

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, January 23, 2010 at 8:30 a.m.

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

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

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*** PUBLIC COMMENT**

Robert Atkins expressed his belief that "systematic failure" is a term trademarked by Arlington County and that use of that term by other entities should be considered identity theft.

Chick Walter commented on Civic Association developer funds allocated for traffic calming measures on Ridge Road.

Bernard Berne inquired about the status of a report regarding the removal of illegal signs.

Jim Hurysz expressed his concerns about the environmental taskforce and the renewable energy industry and the need for more resources to be put towards energy conservation and renewable energy.

June O'Connell asked the Board to ensure reports relating to amendments to site plans subject to Virginia State Code Section 15.2-2209.1 reflect the change of the expiration date, and to pursue a mechanism for publicizing the scope of this new law.

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*** CONSENT ITEMS (ITEMS 1-35) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, JANUARY 23 2010, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, JANUARY 26, 2010, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

Ms. Favola announced her declaration of personal interest pursuant to Section 2.2-3115.G in the use permit amendment applied for by Marymount University for modification of Condition #68 of approval regarding improvements under Old Dominion Drive Bridge (Item #6). Ms. Favola is employed by the University; however, under the State and Local Government Conflicts of Interest Act, because she is a member of a group who are all affected by the approval of the use permit, she was able to participate in the discussions and votes concerning the use permit, and can do so fairly, objectively, and in the public interest.

On a motion by Mr. Zimmerman, Vice Chairman, seconded by Mr. Tejada, Member, and carried by a vote of 5 to 0, the voting recorded as follows: Mr. Fiset, Chairman - Aye, Mr. Zimmerman, Vice Chairman - Aye, Ms. Favola, Member - Aye, Ms. Hynes, Member - Aye, Mr. Tejada, Member - Aye,

the County Board approved the County Manager's recommendation for all consent items #3 through #28, #30 through #32, and #35. Requests for full hearing were submitted for items #1, #2, #29, #33 and #34 and scheduled for hearing at the January 26, 2010 County Board Recessed Meeting.

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SITE PLANS/AMENDMENTS/REVIEWS

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3. SP #263 SITE PLAN AMENDMENT RENEWAL FOR LIVE ENTERTAINMENT AT LISTRANI'S OF ARLINGTON; LOCATED AT 2317 WILSON BOULEVARD (RPC #15-059-003).

On the consent agenda vote, after a duly advertised public hearing, the Board did not renew the site plan amendment for restaurant live entertainment due to lapse of use as of January 2010.

Board Report #3

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4. SP #390 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN FOR NORTH TRACT LOFTS; PREMISES KNOWN AS 305 AND 309 10TH STREET SOUTH (RPC #34-024-457).

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 #390 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for a comprehensive sign plan for North Tract Lofts for the parcel of real property known as 305 and 309 10th Street South (RPC #34-024-457), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions and revised condition #48:

48. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs (including identification and directional signage) shall be consistent with the guidelines contained in "Sign Guidelines for Site Plan Buildings" and with Section 34 of the Zoning Ordinance. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The comprehensive sign plan shall be approved before the issuance of the first Certificate of Occupancy. All proposed rooftop signs, defined as all signs that are 35 feet or more above the ground, shall require a site plan approval or amendment. Rooftop signs shall not directly face a residential neighborhood, the George Washington Parkway or the North Tract Park. If the County determines that underground public parking spaces shall be provided on site, consistent with Condition #75.b. below, then

~~the comprehensive sign plan shall include signage directing the public to the public parking spaces.~~

The developer further agrees that the signs shall be of the same materials, dimensions, text, and location as shown on the Comprehensive Sign Plan for North Tract Lofts, dated February 5, 2009, and last revised on January 13, 2010, by DeNyse Signs and presented to and approved by site plan amendment by the County Board on January 23, 2010. Minor changes to the approved signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of the sign to meet field conditions (less than 1 foot in any direction); or (ii) a minor change in the area of the sign (less than 5%), as long as the total allowable sign area for the entire Comprehensive Sign Plan does not exceed 71 square feet; or (iii) a change in the name of the tenant on the sign, where the lettering area does not increase in size. All other changes to the approved signs will require site plan approval or amendment. [Clerk's note: as set forth in the document entitled "Addendum 1-23-10-A – SP#390" attached for the public record to these minutes.]

[Board Report #4](#)

[Addendum 1-23-10-A – SP#390](#)

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5. 2121 WESTMORELAND STREET

- A. SP #391 Site Plan Amendment to amend conditions to extend the timing for completion of related site plan improvements and obtaining a Master Certificate of Occupancy at The Easton (Tax Analyst); located at 2121 N. Westmoreland St. (RPC #11-012-009).

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 #391 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to amend conditions to extend the timing for completion of related site plan improvements and obtaining a Master Certificate of Occupancy at The Easton for the parcel of real property known as 2121 N. Westmoreland St. (RPC #11-012-009), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the revised Condition #13 (final site development plan and landscape plan), Condition #24 (sanitary sewer main improvements), Condition #50 (lighting plan), Condition #55 (Master Certificate of Occupancy) and to all previously approved conditions (#1 through #82).

