PART LOT 9A AND RESUBDIVISION LOT 9, GEORGE KLEIN ESTATE, RPC NOS. 22011054 AND 22011056, WITH CONDITIONS.**

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

1. Enacted the Ordinance to Vacate an Easement for Construction Maintenance Purposes Running for a Distance of 156.15 Feet, More or Less, in a Westerly Direction from the Northwest Corner of the Intersection of Columbia Pike and South Greenbrier Street Along and Abutting the Southern Boundary of Parcels 1 and 2, Resubdivision Part Lot 9A and Resubdivision Lot 9, George Klein Estate, RPC Nos. 22011054 and 22011056, with Conditions.
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the Deed of Vacation, and all other documents necessary to effectuate the Ordinance of Vacation, subject to approval as to form by the County Attorney.

**AN ORDINANCE TO VACATE AN EASEMENT FOR CONSTRUCTION MAINTENANCE PURPOSES, RUNNING FOR A DISTANCE OF 156.15 FEET, MORE OR LESS, IN A WESTERLY DIRECTION FROM THE NORTHWEST CORNER OF THE INTERSECTION OF COLUMBIA PIKE AND SOUTH GREENBRIER STREET ALONG AND ABUTTING THE SOUTHERN BOUNDARY OF PARCELS 1 AND 2, RESUBDIVISION PART LOT 9A AND RESUBDIVISION LOT 9, GEORGE KLEIN ESTATE, RPC NOS. 22011054 AND 22011056, WITH CONDITIONS.**

**BE IT ORDAINED** that, pursuant to a request by AHC Limited Partnership – 6 and NOVA Petroleum Realty LLC, Owner(s), and AHC Inc., Applicant (collectively, "Owner(s)/Applicant(s)"), on file with the Department of Environmental Services, an Easement for Construction Maintenance Purposes ("Easement"), running for a distance of 156.15 feet, more or less, in a westerly direction from the northwest corner of the intersection of Columbia Pike and South Greenbrier Street along and abutting the southern boundary of Parcels 1 and 2, Resubdivision Part Lot 9A and Resubdivision Lot 9, George Klein Estate, RPC Nos. 22011054 and 22011056, ("Property"), and created by a by a deed recorded among the Land Records of Arlington County, Virginia ("Land Records") in Deed Book 971, Page 179 and conveyed to the County by Quitclaim Deed recorded among the Land Records at Deed Book 4399, Page 2015 as part of the Columbia Pike conveyance and which Easement is shown on a plat entitled "Plat Showing Vacation of Construction Maintenance Easement Through Parcels 1 and 2 Resubdivision Part Lot 9A and Resubdivision Lot 9 George Klein Estate Deed Book 1324 Page 16 Arlington County, Virginia," prepared by VIKA Incorporated and dated April 24, 2012, revised May 9, 2012 ("Plat") and labeled "Approximate Location of Construction Maintenance Easement DB 971 PG 179 DB 4399 PG 2015 (Hereby Vacated) (1683SF)", attached to the County Manager's Report dated July 1, 2012, as Exhibit A, is hereby vacated subject to the following conditions: [Clerk's note: as set forth in the document entitled "Addendum-7-21-12-G- Construction Maintenance Vacation" attached for the public record to these minutes.]

1. The Owner(s)/Applicant(s) shall prepare and submit to the County for review and approval, the Deed(s) of Vacation, and all required plats, subject to the approval thereof by the County Manager, or her designee, and approval of the deed(s) as to form by the County Attorney.
2. The Owner(s)/Applicant(s) shall pay all fees, including the fees for plat review, approval and recordation of the Deed(s) of Vacation associated with the Ordinance of Vacation.
3. The Owner(s)/Applicant(s) shall record the Deed(s) of Vacation and all plats, subject to the approval of the County Manager, or her designee, and approval as to form by the County Attorney.
4. The Deed of Vacation shall contain a covenant by the Owner(s)/Applicant(s), for themselves, and on behalf of their successors in title and interest, that, upon a request by the County, the Owner(s)/Applicant(s), and/or their successors in title and interest, shall grant and convey to the County, by fully executed deed, approved as to form by the County Attorney, a temporary construction easement for construction of streetscape improvements along the Columbia Pike frontage of the Property.
5. The Deed of Vacation shall also include a covenant by Owner(s)/Applicant(s), for themselves, and on behalf of their successors in title and interest, that upon a request by the County, and upon mutual agreement as to the dimensions and location among the County, AHC Inc. and AHC Limited Partnership – 6, the AHC Inc. and AHC Limited Partnership – 6, and/or their successors in title and interest, shall: 1) grant and convey to the County, at no cost to the County, by Deed of Easement acceptable to the County Manager, or her designee, a permanent easement for the installation, maintenance, replacement repair, location, relocation and removal of a streetcar transformer vault and a street car transformer (which Easement shall be of a size sufficient to accommodate an underground vault and transformer consisting of approximately 30,000 cubic feet, e.g., 20 feet by 100 feet by 15 feet high) over, under, in and upon the Harvey Hall property (RPC #22-011-054) ("Property"), located on the Property near the northwest corner of the intersection of an alley (which will be constructed as part of the project that is the subject of a Columbia Pike and South Greenbrier Street FBC Proposal Administrative Approval granted by the Zoning Administrator on March 9, 2012) and South Greenbrier Street; and 2) make reasonable efforts to obtain, at no cost to the Owner(s)/Applicant(s), all necessary lender approval(s) and subordination(s) for such permanent easement.
6. The Owner(s)/Applicant(s) shall record a copy of this Ordinance of Vacation among the Land Records.
7. All conditions of this Ordinance of Vacation shall be met by noon on January 21, 2015, or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

[Board Report #20](#)

[Addendum-7-21-12-G- Construction Maintenance Vacation](#)

