

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, October 15, 2011 at 8:31 a.m.

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

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

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PUBLIC COMMENT

Robert Atkins commented on the County's maintenance program.

Shelly Wade discussed restoring library operating hours.

Matt Wavro spoke about the County budgeting process.

Nancy A. Weinberg, of the Citizen Long Bridge Park Task Force spoke about the pool at Long Bridge Park and the need for a therapy pool.

Jim Hurysz spoke about improving efficiency in government.

Audrey Clement, of the Green Party of Virginia, discussed commercial development in the County.

ANALYSIS OF CONTINGENT ACCOUNTS.

The Board received a Summary of Fiscal Year 2012 Contingent Accounts showing balances of \$1,000,000 in General and \$5,141,209 in Affordable Housing Investment Fund as of September 27, 2011.

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CONSENT ITEMS (ITEMS 1-39) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, OCTOBER 15, 2011, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, OCTOBER 18, 2011, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).

A motion was made by CHRISTOPHER ZIMMERMAN, Chairman, seconded by MARY HYNES, Vice Chairman to approve the County Manager's recommendation for all consent items except items #13, 14, 24, 28, 32, 34, 38, which will be the subject of a full hearing at the October 18, 2011 County Board recessed meeting. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman – Aye, MARY HYNES, Vice Chairman - Aye, JAY FISETTE, Member - Aye, BARBARA A. FAVOLA, Member – Aye, J. WALTER TEJADA, Member – Aye.

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SITE PLANS/AMENDMENTS/REVIEW

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- 1. SP #72 SITE PLAN ASC-ARLINGTON REAL ESTATE LLC FOR AN INTERIM PARKING LOT IN THE C-O-2.5 ZONING DISTRICT. PROPERTY IS APPROXIMATELY 35,500 SQUARE FEET, LOCATED AT 585 NORTH GLEBE ROAD AND IS IDENTIFIED AS RPC# 14-061-069.:**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve a site plan amendment to SP #72 to permit an interim parking lot for use by American Service Center at 585 North Glebe Road until December 31, 2015, with administrative reviews at one year (October 2012) and three years (October, 2014). [Clerk's note: as set forth in the document entitled "Addendum-10-15-11-A- SP#72" attached for the public record to these minutes.]

[Board Report #1](#)

[Addendum-10-15-11-A- SP#72](#)

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- 2. SP #82 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN INCLUDING ROOFTOP SIGNS FOR THE DOUBLETREE HOTEL LOCATED AT 300 ARMY NAVY DRIVE, (RPC# 35-001-009, -010, -012, -023, -164, AND 35-002-002).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the requested site plan amendment to the November 19, 2011, County Board meeting.

[Board Report #2](#)

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- 3. SP #280 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN FOR ONE (1) SIGN (FACING A "C-3" ZONED AREA) LOCATED AT 2800 10TH ST. N. (DR. JOAQUIN PAREZ-FEBLES) (RPC# 18-031-004)**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve a site plan amendment to SP #280 for a comprehensive sign plan for one (1) sign (facing a "C-3" zoned area) for Dr. Joaquín Pérez-Febles, subject to the proposed conditions of the ordinance applicable only to this site plan amendment.

WHEREAS, an application for a Site Plan Amendment revised August 24, 2011, for Site Plan #280 was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report[s] provided to the County Board for its October 15, 2011 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 and new or revised conditions; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on October 15, 2011 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.
- 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 requested by an application revised August 24, 2011, for Site Plan #280, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements on file in the office of Zoning Administration (which drawings are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for a comprehensive sign plan for one (1) sign (facing a "C-3" zoned area) known as RPC# 18-031-004, at 2800 10th St. N., approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to all previously approved conditions (numbers 1 through 30 but not including numbers 6 and 7) with new condition numbers 31 through 33 as follows:

New Conditions (Comprehensive Sign Plan):

31. The applicant agrees that the building wall sign shall be limited to the location and same sign area as shown on the drawings prepared by I.D. Graphic Signs submitted on August 30, 2011 and approved by the County Board on October 15, 2011. The total area of the building wall sign shall not exceed 16 square feet. [Clerk's note: as set forth in the document entitled "Addendum-10-15-11-B- SP#280" attached for the public record to these minutes.]
32. The applicant agrees that illumination of the building wall sign shall be restricted to Mondays through Fridays, from dusk to 9:00 p.m.
33. The applicant agrees to install a rheostat or other appropriate variable resistor that will allow the applicant to adjust (decrease) the building wall sign's lighting intensity. The applicant further agrees that if the County Manager finds that the intensity of the building wall sign's lighting has an adverse effect on the surrounding area, the applicant will, within 24 hours notice from the County Manager, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.

[Board Report #3](#)

[Addendum-10-15-11-B- SP#280](#)

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4. SP #346 SITE PLAN AMENDMENT FOR FOOD DELIVERY SERVICE FOR A RESTAURANT, LOCATED AT 3650 S. GLEBE ROAD (RPC# 34-027-322).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance for a site plan amendment for a food delivery service subject to all previously approved conditions and the new

conditions of the staff report, with an administrative review in six (6) months (April, 2012), and a County Board review in one (1) year (October, 2012).

WHEREAS, an application for a Site Plan Amendment dated August 4, 2011, for Site Plan #346, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in the Staff Report(s) provided for the October 15, 2011, 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; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on October 15, 2011, 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 modified as follows:
 - Food delivery service for a restaurant; 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 August 4, 2011, for Site Plan #346, for a Site Plan Amendment for food delivery service, for the parcel of real property known as 3650 S. Glebe Road Commercial Unit #3 (RPC#34-027-322) approval is granted and the parcel so described shall be used according to the Site Plan Amendment Application, subject to all previously approved conditions and the following new conditions, and with an administrative review in six (6) months (April, 2012), and a County Board review in November 2012.