- 13. The developer agrees to submit to the Zoning Administrator and obtain approval from the County Manager a detailed final site development plan and a landscape plan (including the interim park landscape plan for the N. Fairfax Drive park and not including the Final Park landscape plan for the N. Fairfax Drive park) prior to issuance of the Excavation/Sheeting and Shoring Permit. The final site development plan and landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final site engineering plan as required in

Condition #16 below, as well as a vicinity map with major streets labeled. The landscape plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in the Commonwealth of Virginia. The developer further agrees that the final site development plan, the landscape plan, and the site engineering plan shall verify, by means of survey, that there are no conflicts between the street trees and utilities. The developer shall obtain approval by the County Manager for both plans as meeting all requirements of the County Board's site plan approval and all applicable county laws and plans before the issuance of the Excavation/Sheeting and Shoring Permit. The plan shall be consistent with the conceptual landscape plan approved as a part of the site plan, and, at a minimum, shall conform to: the landscaping requirements in Condition #14 below; the *Rosslyn-Ballston Corridor Streetscape Standards* if applicable; the Sector Plans if applicable; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the final site engineering plan, the landscape plan shall be at a scale of 1 inch =25 feet; the County may require more detailed plans appropriate to landscape installation at a larger scale to also be submitted. The County may permit minor changes in building, street and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance governing administrative approval and with the intent of the site plan approval. The landscape plan shall include a Street Tree Plan which shall be reviewed by DPRCR and DCPHD, and shall be accompanied by the site engineering plan. The installation of all plant materials shown on the final landscape plan shall take place before the issuance of the first Certificate of Occupancy for the respective phase of construction, except for the area where the construction trailer is located, in which planting shall take place prior to the issuance of the Master Certificate of Occupancy.

24. The developer agrees to show, on the final engineering plans, and to construct sanitary sewer main improvements in accordance with the following. The sanitary sewer main improvements shall be constructed prior to the issuance of the ~~first Certificate of Occupancy~~ Master Certificate of Occupancy. The 8-inch sanitary sewer line between manhole #1979 and #1980 (at northeastern corner of property) shall be abandoned in place with flowable fill prior to the issuance of the ~~first Certificate of Occupancy~~ Master Certificate of Occupancy. The County will TV-Inspect the sanitary sewer lines serving the site and shall identify any improvements that are necessary to adequately service the development. The developer agrees to repair or replace any sections or appurtenances of the sanitary sewer serving the development that are found to be deficient or damaged by the developer, as identified by County staff and as shown on the final engineering plan approved by the County Manager.

50. The developer agrees to include a lighting plan for all internal and external public areas, including parking areas, as part of the final site development and landscape plan. This lighting plan shall be subject to review by the County Manager, including street lighting as described in Condition #27 above. The developer shall include in the site development and landscape plan certification that the lighting plan meets the minimum standards of the Zoning Ordinance, Section 2, Subsection H, and the Illumination Engineering Society of North America Standards. The developer agrees to obtain the approval of all

lighting by the County Manager, and to install approved lighting, before the issuance of the First Certificate of Occupancy for occupancy of the applicable phase of the project except for the area where the construction trailer is located, in which approved lighting will be installed prior to the Master Certificate of occupancy.

55. The developer agrees to obtain a Master Certificate of Occupancy within ~~90~~ 120 days of receipt of any partial Certificate of Occupancy for full occupancy of the building.

[Board Report #5A](#)

- B. SP #391 Site Plan Amendment Request, for a comprehensive sign plan at The Easton (Tax Analyst); located at 2121 N. Westmoreland St., (RPC# 11-012-029).

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 #391 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for a comprehensive sign plan at The Easton for the parcel of real property known as at 2121 North Westmoreland Street, (RPC# 11-012-029) subject to all previous conditions and the revised condition #47.

47. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs (including identification and directional signage) shall be consistent with the guidelines contained in "Sign Guidelines for Site Plan Buildings and with Section 34 of the Zoning Ordinance. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign plan before the issuance of the first Certificate of Occupancy. The developer agrees that such a comprehensive sign plan shall include directional signs showing access to the retail parking. All proposed rooftop signs, defined as all signs that are 35 feet or more above the ground, shall require a site plan approval or amendment.

The applicant agrees that all project signs shall be consistent with the comprehensive sign plan prepared by Design Collective and dated November 20,2009 and approved by the County Board on January 23,2010. The developer further agrees that all signs shall be of the number, size, location, design, materials, and structure shown on the comprehensive sign plan and in the chart in the staff report. In particular, all signs shall be of the size shown on the sheet dated November 20,2009 and entitled "Sign Matrix". Sign lighting shall conform to the requirements of the Zoning Ordinance. The total project sign area shall not exceed 269 square feet. [Clerk's note: as set forth in the document entitled "Addendum 1-23-10-B – SP#391" attached for the public record to these minutes.]

Minor changes to the approved signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor

adjustment in the location of a sign to meet field conditions (less than 1 foot in any direction); or (ii) a minor change in the area of an individual sign (less than 5%).

[Board Report #5B](#)

[Addendum 1-23-10-B – SP#391](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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

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

BE IT ORDAINED that, pursuant to application U-1671-65-3 on file in the Office of the Zoning Administrator for a special exception for a use permit amendment for modification of condition #68 of approval regarding improvements under Old Dominion Drive Bridge, for the parcel of real property known as 4763 Old Dominion Drive, 2807 N. Glebe Road and 4655 26th Street North (RPC# 03-065-001), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application subject to the following modified condition:

- ~~Improvements Under Old Dominion Drive Bridge~~**
- 68. ~~Prior to the issuance of the Master Certificate of Occupancy (the timing of which is set forth by Condition #51), the developer agrees to resurface the face of the supporting structure under the bridge adjacent to the proposed project in order to prepare the surface for the installation of a mural to be designed and implemented the developer. The developer agrees to consult with the Marymount University Neighborhood Committee on and obtain approval from the County Manager of the mural. The cost of these improvements shall not exceed \$45,000. Within 45 days of Arlington County Board approval of this revised condition the developer agrees to contribute to Arlington County \$45,000 toward the cost of design, installation and maintenance of a new landscape treatment to be located on the perimeter of the County owned properties along Old Dominion Drive and 26th Street North.~~

[Board Report #6](#)

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7. U-2914-97-6 USE PERMIT AMENDMENT FOR A COMPREHENSIVE SIGN PLAN AT RIVENDELL SCHOOL LOCATED AT 5700 LEE HIGHWAY (RPC# 10-002-001, -07, -010).

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-2914-97-6 on file in the Office of the Zoning Administrator for a special exception for a use permit for a comprehensive sign plan at Rivendell School for the parcel of real property known as 5700 Lee Highway (RPC# 10-002-001, -07, -010), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application subject to one (1) new condition.

