

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, April 21, 2012 at 8:30 a.m.

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

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

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**PUBLIC COMMENT**

Ahmed Banaddi spoke about a revised Taxi Cab Ordinance proposed by the Arlington United Taxi Operators (AUTO).

Robert Atkins spoke about maintenance of County property.

Mark Lepnew commented on his health concerns with the reuse of pool water in apartment building pools.

Lisa Chedister spoke about urban agriculture and expressed her support of backyard hens.

Audrey Clement commented on the I-66 Multimodal Study and stated how the study could be improved.

Ken Bass of the Arlington Soccer Association talked about parking at Long Bridge Park.

Alison Kindler of the Ft. Barnard Community Garden spoke about problems at a vacant lot on 19<sup>th</sup> and S. Pollard Streets.

Jim Hurysz spoke about the cost of streetcars versus buses.

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**ANALYSIS OF CONTINGENT ACCOUNTS**

The Board received a Summary of Fiscal Year 2012 Contingent Accounts showing balances of \$1,000,000 in General and \$3,899,554 in Affordable Housing Investment Fund as of March 1, 2012.

**CONSENT ITEMS (ITEMS 1-40) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, APRIL 21, 2012, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, APRIL 24, 2012, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

A motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by LIBBY GARVEY, Member to approve the County Manager's recommendation for all consent items except items #16, #18, #20, #23 and #38, which will be subject to full hearing at the April 24, 2012 County Board recessed meeting. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

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**SITE PLANS/AMENDMENTS/REVIEW**

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**1. SP # 18 (1812 N. MOORE ST.) SITE PLAN AMENDMENTS**

- A. SP# 18 Site Plan Amendment to modify Conditions #84 and 85 to allow the County Manager to modify agreed upon improvements called for in the Community Benefit Plan and to provide terms upon which the developer could construct additional improvements paid for by the County; located at 1812 N. Moore St. (RPC#16-037-004).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve a site plan amendment to SP #18, subject to all previously approved conditions with amended Site Plan Conditions #84 and 85.

WHEREAS, an application for a Site Plan Amendment dated July 20, 2011, as amended, for Site Plan # 18, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report[s] provided to the County Board for its April 21, 2012 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 below; and

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

- Substantially comply with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance; and
- Functionally relate to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Are 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 July 20, 2011, as amended, for Site Plan #18, and as such application has been modified, revised, or amended to modify conditions for the parcel of real property known as RPC# 16-037-004, and - 005 and 1812 and 1850 N. Moore Street, 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 99) with amendments to conditions #84 and 85 as follows:

Modified Conditions:

84. The developer agrees to submit plans to the County Manager detailing the proposed improvements to N. Moore Street, as generally shown on the plans dated December 5, 2007, valued at \$1,200,000, prior to the issuance of the Excavation/Sheeting and Shoring Permit. By way of illustration and not limitation, these improvements include:
- a. A 35-foot wide mid-block crosswalk flush with curb, with a gradual descent tapering back to street grade over approximately 24-feet to the north and to the south (collectively referred to herein as the "mid-block crosswalk").
  - b. Alternative paving patterns and colors on roadway and/or sidewalks.
  - c. Alternative bus shelters.

The value of the improvements referenced above may be modified as mutually agreed upon by the developer and the County so long as the total cost to the developer of all improvements listed in this condition and Condition #85 shall not exceed \$3,482,000, exclusive of the \$500,000 for the Rosslyn Transit Store identified in Condition #86.

In addition, upon administrative application by the developer, the Zoning Administrator may approve modifications to the list of improvements above if she finds that the modifications are necessary for any of the following reasons: in order to reduce overall costs, to substitute an alternative improvement for one of equal or superior quality to a listed item, in response to County Board direction, and/or to keep costs within the County Manager's budget; but under no circumstances shall any approved modification result in the developer's cost exceeding the \$3,482,000 described herein.

In the event that the County Manager and the developer mutually agree to modifications to the list of improvements that result in hard and soft costs exceeding \$3,482,000 ("Cost Overage Improvements") (the difference between the cost of the improvements and \$3,482,000 will be referred to as the "Cost Overage"), as described above, then the developer agrees to continue to be responsible for those costs only in an amount of \$3,482,000; the developer agrees to be responsible for providing the County with a statement of the cost to construct the Cost Overage Improvements. In the event the County provides written approval of the statement of cost, the developer agrees to be responsible for construction of said Cost Overage Improvements. Upon completion of construction of the Cost Overage Improvements, the developer agrees to provide the County Manager with a reimbursement invoice and supporting documentation that reflects the amount of the Cost Overage. If the County does not pay the Cost Overage within 45 days of receipt the developer agrees to again notify the County Manager that such amount is to be paid in no more than 15 days from receiving the second notice. In the event the County does not pay the Overage, the developer may request a minor site plan amendment requesting that the County Board grant relief from the site plan obligations to cover the unpaid Cost Overage and the cost of the minor site plan amendment application fee.

In the event that the developer receives approval from the County Manager of such plans in writing within 180 days of the dates of submission of such plans, the developer agrees to install and construct improvements to North Moore Street prior to the issuance of the Certificate of Occupancy for the top floor of the office building.

The developer also agrees to do the following:

- d. Maintain upgrades and finishes beyond the County standard finishes of the sidewalk and streetscape on the western side of N. Moore Street between 19th Street North and Wilson Boulevard and the mid-block crosswalk on N. Moore Street, as defined in subsection a. above.

- e. The developer will keep the mid-block crosswalk and other streetscape improvements in good working order and repair any damages within a satisfactory time while maintaining bus and Metro operations.
- f. Provide written notice to Arlington County's Division of Transportation of any crosswalk and sidewalk repairs.
- g. Coordinate any repairs with the County and WMATA to reduce schedule conflicts.

In the event that the developer does not receive in writing from the County Manager the approval or receives a denial of such plans within 180 days of the date of submission of such plans, the developer agrees to provide a contribution in the amount of \$1,200,000 toward the future design and construction of improvements (by others) of any of the improvements listed in this condition and/or Condition #85 prior to the issuance of the Certificate of Occupancy for the top floor of the office building and this condition shall be fully satisfied.

#### Metro Station and Fort Myer Drive Improvements

85. The developer agrees to submit plans to the County Manager and the Washington Metropolitan Area Transit Authority (WMATA) detailing the proposed improvements to Rosslyn Metro Station and Fort Myer Drive, valued at \$2,282,000, as generally shown on the plans prepared by dated December 5, 2007, prior to the issuance of the Excavation/Sheeting and Shoring permit. By way of illustration and not limitation, these improvements include:
- a. ADA-accessible entrance on Fort Myer Drive and ramp into station
  - b. Location of approximately 1,000 square foot Rosslyn Transit Store
  - c. Additional lighting on the station mezzanine
  - d. New tile flooring
  - e. Bus/train schedule information boards
  - f. Bus waiting area seating near entrance on N. Moore Street
  - g. Provide a public pass through near the SE corner of the 1812 N. Moore St. lobby that will provide passage between the 1812 lobby and the Metro Station.
  - h. Ensure that the 1812 N. Moore St. building's southern exterior party wall adjacent to the north wall of the Metro station is not blank. The applicant agrees to put an aesthetic feature or surface on the 1812 N. Moore St.'s southern exterior wall to help animate the wall for people passing by on N. Moore St.
  - i. Preservation and relocation of the existing art located on the Ft. Myer Dr. wall of the Metro Station.
  - j. Improvements and architectural upgrades to the existing skybridge.
  - k. Provide additional daylighting by adding transparent panels along the Fort Myer Dr. Metro Station façade.

The value of the improvements listed above may be modified as mutually agreed upon by the developer and the County so long as the total cost to the developer of all improvements specified in this condition and Condition #84 shall not exceed \$3,482,000, exclusive of the \$500,000 for the Rosslyn Transit Store identified in Condition #86.

In addition, upon administrative application by the developer, the Zoning Administrator may approve modifications to the list of improvements above if she finds that the modifications are necessary for any of the following reasons: in order to reduce overall costs, to substitute an alternative improvement for one of equal or superior quality to a listed item, in response to County Board direction, and/or to keep costs within the County Manager's budget; but under no circumstances shall any approved modification result in the developer's cost exceeding the \$3,482,000 described herein.

In the event that the County Manager and the developer mutually agree to modifications to the list of improvements that result in hard and soft costs exceeding \$3,482,000 ("Cost Overage Improvements") (the difference between the cost of the improvements and \$3,482,000 will be referred to as the "Cost Overage"), as described above, then the

developer agrees to continue to be responsible for those costs only in an amount of \$3,482,000; the developer agrees to be responsible for providing the County with a statement of the cost to construct the Cost Overage Improvements. In the event the County provides written approval of the statement of cost, the developer agrees to be responsible for construction of said Cost Overage Improvements. Upon completion of construction of the Cost Overage Improvements, the developer agrees to provide the County Manager with a reimbursement invoice and supporting documentation that reflects the amount of the Cost Overage. If the County does not pay the Cost Overage within 45 days of receipt the developer agrees to again notify the County Manager that such amount is to be paid in no more than 15 days from receiving the second notice. In the event the County does not pay the Overage, the developer may request a minor site plan amendment requesting that the County Board grant relief from the site plan obligations to cover the unpaid Cost Overage and the cost of the minor site plan amendment application fee.

In the event that the developer receives approval from the County Manager and WMATA of such plans in writing within 180 days of the dates of submission of such plans, the developer agrees to install and construct improvements to Rosslyn Metro Station prior to the issuance of the Certificate of Occupancy for the top floor of the office building.

In the event that the developer does not receive in writing from the County Manager or WMATA the approval or receives a denial of such plans within 180 days of the date of submission of such plans, the developer agrees to provide a contribution in the amount of \$2,282,000 toward the future design and construction of improvements (by others) of any of the improvements listed in this condition and/or Condition #84 prior to the issuance of the Certificate of Occupancy for the top floor of the office building and this condition shall be fully satisfied.

[Board Report # 1 A](#)

- B. SP# 18 SITE Plan Amendment to modify Conditions #15 and #21 regarding the timing for the installation of required street trees; located at 1812 N. Moore St. (RPC# 16-037-004).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the attached ordinance to approve a site plan amendment to SP #18, modifying conditions #15 and #21, to allow the required street trees on 19<sup>th</sup> Street to be installed following the installation of public art.