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**21. APPROVAL AND ACCEPTANCE OF DEEDS OF EASEMENT FOR PUBLIC SIDEWALK, UTILITIES AND DRAINAGE PURPOSES FOR A DEPARTMENT OF ENVIRONMENTAL SERVICES STREET IMPROVEMENT PROJECT ON PROPERTIES ALONG A PORTION OF NORTH QUEBEC STREET, LOCATED ON 21ST STREET NORTH (RPC# 06-019-001) AND AT 4042 LEE HIGHWAY (RPC# 06-019-002), BOTH IN ARLINGTON COUNTY, VIRGINIA.**

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

1. Approved the attached two Deeds of Easement for Public Sidewalk Utilities and Drainage Purposes on a property on 21st Street North (RPC# 06-019-001) and on a property at 4042 Lee Highway (RPC# 06-019-002), both in Arlington County, Virginia (“Properties”). [Clerk’s note: as set forth in the document entitled “Addendum-7-21-12-H- 21<sup>st</sup> Street North Easement” attached for the public record to these minutes.]
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept, on behalf of the County Board, the attached Deeds of Easement, subject to approval as to form by the County Attorney.

[Board Report #21](#)

[Addendum-7-21-12-H- 21st Street North Easement](#)

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**22. ENACTMENT OF AN ORDINANCE TO PERMIT THE ENCROACHMENTS OF PORTIONS OF PROPOSED BUILDING ADDITIONS OVER, UPON, OR WITHIN A SURFACE EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES, LOCATED ON THE WEST SIDE OF CRYSTAL DRIVE, NORTH OF THE INTERSECTION OF CRYSTAL DRIVE AND 14TH STREET SOUTH, ON LOT 2, JEFFERSON PLAZA, RPC #34-024-340, WITH CONDITIONS.**

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

1. Enacted the attached Ordinance to Permit the Encroachments of portions of proposed building additions over, upon, or within a Surface Easement for Public Street and Utilities Purposes, located on the west side of Crystal Drive, north of the intersection of Crystal Drive and 14th Street South, on Lot 2, Jefferson Plaza, RPC #34-024-340, with conditions.
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, all documents necessary to effectuate the Ordinance, subject to approval as to form by the County Attorney.

**ORDINANCE TO PERMIT THE ENCROACHMENT OF PORTIONS OF PROPOSED BUILDING ADDITIONS OVER, UPON, OR WITHIN A SURFACE EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES, LOCATED ON THE WEST SIDE OF CRYSTAL DRIVE, NORTH OF THE INTERSECTION OF CRYSTAL DRIVE AND 14TH STREET SOUTH, ON LOT 2, JEFFERSON PLAZA, RPC #34-024-340, WITH CONDITIONS.**

BE IT ORDAINED by the County Board of Arlington County, Virginia, that the Applicant, ML Jefferson, LLC c/o Lowe Enterprises Real Estate Group (“Applicant”), as developer of the project on Lot 2, Jefferson Plaza, Site Plan #51, is permitted to construct portions of a proposed stairway and ADA-compliant access ramp from the proposed new sidewalk to the main building lobby, portions of new landscaping areas, and portions of new retaining walls within an existing County surface easement for public street and utilities purposes, which easement is recorded among the land records of the Circuit Court of Arlington County, Virginia, in Deed Book 1668, at Page 346. The dimensions (i.e., length, width and depth elevations) and spatial locations of each of the permitted encroachments are depicted in Attachment 2 attached to the County Manager’s Report dated June 26, 2012, entitled “Exhibit Showing Encroachment Area Within a Surface Easement for Public Street Purposes and Utilities Purposes on Lot 2, Jefferson Plaza, Deed Book 2860, Page 1343, Arlington County, Virginia”, prepared by VIKA, dated February 9, 2012, revised June 13, 2012 (“Plat”) and Attachment 4\_ attached to the County Manager’s Report dated June 26, 2012, entitled “Exhibit Showing Proposed Conditions to Lot 2, Jefferson Plaza, Deed Book 2860, Page 1343, Arlington County Virginia”, prepared by VIKA, dated February 9, 2012, revised June 13, 2012. The proposed

stairway and ADA-compliant access ramp from the proposed new sidewalk to the main building lobby, portions of new landscaping areas, and portions of new retaining walls are only permitted to serve a building authorized by Site Plan #51, as amended. No other structures are permitted to be installed or constructed by Applicant, or to exist within the County property shown on the Plat. [Clerk’s note: as set forth in the document entitled “Addendum-7-21-12-I- Crystal Drive Encroachments” attached for the public record to these minutes.]

BE IT FURTHER ORDAINED that this permission for the encroachments shall continue until such time as that portion of the proposed stairway and ADA-compliant access ramp from the proposed new sidewalk to the main building lobby, portions of new landscaping areas, and portions of new retaining walls are destroyed, removed, no longer in use, or not continuously and promptly maintained by the Applicant. Nothing in this Ordinance shall be construed either: to allow the installation by Applicant of any above or below ground structure, other than the proposed stairway and ADA-compliant access ramp from the proposed new sidewalk to the main building lobby, portions of new landscaping areas, and portions of new retaining walls, within the area as shown on the Plat; or to allow any greater encroachment beyond the dimensions and spatial areas shown on the Plat.

BE IT FURTHER ORDAINED that the Applicant, its successors and assigns, shall continuously and promptly maintain the proposed stairway and ADA-compliant access ramp from the proposed new sidewalk to the main building lobby, portions of new landscaping areas, and portions of new retaining walls, and maintain, restore, repair, and replace all County owned facilities, within and adjacent to the public right-of-way, including any sidewalk, curb and gutter, and paved surface, which are damaged by the installation, maintenance, destruction, continued existence, repair or removal of the proposed stairway and ADA-compliant access ramp from the proposed new sidewalk to the main building lobby, portions of new landscaping areas, and portions of new retaining walls.