7. The applicant agrees that the Rivendell School signs shall be consistent with the signs as shown on the chart as a part of the Board report and as approved by the County Board on January 23,2010. The proposed new freestanding sign must be no more than five and one-half feet (5.5) feet above the ground at any point. The applicant further agrees that the total sign area of all signs on the site shall not exceed 26 square feet. No additional signs shall be permitted without an amendment to the comprehensive sign plan. The applicant agrees that it is electing to have the signs it could have if it were located in an "R" district, and specifically agrees that it shall no longer be able to increase its signs as permitted in the "C-1" zoning district. [Clerk's note: as set forth in the document entitled "Addendum 1-23-10-C – SP U-2914-97-6" attached for the public record to these minutes.]

Minor changes to the approved signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: i) a minor adjustment in the location of the sign to meet field conditions (less than 1 foot in any direction); or (ii) either a minor change in the area of the sign (less than 5%).

[Board Report #7](#)

[Board Report #7-Supplemental](#)

[Addendum 1-23-10-C – SP U-2914-97-6](#)

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8. U-2918-97-1 USE PERMIT RENEWAL FOR A TELECOMMUNICATIONS FACILITY AT THE ARMY-NAVY COUNTRY CLUB; LOCATED AT 2400 18TH ST. SOUTH (RPC #32-001-006).

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-2918-97-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a telecommunications facility at the Army-Navy Country Club for the parcel of real property

known as 2400 18th Street South (RPC #32-001-006), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previous conditions and no further scheduled County Board review.

[Board Report #8](#)

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9. U-2997-00-1 USE PERMIT RENEWAL FOR A FOOD DELIVERY SERVICE AT DOMINO'S; LOCATED AT 2923 S. GLEBE ROAD (RPC# 38-019-002).

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

BE IT ORDAINED that, pursuant to application U-2997-00-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a food delivery service at Domino's for the parcel of real property known 2923 South Glebe Road (RPC #38-019-002), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previous conditions and no further scheduled County Board review.

[Board Report #9](#)

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10. U-3171-07-4 USE PERMIT RENEWAL FOR AN EXPANSION OF CAPACITY AND ENROLLMENT FOR AN EXISTING DANCE STUDIO PERFECT POINTE DANCE STUDIO, LOCATED IN THE LEE HARRISON SHOPPING CENTER 2425, 2433, 2435, 2499, 2503, AND 2509 N. HARRISON STREET (RPC# 02-073-084).

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-3171-07-4 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for an expansion of capacity and enrollment for an existing dance studio Perfect Pointe Dance Studio in the Lee Harrison Shopping Center for the parcel of real property known 2425, 2433, 2435, 2499, 2503, and 2509 N. Harrison Street (RPC# 02-073-084), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previous conditions and with a County Board review in three (3) years (January 2013).

[Board Report #10](#)

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11. U-3184-07-1 USE PERMIT RENEWAL FOR DRIVE-THROUGH FOR BANK LOCATED AT 5510 LEE HIGHWAY (RPC #10-001-007).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject use permit renewal to the January 2011 County Board meeting.

[Board Report #11](#)

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12. U-3202-08-2 USE PERMIT AMENDMENT TO LOCATE ANTENNAS ON AN EXISTING TELECOMMUNICATIONS FACILITY; LOCATED AT 2305 S. WALTER REED DRIVE (RPC #29-002-029).

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

BE IT ORDAINED, that pursuant to application U-3202-08-2 on file in the Office of the Zoning Administrator for a special exception for a use permit to locate antennas on an existing telecommunications facility for the parcel of real property known as 2305 S. Walter Reed Drive (RPC #29-002-029), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previous conditions and the following two (2) revised conditions, and with a County Board review in three (3) months (April 2010), in order to track this amendment with the approved telecommunications facility use permit.

Revised conditions #1 and #4:

1. The applicant of the use permit approved on October 18, 2008, New Cingular Wireless, agrees that the monopole will be designed as a low-profile, slender monopole, as shown on plans dated October 3, 2008, and, the applicant of the use permit amendment, approved on January 23, 2010, T Mobile Northeast, LLC agrees that the nine (9) total antennas will be installed as shown on plans dated October 7, 2009 at a height of 52 feet. Any additional antennas will require a use permit amendment. [Clerk's Note: as set forth in the document entitled "Addendum 1-23-10-D – U-3202-08-2" attached for the public record to these minutes.]

4. The applicant agrees to provide landscaping between the parking lot and the Four Mile Run Trail. The landscaping will consist of a two-foot wide grass strip with evergreen shrubs, ornamental grasses and/or perennials along the existing chain-link fence bordering the parking lot. The applicant agrees to provide landscaping along the entire length of the existing chain-link fence, from the monopole to the small paved parking area at the western end of the site, as generally shown on plan titled "Location of Proposed Landscaping Buffer" dated October 2, 2008. Additionally, the applicant agrees to enhance landscaping in the way of a minimum of twenty (20) evergreen trees (minimum of 7-8' feet in height) between the proposed stockade fence and Four Mile Run Trail, as generally shown on plan titled "Location of Proposed Landscaping Buffer" dated

October 2, 2008. The applicant agrees to provide shrubs as a landscape buffer around the exterior of the proposed stockade fence. The applicant agrees to submit a final landscape plan to be approved by the County Manager or his designee, as fulfilling this condition, prior to issuance of any permits. The applicant agrees to maintain all landscaping, at the base of the tower, between the fence and the trail, and along the chain-link fence, in good condition. The applicant of the use permit amendment, T Mobile Northeast, LLC, agrees that should any evergreen trees be impacted by the addition of ground equipment, that the evergreens will be replaced in another location, to be approved by the County Manager or designee, near the base of the tower, and a revised landscape plan to reflect the changes will be submitted and approved by the County Manager or his designee.

[Board Report #12](#)

[Addendum 1-23-10-D – U-3202-08-2](#)

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13. U-3208-08-1 USE PERMIT RENEWAL FOR FAMILY DAY CARE LOCATED AT 3110 19TH STREET SOUTH (RPC# 31-009-024).