WHEREAS, an application for a Site Plan Amendment dated September 15, 2011 for Site Plan # 18, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in the Staff Report dated April 21, 2012 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 April 21, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

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

Amend Condition #15 and #21 to allow deferral of the required street tree installation following the installation of the approved public art installation on 19<sup>th</sup> Street for Site Plan #18; 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 September 15, 2011 for Site Plan #18, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 below ( which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for the deferral of street tree installation, for the parcel of real property known as RPC# 16-037-004 and 1812 N. Moore St. approval is granted and the parcel so described shall be used according to the Site plan as originally approved on December 15, 2007 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to all previous conditions and the following modified conditions:

15. The installation of all plant material shown on the final landscape plan shall take place before the issuance of the first Certificate of Occupancy for the respective phase of construction; however, installation of the street trees on 19th Street North shall be delayed until after the public art as required in Condition #65 is installed. The applicant shall submit an application for administrative change within 30 days following the installation of the public art requesting that the trees not be required to be installed. The County Manager shall then determine whether the street trees required on 19<sup>th</sup> Street North impede the view of the public art to an extent that the art experience is significantly undermined by the presence of the trees. Should the County Manager find that the street trees impede the view of the public art to such extent, the County Manager shall approve the deletion of the street trees from the final landscape plan. However, if the trees do not impede the view, the street trees shall be installed prior to the issuance of the Master Certificate of Occupancy."

21. Sidewalk Improvements

19<sup>th</sup> Street North – A minimum 11.3-foot wide sidewalk, measured from the back of curb, including 4-foot wide planting strip planted with ~~4 to 4 1/2 inch caliper Willow Oak street trees and such~~ ground cover as liriope muscarii, hypericum, calycinum (Aaron's Beard), or juniperus conferta (Shore Juniper), place approximately 30 feet apart on center and a minimum of either (8) inches from back of curb. The developer agrees to provide a minimum 9-foot clear sidewalk along 19<sup>th</sup> Street North.

The presence of street trees on 19<sup>th</sup> Street will be determined upon review of an administrative change request submitted by the Applicant after the installation of the public art as provided for in Condition #15. If it is determined that street trees should be installed, the County Manager shall determine the species, to be consistent with the *Rosslyn-Ballston Corridor Streetscape Standards*, and final location of the street trees, at that time.

[Board Report #1 B](#)

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**2. SP #125 SITE PLAN AMENDMENT FOR RESTAURANT PERMITTING LIVE ENTERTAINMENT AND DANCING AT THE CHINA GARDEN RESTAURANT; LOCATED AT 1000 AND 1100 WILSON BOULEVARD (RPC# 17-001-010; -011).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve an amendment to SP #125 to permit live entertainment and dancing at the China Garden Restaurant, subject to all previous conditions, one new condition, and with a County Board review in one year (April 2013).

WHEREAS, an application dated February 10, 2012 for a Site Plan Amendment for Site Plan #125, was filed with the Office of the Zoning Administrator: and

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

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

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

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

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated February 10, 2012 for Site Plan #125, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in the conditions below ( which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for live entertainment and dancing, for the parcel of real property known as RPC #17-001-010; 011 and 1100 Wilson Boulevard approval is granted and the parcel so described shall be used according to the Site plan as originally approved on September 6, 1972 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to all previous conditions and the following new condition:

36. The applicant agrees that live entertainment and dancing use permitted at the China Garden Restaurant at 1100 Wilson Boulevard is a temporary use only that has been approved for a limited one (1) year period, and not longer. During the one year period, the use is permitted subject to all site plan conditions, and subject to the same reviews that could otherwise be made of any site plan use. The applicant further agrees that approval for the use will terminate after a period of one (1) year, on April 21, 2013, without further action by the County Board. The applicant agrees that it will cease use of the space for the purposes of live entertainment and dancing, and shall convert the space to another approved use, or fully vacate the space, on or before April 21, 2013. The applicant acknowledges and agrees that after April 21, 2013, it shall have no right to use the space for live entertainment and dancing purposes unless specific approval for that use is obtained from the County Board. In addition to all other conditions of this site plan, the applicant specifically agrees that the live entertainment and dancing use shall be subject to the following additional conditions:
  - a. The applicant agrees that live entertainment (DJ, ~~and~~ Karaoke, and live music ensembles) and dancing at 1100 Wilson Boulevard shall be permitted only between the hours of 9 p.m. and 1 a.m. ~~seven (7) days a week~~ Fridays, Saturdays, and the eve of all Federal holidays (for the purposes of this condition, Federal Holidays shall be defined as all legal Federal Holidays as well as St. Patrick's Day, Cinco de Mayo, and Halloween).
  - b. The applicant agrees to comply with all applicable requirements of County and State Ordinances, including, by way of illustration and not limitation, with regulations of the Environmental Health Bureau, and the Fire Marshal, the Police Department, and the Alcohol Beverage Control Board (ABC).

- c. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
- d. The applicant agrees to comply with the Arlington County Noise Ordinance and further agrees that the restaurant's windows and doors shall remain closed during the times of live entertainment and dancing except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. The applicant further agrees that, under no circumstances shall live entertainment and dancing be permitted outside of the building or broadcast over loudspeakers outside the building. The applicant agrees that doors shall not be propped open during live entertainment and dancing.
- e. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification. The applicant agrees to keep a record of TIPS training certification for all restaurant staff, including all new staff, and submit this information upon the County's request.
- f. The applicant agrees to designate and make available a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to live entertainment and dancing and to designate and make available an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment and dancing. The name, telephone number, and electronic mail address (if one is established) shall be submitted to the Zoning Administrator and a copy sent to the landlord, the Radnor/Fort Myer Heights Civic Association, the North Rosslyn Civic Association, and the Rosslyn Renaissance Urban Design Committee.

[Board Report #2](#)

[Board Report #2 -Supplemental Report \(Revised Condition-Posted 04-19-2012\)](#)

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**3. SP #167 SITE PLAN AMENDMENT TO PERMIT INSTALLATION OF AN ABOVE-GROUND STORAGE TANK (AST); LOCATED AT 1805 CRYSTAL DRIVE (RPC# 34-020-PCA).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve an amendment to SP #167 to permit installation of an above-ground storage tank.

WHEREAS, an application for a Site Plan Amendment dated January 30, 2012 for Site Plan # 167, was filed with the Office of the Zoning Administrator: and

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

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan

Amendment on April 21, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan [as amended]:

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

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated January 30, 2012 for Site Plan #167, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 45 below ( which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for installation of an above ground storage tank, for the parcel of real property known as RPC # 34-020-PCA and 1805 Crystal Drive, approval is granted and the parcel so described shall be used according to the Site plan as originally approved on May 17, 1980 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to the following condition:

45. The developer agrees to submit and obtain the review and approval by the County Manager or her designee of an amended final landscape plan for the planted strip adjacent to the service bay at Crystal Park Condominium I. The amended final landscape plan may include an above ground storage tank, and shall in all respects be consistent with the conceptual plan prepared by SES, dated January 26, 2012, and as approved by the County Board on April 21, 2012, and shall also include the location and details of screening for the above-grade diesel fuel storage tank. The developer agrees that the above-grade diesel fuel storage tank may not be placed on the property until the developer has obtained the County Manager's approval of the placement of the tank and the amended final landscape plan as being consistent with the site plan approval, and not being visible from the right of way and being properly screened. [Clerk's note: as set forth in the document entitled "Addendum-4-21-12-A- SP#167" attached for the public record to these minutes.]

[Board Report #3](#)

[Addendum-4-21-12-A- SP#167](#)

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**4. SP #193 SITE PLAN AMENDMENT FOR A ROOFTOP SIGN FOR AES CORP., LOCATED AT 4300 WILSON BLVD., (RPC# 14-059-040).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve a site plan amendment to amend the comprehensive sign plan for SP #193 to permit a rooftop sign on the Point Building, subject to all previous conditions and an amended Condition #39.

WHEREAS, an application for a Site Plan Amendment dated January 20, 2012 for Site Plan #193, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report dated March 26, 2012 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 to amend the comprehensive sign plan subject to all previous conditions with condition number 39 revised as set forth in this ordinance; and

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

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

Modification from Section 34.D.1 for sign placement above 35 feet; 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 January 20, 2012 for Site Plan #193, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 ( which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment to amend the Comprehensive Sign Plan to permit a rooftop sign, for the parcel of real property known as RPC # 14-059-040 and 4300 Wilson Boulevard, approval is granted and the parcel so described shall be used according to the Site plan as originally approved on June 24,

2000 and amended from time to time as shown in the records of the Office of Zoning Administration, and as amended by the Revised Site Plan Application, subject to all previous conditions with condition 39 revised as follows:

39. The developer agrees that all signs shall be consistent with the adopted comprehensive sign plan dated June 6, 2000 Revised 4.1 Submission and as approved by the County Board on June 24, 2000.
- a. The developer further agrees that there shall be only one (1) rooftop sign of no more than 63 square feet total, which shall be of the design, size, lighting, and specification as shown on drawings prepared by Kerley Signs entitled "Proposed New Signage For: The AES Corporation" dated 2/28/2011. The developer further agrees that no additional rooftop signs shall be placed on the 4300 Wilson Boulevard building unless an amendment to this comprehensive sign plan is approved. [Clerk's note: as set forth in the document entitled "Addendum-4-21-12-B- SP#193" attached for the public record to these minutes.]
  - b. The developer agrees that 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%).
  - c. The developer agrees to install a rheostat or other appropriate variable resistor to the proposed rooftop sign located at 4300 Wilson Boulevard that will allow the developer to adjust (decrease) the sign's lighting intensity. The developer further agrees that if the County Manager finds that the intensity of the rooftop sign lighting has an adverse effect on the surrounding area, the developer will, within 24 hours notice from the County Manager, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.
  - d. The developer agrees that the hours of illumination of the rooftop sign shall be from 8:00 a.m. to 12:00 a.m. (midnight), seven (7) days a week.

[Board Report #4](#)

[Addendum-4-21-12-B- SP#193](#)

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- 5. SP #196 SITE PLAN AMENDMENT TO RENEW AND EXTEND CONVERSION OF APPROX. 8,401 S.F. OF RETAIL TO OFFICE THROUGH NO LATER THAN JULY 31, 2012, LOCATED AT 3701 FAIRFAX DR., (RPC# 14-030-050).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance re-approving the conversion for approximately 8,401 square feet of ground floor retail use to office use through July 31, 2012.

