

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, January 24, 2009 at 8:31 a.m.

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

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

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The County Board opened the meeting with a tribute to Ellen Bozman, a former County Board Member who served on the Board for 24 years.

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*** PUBLIC COMMENT**

Mike Nardolilli, Chairman of the East Falls Church Planning Study, gave the Board an update on the progress of the study. Mr. Nardolilli also asked individuals interested in the planning effort to join the group at Fire Station #6 the last Wednesday of each month at 7:00 p.m.

Robert Atkins spoke about public-private partnerships in Arlington County.

James Thorne spoke about outdoor drinking games on private property.

Jim Hurysz spoke about the environment.

Mary Lee Ball, president of the Manchester Square Condominium Association, spoke about speeding and parking enforcement in their community.

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*** CONSENT ITEMS (ITEMS 1-31) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, JANUARY 24, 2009, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, JANUARY 27, 2009, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the County Board approved all consent items except for items #3, #4, #9, #22 and #23 which were pulled from the consent agenda and scheduled for hearing at the January 27, 2009 County Board Recessed Meeting.

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SITE PLANS/AMENDMENTS/REVIEWS

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- 1. SP #89 SITE PLAN AMENDMENT (CARRY-OVER): 1101 WILSON OWNER, LLC, ROOFTOP SIGN; 1101 WILSON BLVD. (RPC #16-039-002).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the Site Plan Amendment request for a rooftop sign for BAE Systems, Inc. at 1101 Wilson Boulevard, to the March 14, 2009 County Board meeting.

[Board Report #1](#)

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2. SP #140 SITE PLAN REVIEW: VIRGINIA HOSPITAL CENTER, CHILD CARE FACILITY FOR 123 CHILDREN; 601 S. CARLIN SPRINGS ROAD (RPC #21-028-097).

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

BE IT ORDAINED that, pursuant to the application SP #140 on file in the Office of the Zoning Administrator for special exceptions for a site plan for a child care center for the parcel of real property known as 601 S. Carlin Springs Road (Virginia Hospital Center) (RPC # 21-028-097) approval is granted for the renewal and the parcel so described shall be used according to the approvals requested by the application, subject to all previously approved conditions, and with a County Board review in three (3) years (January 2012).

[Board Report #2](#)

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3. SP #255 SITE PLAN REVIEW: LIVE ENTERTAINMENT AND DANCING; 4001 FAIRFAX DRIVE (TARA TEMPLE, RPC #14-029-014).

This item was removed from the consent agenda and will be heard at the January 27, 2009 County Board Recessed Meeting.

[Board Report #3](#)

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4. SP #263 SITE PLAN AMENDMENT: FUAD G. FARAH, LIVE ENTERTAINMENT AND DANCING; 2317, 2305, 2311, 2313, 2319 WILSON BLVD., 1515, 1519 N. ADAMS ST., 1528, 1532, 1536 N. VETCH ST., 2305, 2306, 2310, 2315, 2319 N. CUSTIS ROAD (RPC #15-059-001, -002, -003, -004, -005).

This item was removed from the consent agenda and will be heard at the January 27, 2009 County Board Recessed Meeting.

[Board Report #4](#)

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5. SP #307 SITE PLAN AMENDMENT: MR BOUNDARY CHANNEL LLC, AMEND CONDITION #1 TO EXTEND SITE PLAN TERM; 333, 355 OLD JEFFERSON DAVIS HIGHWAY (RPC #34-023-001, -002).