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-3208-08-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a family day care home for nine (9) children for the parcel of real property known as 3110 19th Street South (RPC# 31-009-024), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previous conditions, and with a County Board review in three (3) years (January 2013).

[Board Report #13](#)

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14. U-3234-09-1 USE PERMIT FOR PUBLIC UTILITY/TELECOMMUNICATIONS FOR A MICROWAVE/DISH ANTENNA; LOCATED AT 100 NORTH WAYNE STREET (RPC #18-059-022).

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-3234-09-01 on file in the Office of the Zoning Administrator for a special exception for a use permit for the addition of a dish antenna to an existing telecommunications facility for the parcel of real property known as 100 North Wayne Street (RPC #18-059-022), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions, with an administrative review in six (6) months (July, 2010), and a County Board review in one (1) year (January 2011).

1. The applicant agrees that the Clearwire dish antenna will be installed on the existing building at 100 North Wayne Street as shown on plans dated December 30, 2009. [Clerk's Note: as set forth in the document entitled "Addendum 1-23-10-E – U-3234-09-01" attached for the public record to these minutes.]
2. The applicant agrees that if the County Manager finds that any aspect of the operation of telecommunications equipment on site results in an adverse impact on either the site or the surrounding area, the applicant shall, within five (5) business days of receipt of notice from the County, respond to the County with a plan to mitigate said issues.
3. The applicant shall identify a community liaison who shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Lyon Park Civic Association, nearby residents at 2417 Washington Boulevard, 201, 205, 209, 213, and 217 North Barton Street, and the Zoning Administrator. This information shall also be posted at the site in a clearly visible location.
4. The applicant agrees that the antennas shall be removed within ninety (90) days after any cessation of use.

[Board Report #14](#)

[Board Report #14-Supplemental](#)

[Addendum 1-23-10-E – U-3234-09-01](#)

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15. U-3236-09-1 USE PERMIT FOR NEW CELL PHONE ANTENNAS ON AN EXISTING TOWER LOCATED WITHIN THE VDOT RIGHT-OF-WAY AT NORTH SYCAMORE STREET (ON RAMP TO I-66 EASTBOUND).

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-3236-09-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for antennas on an existing Virginia Power transmission tower for the parcel of real property known as within the VDOT right-of-way at North Sycamore Street (on ramp to 1-66 eastbound), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions, and with an administrative review in (1) year (January 2011), and no further scheduled County Board review.

1. The applicant agrees that the telecommunications facility on the existing transmissions tower located within the VDOT right-of-way at North Sycamore Street (on ramp to 1-66 eastbound) will be limited to a total of nine (9) antennas at a height of 115 feet, as shown on plans dated September 11, 2009 and approved by the County Board on January 23, 2010. [Clerk's Note: as set forth in the document entitled

"Addendum 1-23-10-F – U-3236-09-1" attached for the public record to these minutes.]

2. The applicant agrees to screen the ground equipment with a seven (7) foot board-on-board wooden fence and agrees to maintain the fence in good condition.
3. The applicant shall identify a community liaison who shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Arlington-East Falls Church Civic Association and the Zoning Administrator.
4. The applicant agrees that the antennas shall be removed within ninety (90) days after any cessation of use.

[Board Report #15](#)

[Addendum 1-23-10-F – U-3236-09-1](#)

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16. U-3237-09-1 USE PERMIT FOR PUBLIC UTILITY/TELECOMMUNICATIONS FOR A MICROWAVE/DISH ANTENNA; LOCATED AT 4401 LEE HIGHWAY (RPC #07-001-022)

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-3237-09-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for addition of a dish antenna to an existing telecommunications facility for the parcel of real property known as 4401 Lee Highway (RPC #07-001-022), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions and no further scheduled County Board review.

1. The applicant agrees that the Clearwire dish antenna on the existing building at 4401 Lee Highway will be installed as shown on plans dated July 13, 2009. [Clerk's Note: as set forth in the document entitled "Addendum 1-23-10-G – U-3237-09-1" attached for the public record to these minutes.]
2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Waverly Hills Civic Association and the Zoning Administrator.
3. The applicant agrees that the antennas shall be removed within ninety (90) days after any cessation of use.

[Board Report #16](#)

[Addendum 1-23-10-G – U-3237-09-1](#)

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17. U-3238-09-2 USE PERMIT FOR A COMPREHENSIVE SIGN PLAN TO ADD A BULLETIN BOARD SIGN AT WILSON BOULEVARD CHRISTIAN CHURCH; LOCATED AT 3850 WILSON BOULEVARD (RPC #020-003-001).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the subject use permit request to the February 20, 2010, County Board meeting.

[Board Report #17](#)

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18. U-3240-09-3 USE PERMIT TO REPLACE AN EXISTING ANTENNA ON A CHURCH STEEPLE LOCATED AT 2666 MILITARY ROAD (RPC #05-001-031).

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

BE IT ORDAINED that, pursuant to application U-3240-09-3 on file in the Office of the Zoning Administrator for a special exception for a use permit to replace an existing antenna on a church steeple for the parcel of real property known as 2666 Military Road (RPC #05-001-031), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions and no further scheduled County Board review.

1. The applicant agrees that the telecommunications facility on the existing church at 2666 Military Road will be limited to a total of two (2) AT&T antennas, including the replacement antenna, as shown on plans dated October 13, 2009. [Clerk's Note: as set forth in the document entitled "Addendum 1-23-10-H – U-3240-09-3" attached for the public record to these minutes.]
2. The applicant shall identify a community liaison who shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Covenant Church, the Donaldson Run Civic Association and the Zoning Administrator.
3. The applicant agrees that the antennas shall be removed within ninety (90) days after any cessation of use.