WHEREAS, an application for a Site Plan Amendment dated February 10, 2012 for Site Plan #196, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report dated March 27, 2012 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 April 21, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

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

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated February 10, 2012 for Site Plan #196, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 ( which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for a conversion of approximately 8,401 square feet of ground floor retail use to office use through July 31, 2012, for the parcel of real property known as RPC # 14-030-050 and 3701 Fairfax Drive Boulevard, approval is granted and the parcel so described shall be used according to the Site plan as originally approved on November 16, 1982 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to all previous conditions with conditions number 33 and 34 revised as follows:

33. The applicant agrees that the conversion from retail to office for the space located in the interior of the first floor and shown as "Suite 100" on the drawing, approximately 725 square feet, shall be ~~for no longer than ten (10) years from the date of County Board approval (April 2011)~~ until July 31, 2012. The applicant also agrees that the 3,874 square feet which runs along the North Nelson Street frontage and which is shown as "Suite 120" on the drawing shall be converted to office ~~for a maximum of~~

~~ten (10) years (until April 24, 2011)~~ until July 31, 2012. All space must revert to retail use after July 31, 2012.

34. The applicant agrees that the 3,802 square feet of space located along the North Fairfax Drive frontage that is shown as "Suite 160" on the drawing shall be converted to office from retail until either ~~April 30, 2011~~ July 31, 2012, or the vacancy of the building by DARPA and Frontier, Inc., whichever is sooner. All space must revert to retail use after July 31, 2012. The applicant agrees that it will begin marketing this space as retail, consistent with condition number 32 above, upon vacancy of the building but no later than April 30, 2010.

[Board Report #5](#)

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**6. SP #360 SITE PLAN AMENDMENT FOR OUTDOOR SEATING LOCATED AT 3800 LEE HIGHWAY (RPC# 06-026-052).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve the site plan amendment to SP# 360 for outdoor seating at 3800 Lee Highway subject to all previous conditions and with new condition #58 and with a County Board review in one (1) year (April 2013).

WHEREAS, an application for a Site Plan Amendment for Site Plan # 360 dated February 13, 2012, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report dated March 29, 2012 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 below; and

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

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

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated February 13, 2012 for Site Plan # 360, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 58 below (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for outdoor seating, for the parcel of real property known as RPC# 06-026-052 and 3800 Lee Highway approval is granted and the parcel so described shall be used according to the Site plan as originally approved on July 31, 2002 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to the previous conditions #1-57, and with the following new condition #58:

58. The applicant agrees that the outdoor seating use permitted at 3800 Lee Highway is a temporary use that has been approved for a limited one (1) year period, and not longer. During the one year period, the use is permitted subject to all site plan conditions, and subject to the same reviews that could otherwise be made of any site plan use. The applicant further agrees that approval for the use will terminate after a period of one (1) year, on April 30, 2013, without further action by the County Board. The applicant agrees that it will cease use of the outdoor seating area on or before April 30, 2013. The applicant acknowledges and agrees that after April 30, 2013, it shall have no right to use the outdoor seating area unless specific approval for that use is obtained from the County Board. In addition to all other conditions of this site plan, the applicant specifically agrees that the outdoor seating use shall be subject to the following additional conditions:
- a. The applicant agrees that outdoor seating area is permitted on Lee Highway only as shown on the "3800 Lofts 3800 Lee Highway Sidewalk Seating Plan" dated April 2, 2012, and that the applicant shall not use the outdoor seating area until a certificate of occupancy has been obtained for that use. The applicant agrees to maintain a minimum of six (6) feet of straight clearance width along all sidewalks, for pedestrians. [Clerk's note: as set forth in the document entitled "Addendum-4-21-12-C- SP#360" attached for the public record to these minutes.]
  - b. The applicant agrees that any use of umbrellas in the outdoor seating area shall be done in a manner that does not interfere with pedestrian movement along the sidewalk.
  - c. The applicant agrees that there shall be no music or audio system piped outside to the outdoor seating area at any time.
  - d. The applicant agrees that all outdoor seating including tables, chairs, and removable barriers, shall be removed from the sidewalk annually during the winter months (December, January, and February). No outdoor seating equipment shall be stored on the sidewalk. The applicant further agrees that no permanent furniture, including tables, chairs, railings or umbrellas, shall be installed as part of the outdoor seating.

[Board Report #6](#)

[Addendum-4-21-12-C- SP#360](#)

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[USE PERMITS REQUEST/REVIEWS/AMENDMENTS](#)

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**7. U-2387-83-1 USE PERMIT REVIEW OF A VEHICLE SERVICE ESTABLISHMENT FOR EXXON INCORPORATED; LOCATED AT 1824 WILSON BLVD. (RPC# 17-010-018).**

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-2387-83-1 on file in the Office of the Zoning Administrator for a use permit renewal for the parcel of real property known as 1824 Wilson Boulevard (RPC# 17-010-018), 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 five (5) year County Board review (April 2017).

[Board Report #7](#)

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**8. U-2500-86-6 USE PERMIT AMENDMENT ALLOWING EXPANDED ENROLLMENT (TO A MAXIMUM OF 86 CHILDREN) TO AN EXISTING PRESCHOOL FOR ETZ HAYIM ARLINGTON-FAIRFAX JEWISH CONGREGATION; LOCATED AT 2920 ARLINGTON BOULEVARD (RPC# 24-007-015).**

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-2500-86-6 on file in the Office of the Zoning Administrator for a use permit renewal for the parcel of real property known as 2920 Arlington Boulevard (RPC # 24-007-015), 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 conditions #1 and #3 as revised in the April 10, 2012 report, and condition #2 as revised in this report and with a County Board review in one (1) year (April 2013).

Revised Conditions:

1. The applicant ~~shall meet the requirements of the Child Care Office, the Community Code Enforcement Office, the Environmental Health Bureau, and the Fire Marshal's Office, including the installation of smoke detectors.~~ agrees to demonstrate compliance with all requirements set forth in all applicable ordinances and regulations, including, by way of illustration and not limitation, those administered by the Child Care Office, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate building permit (if required by the Inspection Services Division Office) prior to the issuance of a certificate of occupancy (for the expanded space), and to remain in compliance throughout the life of the use permit.
2. The applicant agrees to provide a written document to each parent with children in the program, patrons and teachers of the requirement to park in the synagogues' South Garfield Street parking lot at all times during the hours of operation of the school and that the children are to be escorted to and from the school. The applicant further agrees that a copy of the document shall be provided to the civic association, the adjoining, adjacent and abutting neighbors and shall be made part of the official record in the Arlington County Zoning Office prior to the issuance of a certificate of occupancy. The applicant agrees that there shall be no drop-off and pick-up on South Fenwick Street or the service road area between South Fillmore Street and South Fenwick Street. The applicant agrees to assign staff to monitor and direct the drop-off and pick-up periods to ensure compliance with the use permit conditions.
3. The applicant agrees to abide at all times with limits of enrollment for the program as determined by the Arlington County Child Care Office, which shall make a final determination of the final occupancy of

the program following final build out of the proposed space, but the applicant agrees that the enrollment shall not exceed ~~50~~ 86 children, even if the Child Care Office were to permit more. ~~The applicant agrees to work closely with the Child Care Office, sharing designs and renovation plans of the proposed space.~~ The applicant agrees to obtain review and approval of all design and renovation plans for the proposed space from the County Manager or his designee and the Child Care Office prior to issuance of ~~an occupancy permit.~~ a certificate of occupancy for the child care use in such space.

[Board Report #8](#)

[Board Report #8-Supplemental Report \(Revised Recommendation and Condition-Posted 04-19-2012\)](#)

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**9. U-2677-90-1 USE PERMIT REVIEW FOR LIVE ENTERTAINMENT AND DANCING AT THE SALSA ROOM; LOCATED AT 2916 COLUMBIA PIKE (RPC# 25-016-004).**

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-2677-90-1 on file in the Office of the Zoning Administrator for a use permit renewal for the parcel of real property known as 2916 Columbia Pike (RPC# 25-016-004), 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 five (5) years (April, 2017).

[Board Report #9](#)

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**10. U-2795-93-1 USE PERMIT AMENDMENT ALLOWING LIVE ENTERTAINMENT AND DANCING FOR A NEW TENANT, DARNA 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 a use permit renewal 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 the conditions of the staff report, revised conditions #1 and #4 and new conditions #6 and #7, with an administrative review in six (6) months (October 2012) and a County Board review in one (1) year (April 2013).

Revised Conditions #1 and #4:

1. The applicant agrees that live entertainment and dancing shall be permitted only between the hours of ~~8:00 p.m. 9:00 p.m. and 1:30 a.m. 12:00 a.m.~~, Thursdays, Fridays, and Saturdays and between the hours of 8:00 p.m. and 12:00 a.m. on Wednesdays and Sundays. The Applicant further agrees that no live entertainment or dancing shall be permitted on Mondays or Tuesdays.
4. The applicant agrees to ensure that all windows and doors to the subject site shall be kept closed at all times except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area, and agrees to soundproof the structure as needed to ~~meet~~ maintain compliance with the Arlington County the Noise Ordinance. The applicant agrees that under no circumstances shall live

entertainment and dancing be permitted outside of the building or broadcast over loudspeakers outside the building.

Proposed New Conditions:

6. The applicant agrees to comply with all applicable requirements of County and State Ordinances, including, by way of illustration and not limitation, the Environmental Health Bureau, and the Fire Marshal, the Police Department, and the Alcohol Beverage Control Board (ABC).
7. The applicant agrees to provide on-site dedicated security from 8:00 p.m. until closing on nights when dancing is permitted. The on-site security may consist of "in-house" staff, so long as that staff is dedicated to only security during the hours of live entertainment and dancing.

[Board Report #10](#)

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**11. U-2924-97-2 USE PERMIT REVIEW FOR FOOD DELIVERY SERVICE AT PAPA JOHN'S PIZZA; LOCATED AT 2440 WILSON BOULEVARD (RPC# 18-006-009).**

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

BE IT ORDAINED that, pursuant to application U-2924-97-2 on file in the Office of the Zoning Administrator for a use permit renewal for the parcel of real property known as 2440 Wilson Boulevard (RPC# 18-006-009), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, with an addition to Condition #1 and with a correction to Condition #6, and with a County Board review in three (3) years (April 2015).