BE IT FURTHER ORDAINED that this Ordinance shall not be construed to release the Applicant, its successors and assigns, of negligence on their part on account of such encroachments, and the Applicant, by constructing, or causing to be constructed and by continuing to have the proposed stairway and ADA-compliant access ramp from the proposed new sidewalk to the main building lobby, portions of new landscaping areas, and portions of new retaining walls within the dedicated public right-of-way, thereby agrees for itself, its successors and assigns, to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, and agents from all claims, negligence, damages, costs and expenses arising out of the construction, maintenance, repair and removal of the proposed stairway and ADA-compliant access ramp from the proposed new sidewalk to the main building lobby, portions of new landscaping areas, and portions of new retaining walls, and the permission for such encroachments, to encroach within the public right-of-way permitted by this Ordinance.

BE IT FURTHER ORDAINED that on or before July 21, 2015, the Applicant, at its sole expense, shall cause a certified copy of this Ordinance and the Plat, approved by the Director of the Department of Environmental Services or his designee, to be recorded in the land records of the Arlington County Circuit Court and evidence thereof shall be promptly delivered by the Applicant to the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services.

[Board Report #22](#)

[Addendum-7-21-12-I- Crystal Drive Encroachments](#)

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- 23. **APPROVAL OF A FIRST AMENDMENT TO THE AMENDED AND RESTATED LEASE AGREEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS LANDLORD, AND ARLINGTON ARTS CENTER, AS TENANT, FOR A PORTION OF A PARCEL OF LAND AND IMPROVEMENTS, LOCATED AT 3550 WILSON BOULEVARD (RPC # 19-016-004).**

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

1. Approved the attached First Amendment to the Amended and Restated Lease Agreement between The County Board of Arlington County, Virginia, as Landlord, and Arlington Arts Center, as Tenant, for a portion of a parcel of land and improvements located at 3550 Wilson Boulevard, ("Leased Premises"); [Clerk's note: as set forth in the document entitled "Addendum-7-21-12-J- Arlington Arts Center Lease" attached for the public record to these minutes.] and,
2. Authorize the Real Estate Bureau Chief, or his designee, to execute on behalf of the County Board of Arlington County, Virginia, the First Amendment to Amended and Restated Lease Agreement, subject to approval as to form by the County Attorney.

[Board Report #23](#)

[Addendum-7-21-12-J- Arlington Arts Center Lease](#)

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**24. APPROVAL OF A SECOND AMENDMENT TO ROSSLYN THEATER LEASE BETWEEN THE COUNTY BOARD, AS TENANT, AND PARIS ASSOCIATES LIMITED PARTNERSHIP, AS LANDLORD, FOR THE LEASE OF 7,480 SQUARE FEET OF SPACE IN THE BUILDING LOCATED AT 1601 N. KENT STREET, RPC # 16-039-033.**

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

1. Approved the Second Amendment to Rosslyn Theater Lease for the lease of space by the County Board of Arlington County, Virginia from Paris Associates Limited Partnership in the Building located at 1601 N. Kent Street, Arlington, Virginia; [Clerk's note: as set forth in the document entitled "Addendum-7-21-12-K-Rosslyn Theater Lease" attached for the public record to these minutes.] and
2. Authorized the County Manager, or her designee, to execute, on behalf of the County Board, the above referenced Amendment, and all related documents, including any future subordination, non-disturbance and attornment [sic] or tenant estoppels documents, all subject to approval as to form by the County Attorney.

[Board Report #24](#)

[Addendum-7-21-12-K-Rosslyn Theater Lease](#)

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**25. HENRY WRIGHT PARK**

- A. Consent to and authorize the resubdivision of the County Board Owned Parcel Known as Parcel A, Buckingham Commons Village 1, Arlington County, Virginia, and the Dedication of Portions of the Resubdivided Property for: i) Public Park Purposes; and ii) Public Street and Utility Purposes (RPC No. 20-024-240);
- B. Approval of a deed of covenants to maintain public park and license agreement between Buckingham Commons II Associates, LLC, Buckingham Parcel D Associates, LLC, Buckingham

MI Apartments, LP and Buckingham Market Apartments, LLC, all as Grantors and Licensees, and the County Board of Arlington County, Virginia, as Grantee and Licensor, regarding Henry Wright Park, known as Parcels A1 and A2, Buckingham Commons Village 1, Arlington, Virginia (RPC Nos. 20-024-240, 20-024-242, 20-024-243, 20-024-245, 20-024-246).

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

1. Consented to and Authorized the Resubdivision of the County Board Owned Parcel Known as Parcel A, Buckingham Commons Village 1, Arlington County, Virginia ("Property"), and the Dedication of Portions of the Resubdivided Property for: i) Public Park Purposes; and ii) Public Street and Utility Purposes (RPC No. 20-024-240);
2. Approved the attached Deed of Covenants to Maintain Public Park and License Agreement between Buckingham Commons II Associates, LLC, Buckingham Parcel D Associates, LLC, Buckingham MI Apartments, LP and Buckingham Market Apartments, LLC, all as Grantors and Licensees, and the County Board of Arlington County, Virginia, as Grantee and Licensor, regarding Henry Wright Park known as Parcels A1 and A2, Buckingham Commons Village 1, Arlington, Virginia (RPC Nos. 20-024-240, 20-024-242, 20-024-243, 20-024-245, 20-024-246); [Clerk's note: as set forth in the document entitled "Addendum-7-21-12-L-Henry Wright Park" attached for the public record to these minutes.]
3. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to: i) execute the Deed of Resubdivision and Dedication and all other documents necessary for the County to resubdivide the Property and dedicate portions of the Property for public park purposes and public street and utility purposes; ii) accept the Deed of Covenants to Maintain Public Park and License Agreement (hereinafter, collectively the "Deeds"), provided that the Grantors have first delivered to the Real Estate Bureau Chief, a Partial Release of Deed of Temporary Construction Easement, acceptable to the Real Estate Bureau Chief, releasing the portion of the Resubdivided Property dedicated to Public Park Purposes from the Deed of Temporary Construction Easement; iii) execute all related documents to i) and ii) above, subject to execution of the Deed of Covenants by the Grantor/Licensee, and approval as to form by the County Attorney of all Deeds.