[Board Report #18](#)

[Addendum 1-23-10-H – U-3240-09-3](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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19. ENACTMENT OF ORDINANCES TO VACATE: 1) PORTIONS OF AN EASEMENT FOR INGRESS, EGRESS, EMERGENCY VEHICLE ACCESS, AND PUBLIC UTILITIES, UNDER, OVER, ACROSS AND THROUGH LOT 17A AND LOT 18A, SECTION 3, SHIRLINGTON CREST (RPC NOS. 31033231 AND 31033232, RESPECTIVELY), WITH CONDITIONS; AND 2) A PORTION OF AN EASEMENT FOR PUBLIC SANITARY SEWER OVER, UNDER, ACROSS AND THROUGH LOTS 1, 2, 3, AND 4, SECTION 3, SHIRLINGTON CREST (RPC NOS. 31033215, 31033216, 31033217, AND 31033218, RESPECTIVELY), WITH CONDITIONS.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinances and authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, the Deeds of Vacation and all documents necessary to effectuate the Ordinances of Vacation, subject to approval as to form by the County Attorney.

ENACTMENT OF AN ORDINANCE TO VACATE PORTIONS OF AN EASEMENT FOR INGRESS, EGRESS, EMERGENCY VEHICLE ACCESS, AND PUBLIC UTILITIES OVER, UNDER, ACROSS AND THROUGH LOT 17A AND LOT 18A, SECTION 3, SHIRLINGTON CREST (RPC NOS. 31033231 AND 31033232, RESPECTIVELY), WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request by Shirlington Neighborhoods, LLC ("Applicant/Owner"), on file in the offices of the Department of Environmental Services, portions of an Easement for Ingress, Egress, Emergency Vehicle Access, and Public Utilities ("Access Easement"), over, under, across and through Lot 17A and Lot 18A, Section 3, Shirlington Crest (RPC Nos. 31033231 and 31033232, Respectively), such Access Easement being created by a Deed of Resubdivision, Vacation, Rededication, Easements, and Vacation of Easements dated February 25, 2009, recorded at Deed Book 4247, Page 474, among the land records of Arlington County, Virginia on February 27, 2009, and shown on a schematic entitled "Exhibit Showing Vacation of a Portion of Sanitary Sewer Easement Across Lots 1 Through 4 and Vacation of a Portion of Easement for Ingress, Egress, Emergency Vehicle Access and Public Utilities on Proposed Lots 17A and 18A, Section 3, Shirlington Crest, Deed Book 4247, Page 474, Arlington County, Virginia," dated December 14, 2009, revised December 30, 2009, prepared by Bowman Consulting Group, Ltd., ("Plat"), and attached to the County Manager's January 12, 2010 Board Report as Exhibit A, are hereby vacated, subject to the following conditions: [Clerk's Note: as set forth in the document entitled "Addendum 1-23-10-I – Shirlington Crest" attached for the public record to these minutes.]

1. The Applicant/Owner shall prepare and submit to the County for review and approval the Deed of Vacation and all required plats, subject to approval thereof by the County Manager, or his designee, and approval of the Deed as to form by the County Attorney.
2. The Applicant/ Owner shall record the Deed of Vacation and all plats required by the conditions of this Ordinance of Vacation among the land records of the Clerk of the Circuit Court of Arlington County.
3. The Applicant/Property Owner shall pay the County \$742.50 as compensation for such vacation.

4. The Applicant/Property Owner shall pay all fees, including the fees for review, approval, and recordation of the required documents associated with the Ordinance of Vacation.
5. All conditions of the Ordinance of Vacation shall be met by noon on January 23, 2013 or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

ENACTMENT OF AN ORDINANCE TO VACATE A PORTION OF AN EASEMENT FOR PUBLIC SANITARY SEWER OVER, UNDER, ACROSS AND THROUGH LOTS 1, 2, 3, AND 4, SECTION 3, SHIRLINGTON CREST (RPC NOS. 31033215, 31033216, 31033217, AND 31033218, RESPECTIVELY), WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request by Shirlington Neighborhoods, LLC ("Applicant/Owner"), on file in the offices of the Department of Environmental Services, a portion of an Easement for Public Sanitary Sewer Purposes ("Sanitary Sewer Easement"), on Lots 1,2,3, and 4, Section 3, Shirlington Crest (RPC Nos. 31033215,31033216,31033217, and 31033218, Respectively), such Sanitary Sewer Easement being created by a Deed of Resubdivision, Vacation, Rededication, Easements, and Vacation of Easements dated February 25, 2009, recorded at Deed Book 4247, Page 474, among the land records of Arlington County, Virginia on February 27,2009, and shown on a schematic entitled "Exhibit Showing Vacation of a Portion of Sanitary Sewer Easement Across Lots 1 Through 4 and Vacation of a Portion of Easement for Ingress, Egress, Emergency Vehicle Access and Public Utilities on Proposed Lots 17A and 18A, Section 3, Shirlington Crest, Deed Book 4247, Page 474, Arlington County, Virginia," dated December 14,2009, revised December 30,2009, prepared by Bowman Consulting Group, Ltd., ("Plat"), and attached to the County Manager's January 12,2010 Board Report as Exhibit A, is hereby vacated, subject to the following conditions: [Clerk's Note: as set forth in the document entitled "Addendum 1-23-10-I – Shirlington Crest" attached for the public record to these minutes.]