Revised Conditions:

1. The applicant agrees to develop and maintain a delivery and driver safety training plan which sets forth the content of the course, identifies standards for compliance and identifies other elements of the plan. The driver training manual shall include a map of the Lyon Village Civic Association. The County Board has found that the exception for this use is justified only because the applicant has represented that the use will make deliveries only by vehicles using the commercial frontages and streets to the maximum extent possible.
6. The restaurant manager will establish and continuously maintain ongoing liaison communications with the ~~Courthands~~ Clarendon Courthouse Civic Association and Lyon Village ~~Citizens~~ Civic Association, and the Charleston Condominium Association in order to effectively address any neighborhood concerns.

[Board Report #11](#)

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**12. U-2999-01-1 USE PERMIT REVIEW OF A VEHICLE SERVICE ESTABLISHMENT; LOCATED AT 2427 SHIRLINGTON ROAD (RPC #31-034-019).**

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-2999-01-1 on file in the Office of the Zoning Administrator for a use permit renewal for a vehicle service establishment for the parcel of real property known as 2427

Shirlington Road (RPC# 31-034-019), 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 quarterly administrative reviews (July and October 2012, and January 2013) and a County Board review in one (1) year (April 2013).

[Board Report #12](#)

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**13. U-3053-03-1 USE PERMIT REVIEW OF A FAMILY DAY CARE HOME FOR UP TO NINE (9) CHILDREN FOR MAGALY PAZ QUIROGA; LOCATED AT 4000 19TH STREET SOUTH (RPC# 26-023-024).**

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-3053-03-1 on file in the Office of the Zoning Administrator for a use permit renewal for the parcel of real property known as 4000 19th Street South (RPC# 26-023-024), 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 five (5) year County Board review (April 2017).

[Board Report #13](#)

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**14. U-3058-03-2 USE PERMIT REVIEW FOR FAMILY DAY CARE FOR UP TO NINE (9) CHILDREN; LOCATED AT 937 17TH ST. S. (RPC# 36-001-001).**

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-3058-03-2 on file in the Office of the Zoning Administrator for a use permit renewal for family daycare for up to nine (9) children for the parcel of real property known as 937 17th St. S. (RPC# 36-001-001), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the approved condition, and with a County Board review in five (5) years (April 2017).

[Board Report #14](#)

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**15. U-3243-10-1 USE PERMIT REVIEW FOR FOOD DELIVERY SERVICE FOR A CARRY-OUT OPERATION; LOCATED AT 4514 LEE HIGHWAY (RPC# 07-003-008).**

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-3243-10-1 on file in the Office of the Zoning Administrator for a use permit for a food delivery service for the parcel of real property known as 4514 Lee Highway (RPC# 07-003-008), approval is granted and the parcel so described shall be used according to the approval

requested by the application, subject to all previously approved conditions and one (1) new condition as set forth in this report that requires the delivery service to begin on or before July 21, 2012, with an administrative review in three (3) months (July 2012) and a County Board review in one (1) year (April 2013) if delivery service has begun.

New Condition:

8. The applicant agrees that the delivery service use for Homemade Pizza permitted at 5414 Lee Highway shall be commenced prior to July 21, 2012. The applicant further agrees that approval for the use will terminate after a period of three (3) months, on July 21, 2012, without further action by the County Board should the delivery service use not be commenced. For purposes of this use permit, "commence" shall mean that the applicant has fulfilled all conditions required to be met before the use begins, and that the applicant has actually begun delivering pizzas from this location. The applicant agrees that it will cease use of the approximately 900 square foot space for the purposes of delivery service, and shall convert the space to another approved use, or fully vacate the space, on or before July 21, 2012 should delivery service not be commenced. The applicant acknowledges and agrees that after July 21, 2012, if delivery service has not commenced, it shall have no right to use the 900 square foot space for delivery service purposes unless specific approval for that use is obtained from the County Board.

[Board Report #15](#)

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- 17. U-3330-12-1 USE PERMIT FOR LIVE ENTERTAINMENT AT LUCY'S ARL; LOCATED AT 2620 SHIRLINGTON ROAD (RPC# 31-033-001).**

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-3330-12-1 on file in the Office of the Zoning Administrator for a use permit for live entertainment for the parcel of real property known as 2620 Shirlington Road (RPC# 31-033-001), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions of the staff report with an administrative review in six (6) months (October 2012) and a County Board review in one (1) year (April 2013).

[Board Report #17](#)

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- 19. U-3333-12-1 USE PERMIT TO ALLOW A FAMILY DAY CARE HOME FOR UP TO NINE (9) CHILDREN FOR AMY DAY CARE; LOCATED AT 2011 SOUTH KENMORE STREET (RPC# 31-010-053).**

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-3333-12-1 on file in the Office of the Zoning Administrator for a use permit for the parcel of real property known as U-3333-12-1, approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report, with a County Board review in one (1) year (April 2013).

[Board Report #19](#)

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

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**21. APPROVAL OF A DEED OF EASEMENT FOR PUBLIC SIDEWALK, UTILITIES AND DRAINAGE PURPOSES FOR A DEPARTMENT OF ENVIRONMENTAL SERVICES STREET IMPROVEMENT PROJECT ON PROPERTY LOCATED AT 937 23RD STREET SOUTH, ARLINGTON, VIRGINIA (RPC# 36-032-023).**

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

1. Approved the attached Deed of Easement for Public Sidewalk Utilities and Drainage Purposes on the property located at 937 23<sup>rd</sup> Street South, Arlington, Virginia (RPC # 36-032-023); [Clerk's note: as set forth in the document entitled "Addendum-4-21-12-D- 23<sup>rd</sup> St. South Easement" attached for the public record to these minutes.]
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept, on behalf of the County Board, the attached Deed of Easement, subject to approval as to form by the County Attorney.

[Board Report #21](#)

[Addendum-4-21-12-D- 23rd St. South Easement](#)

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**22. APPROVAL OF A FIRST LEASE EXTENSION AGREEMENT BETWEEN CESC SQUARE L.L.C., AS LANDLORD, AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS TENANT, EXTENDING THE LEASE TERM FOR TWO MONTHS, FOR THE BRAC TRANSITION OFFICE AT 1638B CRYSTAL SQUARE ARCADE, ARLINGTON, VIRGINIA (RPC NO. 34-020-249).**

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

1. Approve the attached First Lease Extension Agreement between CESC Square L.L.C., as Landlord, and the County Board of Arlington County, Virginia, as Tenant, Extending the Lease Term for Two Months, for the BRAC Transition Office at 1638B Crystal Square Arcade, Arlington, Virginia (RPC No. 34-020-249). [Clerk's note: as set forth in the document entitled "Addendum-4-21-12-E- CESC Square Lease" attached for the public record to these minutes.]
2. Authorize the Real Estate Bureau Chief, or his designee, to execute on behalf of the County Board, the attached First Lease Extension Agreement, subject to approval as to form by the County Attorney.

[Board Report #22](#)

[Addendum-4-21-12-E- CESC Square Lease](#)

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**CAPITAL PROJECTS**

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**24. APPROVAL OF THE AUTOMATIC FARE COLLECTION (AFC) EQUIPMENT PROCUREMENT AND INSTALLATION AGREEMENT BETWEEN THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA (COUNTY) FOR THE ROSSLYN STATION ACCESS IMPROVEMENT PROJECT (RSAIP)**

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the County Manager to execute the attached Agreement with WMATA for the purchase and installation of AFC equipment. [Clerk's note: as set forth in the document entitled "Addendum-4-21-12-F- AFC Agreement" attached for the public record to these minutes.]

[Board Report #24](#)

[Addendum-4-21-12-F- AFC Agreement](#)

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**25. APPROVE THE AWARD OF A CONTRACT TO MILANI CONSTRUCTION LLC FOR THE CONSTRUCTION OF THE PENTAGON CITY MULTI-MODAL IMPROVEMENT PROJECT ALONG SOUTH HAYES STREET BETWEEN 15TH STREET SOUTH AND ARMY NAVY DRIVE, CONTRACT NO. 520-12.**

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

1. Approved the award of Contract No. 520-12 to Milani Construction LLC for the Construction of the Pentagon City Multi-Modal Improvement Project in the amount of \$8,519,603; authorize an allocation of \$500,000 as a contingency for change orders and increased quantities and \$100,000 in stipulated price items, for a total authorization of \$9,119,603.
2. Authorized the Purchasing Agent to execute the contract documents, subject to approval by the County Attorney.

[Board Report #25](#)

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**26. APPROVE THE AWARD OF A CONTRACT TO ARDENT COMPANY LLC FOR THE CONSTRUCTION OF THE CRYSTAL DRIVE, 12TH STREET SOUTH, 14TH ROAD SOUTH AND SOUTH CLARK STREET TWO-WAY CONVERSION PROJECT ("PROJECT"), CONTRACT NO. 563-12.**

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

1. Approved the Award of Contract No. 563-12 to Ardent Company LLC for the Construction of the Crystal Drive, 12th Street South, 14th Road. South and South Clark Street. Two-Way Conversion Project in the amount of \$1,703,700; authorize an allocation of \$170,000 as a contingency for change orders and increased quantities and \$30,000 in stipulated price items, for a total contract authorization of \$1,903,700.
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 MAINTENANCE CONTRACTS**

- A. Approve an award of Contract to D.H.C. Corporation to provide Cleaning and Cement-Mortar Lining of Water Pipelines throughout the County in FY 2012 and approve an amendment to an existing Contract between Arlington County and D.H.C. Corporation to provide Cleaning and Cement-Mortar Lining of Water Pipelines in FY 2011 to accommodate unforeseen site conditions.

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

1. Approved the award of Contract Number 682-12 to D.H.C. Corporation to provide Cleaning and Cement-Mortar Lining of Water Pipelines in FY 2012 for various locations through the County, in an amount not to exceed \$1,693,066, plus a contingency of \$338,613, for a total contract authorization of \$2,031,679.
2. Approved an amendment to Contract No. 36-11 with D.H.C. Corporation for Cleaning and Cement-Mortar Lining of Water Pipelines in 2011, in order to increase the funding authorization by \$382,711, for a total contract authorization of \$1,424,723.
3. Authorized the Purchasing Agent to execute the Contract Documents, subject to approval as to form by the County Attorney.

[Board Report #27.A.](#)

- B. Approve the award of a contract to provide sanitary sewer manhole rehabilitation at various locations throughout the County.

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

1. Approve the Award of Rider Contract No. 690-12 to AM-Liner East Inc. to provide sanitary sewer manhole rehabilitation in an amount not to exceed \$300,000 plus a contingency of \$60,000 for a total contract authorization of \$360,000.
2. Authorize the Purchasing Agent to execute the Contract Documents, subject to approval as to form by the County Attorney.