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

BE IT ORDAINED that, pursuant to application SP #307 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to extend the term of the site plan approval for three (3) months from February 28, 2009 to May 31, 2009, for the parcel of real property known as 333, 355 Old Jefferson Davis Highway (RPC #34-023-001 and -002), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions and the following amended condition #1:

1. The developer (as used in these conditions, the term developer includes the owner, the applicant, and their successors and assigns) agrees to comply with the standard conditions set forth in Administrative Regulation 4.1 and the plans dated June 8, 1994, the Illustrative Landscape Plan and Phase I Landscape Plan dated August 2, 1994, the Proposed Road Improvements Plan dated August 15, 1994, the Ground Floor Plan, Building Sections, Typical Floor Plan and Building Elevations plans dated June 8, 1994, as revised September 20, 1994, and reviewed and approved by the County Board and made a part of the public record on October

1, 1994, together with any modifications proposed by the developer and accepted by the County Board or vice versa. The developer agrees to coordinate with County staff and obtain approval from the County Manager or his designee on reasonable revisions to the Illustrative Landscape Plan and Phase I Landscape Plan dated August 24, 1994, and the Proposed Road Improvements Plan dated August 15, 1994, that may be necessary to accomplish the County's goals for development of the North Tract, so long as said revisions do not delay the developer's ability to pursue construction of the site plan beyond the typical review time for revisions of this nature, as approved on February 8, 2003. The developer agrees to prepare and submit such revised plans within 90 days after request for such revisions by the County Manager. The developer further agrees to obtain the County Manager's approval of all revisions before proceeding with development. In the event the developer is ready to proceed with development before a request for revisions is received from the County Manager, the developer agrees to incorporate revisions necessary to accomplish the County goals for development of the North Tract (as such goals are determined by the County Manager) into all plans submitted for approval in the process of development. This site plan approval expires automatically and without the need for any further action by the County Board if either: the approved plan is not under construction by May 31, 2009; or the Applicant acquires real properties located between South Clark Street, 6th Street, South, South Ball Street, and 10th Street, South (RPC#'s 34-025-001, 34-025-003, 35-025-004, and 35-025-005); or the County acquires 333 and 355 Old Jefferson Davis Highway (RPC#'s 34-023-001 and 34-023-002). Acquisition shall be deemed to have occurred upon execution of a deed conveying fee ownership to the referenced parties. Extension of this approval shall be at the sole discretion of the County Board. The developer agrees that this discretion shall include a review of this site plan and its conditions for compliance with then current County policies for land use, zoning, and special exception uses. Extension of the site plan is subject to, among other things, inclusion of amended or additional site plan conditions necessary to bring the plan into compliance with then current County policies and standards together with any modifications proposed by the developer and accepted by the County Board or vice versa.

[Board Report #5](#)

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6. SP #391 SITE PLAN AMENDMENT: EASTON PARTNERS 1, LP, AMEND CONDITION #24 TO EXTEND TIMING OF SANITARY SEWER IMPROVEMENTS; 6808, 6814, 6820, 6830, 6840 N. FAIRFAX DRIVE, 2011, 2025, 2101 N. WESTMORELAND ST., N. 19TH ROAD (RPC #11-012-009).

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

BE IT ORDAINED that, pursuant to application SP #391 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to amend condition to extend the timing of sanitary sewer improvements for the parcel of real property known as 6808, 6814, 6820, 6830, 6840 N. Fairfax Drive, 2011, 2025, 2101 N. Westmoreland Street, and N. 19th Road (RPC #11-012-009), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, and the following revised development condition #24:

- 24. The developer agrees to show, on the final engineering plans, and to construct sanitary sewer main improvements in accordance with the following. The sanitary sewer main improvements shall be constructed prior to the issuance of the Final Building Permit.

The 8-inch sanitary sewer line between manhole #1979 and #1980 (at northeastern corner of property) shall be abandoned in place with flowable fill prior to the issuance of the first certificate of occupancy.

The County will TV-Inspect the sanitary sewer lines serving the site and shall identify any improvements that are necessary to adequately service the development. The developer agrees to repair or replace any sections or appurtenances of the sanitary sewer serving the development that are found to be deficient or damaged by the developer, as identified by County staff and as shown on the final engineering plan approved by the County Manager.