1. The Applicant/Owner shall prepare and submit to the County for review and approval the Deed of Vacation and all required plats, subject to approval thereof by the County Manager, or his designee, and approval of the Deed as to form by the County Attorney.
2. The Applicant/ Owner shall record the Deed of Vacation and all plats required by the conditions of this Ordinance of Vacation among the land records of the Clerk of the Circuit Court of Arlington County.
3. The Applicant/Property Owner shall pay all fees, including the fees for review, approval, and recordation of the required documents associated with the Ordinance of Vacation.
4. All conditions of the Ordinance of Vacation shall be met by noon on January 23, 2013 or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

[Addendum 1-23-10-I – Shirlington Crest](#)

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ORDINANCES, PLANS AND POLICIES

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- 20. **ZOA-09-11/FBC-8 ZONING ORDINANCE AMENDMENTS TO THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 20. (APPENDIX A) CP-FBC COLUMBIA PIKE FORM BASED CODE DISTRICTS TO: 1) MODIFY THE QUANTITY AND PLACEMENT REGULATIONS FOR STREETScape ELEMENTS INCLUDING BICYCLE PARKING, BENCHES, AND THE STREET TREE ALIGNMENT LINE TO REDUCE BICYCLE PARKING RATIOS TO MATCH THOSE INCLUDED IN SITE PLAN CONDITIONS, TO REQUIRE VISITOR BIKE RACKS TO BE GROUPED AND LOCATED CLOSER TO PRIMARY BUILDING ENTRANCES, TO LOWER THE MAIN STREET AND AVENUE SITES BENCH REQUIREMENTS TO 1/50 LINEAR FEET, TO LOWER THE LOCAL LIVE/WORK SITES TO 1/100 LINEAR FEET, TO ELIMINATE THE BENCH REQUIREMENT FOR NEIGHBORHOOD SITES AND LOCAL SITES THAT DO NOT MEET LIVE/WORK STANDARDS, TO LIMIT THE SIZE OF BENCHES TO 4 FEET WHEN LOCATED WITHIN THE FURNITURE ZONE AND ORIENTED PERPENDICULAR TO THE STREET, AND TO REQUIRE THE STREET TREE ALIGNMENT LINE TO BE PLACED IN THE CENTER OF THE TREE PIT; 2) TO MODIFY THE STREET TREE LIST TO REMOVE SPECIES WITH PEST AND DISEASE ISSUES IN EXCHANGE FOR ALTERNATIVE SPECIES; AND 3) TO INCLUDE DESIGN REGULATIONS FOR BICYCLE PARKING STORAGE FACILITIES REQUIRING CLASS 1 SECURE STORAGE STANDARDS INCLUDING CONSTRUCTION MATERIALS SIMILAR TO THE PRIMARY BUILDING WHEN SUCH STORAGE FACILITIES ARE BUILT ON SITE AS AN INDEPENDENT STRUCTURE.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance (ZOA-09-11/FBC-8) to amend, reenact, and recodify the Arlington County Zoning Ordinance, Section 20. (Appendix A), "CP-FBC" Columbia Pike - Form Based Code Districts, Section II. Definitions, Section III. The Regulating Plans, Section V. Streetscape Standards and Section VI. Architectural Standards. [Clerk's Note: as set forth in the document entitled "Addendum 1-23-10-J – ZOA-09-11" attached for the public record to these minutes.]

[Board Report #20](#)

[Addendum 1-23-10-J – ZOA-09-11](#)

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CAPITAL PROJECTS

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- 21. **AUTHORIZATION TO INCREASE THE APPROPRIATED CONTRACT AMOUNT CONCERNING AGREEMENT NO. 411-08 WITH MARTIN AND GASS, INC. FOR THE CONSTRUCTION OF**

THE GRAVITY THREE WATER SUPPLY MAIN AND THE WASHINGTON BOULEVARD BIKE TRAIL - PHASE I PROJECT.

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

1. Authorized an increase of \$240,000.00 in the contract amount in Agreement No. 411-08 for changes in materials and increased quantities related to construction of the Gravity Three Water Supply Main and the Washington Boulevard Bike Trail - Phase I project.
2. Appropriated the sum of \$240,000.00 to fund the increased contract amount.

[Board Report #21](#)

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22. APPROVE AMENDMENT NUMBER 1 TO AGREEMENT NUMBER 93-09 TO PROVIDE DESIGN REVISIONS AND ADDITIONAL DESIGN SERVICES FOR THE OLD DOMINION DRIVE SIDEWALK AND PEDESTRIAN IMPROVEMENTS PROJECT FROM NORTH GLEBE ROAD TO FAIRFAX/ARLINGTON COUNTY LINE.

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

1. Approved Amendment Number 1 to Agreement Number 93-09 between Burgess and Niple, Inc. ("B&N") and the County Board to provide design revisions and additional design services for the Old Dominion Drive Sidewalk and Pedestrian Improvements Project in the amount of \$70,530 and authorize additional funds in the amount of \$29,470 as a contingency for any additional services necessary within the scope of this authorization. The total authorization for Amendment Number 1 therefore is \$100,000. Total contract authorization including Amendment Number 1 is \$390,591.
2. Authorized the Purchasing Agent to execute the contract documents concerning completion of the work under a Task Order Assignment, subject to review by the County Attorney.

[Board Report #22](#)

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23. APPROVAL OF (1) FUNDING FOR THE CONSTRUCTION OF THE ARLINGTON COUNTY CULTURAL CENTER, 1101 WILSON BLVD, TO BE PERFORMED BY 1101 WILSON OWNER, LLC ("LANDLORD"); AND (2) AN INCREASE IN THE CULTURAL CENTER DESIGN FEE TO THE LUKMIRE PARTNERSHIP.

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

1. Approved the funding for the construction of the Arlington County Cultural Center (Cultural Center) in the amount of \$3,877,398 and approve allocation

of a contingency of \$350,000 for a total construction authorization of \$4,227,398.

2. Approved an increase of \$84,759, for a total of \$521,078, to Contract No. 346-09 with The Lukemire Partnership (TLP) and approve a contingency of \$10,000 for a total contract authorization of \$531,078.
3. Authorized the Purchasing Agent to amend Contract 346-09, subject to approval by the County Attorney.

[Board Report #23](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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24. AUTHORIZATION FOR SIGNING OF THE U.S. DEPARTMENT OF HOMELAND SECURITY URBAN AREA SECURITY INITIATIVE GRANT AGREEMENTS, ACCEPTANCE AND APPROPRIATION OF U.S. DEPARTMENT OF HOMELAND SECURITY URBAN AREA SECURITY INITIATIVE (UASI) GRANTS FOR THE MANAGEMENT AND OPERATION OF THE EXERCISE AND TRAINING, NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS), AND REGIONAL PLANNING GRANT PROGRAMS.