[Board Report #25](#)

[Addendum-7-21-12-L-Henry Wright Park](#)

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**26. APPROVAL OF A MOBILE CRANE LICENSE AGREEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS LICENSOR, AND ARLINGTON MILL LIMITED PARTNERSHIP, AS LICENSEE, FOR TEMPORARY USE OF A PORTION OF PARCEL B, ARLINGTON MILL, RPC NO. 22-001-725.**

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

1. Approved the attached Mobile Crane License Agreement ("License Agreement") between the County Board of Arlington County, Virginia, as Licensor, and Arlington Mill Limited Partnership, as Licensee, for Temporary Use of a Portion of Parcel B, Arlington Mill, RPC No. 22-001-725; [Clerk's note: as set forth in the document entitled "Addendum-7-21-12-M-Mobile Crane License Agreement" attached for the public record to these minutes.]
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute the Agreement and any related documents, on behalf of the County Board, subject to approval as to form by the County Attorney.

[Board Report #26](#)

[Addendum-7-21-12-M-Mobile Crane License Agreement](#)

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**27. THIS ITEM HAS BEEN REMOVED.**

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**CAPITAL PROJECTS**

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**28. AWARD OF CONTRACT FOR THE PENTAGON CITY ELEVATOR ARCHITECTURAL AND ENGINEERING SERVICES CONTRACT FOR TASKS ASSOCIATED WITH COMPLETION OF PRELIMINARY ENGINEERING, CONTRACT NO. 634-12.**

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

1. Approved the award of the Pentagon City Elevator Architectural and Engineering Services Contract for Preliminary Engineering to STV Incorporated for \$358,359.00.
2. Authorized the Purchasing Agent to execute the contract documents subject to the approval by the County Attorney.

[Board Report #28](#)

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**29. AWARD OF CONTRACT TO ARTHUR CONSTRUCTION COMPANY, INC. FOR STORM DRAIN IMPROVEMENTS AT JOHN MARSHALL DRIVE AND LEE HIGHWAY INTERSECTION, INVITATION TO BID NUMBER 727-12.**

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

1. Approved the award of Contract No. 727-12 to Arthur Construction Company, Inc. for the construction of storm drain improvements at John Marshall Drive and Lee Highway Intersection in Arlington, Virginia, in the amount of \$749,990.00, and authorize an allocation of \$112,500 as a contingency for change orders and increased quantities, and \$37,510 for stipulated price items, for a total contract authorization of \$900,000.
2. Authorized the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

[Board Report #29](#)

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**30. AWARD OF CONTRACT TO MARTIN & GASS INC. FOR THE CONSTRUCTION OF THE WILLIAMSBURG BOULEVARD WATER SUPPLY MAIN PHASE II PROJECT, INVITATION TO BID NO. 733-12.**

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

1. Approved the award of Contract No. 733-12 to Martin & Gass Inc., for the construction of the Williamsburg Boulevard Water Supply Main – Phase II project in an amount of \$4,846,356.00 and authorize an allocation of \$484,635.00 as a contingency for change orders and increased quantities, and \$242,317.00 in stipulated price items, for a total authorization of \$5,573,308.00.
2. Authorized the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

[Board Report #30](#)

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**APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS**

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**32. ACCEPTANCE OF AND THE ALLOCATION OF \$1 MILLION FROM THE GOVERNOR’S OPPORTUNITY FUND (GOF) OF THE COMMONWEALTH OF VIRGINIA TO BE TRANSFERRED TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF ARLINGTON COUNTY, VIRGINIA (THE AUTHORITY) AND THEN TO DRS TECHNOLOGIES (DRS) SUBJECT TO THE TERMS AND CONDITIONS OF THE AGREEMENT AMONG ARLINGTON COUNTY, THE AUTHORITY, AND DRS.**

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

1. Authorized the County Manager to sign the attached Agreement on behalf of the Arlington County Board among Arlington County, the Authority, and DRS that outlines the disbursement and management terms and conditions of this Governor’s Opportunity Fund grant. [Clerk’s note: as set forth in the document entitled “Addendum-7-21-12-N- Governor’s Opportunity Fund grant” attached for the public record to these minutes.]
2. Authorized the acceptance of \$1 million from the GOF that will eventually be transferred to the Authority and to DRS, subject to the terms and conditions of the Agreement among Arlington County, the Authority and DRS.
3. Allocated the \$1 million received from the GOF for inducing said company to locate in Arlington, sign a 7-year lease at 2345 Crystal Drive and employ a significant number of persons creating new jobs and investment in Arlington, subject to the terms and conditions of the Agreement among Arlington County, the Authority, and DRS.

[Board Report #32](#)

[Addendum-7-21-12-N- Governor’s Opportunity Fund grant](#)

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**34. REALLOCATION OF \$37,500 IN FISCAL YEAR (FY) 2013 AFFORDABLE HOUSING INVESTMENT FUND (AHIF) HOUSING SERVICES FUNDS AND \$20,913 IN FY 2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR NONPROFIT PARTNERS PROVIDING HOUSING SERVICES.**

On the consent agenda vote, after a duly advertised public hearing, the Board reallocated \$37,500 in FY 2013 AHIF Housing Services funds and \$20,913 in FY 2013 CDBG funds.

[Board Report #34](#)

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**35. ACCEPTANCE AND APPROPRIATION OF A CHILDREN'S ADVOCACY CENTERS OF VIRGINIA GRANT**

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

1. Authorized the County Manager or her designee to accept \$10,000 in FY 2013 grant funds from the Children's Advocacy Centers of Virginia on behalf of the County Board.
2. Appropriated \$10,000 in Children's Advocacy Centers of Virginia funds (101.350970) to the Department of Human Services (101.56305) for Arlington's Child Advocacy Center.

[Board Report #35](#)

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**36. ACCEPTANCE AND APPROPRIATION OF A VIRGINIA DEPARTMENT OF HEALTH (VDH) GRANT**

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

1. Authorized the Arlington County Manager or her designee to execute a grant agreement to accept funds from the Virginia Department of Health for FY 2013.
2. Appropriated \$3,000 in Virginia Department of Health Grant funds (101.364101) to the Department of Human Services (101.55410) in FY 2013 for Tobacco Control activities conducted by the Arlington County Public Health Division.