[Board Report #6](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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- 7. **U-1146-54-2 USE PERMIT AMENDMENT: ARLINGTON FOREST CLUB, INC., CLUB HOUSE ADDITION TO EXISTING POOL BATH HOUSE, PARKING REDUCTION; 411 N. JEFFERSON ST. (RPC #13-043-018, -019, -050).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the use permit amendment request to the May 16, 2009, County Board meeting.

[Board Report #7](#)

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- 8. **U-2479-85-5 APPLICATION OF SCHOOL OF CHILDREN FOR SPECIAL EXCEPTION USE PERMIT AMENDMENT FOR CHILD CARE CENTER IN RA7-16 ZONING DISTRICT UNDER SECTION 14.E, 5.A.6A(1). PROPERTY IS APPROXIMATELY 77,138 SQUARE FEET, LOCATED AT 2706 24TH ROAD S. AND IS IDENTIFIED AS RPC: 31-034-023.**

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-2479-85-5 on file in the Office of the Zoning Administrator for a special exception for a use permit for child care use for the parcel of real property known as 2706 24th Road (School of Children) (RPC #31-034-023), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, with an administrative review in one (1) year (January 2010) and a County Board review in three (3) years (January 2012).

[Board Report #8](#)

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- 9. **U-2914-97-5 USE PERMIT REVIEW (CARRY-OVER): ELEMENTARY SCHOOL; 5700 LEE HIGHWAY (RIVENDELL SCHOOL, RPC 10-002-001, -007).**

This item was removed from the consent agenda and will be heard at the January 27, 2009 County Board Recessed Meeting.

[Board Report #9](#)

[Board Report #9-Attachment](#)

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- 10. **U-3018-01-1 USE PERMIT REVIEW: LIVE ENTERTAINMENT AND DANCING; 3249 COLUMBIA PIKE (SPORTS HOUSE GRILL, RPC #25-012-001).**

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-3018-01-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for live entertainment and dancing for the parcel of real property known as 3249 Columbia Pike (Sports House Grill) (RPC #25-012-015), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, the following one (1) revised condition, and the following one (1) new condition, with an administrative review in three (3) months (April 2009) and a County Board review in six (6) months (July 2009):

- 1. The applicant agrees to limit the hours of live entertainment and dancing by customers to Thursday through Saturday between the hours of 10 p.m. - 1 a.m. Live entertainment is also permitted on the eve of all legal U.S. holidays, St. Patrick's Day, and Cinco de Mayo. The applicant is also permitted to have three (3) additional days of live entertainment per year for ethnic and cultural holidays, for which the applicant would submit a letter to, and obtain permission from, the Zoning Department to have live entertainment for that specific holiday prior to

the event.

- 9. The applicant agrees that the live entertainment use permit will automatically terminate at such time as the restaurant at the premises ceases to operate as "Sports House Grill" and/or at such time a new Certificate of Occupancy is obtained for the property.

[Board Report #10](#)

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11. U-3019-01-1 USE PERMIT REVIEW: POTOMAC CRESCENT WALDORF SCHOOL (FORMERLY KNOW AS THE WALDORF SCHOOL INITIATIVE), ADDITION OF 8-STUDENT THIRD GRADE CLASSROOM TO EXISTING SCHOOL; 935 S. 23RD ST. (RPC #36-032-001).

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-3019-01-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a school for the parcel of real property known as 935 S. 23rd Street (Potomac Crescent Waldorf School) (RPC #36-032-023), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions and the following one (1) revised condition, with an administrative review in one (1) year (January 2010), and a County Board review in three (3) years (January 2012):

- 5. The applicant agrees that the hours of operation are Monday through Friday between 7 a.m. and 6 p.m. and that the number of children enrolled in the school is 67 for the grade classes, including kindergarten, and 20 for the parent-child program.

[Board Report #11](#)

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12. U-3032-02-1 USE PERMIT REVIEW: LIVE ENTERTAINMENT AND DANCING; 3111 COLUMBIA PIKE (RPC #25-012-044).