[Board Report #27.B.](#)

- C. Approve the award of a contract to provide Sanitary Sewer Cured-In-Place (CCIP) Relining pipe size 18-inch to 36-inch at various locations throughout the County.

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

1. Approve the Award of Rider Contract No, 711-12.to AM-Liner East Inc. to provide Sanitary Sewer Cured-In-Place (CCIP) Relining pipe size 18-inch to 36-inch for various locations

throughout the County in the amount of \$1,600,000 plus a contingency of \$320,000 for a total contract authorization of \$1,920,000.

2. Authorize the Purchasing Agent to execute the Contract Documents, subject to approval as to form by the County Attorney.

[Board Report #27.C.](#)

- D. Award of a Contract to provide latex modified overlay treatments using Virginia Department of Transportation (VDOT) Latex Type C material on selected streets in the County.

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

1. Approved the award of a rider contract to Slurry Pavers Inc. to provide latex modified overlay treatments using VDOT Latex Type C material not to exceed \$400,000 plus a contingency of \$80,000 for a total authorization of \$480,000 for various locations throughout the County.
2. Authorized the Purchasing Agent to execute the contract documents, subject to approval as to form by the County Attorney.

[Board Report #27.D.](#)

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**28. APPROVAL OF THE AWARD OF CONTRACT 648-12 BETWEEN THE COUNTY BOARD AND D & A CONTRACTORS FOR THE INTERIOR RENOVATION OF THE TRANSIT OPERATIONS CENTER TO BE LOCATED AT 2900 S. EADS STREET.**

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

1. Approved the award of Agreement Number 648-12 between the County Board of Arlington County, Virginia and D & A Contractors to provide general construction services to renovate an existing office building located at 2900 S. Eads St. for an amount not to exceed \$899,442 plus a contingency of \$140,000 for a total contract authorization of \$1,039,442;
2. Authorized the Purchasing Agent to execute the contract documents, subject to approval of such documents by the County Attorney.

[Board Report #28](#)

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**29. APPROVAL OF THE AWARD OF CONTRACT NUMBER 687-12 BETWEEN THE COUNTY BOARD AND HARRY BRASWELL, INC. FOR THE RENOVATION OF THE HVAC SYSTEM AT FIRE STATION #4, LOCATED AT 3121-10TH STREET, ARLINGTON, VA 22201.**

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

1. Approved the award of Contract Number 687-12 between the Arlington County Board and Harry Braswell, Inc. to provide general construction services to renovate the HVAC system at Fire Station #4, in an amount not to exceed \$638,578.78, plus a contingency of \$95,000.00, for a total contract authorization of \$733,578.78.

2. Authorized the Purchasing Agent to execute the Contract Documents, subject to legal review by the County Attorney.

[Board Report #29](#)

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**30. APPROVAL OF THE JOB ORDER CONTRACT (JOC) PROPOSAL FOR THE REPLACEMENT OF SIX (6) ELEVATORS IN THE ARLINGTON COUNTY DETENTION FACILITY.**

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

1. Approved the Job Order Contract proposal in the amount of one million three hundred sixteen thousand six hundred seventy four dollars and seventy one cents (\$1,316,674.71) to The Matthews Group, Inc. and approve an allocation not to exceed one hundred thirty one thousand dollars (\$131,000.00) as a contingency for change orders, for a total of contract authorization of one million four hundred forty seven thousand six hundred seventy four dollars and seventy one cents (\$1,447,674.71).
2. Authorized the Purchasing Agent to execute the contract documents, subject to approval by the County Attorney.

[Board Report #30](#)

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**APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS**

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**31. DEPARTMENT OF HUMAN SERVICES GRANTS**

- A. FY 2012 State Grants for the Department of Human Services.

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

1. Authorized the County Manager or her designee to accept \$8,832 in funds from the Virginia Department of Behavioral Health and Development Services on behalf of the County Board.
2. Appropriated \$8,832 in FY 2012 from the Virginia Department of Behavioral Health and Developmental Services (101.364501) to the Department of Human Services (101.52159) for mental health crisis stabilization program enhancements.

[Board Report #31.A.](#)

- B. Department of Labor Workforce Investment Act funds for workforce development activities.

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

1. Authorized the County Manager or her designee to accept \$130,305 in funds from the Department of Labor on behalf of the County Board.
2. Appropriated \$130,305 in FY 2012 from Department of Labor Workforce Investment Act funds (101.374900) to the Department of Human Services (101.51131) for workforce development services.

[Board Report #31.B.](#)

C. Department of Rehabilitative Services Funds for Workforce Development Activities.

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

1. Authorized the County Manager or her designee to accept \$210,089 in grant funds from the Virginia Department of Rehabilitative Services in FY 2012.
2. Appropriated \$210,089 in FY 2012 from the Virginia Department of Rehabilitative Services (101.374900) to the Department of Human Services (101.51131) to facilitate workforce development services for persons with disabilities.

[Board Report #31.C.](#)

D. Fiscal Year 2012 Additional Appropriation of State Mental Health Funds for Department of Human Services.

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

1. Authorized the County Manager or her designee to accept \$27,000 in funds from the Virginia Department of Behavioral Health and Development Services on behalf of the County Board.
2. Appropriated \$27,000 in FY 2012 from the Virginia Department of Behavioral Health and Developmental Services (101.364501) to the Department of Human Services (101.52159) for an existing funded client-driven vocational project.

[Board Report #31.D.](#)

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**32. APPROVE THE AWARD OF CONTRACT #153-10 FOR THE PROVISION OF ARCHITECTURAL SERVICES AND PRELIMINARY FEASIBILITY STUDIES TO NON-PROFIT HOUSING ORGANIZATIONS FOR REHABILITATION OR CONSTRUCTION OF VARIOUS PROPERTIES ON AS-NEEDED BASIS.**

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

1. Approved the Award of Contract No. 153-10 to Wiencek + Associates for architectural services and preliminary feasibility studies to non-profit housing developers for acquisition, rehabilitation, or construction of potential low and moderate income housing on an as-needed

basis, for up to a five (5) year period, in an amount not to exceed \$30,000 per year or a total of \$150,000 funded by Community Development Block Grant (CDBG) funds.

2. Authorized the Purchasing Agent to execute the contract documents, subject to approval by the County Attorney.

[Board Report #32](#)

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**33. FUNDING FOR THE MODERATE INCOME PURCHASE ASSISTANCE PROGRAM (MIPAP) TO ASSIST QUALIFYING VESTED RESIDENTS OF BUCKINGHAM VILLAGE 3 (BV3).**

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

1. Allocate \$500,000 from the FY 2012 Economic Stabilization Fund (101.450002.91102) to the Moderate Income Purchase Assistance Program (MIPAP) (206.72405) with a priority of providing first-time homebuyer loan assistance to known vested tenants of Buckingham Village 3 and other Buckingham neighborhood households.

[Board Report #33](#)

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**34. ACCEPT A HAZ-MAT TEAM GRANT FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM) TO THE FIRE DEPARTMENT.**

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

1. Accepted and appropriate in FY 2012 a \$30,500 HAZ-MAT team equipment, training and exercise grant from VDEM (101.364900) to the Fire Department (101.34301).
2. Authorized the County Manager or her designee to enter into any agreement(s) associated with this grant.

[Board Report #34](#)

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**35. APPLICATION FOR AND ACCEPTANCE OF A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT FROM THE U. S. DEPARTMENT OF HOMELAND SECURITY.**

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

1. Authorized the County Manager or her designee to apply for the SAFER grant.
2. Authorized the County Manager or her designee to enter into an agreement(s) associated with this grant, subject to approval as to form of the agreement by the County Attorney.

[Board Report #35](#)

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**REQUESTS TO ADVERTISE**

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**36. REQUEST TO ADVERTISE AMENDMENT, REENACTMENT AND RE-CODIFICATION CHAPTER 14.2 OF THE ARLINGTON COUNTY CODE TO UPDATE AND STANDARDIZE FORMATTING AND STYLING, AND TO CONFORM THE CHAPTER TO PREVIOUSLY APPROVED COUNTY BOARD ACTIONS.**

On the consent agenda vote, after a duly advertised public hearing, the Board authorized advertisement of a public hearing on May 19, 2012, to adopt the re-codification of Chapter 14.2 of the County Code, in the form attached hereto, to standardize formatting, correct errors and bring the Chapter into conformance with approved County Board actions. [Clerk's note: as set forth in the document entitled "Addendum-4-21-12-G- Chapter 14.2" attached for the public record to these minutes.]

[Board Report #36](#)

[Addendum-4-21-12-G- Chapter 14.2](#)

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**37. REQUEST TO ADVERTISE A PUBLIC HEARING REGARDING AN AMENDMENT TO ARLINGTON COUNTY CODE CHAPTER 40 (TRANSIENT OCCUPANCY TAX).**

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the advertisement of a public hearing to be held on May 19, 2012, to amend Chapter 40 of the Code of Arlington County to conform with current State legislation regarding the additional transient occupancy tax levy for the purpose of promotion of tourism and business travel in Arlington County.

AN ORDINANCE TO AMEND, REENACT AND REORDAIN CHAPTER 40 (TRANSIENT OCCUPANCY TAX) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA CONCERNING THE EXPIRATION OF ADDITIONAL LEVY AMOUNT TO BE EFFECTIVE JANUARY 1, 2012.

I. BE IT ORDAINED by the County Board of Arlington County, Virginia that Chapter 40 of the Code of Arlington County, Virginia is hereby amended, reenacted, and reordained, to be effective on January 1, 2012, to read, in pertinent part, as follows:

\* \* \*

**§ 40-2. Levy and Rate.**

In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby imposed and levied on each and every transient a tax equivalent to five ~~and one-quarter~~ percent ~~(5.25%)~~ (5.00%) of the total amount paid for room rental by or for any such transient to any hotel.