Conditions:

78. The applicant (applicant shall mean the applicant, owner and all successors and assigns) agrees that the hours of operation of the food delivery service (using an automobile) shall be limited to 11:00 a.m. to 10:00 p.m. Sunday through Thursday, and 11:00 a.m. to 11:00 p.m. Friday, Saturday, and the eve before the following federal holidays: Memorial Day, Independence Day, Labor Day, and News Years Day.
79. The applicant agrees to develop and implement a delivery and driver safety plan and to obtain the County Manager's approval of such a plan before any food delivery service can begin. The plan shall include at a minimum: identification of a driver safety course, completion of which will be required of all drivers employed by the applicant before they begin delivery service; a routing plan including maps for delivery vehicles, which will show entry and exit routes from the site; and an outline of the contents of the course. The applicant understands and acknowledges that the County Board has found the exception for this use to be justified only because the applicant has represented that the use will make deliveries by vehicles using only the commercial frontages and streets to the maximum extent possible.
80. The applicant agrees to conduct in-store and on-site business operations so as not to adversely impact adjacent properties through excessive noise, improper trash bin usage, objectionable odors, and inappropriate delivery vehicle and supply truck driver activities. The applicant shall develop, and obtain approval from the Zoning Administrator of, a plan for resolution of operational problems to ensure that they are resolved immediately. This plan shall include, but is not limited to problems related to

excessive noise, inappropriate driving behavior and late night/early morning supply deliveries. The approved plan shall be implemented throughout the life of the delivery service use. The applicant agrees that the effectiveness of this plan in eliminating operational problems shall determine whether the use permit is continued at the one (1) year review.

- 81. The applicant agrees that the maximum number of delivery automobiles that may be used in the business at any one time is six (6) vehicles. The applicant agrees that the delivery vehicles will not be parked on the street, and shall not park or idle within the piazza vehicular turnaround. The applicant further agrees that parking and loading of delivery vehicles shall occur in the ground floor of the parking garage adjacent to the restaurant space, and that the three (3) spaces adjacent to the restaurant's rear access shall be marked for such purposes. The applicant further agrees to develop, and obtain approval from the County Manager (as meeting the requirements of this condition), a plan showing parking and loading spaces for Paisano's Pizza. The applicant agrees to obtain such approval prior to the implementation of delivery service, and to implement the approved plan throughout the life of the delivery service. Should the applicant demonstrate that four (4) parking spaces are available for use by Paisano's Pizza within the parking garage adjacent to the rear access to the restaurant space, and marked as such, the applicant may request approval from the Zoning Administrator to allow a maximum of eight (8) delivery automobiles to be used at any one time.
- 82. The applicant agrees to identify an on-site liaison who shall be available during all hours of operation to receive and respond to community concerns. The name and telephone number of the liaison shall be sent to the President of the Eclipse Condominium Association and the Zoning Administrator.

[Board Report #4](#)

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- 5. **SP #387 SITE PLAN AMENDMENT TO AMEND THE TIMING OF IMPROVEMENTS IN CONDITION #13 AND 17, AT THE ALEXAN 24 LOCATED AT 2400 24TH RD. S. (RPC# 32-024-003).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the request for a site plan amendment to the November 19, 2011 County Board meeting.

[Board Report #5](#)

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- 6. **SP #409 SITE PLAN AMENDMENT TO ALLOW AN ADDITIONAL 7,000 SQUARE FEET FOR RETAIL MEZZANINE SPACE TO BE USED AMONG RETAIL BAYS, AMEND CONDITION #64.B TO ALLOW MEZZANINE HEIGHT WITHIN RETAIL CLEAR HEIGHT, AND TO ALLOW PROJECT SIGNS ON TEMPORARY CONSTRUCTION FENCING, LOCATED AT 1712, 1716, AND 1720 WILSON BOULEVARD AND 1711 CLARENDON BOULEVARD, AND AN UNADDRESSED PARCEL ON CLARENDON BOULEVARD (RPC# 17-010-008, -009, -022, -023 & -030).**

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

ordinance to approve project signs on temporary construction fencing, subject to amended Condition #50, and deferred the site plan amendment to amend Condition #64 allowing an additional 7,000 square feet for retail mezzanine space to the November 19, 2011 meeting of the County Board.

WHEREAS, an application for a Site Plan Amendment dated August 5, 2011 for Site Plan # 409, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report[s] provided to the County Board for its October 15, 2011 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; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on October 15, 2011 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 modified as follows:

Sign area approved to permit up to 524 for temporary construction signs instead of 120 square feet permitted under Section 34 of the Zoning Ordinance

- 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 August 5, 2011 for Site Plan # 409, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition #50 below (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for temporary construction signs, for the real property known as RPC # 17-010-008, -009, -004, -006, -022, -023, -030, and 1712, 1716, and 1720 Wilson Boulevard, and 1711 and unaddressed parcel Clarendon Boulevard, approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to all previously approved conditions (#1 through 84) with condition 50 revised as follows:

Comprehensive Sign Plan

50. 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. 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.

Temporary Construction Signs

The developer agrees that all temporary construction signs shall be consistent with the Comprehensive Sign Plan and Sign Guidelines and drawings dated September 17, 2007 and approved by the County Board on October 15, 2011. The developer further agrees that all signs shall be of the number, size, location, design, materials, and structure shown on the drawings and that total sign area for temporary construction

signs shall not exceed 524 square feet. The developer agrees that should any graffiti and/or other damage occur on the signs, the applicant shall immediately (within ten (10) calendar days) repaint and/or replace the signs (or any portion of the sign) to eliminate such damage. In addition, the developer agrees to inspect the signs daily to determine whether such damage has occurred. The developer agrees that all such signs placed on construction fencing are temporary in nature and shall be removed at or before the time of issuance of first partial certificate of occupancy for tenant occupancy. [Clerk’s note: as set forth in the document entitled “Addendum-10-15-11-C- SP#409” attached for the public record to these minutes.]