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-3032-02-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for live entertainment and dancing for the parcel of real property known as 3111 Columbia Pike (Lalibella Restaurant) (RPC #25-012-044), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions and amended condition #1 with an administrative review in two (2) years and a County Board review in five (5) years (January 2014):

- 1. The applicant agrees that the hours of live entertainment shall be limited to 10:00 a.m. to 1:00 a.m., Monday through Sunday. The use permit will expire when the restaurant goes out of business or a majority interest is sold.

[Board Report #12](#)

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13. U-3145-05-1 USE PERMIT REVIEW: TIRE SHOP; 4060 LEE HIGHWAY. (KLINE IMPORTS ARLINGTON, RPC#06-018-002).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the use permit review by the County Board for two (2) months (March 14, 2009).

[Board Report #13](#)

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14. U-3171-07-4 APPLICATION OF KENDRA SLATT FOR AN AMENDMENT TO SPECIAL EXCEPTION USE PERMIT FOR EXPANSION OF CAPACITY AND ENROLLMENT FOR EXISTING DANCE STUDIO IN THE C-1 ZONING DISTRICT UNDER SECTION 19. PROPERTY WOULD EXPAND TO TOTAL OF APPROXIMATELY 2500 SQUARE FEET; IS LOCATED AT LEE HARRISON SHOPPING CENTER, SUITES 1LL AND 5LL, LEGALLY DESCRIBED AS 2425, 2433, 2435, 2499, 2503, & 2509 N. HARRISON ST., AND IDENTIFIED AS RPC #02-073-084.

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

BE IT ORDAINED that, pursuant to application U-3171-07-4 on file in the Office of the Zoning Administrator for a special exception for a use permit for an expansion of capacity and enrollment for an existing dance studio for the parcel of real property known as 2425, 2433, 2435, 2499, 2503, and 2509 N. Harrison Street (Lee Harrison Shopping Center) (RPC #02-073-084), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, the following one (1) new condition, and the following four (4) amended conditions and with an administrative review in four (4) months (May 2009) and a County Board review in one (1) year (January 2010):

- 3. The applicant agrees that the hours of operation of the program would be Sunday through Saturday between the hours of Monday through Thursday 9 a.m. to 10 p.m; Friday and Saturday 9 a.m. to 7:30 p.m; and Sunday 10 a.m. to 7:30 p.m.
- 5. The applicant agrees that the total number of students enrolled in the Perfect Pointe Dance Studio shall not exceed 600 students or a limit as otherwise set by the Child Care Office of the Department of Human Services.
- 6. The applicant agrees that the total number of students at the Perfect Pointe Dance Studio shall not exceed 70 students at any one time or a limit as otherwise set by the Child Care Office of the Department of Human Services.
- 7. The applicant agrees to provide information to patrons, parents, and/or students on the first day of classes that:
 - Encourages parking in the underground parking garage and describes the location of the garage entrance and hours of operation
 - Encourages all pick-up and drop-off activity to occur in the underground parking garage
 - Encourages patrons/students, and parents escorting students, to utilize the path that connects the parking garage to the outdoor entrances to the lower level studios when entering and exiting the site.
- 8. The applicant agrees that all instructors and/or staff will park in the underground parking garage.

[Board Report #14](#)

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15. U-3174-07-1 USE PERMIT REVIEW: CHILDCARE FOR 9 CHILDREN; 873 N. PATRICK HENRY DRIVE (SELLAPPERUMAGE ROSHANIE FERNANDO, RPC #12-018-010).

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

BE IT ORDAINED that, pursuant to application U-3174-07-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a family day care for nine children for the parcel of real property known as 873 N. Patrick Henry Drive (RPC #12-018-010), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, with a County Board review in two (2) years (January 2011).