~~The difference between the receipts from a tax of five and one-quarter percent (5.25%)~~

~~and five percent (5%) of the total amount paid for room rentals taxed under the previous paragraph shall be designated and spent for the purpose of promotion of tourism and business travel in Arlington County in addition to the amount budgeted by the County in fiscal year 1990 for the promotion of tourism and business travel.~~

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[Board Report #37](#)

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**39. REQUEST TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO U-3199-08-2 USE PERMIT FOR ARLINGTON MILL RESIDENCES TO MODIFY CONDITION #26 TO ELIMINATE THE REQUIREMENT THAT AFFORDABILITY CONTINUE AFTER FORECLOSURE TO BRING THIS USE PERMIT INTO COMPLIANCE WITH VHDA FINANCING REQUIREMENTS; LOCATED AT 901 S. DINWIDDIE ST. (RPC #22-001-724)**

On the consent agenda vote, after a duly advertised public hearing, the Board authorized advertisement of a public hearing by the County Board on May 19, 2012, to consider amending #U-3199-08-2 Use Permit for Arlington Mill Residences to modify Condition #26 related to the way affordable housing requirements are described.

**Proposed revision to Condition #26:**

26. The developer agrees that the land underlying the Arlington Mill Residences is being made available to the housing developer through a Ground Lease for the purpose of providing affordable housing. Therefore, the developer agrees that no permits will be issued for this project until a lease for the subject property that is acceptable to the County Manager, has been executed by both the County and the developer. The developer agrees that the lease will provide, among other things, that 99% of the apartments will be affordable (121 of 122 units) to households earning 60% of the Area Median Income (AMI) and such lower amounts as the Developer and County may mutually agree in the terms of the lease for so long as such requirements are applicable under the Ground Lease. Rents for the 121 units will remain affordable for the life of the Ground Lease (at least 75 years). The developer agrees to implement and comply with the affordability requirements described in the Deed of Ground Lease for Arlington Mill Residences, particularly in Article IV Section 4.04 and with Exhibit C Affordable Housing Program of the Ground Lease approved on October 31, 2011 and as may be amended from time to time by mutual agreement of the parties, for so long as such requirements are applicable under the Ground Lease.

[Board Report #39](#)

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**OTHER**

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**40. MINUTES**

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

November 29, 2011

Work Session with the Arlington General Assembly

November 30, 2011	Work Session with the Arlington School Board
December 20, 2011	Closed Session
January 2, 2012	Organizational Meeting
January 10, 2012	Work Session with County Manager Regarding Employee Compensation
January 10, 2012	Closed Meeting
January 17, 2012	Closed Meeting
January 17, 2012	Work Session with County Manager Regarding Signs
January 31, 2012	Work Session with County Manager Regarding Management and Planning Work Plan
February 7, 2012	Work Session with the Civic Federation
February 8, 2012	Work Session with County Manager Regarding the Columbia Pike Neighborhoods Plan-Policy Framework
February 8, 2012	Work Session with County Manager Regarding the Manager's Proposed FY 2013 Budget
February 16, 2012	Budget Work Session
February 21, 2012	Budget Work Session
February 21, 2012	Budget Work Session
February 28, 2012	Budget Work Session
March 1, 2012	Budget Work Session
March 6, 2012	Budget Work Session
March 10, 2012	Regular Meeting
March 13, 2012	Recessed Meeting

[Agenda Item #40](#)

[Agenda Item #40-Supplemental](#)

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**OTHER**

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**REGULAR HEARING ITEMS**

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**41. FISCAL YEAR 2013 BUDGET (THE PUBLIC HEARING FOR THIS ITEM HAS CONCLUDED.)**

A. Fiscal Year 2013 County Budget Resolution and Appropriations Resolution

Following a duly advertised public hearing which concluded March 20, 2012, a motion was made by MARY HYNES, Chair, seconded by J. WALTER TEJADA, Vice Chairman to:

1. Adopt the attached FY 2013 County Budget Resolution (Attachment I).
2. Adopt the attached FY 2013 County Appropriations Resolution (Attachment II).
3. Authorize the County Manager to negotiate and sign grant agreements with non-profits that result from FY 2013 budget appropriations, with the approval of the County Attorney.

The motion was adopted by a vote of 5 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, LIBBY GARVEY, Member - Aye, JAY FISSETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk's note: as set forth in the document entitled "Addendum-4-21-12-H- FY 2013 Budget Resolutions" attached for the public record to these minutes.]

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

[Board Report #41 A-Supplemental Report \(Posted 04-20-2012\)](#)

[Addendum-4-21-12-H- FY 2013 Budget Resolutions](#)

- B. Adopt the CY 2012 real estate tax rate, the commercial real estate tax rate and the sanitary district tax rate.

Following a duly advertised public hearing which concluded March 20, 2012, a motion was made by MARY HYNES, Chair, seconded by J. WALTER TEJADA, Vice Chairman to:

1. Adopt the Calendar Year (CY) 2012 base real estate tax rate of \$0.958 per \$100 of assessed value using the attached resolution (Attachment I).
2. Ratify the commercial real estate tax for transportation initiatives at \$0.125 per \$100 of assessed value using the attached a (Attachment I).
3. Ratify the sanitary district tax for stormwater management at \$0.013 per \$100 of assessed value using the attached resolution (Attachment I).

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

**RESOLUTION FIXING COUNTY REAL ESTATE LEVY**

**BE IT RESOLVED AND ORDERED** by the County Board of Arlington County, Virginia, that there is hereby levied for the tax year (CY) 2012, a tax of \$0.958 per one hundred dollars of assessed valuation of all taxable real estate located in this County for County and School purposes. The levy hereby ordered is also applicable to real estate of the public service corporations based upon the assessment thereof by Arlington County, the State Corporation Commission, and the State Department of Taxation, and duly certified; and

**IT IS FURTHER ORDERED** that such taxes, when and if appropriated by the County Board of this County, shall be used to defray the County and School charges and expenses and all necessary charges incident to or arising from the execution of the lawful authority of the County Board of Arlington; and

**IT IS FURTHER ORDERED** that such taxes for County and School purposes appropriated or unappropriated and unused to defray County and School charges and expenses shall return to the General Fund of the County to be used to defray County and School charges and expenses and all necessary charges incident to or arising from the execution of the lawful authority of the County Board of Arlington County for the next fiscal year; and

**IT IS FURTHER ORDERED** that the sanitary district tax codified in § 26-13 of the Arlington County Code and the real estate tax on properties used for or zoned to permit commercial and industrial purposes codified in § 20-6(c) of the Arlington County Code be maintained at the existing rates of \$0.013 and \$0.125 per one hundred dollars of assessed value, respectively.

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

[Board Report #41 B-Supplemental Report \(Posted 04-20-2012\)](#)

- C. Adopt the Calendar Year 2012 personal property tax rate and the allocation method of the State's vehicle tax relief provided to Arlington County.

Following a duly advertised public hearing which concluded March 20, 2012, a motion was made by MARY HYNES, Chair, seconded by J. WALTER TEJADA, Vice Chairman to:

- 1) Adopt a Calendar Year 2012 personal property tax rate of \$5.00 per \$100 of assessed value using the attached resolution (Attachment I) and \$ 0.958 per \$100 of assessed value for public service corporations.
- 2) Adopt a Calendar Year 2012 resolution (Attachment II) fixing the methodology that shall be utilized in distributing the State's fixed block grant, including additional relief provided to qualifying clean fuel vehicles of 60 percent of the tax bill from \$3,001 to \$20,000 of value and additional relief provided to qualifying vehicles equipped to transport the disabled of 50 percent of the tax bill from \$3,001 to \$20,000 of value. [Clerk's note: as set forth in the document entitled "Addendum-4-21-12-I- Tax Resolutions" attached for the public record to these minutes.]

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

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

[Board Report #41 C-Supplemental Report \(Posted 04-19-2012\)](#)

Following a duly advertised public hearing which concluded March 20, 2012, a motion was made by MARY HYNES, Chair, seconded by J. WALTER TEJADA, Vice Chairman to adopt the Chairman's Mark and Board Guidance and Notes to Accompany FY 2013 Adopted Budget with two minor changes. [Clerk's note: text proposed to be added is shown in underline, text proposed to be deleted is shown in strikethrough. Chairman's Mark as set forth in the document entitled "Addendum-4-21-12-J- Chairman's Mark" attached for the public record to these minutes.] The motion was adopted by a vote of 5 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, LIBBY GARVEY, Member - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

**Board Guidance and Notes to Accompany FY 2013 Adopted Budget**

The FY13 budget builds on the Board's direction to the Manager to pay particular attention to three critical areas of County need – affordable housing, compensation and capital maintenance. We are pleased this budget takes significant steps forward in each of these areas.

There can be no doubt that increased funding for affordable housing, compensation and capital maintenance will be necessary over the next few years if we are to make progress toward our goals. Work is already underway that will lead us to specific longer-term funding strategies for each of these areas.

- In FY13, the Manager enters year three of a four year thorough review of our salary competitiveness.
- The Board-appointed Capital Improvement Plan Working Group provided a road map to address both a pressing backlog of maintenance projects and the need to increase the base level of funding for on-going capital maintenance.
- 2012 will mark the culmination of a multi-year study of land use and housing needs on Columbia Pike. This study has already identified the need for a minimum ~~for~~ of \$7M in new annual funding to accomplish both preservation and creation of affordable housing along the Pike's 3-4 mile length. Faced with this estimate - as well as growing demand for housing grants, permanent supportive housing for those with mental health and developmental disabilities, and our decision to expand comprehensive services for those who are homeless - the Manager proposed as part of her budget initiating a housing study to assess gaps in our programs, determine long-term goals, establish funding priorities, and identify funding strategies to ensure the continued vibrancy and sustainability of our community for people at all income levels and stages of life. Over the next few months, working with the community, the staff will develop the ~~charge~~ scope of work and outline a study process for County Board consideration.

But we cannot afford to stand still until this important work is completed. Moving forward, we want the community and the Manager to know that the total investments we've achieved in this budget for AHIF and maintenance capital are the starting place for next year's budget. And, as both AHIF and capital maintenance are appropriate uses of one-time money, we will consider this fall whether any undesignated balances at close out should be directed to these two areas.

Finally, given a significant change in the Virginia Retirement System which covers all school employees, the County Board has established a County-held contingent to address the impacts. This contingent will be released upon completion of a comparative analysis (collaboratively done by county and schools staff) on how other Northern Virginia school systems are addressing the VRS changes and addressing the financial impact on their employees to determine if APS employees are at a competitive disadvantage on the implementation of the full 5%. The intention of the County Board is to ensure the net effect of a 2% increase for schools' employees independent of all other changes. This analysis should be completed, if possible, for consideration by the County Board in May.