[Board Report #6](#)

[Addendum-10-15-11-C- SP#409](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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7. U-2762-92-1 USE PERMIT REVIEW OF EQUIPMENT SHEDS AND MONOPOLE AT NORTH MILITARY ROAD AND NORTH OLD GLEBE ROAD.

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-2762-92-1 on file in the Office of the Zoning Administrator for renewal of the subject use permit for the parcel of real property known as North Military Road and North Old Glebe Road, 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 for one (1) month to the November 19, 2011 County Board meeting.

[Board Report #7](#)

[Board Report #7-Supplemental Report](#)

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8. U-2795-93-1 USE PERMIT REVIEW FOR LIVE ENTERTAINMENT AND DANCING AT THE COSTA VERDE RESTAURANT, LOCATED AT 946 N. JACKSON ST. (RPC# 14-033-013).

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-2795-93-1 on file in the Office of the Zoning Administrator for renewal of the subject use permit for the parcel of real property known as 946 N. Jackson St. (RPC# 14-033-013), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, a revised Condition #1 and new Condition #5 with Administrative review in four (4) months (February 2012) and County Board review in one (1) year (October 2012).

Revised Condition #1:

1. ~~The applicant agrees that live entertainment shall be limited to a maximum of six (6) performers providing traditional and contemporary Latin Peruvian music. The music shall be limited to singing and percussion, string, and wind instruments, or a combination of these. Live entertainment shall be permitted only between the hours of 9:00 p.m. and 12:00 a.m. 2:00 AM, between Thursdays and Sundays.~~

New Condition #5:

5. The applicant agrees to provide alcoholic beverage training for, and to require attendance at such training by, all managers and employees prior to administrative review of the use permit by County staff in February 2012. Managers shall attend Managers' Alcohol Responsibility Training (MART) given by the Virginia Department of Alcoholic Beverage Control. All other employees that work during the times specified in Condition #1 of this use permit shall attend Responsible Sellers and Servers: Virginia's Program (RSVP), a class offered by the Virginia Department of Alcoholic Beverage Control. The applicant agrees that this training shall be documented and documentation of attendance by all staff will be provided to the County prior to such administrative review.

[Board Report #8](#)

[Board Report #8-Supplemental Report](#)

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9. U-2895-96-1 USE PERMIT AMENDMENT FOR PHOENIX HOUSES FOR A DORMITORY (GROUP HOME FOR WOMEN AND THEIR CHILDREN) TO INCREASE THE NUMBER OF ADULTS PERMITTED, TOTAL NUMBER OF RESIDENTS REMAINING THE SAME, LOCATED IN THE BARCROFT CIVIC ASSOCIATION AREA.

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-2895-96-1 on file in the Office of the Zoning Administrator for approval of the subject use permit to amend the permitted occupancy from 15 adults to up to 20 adults , the permitted total occupancy remaining at 20, for the parcel of real property in the Barcroft Civic Association, approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions of approval, amended Conditions #1 and #8, and deletion of Condition #19, with an administrative review in one (1) year (October 2012) and a County Board review in June 2014.

1. Occupancy may not exceed 20 clients, including mothers and children, at any one time, and there may not be more than ~~15~~ 20 women at any time. ~~(amended 6/8/02)~~
8. Enrollment shall be restricted to ~~mothers and up to two (2) children each and pregnant women, and women with children.~~ and women with children. Arlington residents shall be given priority in enrollment.
- ~~19. The properties at 1301 and 1305 South Monroe Street shall be maintained in good condition with no deterioration from its current condition while owned by Vanguard Services Unlimited.~~

[Board Report #9](#)

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10. U-3182-07-1 USE PERMIT REVIEW FOR A FAMILY DAY CARE HOME FOR EIGHT (8) CHILDREN LOCATED AT 2053 N. ABINGDON STREET (RPC# 17-006-330).

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-3182-07-1 on file in the Office of the Zoning Administrator for renewal of the subject use permit for a family day care home for the parcel of real property known as 2053 N. Abingdon Street (RPC# 17-006-330), 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 three (3) years (September 2014).

[Board Report #10](#)

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11. U-3258-10-1 USE PERMIT FOR AN OUTDOOR CAFE IN THE PUBLIC RIGHT-OF-WAY AT THE GREEN PIG BISTRO; LOCATED AT 1025 N. FILLMORE ST., (RPC# 18-024-020).

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-3258-10-1 on file in the Office of the Zoning Administrator for re-approval of the subject use permit for an outdoor cafe in the public right-of-way at the Green Pig Bistro for the parcel of real property known as 1025 N. Fillmore St., (RPC# 18-024-020), 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 (October 2012).

[Board Report #11](#)

[Board Report #11-Supplemental Report](#)

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12. U-3268-10-1 USE PERMIT REVIEW FOR A FAMILY DAY CARE HOME FOR NINE (9) CHILDREN LOCATED AT 3224 9TH STREET SOUTH. (NAFISA S. RAWOOT) (RPC# 25-012-052)

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-3268-10-1 on file in the Office of the Zoning Administrator for renewal of the subject use permit for a family day care home for nine (9) children for the parcel of real property known as 3224 9th Street South, (RPC# 25-012-052), 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 a County Board review in three (3) years (October 2014).

[Board Report #12](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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15. AUTHORIZATION TO ACCEPT TWO DEEDS OF EASEMENT AND TEMPORARY EASEMENT AND CONSTRUCTION AGREEMENTS FOR THE ACQUISITION OF PERMANENT AND TEMPORARY EASEMENTS FOR PUBLIC SIDEWALK, UTILITIES, RETAINING WALL, AND STORM DRAINAGE PURPOSES ON PROPERTIES LOCATED AT 5210 OLD DOMINION DRIVE (RPC# 02-018-018) AND 5220 OLD DOMINION DRIVE (RPC# 02-018-017), ARLINGTON, VIRGINIA.