[Board Report #36](#)

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**37. ASSIGNMENT OF SECOND CHANCE INTELLECTUAL PROPERTY RIGHTS**

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

1. Approved an agreement for the transfer and assignment of intellectual property rights in the Second Chance program curriculum to the Arlington Partnership for Children, Youth and Families Foundation, in the form attached hereto as Attachment 1, and authorized the County Manager or her designee to sign the agreement attached hereto as Attachment 1.
2. Approved an agreement for the transfer and assignment of all future intellectual property rights arising out of County employee or County Contractor’s work for the Arlington Partnership for Children, Youth and Families Foundation, in the form attached hereto as Attachment 2, and authorized the County Manager or her designee to sign the agreement attached hereto as Attachment 2.

[Clerk’s note: as set forth in the document entitled “Addendum-7-21-12-O- Second Chance” attached for the public record to these minutes.]

[Board Report #37](#)

[Addendum-7-21-12-O- Second Chance](#)

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**38. ACCEPTANCE AND APPROPRIATION OF A VIRGINIA FOUNDATION FOR HEALTHY YOUTH GRANT**

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

1. Authorized the County Manager or her designee to execute a grant agreement to accept \$74,032 in grant funds from the Virginia Foundation for Healthy Youth for FY 2013 and FY 2014.
2. Appropriated \$37,407 in Virginia Foundation for Healthy Youth Grant funds (101.350908) to the Department of Parks and Recreation (101.88610) in FY 2013 for preventing and fighting childhood obesity by strengthening an existing community coalition and by addressing both community food access and physical activity for preschool and school age children.

[Board Report #38](#)

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**REQUESTS TO ADVERTISE**

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**40. REQUEST TO ADVERTISE AMENDMENTS TO CHAPTERS 6, 21, 35, AND 46 OF THE ARLINGTON COUNTY CODE.**

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the advertisement of the proposed amendments to Chapters 6, 21, 35, and 46 of the Arlington County Code. [Clerk’s note: as set forth in the document entitled “Addendum-7-21-12-P- Code RTA” attached for the public record to these minutes.]

[Board Report #40](#)

[Addendum-7-21-12-P- Code RTA](#)

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41. THIS ITEM HAS BEEN REMOVED.

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**OTHER**

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43. **REVIEW AND APPROVE A NEW TOTAL COMPENSATION PHILOSOPHY THAT INCORPORATES PAY, BENEFITS, RETIREMENT, AND REWARD PRINCIPLES, AND ENCOURAGES LEARNING OPPORTUNITIES, A WORK-LIFE BALANCE AND A POSITIVE WORK ENVIRONMENT.**

On the consent agenda vote, after a duly advertised public hearing, the Board approved the Total Compensation Philosophy:

As an Employer of Choice, Arlington County recognizes our employees are the foundation of our success. This philosophy provides a broad framework to assist the County in making decisions that impact Arlington County Government total compensation. We strive to offer a meaningful, well-rounded total compensation package that:

- Enables Arlington County to recruit, retain, reward and motivate a high caliber, diverse workforce.
- Provides employees with fair, competitive pay, benefits and retirement options.
- Maintains a highly valued benefits package where the costs of benefits are shared between the County and the employee.

**TOTAL COMPENSATION PRINCIPLES**

- A. Provide salaries that are competitive in our target market. Our target market consists of those jurisdictions and organizations of similar size and structure that would be our competitors for employees and will include at a minimum Alexandria, Fairfax and Prince William
- B. Provide employees with leave and/or disability benefits that assist in replacing a portion of income lost in order to care for themselves during qualifying periods of illness or absence
- C. Provide a retirement program that offers defined benefit and defined contribution (including deferred compensation) options that will assist employees in achieving their individual retirement goals and targets replacement of 65% of income after a 30-year career
- D. Provide affordable healthcare that offers employees the ability to choose the option that best fits their needs
- E. Encourage, support and reward employees at all levels of the organization by offering learning opportunities to promote professional growth and development
- F. Enhance work-life balance through offerings such as: alternative work schedules, employee wellness programs and ancillary benefit programs like walk/bike to work, reduced County recreation fees and transit subsidies
- G. Foster a positive work environment that is meaningful, stimulating and encourages employee innovation and creativity

The total compensation package will be administered in a fiscally responsible manner, taking into consideration the County's financial resources each year. Nothing in this statement should be construed as a required benefit.

The Human Resources Department will develop and publish operational policies to ensure the total compensation package is in compliance with these principles and supports our status as an Employer of Choice. Reports will be available annually.

[Board Report #43](#)

[Board Report #43-Supplemental Report](#)

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**44. MINUTES**

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

June 16, 2012	Regular Meeting
June 19, 2012	Recessed Meeting

[Item #44 - Minutes for June 16, 2012 Regular Meeting](#)

[Item #44-Minutes for the June 19, 2012 Recessed Meeting](#)

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**REGULAR HEARING ITEMS**

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**45. FISCAL YEAR (FY) 2013 - 2022 CAPITAL IMPROVEMENT PROGRAM (CIP) ADOPTION. (THE PUBLIC HEARING FOR THIS ITEM HAS CONCLUDED.)**

Following a duly advertised public hearing which concluded on June 26, 2012, on a motion was made by LIBBY GARVEY, Member, seconded by JAY FISETTE, Member, to adopt the Fiscal Year 2013 – 2022 Capital Improvement Plan presented in Attachment A-1 and A-2. The motion was amended by unanimous consent to include the document entitled "Supplementary Guidance to the County Manager regarding the 2012 [sic]-2022 CIP, July 21, 2012". The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk's note: as set forth in the document entitled "Addendum-7-21-12-Q- CIP" attached for the public record to these minutes.]

**Supplementary Guidance to the County Manager regarding the 2012-2022 CIP  
July 21, 2012**

**Land Acquisition**

Parks land acquisition & open space is a significant priority of the County Board. Through a combination of \$14.4M in bond funding included in the FY2013-2022 CIP and future additional one-time funding that may become available the Manager is directed to increase total funding for parks land acquisition over the ten year period of the CIP.