1. Total real estate tax rate increase is 1.3 cents. 0.5 cents was included in the County Manager's Proposed Budget and an additional 0.8 cents is adopted to fund a number of additional important investments in the County.
2. Courthouse Maintenance Fee – This fee requires a County Code change. A request to advertise report will occur in May 2012 for a public hearing in June 2012.
3. Circuit Court – Land Record System replacement and Electronic Court Records: ongoing costs of \$70,000 for Land Record System licenses and maintenance offset by a corresponding amount of projected new revenue; ongoing costs associated with electronic records partially offset by projected new revenue.
4. CPHD – BUGATA funding: BUGATA to work with staff to develop a strong work plan with metrics that enhances tenant participation in County activities and processes.
5. CMO – Refreshed WalkingTown Meeting: One-time funding is provided for two walking town meetings, modeled after the WalkArlington Walkabouts; position is temporary.
6. DHS – Permanent Supportive Housing: supports tenants in new approved Committed Affordable permanent supportive housing units.
7. DHS – CSB request for supported employment/education: funding supports 2.5 contract positions for Job Avenue to be allocated by the CSB between mental health, substance abuse and young adult services.

8. DHS – Additional hours for nurse and mental health positions at Carlin Springs Elementary School: increases the two existing half-time positions to full-time.
9. DHS – CSB request for AHNSI Clinic: funding added supplements \$20,000 already included in the base proposed budget as a carryover from FY 2012.
10. DHS – Additional support for the Arlington Food Assistance Center (AFAC): added as one-time funding; staff and AFAC to work over the next year to develop a funding methodology in light of changing needs for food assistance
11. DHS – Additional support for ASPAN: one-time funding is provided for case management for chronically homeless persons (\$50,000), and HPRP case management (\$50,000).
12. DPR – Restore some weekend hours at Long Branch and Gulf Branch Nature Centers: funding is split evenly between the two centers (\$13,000 to each), with 0.23 temporary FTEs for each Center.
13. DPR – Tree watering: funding supports temporary FTEs during key watering seasons
14. JDR – NVFS Gang Prevention Program: replaces lost grant funding for two years.
15. Courts – Salary Supplement for GDC and JDR State employees: supplement to be phased in over 2 years; amounts for individual positions will be set based on study by the Human Resources Department.
16. Compensation – Add Step 19, eliminate step 1: provides on average a 2.8% increase per employee; funding includes a salary adjustment for four DHS and one DES employees covered by VRS and is subject to the new requirement set by the State for employee contributions.
17. Compensation – County Board salary increase: increase of 2.3% over FY 2012 salary level; matches the percent increase between step 18 and the new step 19 for employees.
18. CPHD – MIPAP: will be funded with \$500,000 from the FY 2012 Budget Stabilization Fund, and \$500,000 in one-time rollover of CD revolving fund dollars formerly held by AHC.
19. Schools VRS contingent: \$1.9 million to be set aside in a County-held contingent for Arlington Public Schools to address the impact of recent General Assembly changes to the Virginia Retirement System (VRS) on Schools' employees
20. AED – CPRO base funding increased by \$15,000, matching grant by \$5,000.

Addendum-4-21-12-J- Chairman's Mark

A motion was made by JAY FISETTE, Member, seconded by LIBBY GARVEY, Member to amend the Budget Guidance and Notes to Accompany FY13 Adopted Budget: [Clerk's note: text proposed to be added is shown in underline, text to proposed to be deleted is shown in strikethrough.]

~~But we cannot afford to stand still until this important work is completed, thus we have included significant increases in this FY 2013 budget and expect to do more in the future. Moving forward, we want the community and the Manager to know that the total investments we've achieved in this budget for AHIF and maintenance capital are the starting place for next year's budget. And, as both AHIF and capital maintenance are appropriate uses of one-time money, we will consider this fall whether any undesignated balances at close out should be directed to these two areas.~~

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

- D. [Adopt the CY 2012 Ballston Business Improvement Service District \(Ballston BID\) tax rate as part of the overall real estate tax rate.](#)
- E. Adopt the CY 2012 Crystal City Business Improvement Service District ("Crystal City BID") tax rate as part of the overall real estate tax rate.
- F. Adopt the CY 2012 Rosslyn Business Improvement Service District ("Rosslyn BID") tax rate as part of the overall real estate tax rate.

Following a duly advertised public hearing which concluded March 20, 2012, a motion was made by JAY FISETTE, Member, seconded by J. WALTER TEJADA, Vice Chairman to:

- D. Adopt the proposed Calendar Year (CY) 2012 tax rate for the Ballston Business Improvement Service District (“Ballston BID”) of \$0.045 per \$100 in assessed value that is in addition to the current real estate rate and approve the FY 2013 Work Program and Budget for the Ballston BID, using the attached resolution.
- E. Adopt the proposed Calendar Year (CY) 2012 tax rate for the Crystal City Business Improvement Service District (“CCBID”) of \$0.043 per \$100 in assessed value that is in addition to the current real estate rate and approve the FY 2013 Work Program and Budget for the CCBID, using the attached resolution.
- F. Adopt the proposed Calendar Year (CY) 2012 tax rate for the Rosslyn Business Improvement Service District (“Rosslyn BID”) of \$0.078 per \$100 of assessed value that is in addition to the current real estate rate and approve the FY 2013 Work Program and Budget for the Rosslyn BID, using the attached resolution.

[Clerk’s note: as set forth in the document entitled “Addendum-4-21-12-K- BID Resolutions” attached for the public record to these minutes.]

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

[Board Report #41 D.](#)

[Board Report #41 E](#)

[Board Report #41 F](#)

[Addendum-4-21-12-K- BID Resolutions](#)

- G. [Adopt the CY 2012 2nd Road North Service District tax rate as part of the real estate tax rate.](#)

Following a duly advertised public hearing which concluded March 20, 2012, a motion was made by JAY FISETTE, Member, seconded by LIBBY GARVEY, Member to adopt the Calendar Year 2012 tax rate for the 2<sup>nd</sup> Road North Service District of \$0.149 that is in addition to base real estate tax rate using the resolution.

**RESOLUTION FIXING 2<sup>nd</sup> ROAD NORTH SERVICE DISTRICT TAX LEVY**

**BE IT RESOLVED AND ORDERED** by the County Board of Arlington County, Virginia, acting as the governing body of the 2<sup>nd</sup> Road North Service District, that there is hereby levied for the tax year (CY) 2012, a tax of \$0.149 per one hundred dollars of assessed valuation of all taxable real estate located in the 2<sup>nd</sup> Road North Service District.

**IT IS FURTHER ORDERED** that such taxes, when and if appropriated by the County Board acting as the governing body of the 2<sup>nd</sup> Road North Service District, shall be used to defray the cost of the project as incurred by the County during construction of the sanitary sewer line in 2<sup>nd</sup> Road North.

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

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

H. [Adopt the FY 2013 Household Solid Waste Rate.](#)

Following a duly advertised public hearing which concluded March 20, 2012, a motion was made by LIBBY GARVEY, Member, seconded by J. WALTER TEJADA, Vice Chairman to adopt the amendment to Chapter 10, Article 1 (Refuse) of the Code of Arlington County, Virginia to decrease the annual Household Solid Waste Rate from \$325.72 to \$293.92. The motion was adopted by a vote of 5 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, LIBBY GARVEY, Member - Aye, JAY FISSETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

\* \* \*

**AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 10 (GARBAGE, REFUSE AND WEEDS) OF ARLINGTON COUNTY CODE RELATING TO A DECREASE IN HOUSEHOLD SOLID WASTE RATE, EFFECTIVE JULY 1, 2012.**

- I. **BE IT ORDAINED** that Chapter 10, Article 1 of the Arlington County Code is amended, reenacted, and recodified as follows, effective July 1, 2012:

\* \* \*

**10-8. Refuse collection and disposal charges; relief from such charges.**

(a) There is hereby imposed for each single-family residential dwelling and each unit of duplex residential dwelling an annual charge of ~~three hundred twenty five dollars and seventy two cents (\$325.72)~~ two hundred ninety-three dollars and ninety-two cents (\$293.92) billed quarterly, beginning with the quarter of July 1, ~~2011-2012~~, through September 30, ~~2011-2012~~, for refuse collection and disposal and recycling by Arlington County.

- II. The remaining sections and subsections of Chapter 10 of the Code of Arlington County, Virginia not amended hereby shall remain in effect as previously enacted.

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

I. [Adopt the proposed amendments to the Utilities Ordinance related to Water/Sewer Rates.](#)

Following a duly advertised public hearing which concluded March 20, 2012, a motion was made by LIBBY GARVEY, Member, seconded by MARY HYNES, Chair to adopt the proposed amendments (shown on Attachment A) to Chapter 26, Article I (Utilities Ordinance) of the Arlington County Code to increase the water rate by \$0.30, from \$3.68 to \$3.98 per thousand gallons, and increase the sewer rate by \$0.12, from \$8.51 to \$8.63 per thousand gallons, to be effective May 1, 2012. The motion was adopted by a vote of 5 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, LIBBY GARVEY, Member - Aye, JAY FISSETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

**AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 26, ARTICLE I, SECTION 26-7, OF THE ARLINGTON COUNTY CODE, RELATING TO AN INCREASE IN THE WATER/SEWER RATES AND FEES EFFECTIVE MAY 1, 2012.**

- I. **BE IT ORDAINED** that Chapter 26, Article 1, Division 2, of the Arlington County Code is amended, reenacted, and recodified as follows, effective May 1, ~~2011~~2012.

**Chapter 26**

**UTILITIES**

**ARTICLE 1. IN GENERAL**

\* \* \*

**DIVISION 2.**

\* \* \*

**§ 26-7. Water/sewer rates and fees.**

BASE: The charge for water/sewer service shall be based on the consumption of water as reflected by periodic readings of water meters serving the property.

- RATES:
- (a) The rate for properties which use both shall be ~~\$12.19~~ \$12.61 per thousand (1,000) gallons of water furnished. The rate for these services is set forth as follows:
    - (1) Water Services – ~~\$3.68~~ \$3.98 per one thousand (1,000) gallons of water furnished.
    - (2) Sewer services - ~~\$8.51~~ \$8.63 per one thousand (1,000) gallons of water furnished.
  - (b) The rate for properties which are served by the County water system only shall be ~~\$3.68~~ \$3.98 per one thousand (1,000) gallons of water furnished.
  - (c) The rate for properties which are served by the County sewer system only shall be ~~\$8.51~~ \$8.63 per one thousand (1,000) gallons of water furnished based on the periodic water or sewer meter reading by the utility serving the property.