[Board Report #15](#)

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16. U-3183-07-1 USE PERMIT REVIEW: JOAN M. DALEY, DAYCARE FOR 9 CHILDREN; 1944 N. EDISON ST. (RPC #08-019-019).

On the consent agenda vote, after a duly advertised public hearing, the Board discontinued the subject use permit for the family daycare home at 1944 North Edison Street.

[Board Report #16](#)

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17. U-3190-07-2 USE PERMIT REVIEW: NORTHERN VIRGINIA FAMILY SERVICE, INC., EARLY HEAD START PROGRAM FOR 228 CHILDREN; 1801 N. GEORGE MASON DRIVE (RPC #09-016-052).

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

BE IT ORDAINED that, pursuant to application U-3190-07-2 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a head start program for the parcel of real property known as 1801 North George Mason Drive (RPC #09-016-052), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, with a review by the County Board in three (3) years (January 2012).

[Board Report #17](#)

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18. U-3191-07-1 USE PERMIT REVIEW: BORROMEO HOUSING, INC., GROUP HOME FOR WOMEN AND THEIR CHILDREN; 4624 S. 9TH ST. (RPC #23-037-017).

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-3191-07-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a group home for women and their children for the parcel of real property known as 4624 S. 9th Street (RPC #23-037-017), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, with an administrative review in three (3) months (April 2009), and a County Board review in three (3) years (January 2012).

[Board Report #18](#)

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19. U-3208-08-1 (CARRY-OVER) APPLICATION OF SHAUN BISSET FOR SPECIAL EXCEPTION USE PERMIT FOR FAMILY DAYCARE FOR 9 CHILDREN IN THE R-6 ZONING DISTRICT UNDER SECTION 9.A.1 AND 5.A.6.A.(1). PROPERTY IS APPROXIMATELY 7000 SQUARE FEET, LOCATED AT 3110 S. 19TH STREET, LEGALLY DESCRIBED AS FAIRVIEW LOTS 151 & 152, IDENTIFIED AS RPC: 31-009-024.

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

BE IT ORDAINED that, pursuant to application U-3208-08-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for family day care home for nine (9) children for the parcel of real property known as 3110 S. 19th Street (RPC #31-009-024), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions, and with a Count Board review in one (1) year (January 2010):

1. The applicant agrees to meet the requirements of the Childcare Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.

- 2. The applicant agrees that children shall be escorted by adults to and from the building at all times including during pick-up and drop-off.
- 3. The applicant agrees that the hours of operation would be Mondays through Fridays from 8 a.m. to 6:30 p.m. for a maximum of nine children.

[Board Report #19](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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- 20. APPROVAL OF THE DEED OF LEASE BETWEEN ART PROPERTY ASSOCIATES, LLC, AS LANDLORD, AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS TENANT, FOR 11,132 SQUARE FEET OF SPACE IN A PORTION OF A BUILDING LOCATED AT 1501 WILSON BOULEVARD, ARLINGTON, VIRGINIA (RPC # 16033001).**

On the consent agenda vote, the Board approved the Deed of Lease attached to the County Manager’s January 22, 2009 report between Art Property Associates, LLC, as Landlord, and The County Board of Arlington County, Virginia, as Tenant, for 11,132 square feet of space in a portion of a building located at 1501 Wilson Boulevard, Arlington, Virginia (RPC # 16033001); and, authorized the Real Estate Bureau Chief to execute, on behalf of the County Board of Arlington County, Virginia, the Deed of Lease and all related documents, including, without limitation, any Memorandum of Lease, Memorandum of Lease Termination, and all documents, present or future, concerning subordination, non-disturbance, attornment, and estoppels, all subject to approval as to form by the County Attorney.