**Playground at Long Bridge Park**

Initiate the planning and installation of the playground-type components at the S. 6<sup>th</sup> street locations identified in the Master Plan as soon as is possible using non-bond funds

**Reevesland**

Conduct the RFP process as planned. Bring recommendations regarding the building to the County Board following the completion of that process

**Missing Links**

The County Board is interested in creating a sidewalk infill program to address County identified needs that would complement the neighborhood-driven process embedded in the Neighborhood Conservation Program. Provide a report to the County Board in the context of the development of the FY14 budget.

**Paving**

Conduct the paving program as planned for the next two years. As part of the FY14 CIP provide an update and recommendations on whether to raise the paving condition target.

**Streetcar Implementation**

Consistent with the 2010 direction given in conjunction with adoption of the Crystal City Sector Plan, and recognizing the need to expedite the implementation of the Streetcar projects and minimize costs, the County Board and the County Manager have investigated a range of alternative project delivery (APD) methods for major transit infrastructure projects. The County Board is interested in all steps that can be taken to expeditiously advance the design and construction of approved streetcar projects with a particular focus on the role of public-private partnerships.

It is the County Board's understanding that the County Manager will be undertaking a series of actions between now and the end of the calendar year to advance streetcar implementation as to meet critical infrastructure needs. These steps are listed below and are fully supported by the Board:

- A) Establish a schedule of regular information to the County Board members or briefings on program implementation (starting Fall 2012)
- B) Create an inter-departmental streetcar program implementation team to address property and right-of-way acquisitions, utility assessments and relocations, contracting and staffing (Fall 2012)
- C) Secure consultant services to advise the County on the procurement processes and legislative actions necessary to fully support the range of alternative project delivery methods that are available for use in the Commonwealth of Virginia (Fall 2012)
- D) Prepare amendments for Arlington's procurement regulations, in accordance with the Virginia statutes, to enable the County to utilize the full range of alternative project delivery methods and partnerships (Fall/Winter 2012)
- E) Bring an RFI (request for Information) related to APD firms for Board consideration (Spring 2013)

**Arlington Public Schools**

The County Board has incorporated the School Board's full funding request. The Manager is directed to work closely with APS to expeditiously and thoroughly address important land use questions in the context of each project review led by Public Facilities Review Committee (PFRC).

A motion was made by LIBBY GARVEY, Member, seconded by JAY FISETTE, Member, to make the following revisions to the document entitled "Supplementary Guidance to the County Manager regarding the 2012 [sic]-2022 CIP, July 21, 2012." The motion was adopted and carried by a vote of 4 to 1. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – No. [Clerk's note: text to be added is shown in underline; text to be deleted is shown in ~~strikethrough~~.]

#### **Land Acquisition**

Parks land acquisition & open space is a significant priority of the County Board. Through a combination of \$14.4M in bond funding included in the FY2013-2022 CIP and future additional one-time funding that may become available the Manager is directed to present to the Board opportunities to increase total funding for parks land acquisition over the ten year period of the CIP.

A motion was made by MARY HYNES, Chair, seconded by LIBBY GARVEY, Member, to include the following document entitled "Supplementary Guidance to the County Manager regarding the 2012 [sic]-2022 CIP, July 21, 2012." The motion was adopted and carried by a vote of 4 to 1. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - No, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

#### **Playground at Long Bridge Park**

Initiate the planning and installation of the playground-type components at the S. 6<sup>th</sup> street locations identified in the Master Plan as soon as is possible using non-bond funds

A motion was made by MARY HYNES, Chair, seconded by LIBBY GARVEY, Member, to include the following in the document entitled "Supplementary Guidance to the County Manager regarding the 2012 [sic]-2022 CIP, July 21, 2012." J. WALTER TEJADA, Vice Chairman, made a motion, seconded by CHRISTOPHER ZIMMERMAN, Member, to amend the motion to include the following: [Clerk's note: text to be added is shown in underline; text to be deleted is shown in ~~strikethrough~~.]

#### **Reevesland**

Conduct the RFP process as planned. Bring recommendations regarding the building to the County Board following the completion of that process. Absent an acceptable proposal, the County Manager is directed to bring to the County Board, in a timely manner, options for the County to assume responsibility in partnership with citizens.

The amended motion failed by a vote of 2 to 3. The voting recorded as follows: MARY HYNES, Chair - No, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - No, LIBBY GARVEY, Member - No and CHRISTOPHER ZIMMERMAN, Member – Aye. The original motion was adopted and carried by a vote of 3 to 2. The voting recorded as follows: The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - No, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – No.

#### **Reevesland**

Conduct the RFP process as planned. Bring recommendations regarding the building to the County Board following the completion of that process

A motion was made by LIBBY GARVEY, Member, seconded by JAY FISETTE, Member to include the following in the document entitled "Supplementary Guidance to the County Manager regarding the 2012 [sic]-2022 CIP, July 21, 2012." The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk's note: text to be added is shown in underline; text to be deleted is shown in ~~strikethrough~~.]

#### **Missing Links**

The County Board is interested in ~~creating~~ restoring a sidewalk infill program to address County

identified needs that would complement the neighborhood-driven process embedded in the Neighborhood Conservation Program. Provide a report to the County Board in the context of the development of the FY14 budget.

A motion was made by LIBBY GARVEY, Member, seconded by JAY FISETTE, Member to include the following in the document entitled "Supplementary Guidance to the County Manager regarding the 2012 [sic]-2022 CIP, July 21, 2012." The motion was adopted and carried by a vote of 4 to 0 with one abstaining. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Abstain.

### **Paving**

Conduct the paving program as planned for the next two years. As part of the FY14 CIP provide an update and recommendations on whether to raise the paving condition target.

A motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Vice Chairman to include the following in the document entitled "Supplementary Guidance to the County Manager regarding the 2012 [sic]-2022 CIP, July 21, 2012." The motion was adopted and carried by a vote of 4 to 0 with one abstaining. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Abstain and CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk's note: text to be added is shown in underline; text to be deleted is shown in ~~strikethrough~~.]

### **Streetcar Implementation**

Consistent with the 2010 direction given in conjunction with adoption of the Crystal City Sector Plan, and recognizing the need to expedite the implementation of the Streetcar projects and minimize costs, the County Board and the County Manager have investigated a range of alternative project delivery (APD) methods for major transit infrastructure projects. The County Board is interested in all steps that can be taken to expeditiously advance the design and construction of approved streetcar projects with a particular focus on the role of public-private partnerships.

It is the County Board's understanding that the County Manager will be undertaking a series of actions between now and the end of the calendar year to advance streetcar implementation as to meet critical infrastructure needs. These steps are listed below and are fully supported by the Board:

- A) Establish a schedule of regular information to the County Board members or briefings on program implementation (starting Fall 2012)
- B) Create an inter-departmental streetcar program implementation team to address property and right-of-way acquisitions, utility assessments and relocations, contracting and staffing (Fall 2012)
- C) Secure consultant services to advise the County on the procurement processes and legislative actions necessary to fully support the range of alternative project delivery methods that are available for use in the Commonwealth of Virginia (Fall 2012)
- D) Prepare amendments for Arlington's procurement regulations, in accordance with the Virginia statutes, to enable the County to utilize the full range of alternative project delivery methods and partnerships ~~(Fall/Winter 2012)~~ for advertisement in October 2012
- E) Bring ~~an RFI (request for information)~~ a RFI or RFQ or RFP (Request for Information, or Qualifications, or Proposal) related to APD firms for Board consideration ~~(Spring 2013)~~ as soon as possible after engaging consultant services

A motion was made by LIBBY GARVEY, Member, seconded by JAY FISETTE, Member to include the following in the document entitled "Supplementary Guidance to the County Manager regarding the 2012 [sic]-2022 CIP, July 21, 2012." The motion was adopted and carried by a vote of 5 to 0. The voting recorded as

follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISSETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

**Arlington Public Schools**

The County Board has incorporated the School Board's full funding request. The Manager is directed to work closely with APS to expeditiously and thoroughly address important land use questions in the context of each project review led by the Public Facilities Review Committee (PFRC).

[Board Report #45](#)

[Addendum-7-21-12-Q- CIP](#)

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**46. APPROVAL OF RESOLUTIONS AND QUESTIONS TO BE INCLUDED IN THE 2012 BOND REFERENDA.**

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

1. Adopt the resolutions in Attachment A, as summarized below, and the explanation of the referendum questions to appear in publications, at voter registration sites, and polling places as detailed in Attachment B, in order to initiate and facilitate the November 6 bond referenda.

a.	Metro and Transportation	\$ 31,946,000
b.	Local Parks and Recreation	50,553,000
c.	Community Infrastructure	28,306,000
d.	Arlington Public Schools	42,620,000
	TOTAL	\$153,425,000

2. Request that the Electoral Board list the referenda on the ballot in the order detailed in this report as shown in the Ballot Layout section on page 2.
3. Direct the County Manager to take all the steps necessary to ensure that the information provided to voters by the County is printed in both English and Spanish.

The motion was adopted by a vote of 5 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, LIBBY GARVEY, Member - Aye, JAY FISSETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk's note: as set forth in the document entitled "Addendum-7-21-12-R- 2012 Bond Referenda" attached for the public record to these minutes.]

[Board Report #46](#)

[Addendum-7-21-12-R- 2012 Bond Referenda](#)

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**CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS**

A motion was made by MARY HYNES, Chairman, seconded by J. WALTER TEJADA, Vice Chairman, to convene a closed meeting as authorized by Virginia Code sections 2.2-3711.A.3 and 7 for the following purposes:

discussion concerning one matter involving the disposition of public owned real property where discussion in public could adversely affect the County's negotiating and bargaining position; and

consultation with the County Attorney and relevant staff concerning the legal bases underlying the Zoning Ordinance provisions for CO-Rosslyn related to increases in density and height in exchange for community benefits.

The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

The Board met in a closed meeting from 11:35 a.m. to 1:25 p.m.

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A motion was made by MARY HYNES, Chairman, seconded by WALTER TEJADA, Vice Chairman to certify 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. The motion was adopted by a vote of 5 to 0 by roll call as follows:

**Member & Vote**

- Ms. Hynes - Aye
- Mr. Tejada - Aye
- Mr. Fisetete – Aye
- Ms. Garvey – Aye
- Mr. Zimmerman – Aye

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**47. ROSSLYN GATEWAY**

- A. Enactment of two ordinances to vacate in total: 1) an easement for public street and utility purposes, running along the western boundary of Lot 4, along the southern boundaries of Lots 4 and 9, and along the eastern boundaries of Lots, 9, 8, and 7, Block 5, Rosslyn (RPC # 16-020-001 and RPC # 16-020-006); 2) an Easement for Public Street and Utilities Purposes, running along the eastern boundaries of Lots, 3, 2, and 1 and along the western boundary of Lot 6, Block 5, Rosslyn (RPC # 16-020-002); 3) a portion of 20th Street North abutting the northern boundaries of Lots 6, 5, and 1, Block 5, Rosslyn (RPC # 16-020-002); 4) a portion of Ft. Myer Drive abutting the western boundaries of Lots 6 and 4, Block 5, Rosslyn (RPC # 16-020-002 and RPC # 16-020-001); 5) a portion of 19th Street North abutting the southern boundaries of Lots 4 and 9, Block 5, Rosslyn (RPC # 16-020-001 and RPC # 16-020-006); and 6) a portion of North Moore Street abutting the western boundaries of Lots 9, 8, 7, 3, 2 and 1, Block 5, Rosslyn (RPC # 16-020-001, RPC # 16-020-002 and RPC # 16-020-006), with conditions.
- B. Z-2555-12-1 Rezoning from "S-3A" Special Districts and "C-O" Commercial Office Building, Hotel and Multiple-Family Dwelling Districts to the "C-O-Rosslyn" Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts; premises known as Rosslyn Gateway;

located at 1901 and 1911 Fort Myer Drive and portions of 20th Street North, North Moore Street, 19th Street North and Fort Myer Drive (RPC# 16-02-0001, -0002, -0006).