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

1. Authorized the acceptance of the two Deeds of Easement and Temporary Easement and Construction Agreements [Clerk's note: as set forth in the document entitled "Addendum-10-15-11-D-Old Dominion Drive" attached for the public record to these minutes.]; and
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept on behalf of the County Board, the two Deeds of Easement and Temporary Easement and Construction Agreements, subject to approval as to form by the County Attorney.

[Board Report #15](#)

[Addendum-10-15-11-D-Old Dominion Drive](#)

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16. APPROVAL OF A RIGHT OF WAY (EASEMENT) AGREEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA AND VIRGINIA ELECTRIC POWER COMPANY ("DVP") FOR INSTALLATION AND MAINTENANCE OF ELECTRIC DISTRIBUTION FACILITIES, AND AUTHORIZATION TO EXECUTE AND ACCEPT DOCUMENT(S) BY WHICH DVP WILL VACATE, QUITCLAIM OR EXTINGUISH PORTIONS OF EXISTING EASEMENTS, ON COUNTY BOARD-OWNED PROPERTY, KNOWN AS PARCEL B, 2800 S. TAYLOR STREET, ARLINGTON, VIRGINIA (RPC NO. 29-014-011).

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

1. Approved the Right of Way (Easement) Agreement ("Agreement") between the County Board of Arlington County, Virginia and Virginia Electric Power Company ("DVP") for installation and maintenance of electric distribution facilities on County Board-owned property, known as Parcel B, 2800 S. Taylor Street, Arlington, Virginia (RPC No. 29-014-011). [Clerk's note: as set forth in the document entitled "Addendum-10-15-11-E-DVP Easement" 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, and to execute and accept, on behalf of the County Board, document(s) by which DVP will vacate, quitclaim or extinguish portions of existing easements on the property for the DVP facilities to be

relocated, subject to approval as to form of the Agreement and all such documents by the County Attorney.

[Board Report #16](#)

[Addendum-10-15-11-E-DVP Easement](#)

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17. APPROVAL OF A GROUND LEASE BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA AND ARLINGTON PARTNERSHIP FOR AFFORDABLE HOUSING, INC. ON COUNTY PROPERTY LOCATED AT 901 SOUTH DINWIDDIE STREET, ARLINGTON, VIRGINIA (RPC #22-001-724).

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

1. Approved the attached Ground Lease between the County Board of Arlington County, Virginia and Arlington Partnership for Affordable Housing, Inc. ("APAH") on County Property Located at 901 South Dinwiddie Street, Arlington, Virginia (RPC #22-001-724). [Clerk's note: as set forth in the document entitled "Addendum-10-15-11-F-Ground Lease" attached for the public record to these minutes.]
2. Authorized the Real Estate Bureau Chief, or his designee, to execute the attached Ground Lease and all related documents on behalf of the County Board, subject to approval as to form by the County Attorney.
3. Authorized the County Manager, or her designee, to execute, on behalf of the Board, any amendments to the Ground Lease, or other documents, which are beneficial to the County or are reasonably required in order for APAH to obtain a Permitted Leasehold Mortgage (as defined in the Ground Lease) or other financing permitted by the Ground Lease, and which do not adversely affect the County's financial or other interests under the Ground Lease, subject to approval as to form by the County Attorney.

[Board Report #17](#)

[Addendum-10-15-11-F-Ground Lease](#)

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18. APPROVAL OF AN OFFICE BUILDING STORAGE SPACE DEED OF LEASE BETWEEN VNO COURTHOUSE I LLC, AS LANDLORD, AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS TENANT, FOR STORAGE SPACE IN THE BUILDING KNOWN AS COURTHOUSE PLAZA OFFICE BUILDING I, ON THE G-1 LEVEL OF 2100-2200 CLARENDON BLVD., ARLINGTON, VIRGINIA 22202 (RPC # 18-005-041)

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

1. Approved the attached Office Building Storage Space Deed of Lease between VNO Courthouse I LLC, and The County Board of Arlington County, Virginia, for storage space in the building known as Courthouse Plaza Office Building I, on the G-1 Level at 2100-2200 Clarendon Blvd., Arlington, Virginia 22202 (RPC # 18-005-041). [Clerk's note: as set forth in the document entitled "Addendum-10-15-11-G-Storage Space Lease" attached for the public record to these minutes.]

- 2. Authorized the Real Estate Bureau Chief to execute, on behalf of the County Board, the above referenced Office Building Storage Space Deed of Lease, and all related documents, subject to approval as to form by the County Attorney.

[Board Report #18](#)

[Addendum-10-15-11-G-Storage Space Lease](#)

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19. APPROVAL OF A REAL ESTATE PERMIT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA AND THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY PERMITTING THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND REMOVAL OF TRANSPORTATION IMPROVEMENTS AT THE PENTAGON CITY METRORAIL STATION ENTRANCES.

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

- 1. Approved the Real Estate Permit ("Permit") between the County Board of Arlington County, Virginia and the Washington Metropolitan Area Transit Authority permitting the construction, installation, maintenance and removal of transportation improvements at the Pentagon City Metrorail Station entrances. [Clerk's note: as set forth in the document entitled "Addendum-10-15-11-H-WMATA Permit" attached for the public record to these minutes.]
- 2. Authorized Dennis Leach, Deputy Director, Department of Environmental Services, or his designee, to execute on behalf of the County Board, the Permit and all related documents, subject to the approval as to form of such documents by the County Attorney.

[Board Report #19](#)

[Addendum-10-15-11-H-WMATA Permit](#)

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ORDINANCES, PLANS AND POLICIES

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20. ADOPTION OF AMENDMENTS TO CHAPTER 9.2 OF THE ARLINGTON COUNTY CODE (FOOD AND FOOD HANDLING CODE)

On the consent agenda vote, after a duly advertised public hearing, the Board adopted amendments to Chapter 9.2 of the Arlington County Code to decrease the annual licensure fees and plan-review fees for all food establishments from \$285.00 to \$40.00.