[Board Report #20](#)

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- 21. APPROVAL OF THE FIRST AMENDED DEED OF LEASE BETWEEN INTERNATIONAL PLACE PROPERTY, LLC, AS LANDLORD, AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS TENANT, FOR 5,136 SQUARE FEET OF SPACE IN A PORTION OF A BUILDING LOCATED AT 1735 N. LYNN STREET, ARLINGTON, VIRGINIA (RPC NO. 16039018).**

On the consent agenda vote, the Board approved the First Amendment Deed of Lease attached to the County Manager’s January 22, 2009 report between International Place Property, LLC, as Landlord, and the County Board of Arlington County, Virginia, as Tenant, for 5,136 Square Feet of Space in a Portion of a Building Located at 1735 N. Lynn Street, Arlington, Virginia (RPC. No. 16039018; and authorized the Real Estate Bureau Chief, to execute, on behalf of the County Board of Arlington County, Virginia, the First Amendment Deed of Lease and all related documents, without limitation, all documents, present or future, concerning subordination, non-disturbance, attornment, and estoppels, all subject to approval as to form by the County Attorney.

[Board Report #21](#)

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ORDINANCES, PLANS AND POLICIES

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- 22. ZONING ORDINANCE AMENDMENT TO SECTION 2. GENERAL REGULATIONS AND SECTION 35. NONCONFORMING BUILDINGS AND USES TO ALLOW, UPON THE ACQUISITION OF PORTION OF LOT BY COUNTY FOR PUBLIC PURPOSE, AND FINDINGS BY THE BOARD THAT THE ACQUISITION IS IN THE PUBLIC INTEREST AND THAT CONDITIONS CREATED WILL NOT BE DETRIMENTAL TO ADJACENT PROPERTY AND WILL NOT CHANGE THE CHARACTER OF THE ZONING DISTRICT, CREATION OF CONDITION(S) THAT ARE NOT COMPLIANT WITH REQUIREMENTS OF ZONING ORDINANCE TO BE TREATED AS A NONCONFORMING BUILDING OR USE, PURSUANT TO THE**

NONCONFORMING BUILDINGS AND USES PROVISIONS OF THE ZONING ORDINANCE.

This item was removed from the consent agenda and will be heard at the January 27, 2009 County Board Recessed Meeting.

[Board Report #22](#)

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- 23. AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 14.2 (MOTOR VEHICLES AND TRAFFIC) OF THE ARLINGTON COUNTY CODE TO AMEND §14.2-95 (COLLECTION OF FINES FOR PARKING VIOLATIONS AND CONTEST OF CITATIONS) BY AMENDING SUBSECTION (D), RELATING TO WHO MAY ABROGATE PARKING CITATIONS.**

This item was removed from the consent agenda and will be heard at the January 27, 2009 County Board Recessed Meeting.

[Board Report #23](#)

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CAPITAL PROJECTS

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- 24. APPROVE AN AWARD OF CONTRACT FOR THE CONSTRUCTION OF PARKHURST PARK LOCATED AT 5820 20TH ROAD N., INVITATION TO BID NUMBER 441-08.**

On the consent agenda vote, the Board approved the award of contract Number 441-08 in the amount of \$512,732 to Triple J Construction and approved an allocation of \$51,273.20 as a contingency for change orders for a total contract authorization of \$564,005.20; and authorized the Purchasing Agent to execute the contract documents and all other documents to implement the above actions, subject to review of such documents by the County Attorney.

[Board Report #24](#)

[Board Report #24-Attachment 1](#)

[Board Report #24-Attachment 2](#)

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- 25. APPROVE AN AWARD OF A CONTRACT FOR PROVISION OF LAND SURVEYING SERVICES FOR VARIOUS PARK AND RECREATION PROJECTS IN ARLINGTON COUNTY FOR UP TO A THREE YEAR PERIOD, AS PER REQUEST FOR PROPOSALS 171-08.**

On the consent agenda vote, the Board approved the award of contract No. 171-08 to Rice Associates, Inc. regarding land surveying services for various park and recreation projects in Arlington County for up to a three year period in an amount not to exceed \$1,000,000.00 per year; and authorized the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

[Board Report #25](#)