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

1. Authorized the County Manager to sign the Office of Emergency Management grant agreements from the U.S. Department of Homeland Security Urban Area Security Initiative for the management and operation of the Exercise and Training, National Incident Management System and the regional planning grant program on behalf of the County Board.
2. Authorized the County Manager to accept \$125,000 in grant funds related to the FY 2010 Exercise and Training Program.
3. Appropriated in Fiscal Year 2010, \$125,000 from the U.S. Department of Homeland Security to the Office of Emergency Management for the Exercise and Training Program.
4. Authorized the County Manager to accept \$125,000 in grant funds related to the FY 2010 National Incident Management System Program.
5. Appropriated in Fiscal Year 2010, \$125,000 from the U.S. Department of Homeland Security to the Office of Emergency Management for the National Incident Management System Program.
6. Authorized the County Manager to accept \$250,000 in grant funds related to the FY 2010 Regional Planning Program.
7. Appropriated in Fiscal Year 2010, \$250,000 from the U.S. Department of Homeland Security to the Office of Emergency Management for the Regional Planning Program.

[Board Report #24](#)

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25. APPROPRIATION OF MATCHING LOCAL FUNDING TO THE FEDERAL TRANSIT ADMINISTRATION'S (FTA) TRANSIT INVESTMENTS FOR GREENHOUSE GAS AND ENERGY REDUCTION (TIGGER) GRANT.

On the consent agenda vote, after a duly advertised public hearing, the Board approved \$480,000 in County funds to supplement the FTA TIGGER Grant to procure three (3) CNG-Electric Hybrid buses.

[Board Report #25](#)

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26. APPROPRIATION OF ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) FUNDS FROM THE U.S. DEPARTMENT OF ENERGY UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009.

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

1. Authorized the County Manager or designee to accept the County's Energy Efficiency and Conservation Block Grant (EECBG) from the U.S. Department of Energy (DOE).
2. Appropriated \$2,085,100 from the U.S. Department of Energy to the Department of Environmental Services for execution of the County's EECBG projects, as \$1,185,100 for energy efficiency and alternative energy facility improvements (313 .43564), \$500,000 for street light and traffic signal improvements (313.43516), and \$400,000 for encouraging efficiency improvements in the private sector (101.40002).

[Board Report #26](#)

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27. AUTHORIZATION TO SIGN A STATE AND TRIBAL ASSISTANCE GRANT ("STAG") AGREEMENT, EXPEND \$1,008,450 IN ORDER TO RECEIVE THAT AMOUNT IN FY 2004, 2005 AND 2008 STAG REIMBURSEMENT FUNDS, AND USE PREVIOUSLY ALLOCATED \$825,102 IN MATCHING FUNDS TO RECEIVE THE STAG FUNDS.

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

1. Authorized the County Manager to sign a STAG grant agreement with the U.S. Environmental Protection Agency ("EPA"), subject to the approval of that grant agreement by the County Attorney.
2. Authorized the County Manager to expend \$1,008,450 for construction of the Four Mile Run Restoration Master Plan demonstration project and

installation of stormwater treatment facilities at the Trades Center (\$815,600 (FY 2005 & FY 2008) + \$192,850 (FY 2004)) in order to qualify for reimbursement by \$1,008,450 in grant funds from the Virginia Department of Environmental Quality ("DEQ") STAG program.

- 3. Appropriated \$1,008,450 of STAG monies received in the form of reimbursements from the DEQ STAG program (321.364900) to the Arlington County Stormwater Fund (321.47223).

[Board Report #27-Revised](#)

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28. APPROVAL OF AGREEMENTS BETWEEN THE COUNTY BOARD AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION FOR COMMUTER SERVICES PROGRAM FEDERAL AND STATE GRANT FUNDS AND APPROPRIATION OF SUCH FUNDS

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

- 1. Approved the attached Project Agreement between the County Board and Commonwealth of Virginia, Department of Rail and Public Transportation in the amount of \$900,000, and authorized the County Manager to execute the Agreement and other required documents for use of Commonwealth Transportation Funds FY 2010, subject to approval of such Agreement and documents as to form by the County Attorney. [Clerk’s Note: as set forth in the document entitled "Addendum 1-23-10-K – Commuter Services Program" attached for the public record to these minutes.]
- 2. Approved the attached Project Agreement between the County Board and Commonwealth of Virginia, Department of Rail and Public Transportation, and other required documents for use of Federal Highway Administration Congestion Mitigation and Air Quality Funds FY 2010 CM-5401(657), subject to approval of such Agreement and documents as to form by the County Attorney, and accept any funds awarded.
- 3. Appropriated \$1,644,540 in grant revenues (\$100,000 for 101.346001.41150; \$200,000 for 101.346002.41150; \$1,344,540 for 101.346004.41150) to the FY 2010 Commuter Services Program, Transportation Planning (101.456000.41150).

[Board Report #28](#)

[Addendum 1-23-10-K – Commuter Services Program](#)

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REQUESTS TO ADVERTISE

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30. REQUEST TO ADVERTISE FOR A PUBLIC HEARING TO AMEND THE ORDINANCE ON PRECINCTS AND POLLING PLACES.

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the advertisement for a public hearing on February 20, 2010 to consider a proposed amendment to the ordinance on precincts and polling places to move the polling place for the Overlee Knolls Precinct 017 from the Resurrection Lutheran Church, 6201 Washington Boulevard, back to its permanent location at Walter Reed School, 1644 North McKinley Road. [Clerk’s Note: as set forth in the document entitled “Addendum 1-23-10- L – Precincts and Polling Places” attached for the public record to these minutes.]

[Board Report #30](#)

[Addendum 1-23-10- L – Precincts and Polling Places](#)

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OTHER

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31. AMEND THE TERMS AND CONDITIONS OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) LOAN FOR GARFIELD GARDENS APARTMENTS TO ROBERT PIERRE JOHNSON HOUSING DEVELOPMENT CORPORATION.