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AN ORDINANCE TO AMEND AND RE-ENACT §§ 9.2-10 and 9.2-21 OF THE CODE OF ARLINGTON COUNTY, VIRGINIA, CONCERNING THE LICENSURE AND PLAN-REVIEW FEES CHARGED TO FOOD ESTABLISHMENTS, TO TAKE EFFECT UPON ENACTMENT.

- I. **BE IT ORDAINED** that Chapter 9.2, Article III, Section 10, of the Arlington County Code is amended, reenacted, and recodified as follows, effective upon the enactment of this ordinance:

Chapter 9.2

FOOD AND FOOD HANDLING CODE

ARTICLE III.

COMPLIANCE PROCEDURES

* * *

§ 9.2-10. Licenses for Food Establishments.

A. No person shall operate a Food Establishment who does not have a valid License issued to him by the County Manager. Only a person who complies with the requirements of this Chapter may be entitled to receive or retain a License. Licenses are not transferable.

B. An ~~annual~~ application or annual License renewal fee of ~~two hundred eighty-five~~ ~~forty~~ dollars (~~\$285~~~~40.00~~) shall be assessed for each licensed Food Establishment, Limited Food Establishment, Limited Service Mobile Food Unit, and Mobile Food Unit. A person who operates a Temporary Food Establishment at a local festival, fair, or other special event and who is not otherwise licensed to operate a Food Establishment, Limited Food Establishment, Limited Service Mobile Food Unit or Mobile Food Unit pursuant to this section shall be assessed an ~~annual~~ application or annual License renewal fee of ~~one hundred~~ ~~forty~~ dollars (~~\$100~~~~40.00~~). Such fees shall not be applicable to Food Establishments, Limited Food Establishments, Limited Service Mobile Food Units, and Mobile Food Units operated by the Arlington County Public Schools; however, such fees shall apply to private vendors subcontracted by the County to operate Food Establishments, Limited Food Establishments, Limited Service Mobile Food Units, and Mobile Food Units. ~~The annual fees specified above for Food Establishment and Limited Food Establishments shall be based~~ assessed on a calendar-year basis and shall be due and payable in the month of December or upon initial application. The annual fee ~~specified above~~ for Mobile Food Units and Limited Service Mobile Food Units shall be due and payable in the month of June or upon initial application. ~~The~~ Neither an application fee nor a License renewal fee shall ~~not~~ be prorated. An additional fee of twenty-five dollars (\$25.00) shall be assessed for Food Establishment, ~~and~~ Limited Food Establishment, ~~Limited Service Mobile Food Unit, and Mobile Food Unit~~ renewal applications received after December 31, and for Mobile Food Unit and Limited Service Mobile Food Unit renewal applications received after June 30 of the then-current calendar year.

C. Establishments that fail to file the required application for issuance or renewal of their respective ~~L~~licenses will be operating without a valid ~~L~~license and will be subject to immediate closure in accordance with § 9.2-~~173.8~~.

* * *

- II. **BE IT ORDAINED** that Chapter 9.2, Article V, Section 21, of the Arlington County Code is amended, reenacted, and recodified as follows, effective upon the enactment of this ordinance:

Chapter 9.2

FOOD AND FOOD HANDLING CODE

ARTICLE V.

REVIEW OF PLANS AND SPECIFICATIONS

* * *

§ 9.2-21. Submission of Plans, Specifications and Other Data; Inspection prior to Operation; Fees.

A. Whenever a Food Establishment is constructed or remodeled or whenever an existing structure is converted to use as a Food Establishment, plans and specifications for such construction, remodeling, or conversion shall be submitted to the County Manager for his review prior to commencement of such construction, remodeling or conversion. The County Manager shall verify that the plans and specifications conform to the requirements of this chapter and the Food Code. The plans and specifications shall include the intended menu, anticipated volume of food to be stored, prepared, and sold or served, the proposed layout and arrangement of the facilities, plumbing plans, mechanical plans, electrical plans, finish schedules, lighting schedules, and the types, model numbers, locations, dimensions, performance capacities and installation specifications of proposed fixed equipment and facilities. The County Manager may require additional plans or information, as needed, depending on the nature and extent of the proposed construction, remodeling or conversion. The County Manager shall approve the plans and specifications if they meet the requirements of this chapter and the Food Code. The County Manager's approval of any plans or specifications shall not constitute a determination that the plans or specifications are free from error. The owner shall have final responsibility for the accuracy and completeness of the plans and specifications, as well as for subsequent construction and installation. No Food Establishment shall be constructed, remodeled or converted except in accordance with plans and specifications approved by the County Manager.

B. Whenever plans and specifications are required to be submitted and approved, the County Manager shall inspect the Food Establishment prior to it beginning operation in order to determine compliance with the approved plans and specifications and with the requirements contained in this chapter and the Food Code.

C. A plan and specification review fee of ~~two hundred forty~~ dollars (\$~~200~~40.00) shall be paid by the applicant to the Treasurer of Arlington County upon an applicant's submission of plans or specifications.

* * *

III. The remaining sections and subsections of Chapter 9.2 of the Code of Arlington not amended hereby shall remain in effect as previously enacted.

[Board Report #20](#)

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21. ADOPTION OF PROPOSED ORDINANCE AMENDING BOUNDARIES OF THE BALLSTON BUSINESS IMPROVEMENT SERVICE DISTRICT.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted a proposed ordinance to amend the boundaries of the Ballston Business Improvement Service District effective January 1, 2012. [Clerk's note: as set forth in the document entitled "Addendum-10-15-11-I-Ballston BID" attached for the public record to these minutes.]

[Board Report #21](#)

[Addendum-10-15-11-I-Ballston BID](#)

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22. Z-2550-10-1 REZONING FROM "R-6" ONE FAMILY DWELLING DISTRICTS TO "S-3A" SPECIAL DISTRICTS; FOR LYON PARK LOCATED AT 414 AND 420 N. FILLMORE ST. (RPC #18-050-001).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the requested rezoning to the November 28, 2011, Planning Commission and December 10, 2011, County Board meetings.