- C. SP #419 Phased Development Site Plan for Rosslyn Gateway consisting of up to 959,270 square feet of floor area comprised of a 498,744 square foot office building with ground floor retail space, a 316,616 square foot residential/hotel building with retail uses, and a 143,910 square foot residential building with ground floor retail space with modifications of zoning ordinance regulations for density exclusions for mechanical spaces, parking, and other modifications as necessary to achieve the proposed development plan; located at 1901 and 1911 Fort Myer Drive and portions of 20th Street North, North Moore Street, 19th Street North and Fort Myer Drive (RPC# 16-02-0001, -0002, -0006).
- D. SP #419 SITE PLAN to permit development of the first phase of Rosslyn Gateway consisting of a 498,744 square foot office building with ground floor retail space, a 316,616 square foot residential/hotel building with retail uses, and the retention of a 134,511 square foot office building with modifications of zoning ordinance regulations for density exclusions for mechanical spaces, parking, and other modifications as necessary to achieve the proposed development plan; located at 1901 and 1911 Fort Myer Drive and portions of 20th Street North, North Moore Street, 19th Street North and Fort Myer Drive (RPC# 16-02-0001, -0002, -0006).

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

- A. Enact the Ordinance to Vacate: 1) an Easement for Public Street and Utilities Purposes, running along the eastern boundaries of Lots 3, 2, and 1 and along the western boundary of Lot 6, Block 5, Rosslyn (RPC # 16-020-002); 2) a portion of the 20<sup>th</sup> Street North right-of-way abutting the northern boundaries of Lots 6, 5, and 1, Block 5, Rosslyn (RPC # 16-020-002); 3) a portion of the Ft. Myer Drive right-of-way abutting the western boundaries of Lot 6, Block 5, Rosslyn (RPC # 16-020-002); 4) a portion of the North Moore Street right-of-way abutting the western boundaries of Lots 3, 2 and 1, Block 5, Rosslyn (RPC # 16-020-002), with conditions ("Hotel/Residential Ordinance"). (Attachment 1)
- B. Enact the Ordinance to Vacate: 1) an Easement for Public Street and Utilities Purposes, running along the western boundary of Lot 4, along the southern boundaries of Lots 4 and 9, and along the eastern boundaries of Lots 9, 8, and 7, Block 5, Rosslyn (RPC # 16-020-001 and RPC # 16-020-006); 2) a portion of the Ft. Myer Drive right-of-way abutting the western boundaries of Lot 4, Block 5, Rosslyn (RPC # 16-020-001); 3) a portion of the 19<sup>th</sup> Street North right-of-way abutting the southern boundaries of Lots 4 and 9, Block 5, Rosslyn (RPC # 16-020-001 and RPC # 16-020-006); and 4) a portion of the North Moore Street right-of-way abutting the western boundaries of Lots 9, 8, and 7, Block 5, Rosslyn (RPC # 16-020-001 and RPC # 16-020-006), with conditions ("Office Ordinance"). (Attachment 2)
- C. Authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the Deed(s) of Vacation, and all other documents necessary to effectuate the Ordinance(s) of Vacation, subject to approval as to form by the County Attorney.
  - 1. Adopt the resolution to approve the rezoning request from "S-3A" Special Districts and "C-O" Commercial Office Building, Hotel and Multiple-Family Dwelling Districts to the "C-O-Rosslyn" Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts for the Rosslyn Gateway property.
  - 2. Adopt the ordinance to approve phased development site plan #419 for the development of Rosslyn Gateway consisting of up to 959,270 square feet of floor area comprised of a 498,744 square foot office building with ground floor retail space, a 316,616 square foot

residential/hotel building with retail uses, and a 143,910 square foot residential building with ground floor retail space with modifications of zoning ordinance regulations for density exclusions for mechanical spaces, parking, and other modifications as necessary to achieve the proposed development plan.

3. Adopt the ordinance to approve Site Plan #419 to permit development of the initial phase of the Rosslyn Gateway development consisting of up to 949,871 square feet of floor area comprised of a 498,744 square foot office building with ground floor retail space, a 316,616 square foot residential/hotel building with retail uses, and the retention of a 134,511 square foot office building with modifications of zoning ordinance regulations for density exclusions for mechanical spaces, parking, and other modifications as necessary to achieve the proposed development plan.
4. Eliminate the asterisk at Off-Site Transportation Improvements in the table on condition #22.
5. Amend Condition #84 by unanimous consent: [Clerk's note: text to be added is shown in underline; text to be deleted is shown in strikethrough.]

**Four-Pipe Hydronic System**

84. The developer agrees to ~~explore the feasibility of incorporating~~ incorporate a four-pipe hydronic system for heating and cooling purposes into the design of the office building and the hotel building. The design specifications for this system shall be provided with the final engineering plan for each building and any applicable building permit documents, as determined necessary by the County Manager. ~~In addition, the developer agrees to study the feasibility of incorporating a four-pipe hydronic system for heating and cooling purposes into the design of the-~~
6. By unanimous consent, the Board closed the public hearing and deferred the vote to the July 24, 2012 Recessed County Board meeting.

[Board Report #47 A](#)

[Board Report #47 B-D](#)

[Board Report #47 B-D-Attachment 1](#)

[Board Report #47 B-D-Attachment 2](#)

[Board Report #47 B-D -Attachment 3](#)

[Board Report #47 B-D-Supplemental Report](#)

**ADJOURNMENT**

Without objection, at 3:13 p.m., the Board recessed until the July 23, 2012 Recessed Meeting.

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MARY HYNES, Chair

ATTEST:

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HOPE L. HALLECK, Clerk  
Approved: September 15, 2012