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- 26. APPROVE AN AWARD OF A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR VARIOUS PARKS & RECREATION FACILITIES INCLUDING TENNIS AND BASKETBALL COURT PROJECTS, AS PER RFP 340-08.**

On the consent agenda vote, the Board approved the award of contract No. 340-08 to William H. Gordon Associates, Inc. regarding professional engineering services for various parks and recreation facilities, including tennis and basketball court projects for up to a three year period in an amount not to exceed \$1,000,000.00 per year; and authorized the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

[Board Report #26](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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27. ALLOCATION OF FISCAL YEAR 2009 PARK ENHANCEMENT GRANT PROGRAM AWARDS.

On the consent agenda vote, the Board approved an allocation of \$69,655 from previously appropriated County Park Enhancement Grant Program funds for six projects as recommended by the Park and Recreation Commission.

[Board Report #27-Revised](#)

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28. NATIONAL CHILDREN'S ALLIANCE PROGRAM SUPPORT GRANT

On the consent agenda vote, the Board accepted a Program Support Grant from the National Children's Alliance and appropriated \$10,000 in Fiscal Year 2009 to the Department of Human Services.

[Board Report #28](#)

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REQUESTS TO ADVERTISE

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29. REQUEST TO ADVERTISE SP #105 PENTAGON CITY PHASED DEVELOPMENT SITE PLAN AMENDMENT. "ON THE COUNTY BOARD'S OWN MOTION" PUBLIC HEARINGS ON A PROPOSED AMENDMENT TO THE PENTAGON CITY PHASED DEVELOPMENT SITE PLAN (PDSP) TO ALLOCATE 100,000 SQUARE FEET OF RETAIL DENSITY TO PARCEL 3, KNOWN AS THE METROPOLITAN PARK DEVELOPMENT, WHICH IS THE BLOCK BOUNDED BY SOUTH FERN STREET, 15TH STREET SOUTH, SOUTH EADS STREET, AND FUTURE 12TH STREET SOUTH. (RCP #35-003-001, -002, -003, 004, -005, -006, -007, -008, -009, -010, -011, -015, -016, -017, -018, -019, -020, -021).

On the consent agenda vote, the Board authorized the advertisement of public hearings for a Pentagon City PDSP Amendment to permit up to 100,000 square feet of ground floor retail density on Parcel 3, known as the Metropolitan Park residential development, concurrent with future public hearings by the Planning Commission and County Board for the Phase 3 Metropolitan Park final site plan.

[Board Report #29](#)

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OTHER

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30. AMENDMENTS TO SCHOOLS APPROPRIATIONS FOR FY 2009 BASED ON CLOSEOUT OF FISCAL YEAR 2008.

On the consent agenda vote, the Board approved the revised appropriations for various School funds in FY 2009 to reflect the approved School Board resolutions in the FY 2008 Final Fiscal Status Report and appropriate \$17,012,353 from the FY 2008 fund balance to Non-departmental to increase the transfer to the Schools as follows: Schools Operating Fund, 9,245,758; Capital Projects Fund, \$6,966,595; and Cafeteria Fund, \$800,000.

[Board Report #30](#)

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31. MINUTES.

On the consent agenda vote, the Board approved the minutes from the November 15, 2008 Regular Meeting.

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ADDITIONAL ITEMS

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32. PRESENTATION OF THE DIVERSITY DIALOGUE REPORT TO THE COUNTY BOARD.

The Chairman asked the Chairman or presenters of the Diversity Dialogue Task Force to provide the County Board with a presentation of the Diversity Dialogue Report.

Reverend Leonard Hamlin announced that the Diversity Dialogue initiative was created by Walter Tejada, as part of his agenda for progress in 2008. Rev. Hamlin was pleased to speak for his colleagues on the Task Force, to have accepted Mr. Tejada's challenge. Rev. Hamlin then introduced a short video that Arlington Virginia Network ran after the last Dialogue. After the video Rev. Hamlin introduced Dr. Rosa Briceno, Task Force Member.