[Board Report #22](#)

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23. AN ORDINANCE TO AMEND THE ZONING FEE SCHEDULE TO INCLUDE A FEE FOR "OPEN-AIR MARKET" SPECIAL EXCEPTION USE PERMIT APPLICATIONS.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to amend the Zoning Fee Schedule to include a fee for "Open-Air Market" special exception use permit applications.

AN ORDINANCE TO AMEND THE ZONING FEE SCHEDULE TO ADD A FEE FOR A SPECIAL EXCEPTION USE PERMIT FOR OPEN-AIR MARKETS; AND TO PROVIDE FOR EFFICIENT ADMINISTRATION OF THE COUNTY'S ZONING ORDINANCE; TO ENCOURAGE ECONOMIC DEVELOPMENT; AND TO PROMOTE THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE PUBLIC

Whereas, in order to provide for efficient administration of the County's Zoning Ordinance, and to provide for the efficient administration of the zoning inspection, permitting and review process, it is necessary for the County to recover the costs of those services from the applicants; and

Whereas the County is authorized by Virginia Code §15.2-2286, to charge fees to recover its costs of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of the Zoning Ordinance and the filing or processing of any appeal or amendment thereto;

Therefore, be it ordained by the County Board of Arlington County that the fee schedule attached hereto is hereby amended to include a fee for "open-air markets", and shall be applied to all permits for which complete applications have been submitted on or after October 15, 2011 (for all applications submitted before October 15, 2011 the July 1, 2010 Zoning Fee Schedule shall apply):

**ARLINGTON COUNTY, VIRGINIA
DEPARTMENT OF COMMUNITY PLANNING, HOUSING AND DEVELOPMENT
ZONING ADMINISTRATION**

**CONSOLIDATED FEE SCHEDULE FOR
APPLICATIONS, VARIOUS PERMITS,
BUILDING PERMITS AND SUBDIVISION PLATS**

APPLICATION FEES

JULY 1, 2010October 15, 2011

USE PERMITS

Places of worship or lodges permitting secondary use of parking lots and Open-Air Markets - \$302, plus DES fee of \$302, and an Automation Enhancement Fee of \$30.20.

[Board Report #23](#)

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CAPITAL PROJECTS

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25. APPROVAL OF THE AWARD OF CONTRACT NO. 266-10 BETWEEN THE COUNTY BOARD AND ECS MID-ATLANTIC, LLC TO PERFORM CONSTRUCTION TESTING AND INSPECTION SERVICES FOR COUNTY CONSTRUCTION PROJECTS.

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

1. Approved the award of Contract No. 266-10 between the Arlington County Board and ECS Mid-Atlantic, LLC (ECS) to perform Construction Testing and Inspection Services for a one-year period with four one-year extensions at the option of the County.
2. Authorized the Purchasing Agent to execute the Agreement, subject to legal review by the County Attorney.

[Board Report #25](#)

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26. APPROVAL OF AN AWARD OF CONTRACT TO B & B SIGNAL COMPANY, LLC, FOR CONSTRUCTION OF THE SIGNAL MODIFICATION AND INTERSECTION IMPROVEMENT PROJECTS ALONG SOUTH GLEBE ROAD AT FOUR MILE RUN AND 26TH ROAD SOUTH.

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

1. Approved the award of Contract No. 279-11 to B & B Signal Company, LLC. for the construction of the Signal Modification and Intersection Improvement Projects along South Glebe Road at Four Mile Run and 26th Road South in the amount of \$418,153.35; authorize an allocation of \$42,000.00 as a contingency for change orders and increased quantities, and \$21,000.00 in stipulated price items for a total authorization of \$481,153.35.
2. Authorized the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

[Board Report #26](#)

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27. AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE FAIRLINGTON SEWER SYSTEM IMPROVEMENTS PROJECT, INVITATION TO BID NO. 193-11.

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

1. Awarded a contract for the construction of the Fairlington Sewer System Improvements Project to Flippo Construction Company, Inc. in the amount of \$1,095,939 and authorize an allocation of \$109,594 as a contingency for change orders and increased quantities, and \$54,797 for stipulated price items for a total authorization amount not to exceed \$1,260,330.
2. Authorized the Purchasing Agent to execute the contract documents subject to review by the County Attorney.

[Board Report #27](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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29. AUTHORIZATION FOR ACCEPTANCE AND APPROPRIATION OF A FISCAL YEAR 2012 HIGHWAY SAFETY PROGRAM GRANT AWARD FROM VIRGINIA DEPARTMENT OF MOTOR VEHICLES (DMV).

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

1. Authorized the County Manager to accept \$52,025 in grant funds related to the FY 2012 Virginia Highway Safety Program.
2. Appropriated \$52,025 in FY 2012 from the Virginia Highway Safety Grant Program (101.364900) to the Police Department (101.31202) for costs associated with the administration of the grant program.

[Board Report #29](#)

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30. AUTHORIZATION AND APPROPRIATION OF NORTHERN VIRGINIA REGIONAL GANG TASK FORCE (NVRGTF) FUNDS TO PURCHASE SERVICES FROM A CONTRACTOR TO CONTINUE THE ADULT REENTRY PROGRAM.

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

1. Authorized the County Manager to accept \$31,250 in non-competitive grant funds from the Northern Virginia Regional Gang Task Force (NVRGTF).
2. Appropriated \$31,250 in grant funds from NVRGTF (101.374964) to the Juvenile & Domestic Relations District Court (JDR) (101.20601) for costs associated with the Adult Reentry Program.