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- II. The remaining sections and subsections of Chapter 26 of the Code of Arlington not amended hereby shall remain in effect as previously enacted.

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

- J. [Adoption of the Department of Parks and Recreation's Program Fees for Fiscal Year \(FY\) 2013.](#)

Following a duly advertised public hearing which concluded March 20, 2012, a motion was made by LIBBY GARVEY, Member, seconded by MARY HYNES, Chair to adopt the attached resolution setting the FY 2013 Department of Parks and Recreation (DPR) program fees. The motion was adopted by a vote of 5 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, LIBBY GARVEY, Member - Aye, JAY FISSETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk's note: as set forth in the document entitled "Addendum-4-21-12-L- PRCR Fees" attached for the public record to these minutes.]

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

Addendum-4-21-12-L- PRCR Fees

K. [Approval of Pay Plan for 2013](#)

Following a duly advertised public hearing which concluded March 20, 2012, a motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Member to approve the proposed Fiscal Year 2013 pay plan. The motion was adopted by a vote of 5 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, LIBBY GARVEY, Member - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk’s note: as set forth in the document entitled “Addendum-4-21-12-M- Pay Plan” attached for the public record to these minutes.]

[Board Report # 41 K \(Posted 04-19-2012\)](#)

[Addendum-4-21-12-M- Pay Plan](#)

L. [Adopt a Fiscal Year 2013 School Transfer Resolution.](#)

Mr. Tejada announced his declaration of personal interest pursuant to Section 2.2-3115.G in the Proposed School Transfer Resolution. Under the State and Local Government Conflicts of Interest Act, because he is member of a larger group that is generally affected by the School Transfer Resolution, he is able to participate in the discussions and votes concerning this transaction, and can do so fairly, objectively, and in the public interest.

Mr. Zimmerman announced his declaration of personal interest pursuant to Section 2.2-3115.G in the Proposed School Transfer Resolution. Under the State and Local Government Conflicts of Interest Act, because he may be member of a larger group that is generally affected by the School Transfer Resolution, he is able to participate in the discussions and votes concerning this transaction, and can do so fairly, objectively, and in the public interest.

Following a duly advertised public hearing which concluded March 20, 2012, a motion was made by J. WALTER TEJADA, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN to adopt the Fiscal Year (FY) 2013 School Transfer Resolution. The motion was adopted by a vote of 5 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, LIBBY GARVEY, Member - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

**SCHOOLS TRANSFER RESOLUTION**

WHEREAS, single tax rates of real and personal property for Fiscal Year 2013 budget year have been established; and

WHEREAS, all receipts from these sources are to be deposited in the General Fund of the County together with other sources;

NOW THEREFORE, BE IT RESOLVED that in July 2012 and each subsequent month thereafter, until rescinded, the County Treasurer will transfer monies from the County General Fund in amounts as required to the School Operating Fund, the Community Activities Fund, the School Comprehensive Services Act Fund, the School Debt Service Fund, the Cafeteria Fund and the School Capital Projects Fund, the total amount for the year not to exceed \$405,118,548 and

BE IT FURTHER RESOLVED that transfer shall be made from the sum appropriated for School purposes in a sufficient amount, when added to the School balances, to cover warrant requirements; and

BE IT FURTHER RESOLVED that the County Board authorizes the carryover of surplus School funds from Fiscal Year 2012 to Fiscal Year 2013 in order to provide financing for the Fiscal Year 2013 adopted School budget.

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

[Board Report #41 L.-Supplemental Report](#)

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**42. APPROVAL OF THE COUNTY'S ANNUAL CONSOLIDATED PLAN FOR FISCAL YEAR (FY) 2013, WHICH INCLUDES THE FY 2013 ANNUAL CONSOLIDATED PLAN FOR THE CITY OF FALLS CHURCH, ADOPTION OF THE COMMUNITY DEVELOPMENT (CD) PROGRAM FOR FY 2013 AND ALLOCATION OF AFFORDABLE HOUSING INVESTMENT FUND (AHIF) HOUSING SERVICES FUNDS. (THE PUBLIC HEARING FOR THIS ITEM HAS CONCLUDED.)**

Following a duly advertised public hearing which concluded March 20, 2012, a motion was made by JAY FISETTE, Member, seconded by CHRISTOPHER ZIMMERMAN to:

1. Approve the FY 2013 Annual Consolidated Plan for Arlington (Attachment 1), which includes the Community Development Program for FY 2013 (Attachment 2) as described in the Proposed Budget for FY 2013 (Book page 225; Web page 696).
2. Approve the FY 2013 Annual Consolidated Plan for the City of Falls Church (Attachment 3) and the allocation of Community Development Block Grant (CDBG) and HOME funds for the City of Falls Church.
3. Authorize the County Manager to submit the FY 2013 Annual Consolidated Plan and execute contracts and documents (1) to make grants in FY 2013 as shown in Attachment 2, and (2) as may be required by U.S. Department of Housing and Urban Development (HUD), including Community Development Block Grant (CDBG) Certifications, and (3) as may be required by Virginia State Department of Social Services (DSS) and the U. S. Department of Health and Human Services (HHS).
4. Approve the allocation of certain revolving loan fund program income received by AHC, Inc.(AHC) and Ethiopian Community Development Corporation's Enterprise Development Group (EDG), pursuant to program agreements between the County and AHC, and the County and EDG, as required by CDBG regulations.
5. Allocate \$100,000 from FY 2013 AHIF Housing Services funds (101.495130.91102) to six nonprofit organizations for four programs (101.456300.91102): \$22,500 for Friends of Guest House; \$20,000 to PRS, Inc. \$20,000 to Arlington Partnership for Affordable Housing; and \$37,500 for collaborative case management services provided by three nonprofits, Doorways (\$13,820), Arlington Street People's Assistance Network (A-SPAN) (\$10,000), and Northern Virginia Family Service (NVFS) (\$13,680). The balance of \$20,913 for collaborative case management services will be funded through CDBG (Arlington-Alexandria Coalition for the Homeless (AACH) - \$13,820 and A-SPAN - \$7,093).
6. Authorize the County Manager to execute the required documents to convey the AHIF grant of up to \$100,000 in total to: Friends of Guest House; PRS, Inc.; Arlington Partnership for Affordable Housing; Doorways; A-SPAN; and NVFS.

[Clerk's note: as set forth in the document entitled "Addendum-4-21-12-N- Consolidated Plan" attached for the public record to these minutes.]

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

[Board Report #42](#)

[Addendum-4-21-12-N- Consolidated Plan](#)

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**43. [U-3327-12-1 USE PERMIT FOR AN OPEN-AIR MARKET LOCATED IN THE 1700 BLOCK OF NORTH MCKINLEY ROAD \(NO RPC #\).](#)**

Following a duly advertised public hearing at which there was speakers, a motion was made by J. WALTER TEJADA, Vice Chairman, seconded by MARY HYNES, Chair to adopt the following ordinance:

BE IT ORDAINED that, pursuant to application U-3327-12-1 on file in the Office of the Zoning Administrator for a use permit approval for the parcel of real property known as 1700 block of North McKinley Road (No RPC #), approval is granted with a modification from the Zoning Ordinance prohibition on location within 100 feet of an "R" district boundary 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 condition #2 amended as shown in the supplemental report with changes and with a County Board review in 9 months (January 2013). [Clerk's note: text to be added is shown in underline, text to be deleted is shown in strikethrough.]

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

Proposed conditions:

1. The applicant agrees that the hours of operation for the open-air market will be limited to Sundays from ~~9~~ 8 a.m. to ~~4~~ 12 p.m., April through November. Vendors will be permitted to begin set-up on Sunday no earlier than ~~8~~ 7 a.m., and vendors must depart no later than ~~4~~ 12:30 p.m.
2. The applicant agrees to identify a person who will serve as liaison to the community throughout the operation of the use. The liaison's name shall be submitted to the Zoning Administrator and shared with the ~~Crystal City Citizen Review Council~~ Westover Village, Tara-Leeway Heights and Highland Park-Overlee Knolls Civic Associations prior to the issuance of a certificate of occupancy for the farmer's market.
3. The applicant agrees to meet all applicable County requirements and work cooperatively with the Police Department, the Fire Department, the Community Code Enforcement Office, the Department of Environmental Services and the Department of Public Works in doing so, including obtaining, where applicable, right-of-way permits and licenses from the Department of Environmental Services Real Estate Division.
4. The applicant agrees to provide all vendors associated with the Market with a document that lays out the preferred approach routes for vehicles and that identifies major arterial roadways to avoid the use of neighborhood residential streets. This document shall be provided to the Zoning Administrator before issuance of the Certificate of Occupancy.

5. The applicant agrees that the Market shall take all practical measures to encourage the use of public transportation and also to encourage customer parking in adjacent parking facilities as designated in the required parking plan. The applicant agrees that such measures will include, but will not be limited to signage adequate to inform patrons of available parking, verbal instructions provided by Market representatives and written documents (including maps) directing patrons to public transportation access points and to the public parking areas designated in the plan. The applicant agrees to encourage market patrons to park in the Reed School parking lots, or in the public street parking along Washington Boulevard and not park in residential streets or the lots of neighboring businesses or apartments. Such information shall at a minimum be placed in any market advertising (and on a website if the market has one), and on on-site signage. Prior to commencement of operations the applicant shall submit to the County Manager, and obtain approval of, a revised parking plan addressing each of the foregoing items.
6. The applicant agrees to comply with the requirements of the County's Noise Ordinance.
7. The applicant agrees to lay out the vendor spaces generally in accordance with the attached Westover Market Vendor and Parking Plan. At least ~~one (1)~~ two (2) driveways to the Westover Shopping Center parking lot and one (1) exit from the bank ATM drive-through shall be maintained at all times from McKinley Road. [Clerk's note: as set forth in the document entitled "Addendum-4-21-12-O- Westover Market Vendor and Parking Plan" attached for the public record to these minutes.]
8. The applicant agrees to maintain a minimum five (5) feet of clear sidewalk space in a straight line along North McKinley Road.

[Board Report #43](#)

[Board Report #43-Supplemental](#)

[Addendum-4-21-12-O- Westover Market Vendor and Parking Plan](#)

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**ADDITIONAL ITEMS**

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**ADJOURNMENT**

Without objection, at 1:33 p.m., the Board recessed until the April 24, 2012 Recessed Meeting.

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MARY HYNES, Chair

ATTEST:

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HOPE L. HALLECK, Clerk  
Approved: May 19, 2012