Dr. Briceno announced that the Dialogues were based on respect of others' opinions, encouraged curiosity, and led themselves to listening and learning. Individuals came to the events because they were curious to learn how others felt about diversity in Arlington and how they could contribute to making Arlington more inclusive.

Rev. Hamlin then introduced Vice Chairman of the Task Force, Rina Rose Tagle.

Ms. Tagle announced that the Diversity Dialogue Report was the result of nine months, during which three World Cafe conversations were hosted, to which nearly 500 residents attended. The report is a synopsis of what took place at the World Cafés, summed up with prioritized recommendations that grew from citizen voices and shaped by the Report Subcommittee. The Report begins with 1-page Executive Summaries in both English and Spanish. The Report also covers the Diversity Dialogue process, highlights concerns that affect diversity that were repeatedly shared by the community, and examples of programs in Arlington and around the County that are good examples of how communities are moving forward. The next part of the Report, Recommendations, is divided into three categories: Government Actions; Community Actions; and Individual Actions. The full report is available online on the Arlington County website, keyword Diversity Dialogue. Ms. Tagle then introduced Stan Karson to the podium.

Mr. Karson stated that he is proud to be a resident of a county that supports diversity. He also reported that on behalf of the president of the Arlington County Civic Federation, the Civic Federation will embrace and further the recommendations of the Report.

On motion by J. WALTER TEJADA, Member, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the County Board accepted the report of the Diversity Dialogue Task Force and directed the County Manager to review the Task Force recommendations and recommend implementing actions.

Mr. Tejada thanked the Task Force Members, staff and his colleagues for their support of this initiative.

Robert Atkins asked that a physical paper copy of the Manager’s Report and the Diversity Dialogue Report be available to the public.

The Chairman asked the Manager when he would return to the Board with an implementation plan.

The Manager announced that he would provide an update to the Board prior to the February County Board Meeting.

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33. [DECLARATION OF A LOCAL EMERGENCY FOR THE 2009 PRESIDENTIAL INAUGURATION PURSUANT TO THE CODE OF VIRGINIA § 44-146.21.](#)

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board consented to the County Manager’s Declaration of a Local Emergency, attached to the County Manager’s January 24, 2009 report, for the period January 17, 2009 through midnight on January 21, 2009.

[Board Report #33](#)

[Board Report #33-Attachment A](#)

[Board Report #33-Attachment B](#)

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS.

On motion by BARBARA A. FAVOLA, Member, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board met in a closed meeting from 10:25 a.m. to 10:54 a.m., as authorized by §§2.2-3711.A.3 and 7 of the Virginia Code, for the purposes of discussing one matter involving the acquisition of real property for public purposes where discussion in public would adversely affect the County’s negotiating and bargaining position; and one legal matter requiring consultation with the County Attorney concerning a prospective personal injury claim against the County involving County owner equipment.

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

Member & Vote

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

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

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APPROVAL OF AN AGREEMENT OF SALE FOR ACQUISITION OF THE REAL PROPERTY AND IMPROVEMENTS KNOWN AS 2400 S. KENMORE STREET, ARLINGTON, VIRGINIA (RPC#31026012)

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISSETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, the County Board approved the Agreement of Sale attached to the County Manager's December 23, 2008 report between AHC, Inc. ("Seller") and the County Board of Arlington County, Virginia ("Purchaser") for the purchase of the real property and improvements known as 2400 S. Kenmore Street, Arlington, Virginia ("Property"); and authorized the Real Estate Bureau Chief, or his designee, to execute the Agreement of Sale and all related documents necessary for the acquisition, subject to approval as to form of all documents by the County Attorney.

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ADJOURNMENT

Without objection, at 10:55 a.m. the Board recessed until the January 27, 2009 Recessed Meeting.

BARBARA A. FAVOLA, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: April 25, 2009