[Board Report #30](#)

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31. APPROVAL OF TWO PROJECT AGREEMENTS BETWEEN THE COUNTY BOARD AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ("DRPT"); AND ONE AGREEMENT FOR UTILIZATION OF CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT ("CMAQ") FUNDS BETWEEN THE COUNTY BOARD AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION ("VDOT"), FOR COMMUTER SERVICES OPERATIONS. APPROPRIATION OF \$1,765,040 IN GRANT REVENUES TO THE DEPARTMENT OF ENVIRONMENTAL SERVICES..

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

1. Approved the Project Agreement (Attachment 1) between the County Board and Commonwealth of Virginia, Department of Rail and Public Transportation, for use of Federal Highway Administration Congestion Mitigation and Air Quality Funds, FY 2012, CM-5401(943) Project 47009-01 in the amount of \$4,200,000; authorize the County Manager to execute the Agreement and all related documents on behalf of the County Board; and to accept any funds awarded to the County, subject to approval of such Agreement and documents as to form by the County Attorney.
2. Approved the Project Agreement (Attachment 2) between the County Board and Commonwealth of Virginia, Department of Rail and Public Transportation, for use of Commonwealth Transportation Funds, FY 2012, in the amount of \$505,000; authorize the County Manager to execute the Agreement and other related documents on behalf of the County Board; and to accept any funds awarded to the County, subject to approval of such Agreement and documents as to form by the County Attorney.
3. Approved the Agreement (Attachment 3) between the County Board and the Commonwealth of Virginia, Department of Transportation ("VDOT") for use of Congestion Mitigation and Air Quality Improvement (CMAQ) Funds in the amount of \$80,500; authorize the County Manager to execute the Agreement and other related documents on behalf of the County Board; and to accept any funds awarded to the County, subject to approval of such Agreement and documents as to form by the County Attorney.
4. Appropriated \$1,765,040 in grant revenues (101.346004.41150) to the Department of Environmental Services (101.456000.41150).

[Clerk's note: as set forth in the document entitled "Addendum-10-15-11-J-Commuter Services" attached for the public record to these minutes.]

[Board Report #31](#)

[Addendum-10-15-11-J-Commuter Services](#)

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REQUESTS TO ADVERTISE

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33. REQUEST TO ADVERTISE A PUBLIC HEARING FOR SATURDAY NOVEMBER 19, 2011, TO CONSIDER THE ADOPTION OF A REGIONAL WATER SUPPLY PLAN DEVELOPED COLLABORATIVELY WITH OTHER JURISDICTIONS THROUGH THE NORTHERN VIRGINIA REGIONAL COMMISSION.

On the consent agenda vote, after a duly advertised public hearing, the Board approved the advertisement of a Public Hearing on Saturday, November 19, 2011, to consider the adoption of a regional Water Supply Plan developed collaboratively with other jurisdictions through the Northern Virginia Regional Commission.

[Board Report #33](#)

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35. REQUEST TO ADVERTISE A PUBLIC HEARING REGARDING REPEAL OF § 11-42.1 AND CHAPTER 49 OF THE ARLINGTON COUNTY CODE (MESSAGE REGULATION).

On the consent agenda vote, after a duly advertised public hearing, the Board approved the advertisement of a public hearing on November 19, 2011, for the County Board to consider ordinances repealing § 11-42.1 and Chapter 49 of the County Code. [Clerk's note: as set forth in the document entitled "Addendum-10-15-11-K-Massage Regulation" attached for the public record to these minutes.]

[Board Report #35](#)

[Addendum-10-15-11-K-Massage Regulation](#)

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36. REQUEST TO ADVERTISE "ON THE COUNTY BOARD'S OWN MOTION" PUBLIC HEARINGS ON THE FIVE-YEAR REVIEW OF ARLINGTON COUNTY'S COMPREHENSIVE PLAN.

On the consent agenda vote, after a duly advertised public hearing, the Board authorized advertisement of public hearings on the Five-Year Review of Arlington County's Comprehensive Plan to be held at the December 10, 2011 County Board meeting and the November 28, 2011 Planning Commission meeting.

[Board Report #36](#)

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37. REQUEST TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS FOR THE REPRINTING OF THE GENERAL LAND USE PLAN (GLUP) AND TO ADD LANGUAGE THROUGHOUT THE BOOKLET TO DESCRIBE AND REFERENCE CHANGES THAT HAVE PREVIOUSLY BEEN MADE TO THE GLUP MAP, PLANS AND POLICIES.

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the advertisement of public hearings on the reprinting of the General Land Use Plan, and the addition of language throughout the booklet to reference earlier changes, by the Planning Commission on November 28, 2011 and the County Board on December 10, 2011.

[Board Report #37](#)

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OTHER

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39. MINUTES

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

- | | |
|--------------------|------------------|
| September 6, 2011 | Special Meeting |
| September 17, 2011 | Regular Meeting |
| September 20, 2011 | Recessed Meeting |

[Minutes](#)

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REGULAR HEARING ITEMS

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40. APPROVAL OF NEIGHBORHOOD TRAFFIC CALMING PROJECTS.

Following a duly advertised public hearing at which there were speakers, a motion was made by J. WALTER TEJADA, Member, seconded by MARY HYNES, Vice Chairman, to approve the Neighborhood Traffic Calming projects on 26th Street North and on 16th Street South as recommended by the Neighborhood Traffic Calming Committee (NTCC). The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member – Aye.

[Board Report #40](#)

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41. WAKEFIELD MANOR

- A. [Certification of Transferrable Development Rights by Virginia Land Trust, Ralph Johnson, Trustee and Courthouse Manor Associates of 1201, 1215, 1223 and 1233 N. Courthouse and](#)

[2025 Fairfax Drive \("Sending Site"\) Wakefield Manor and Courthouse Manor for the purpose of historic preservation, located on the block generally bounded by 13th Street North to the north, N. Troy St. to the east, Fairfax Dr. to the south, and N. Courthouse Rd. to the west \(RPC# 17-017-001, -002, -003, and -004\).](#)

Following a duly advertised public hearing at which there were speakers, a motion was made by BARBARA A. FAVOLA, Member, seconded by JAY FISETTE, Member, to adopt the resolution certifying 104,789 square feet of residential GFA (which GFA may be transferred on a square foot basis as residential, hotel, commercial or other GFA, or as residential or hotel units at a rate of 1,000 square feet per unit), as transferrable development rights on Wakefield Manor, Wakefield Annex, and Courthouse Manor ("Sending Sites") for the purposes of historic preservation. The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member – Aye.