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

1. Amended the loan terms and conditions for the \$401,861 loan from the CDBG Housing Development Fund to Robert Pierre Johnson Housing Development Corporation (RPJ) which assisted in the acquisition of Garfield Street Apartments, subject to the terms and conditions of the County Manager recommendations outlined:

Loan Terms and Conditions: Item 5 of the Loan Terms and Conditions approved by the Board on December 15,2007, will be amended as follows:

5. The County will lend up to \$401,861 in CDBG funds to RPJ or its designated affiliate in the form of a loan: a.) Of this total amount, up to ~~\$120,000~~ \$198,437 will be a subordinate residual receipts loan subject to the same terms and conditions in #4 above. b.) The balance will be a short-term loan repaid upon permanent financing. c.) In the event that the owner realizes a gain through sale of the property, cash-out refinancing, or change of use, it shall repay the County a prorated share of the sales price or fair market value as determined by a County approved appraisal.

2. Approved the subordination of the HOME and CDBG loan to a primary permanent loan of up to \$1,090,000.
3. Authorized the County Manager, with concurrence of the County Attorney, to execute an Amendment to the HOME and CDBG Agreement and to execute the required loan documents with RPJ, and authorize and direct the trustees for the County's Deed of Trust to execute the required loan and subordination documents subject to approval by the County Attorney.
4. Authorized the County Manager, with the concurrence of the County Attorney, to act as the County Board's representative in approving financing or program revisions that are necessary to remove any ambiguity or inconsistency or which improve the County's financial security or financial position and which changes do not adversely affect the County financially or programmatically, prior to execution of the County's financing documents.

[Board Report #31](#)

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32. ALLOCATION OF FY 2010 COMPENSATION ADJUSTMENTS APPROVED IN FY 2009 CLOSEOUT AND OTHER TECHNICAL FY 2010 BUDGET ADJUSTMENTS.

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

1. Approved the adjustments to FY 2010 departmental budgets as listed in Attachment A (of the staff report) to allocate the funding for the market pay adjustment and additional holidays approved by the County Board on October 24, 2009 as part of the closeout of FY 2009. [Clerk's Note: as set forth in the document entitled "Addendum 1-23-10- M – Budget" attached for the public record to these minutes.]
2. Approved the revised FY 2010 pay scale for County employees, reflecting the one percent market pay adjustment. [Clerk's Note: as set forth in the document entitled "Addendum 1-23-10- M – Budget" attached for the public record to these minutes.]
3. Reduced the FY 2010 budget for the General District Court by \$96,123 and established the Magistrate's Office as its own department with an appropriation of \$96,123.

[Board Report #32](#)

[Addendum 1-23-10- M – Budget](#)

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35. MINUTES.

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

November 18, 2009	Special Meeting for County Manager Briefing
December 7, 2009	Work Session for Arlington Mill
December 11, 2009	Closed Meeting
December 14, 2009	Closed Meeting
December 17, 2009	Closed Meeting

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REGULAR HEARING ITEMS

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

On a motion by Mr. Zimmerman, seconded by Ms. Favola, after a duly advertised public hearing at which the public spoke, the Board adopted the following ordinances:

BE IT ORDAINED that, pursuant to the application U-3139-05-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a child care center for the parcel of real property known as 825 23rd St. South (RPC# 36-031-005), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions.

BE IT ORDAINED that, pursuant to the application U-3139-05-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit to modify parking requirements and to increase to fifty (50) children for the parcel of real property known as 825 23rd St. South (RPC# 36-031-005), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, revised conditions #1, #7, and new condition #11 with six (6) months administrative review and one (1) year full use permit review:

Revised Condition #1:

1. The applicant agrees that the hours of operation will be weekdays from 7:00 a.m. to 6:00 p.m. with a maximum capacity of ~~34~~ 50 children. ~~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 34 children, or such other number as the Child Care Office has determined can be accommodated and as evidenced by the certificate of occupancy.~~

Revised Condition #7:

- 7. ~~Prior to issuance of a certificate of occupancy for a child care center, the applicant agrees to identify, in writing to the Zoning Administrator and to the Child Care Office, the location of the on site and off site parking that would accommodate staff associated with the proposed child care center prior to the issuance of a certificate of occupancy. The applicant shall provide an annual report of how employees arrive to work to the Zoning Administrator by December 31. Such Should any staff drive to work on a given day, the staff parking shall not occur in any areas designated for pick-up and drop-off of children and adjacent residential streets. Any off-site parking provisions shall require documentation, in writing, of the permission of the property owner.~~

New Condition #11:

- 11. The applicant shall submit a curbside management plan to the Zoning Administrator within 30 days of this County Board approval. The curbside management plan shall contain information on how the curbside pick-up and drop-off will be managed with 50 children.

[Board Report #36](#)

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

On a motion by Ms. Favola, seconded by Mr. Zimmerman, after a duly advertised public hearing at which there were no speakers, the Board deferred the subject use permit to the February 20, 2010, County Board meeting.

[Board Report #37](#)

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

On a motion by Mr. Fiset, seconded by Mr. Zimmerman, and carried by a vote of 5 to 0, the voting recorded as follows: Mr. Fiset, Chairman – Aye, Mr. Zimmerman, Vice Chairman - Aye, Ms. Favola, Member - Aye, Ms. Hynes, Member - Aye, Mr. Tejada, Member - Aye, the Board met in a closed session from 9:55 a.m. until 11:10 a.m. as authorized by Virginia Code sections 2.2-3711.A.3 and 7. for the purposes of discussing two matters involving the acquisition of real property for public purposes where discussion in public would adversely affect the County’s negotiating position, and consultation with the County Attorney concerning case number 1:09-cv-01570 pending in the U.S.. District Court for the District of Columbia.

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

Member & Vote

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

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

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ADJOURNMENT

Without objection, at 11:12 a.m., the Board recessed until the January 26, 2009 Recessed Meeting.

JAY FISETTE, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: May 22, 2010