Certification of Transferrable Development Rights Resolution

Whereas, the County Board finds that certain density existing on property owned by the Virginia Land Trust and Court House Manor Associates and generally bounded by 13th Street North to the north, N. Troy St. to the east, Fairfax Drive to the south, and N. Courthouse Road to the west - 1201, 1215, 1223 and 1233 N. Courthouse and 2025 Fairfax Drive (RPC: 17-017-001, -002, -003, and -004), will not be needed for public purposes.

Whereas, a certified survey plat dated July 13, 2011 and completed by VIKA Engineering concludes that the Wakefield site is 80,927 square feet and is subject to the requirements set forth in the "RA8-18" Apartment Dwelling districts of the Arlington County Zoning Ordinance. [Clerk's note: as set forth in the document entitled "Addendum-10-15-11-L-Wakefield Manor Plat" attached for the public record to these minutes.]

Whereas, the unused site plan density on the Wakefield site has been calculated based on the certified survey plat dated July 13, 2011 and completed by VIKA Engineering, and the limits and requirements set forth in the Arlington County Zoning Ordinance as 104,789 sq ft GFA.

Whereas, the County Board finds that the historic preservation of Wakefield Manor, Wakefield Annex, and Courthouse Manor for the Transfer of Development Rights would be initiated and expanded consistent with Section 36.H.5.b. of the Arlington County Zoning Ordinance.

Now therefore, the County Board hereby certifies that the Wakefield site is an eligible Sending Site for historic preservation purposes, to transfer by site plan, 104,789 square feet of residential GFA, on a square foot basis as residential, hotel, commercial or other GFA or as residential or hotel units at a rate of 1,000 square feet per unit, upon fulfilling the requirements set forth in Condition #79 of the Wakefield Site Plan (SP #417) for the historic preservation of the subject properties.

[Board Report #41.A.](#)

[Board Report #41 A-Supplemental](#)

[Addendum-10-15-11-L-Wakefield Manor Plat](#)

- B. [SP #417 Site Plan for a special exception site plan for the preservation of existing garden apartments and construction of a 104-unit apartment building located at 1201, 1215, 1223 and 1233 N. Courthouse Rd. and 2025 Fairfax Dr. Modification to Zoning Ordinance requirements](#)

[for: bonus density for LEED, compact parking percentage, and other modifications as may be necessary to achieve the proposed development. \(RPC#: 17-017-001, 002, 003, and -004\)..](#)

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by MARY HYNES, Vice Chairman to adopt the ordinance to approve a site plan for the preservation of existing garden apartments and construction of a 104-unit apartment building with modification of use regulations for density exclusions, bonus density for LEED, parking ratio, and compact parking, subject to the conditions of the ordinance. The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member – Aye. [Clerk’s note: as set forth in the document entitled “Addendum-10-15-11-M-SP#417” attached for the public record to these minutes.]

[Board Report #41.B.](#)

[Board Report #41 B-Supplemental](#)

[Addendum-10-15-11-M-SP#417](#)

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- 42. [ZOA-11-02 PROPOSED AMENDMENTS TO THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 1. DEFINITIONS, SECTION 19. "C-1" LOCAL COMMERCIAL DISTRICTS, SECTION 26. "C-2" SERVICE COMMERCIAL - COMMUNITY BUSINESS DISTRICTS, AND SECTION 27A. "C-R" COMMERCIAL REDEVELOPMENT DISTRICTS, TO DEFINE THE TERM "LARGE FORMAT SALES ESTABLISHMENT," AS BEING A USE FOR WHICH ONE CERTIFICATE OF OCCUPANCY IS TO BE SOUGHT OR ISSUED WHERE THE PRIMARY ACTIVITY IS THE SALE OF ANY COMBINATION OF FOOD, MERCHANDISE AND/OR PERSONAL AND BUSINESS SERVICES, AND TO PROVIDE THAT "LARGE FORMAT SALES ESTABLISHMENTS" HAVING A GROSS FLOOR AREA OF 50,000 SQUARE FEET OR MORE ON ANY LEVEL OR THAT PROPOSE TO PROVIDE 200 OR MORE PARKING SPACES, ARE PROHIBITED EXCEPT AFTER APPROVAL BY THE COUNTY BOARD OF A SPECIAL EXCEPTION USE PERMIT. COMMERCIAL USES MEETING THE ABOVE REFERENCED DEFINITION ON PROPERTIES ZONED "MU-VS", "C-O-A", "C-3", "C-M", "M-1", "M-2", BY REFERENCE IN THE ZONING ORDINANCE, WOULD ALSO BE SUBJECT TO THIS PROVISION.](#)**

Following a duly advertised public hearing at which there were speakers, a motion was made by J. WALTER TEJADA, Member, seconded by MARY HYNES, Vice Chairman to adopt the ordinance to amend, reenact, and recodify the Arlington County Zoning Ordinance, Sections 1, 19, 26, and 27A in order to provide that “Large Format Sales Establishments,” as defined, may only be approved by the County Board through Special Exception Use Permit. The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member – Aye. [Clerk’s note: as set forth in the document entitled “Addendum-10-15-11-N-ZOA-11-02” attached for the public record to these minutes.]

[Board Report #42](#)

[Addendum-10-15-11-N-ZOA-11-02](#)

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ADJOURNMENT

Without objection, at 12:48 p.m., the Board recessed until the October 18, 2011 Recessed Meeting.

CHRISTOPHER ZIMMERMAN, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: November 19, 2011