

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, May 22, 2010 at 8:30 a.m.

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

ALSO PRESENT: MICHAEL B. BROWN, County Manager
CAROL McCOSKRIE, Assistant County Attorney
HOPE L. HALLECK, Clerk
and other staff

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*** PUBLIC COMMENT**

Robert Atkins spoke about politics in Arlington.

Richard Dumas spoke about the quality of life in Clarendon.

John Shumate spoke about East Falls Church Metro planning.

Bill Bozman withdrew his opportunity to speak because someone had already spoken on the topic.

Berhane Michael, member of the Arlington United Taxi Operators, spoke about the taxi cab ordinance.

Getu Mekonnen withdrew his opportunity to speak because someone had already spoken on the topic.

Fassil Berhe withdrew his opportunity to speak because someone had already spoken on the topic.

Nancy Iacomini spoke about the Vernacular Architecture Forum Tour that took place last Thursday. The tour highlighted Colonial Village and Fairlington.

Jack Cornman, president of the Alliance for Housing Solutions, welcomed the new County Manager and spoke about the Alliance's opposition to a new form of County government.

Bryan Phillips asked the Board to consider closing the parking lot at the southeast corner of South Eads and South 23rd Streets.

Art Hauptman spoke about funding for the synthetic field at HB Woodlawn.

Steven Fuchs spoke about parking and urban planning in Arlington.

Jim Hurysz spoke about HOT Lanes and a comprehensive pedestrian, bicycle and motorcycle safe driving program.

Ken Thomas withdrew his opportunity to speak because someone had already spoken on the topic.

Johnny Watson spoke about opening the emergency winter shelter year round.

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*** CONSENT ITEMS (ITEMS 1-36) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, MAY 22, 2010, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, MAY 25, 2010, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

On motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by BARBARA A. FAVOLA, Member and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the County Board approved all consent items except for items #4, #8, #9, #14, #24, #25, #34, #35, and #36 which were pulled from the consent agenda and scheduled for hearing at the May 25, 2010 County Board Recessed Meeting.

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SITE PLANS/AMENDMENTS/REVIEWS

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1. SP #1 SITE PLAN AMENDMENT REQUEST TO EXPAND AND EXISTING EDUCATIONAL USE; LOCATED AT 1820 NORTH FORT MYER DRIVE (RPC #16-036-002).

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 #1 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to expand an existing educational use for the parcel of real property known as 1820 North Fort Myer Drive (RPC #16-036-002) 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 three (3) modified conditions:

Modified Conditions:

- 14. The applicant agrees to provide parking for the office use at a rate of no less than one (1) parking space per 580 square feet of office space in the building. ~~The applicant agrees to provide a minimum of 175 parking spaces and a maximum of 201 parking spaces to be use by students, faculty, and staff of The Art Institute of Washington.~~

Upon request the applicant will provide enrollment and employment information to the Zoning Administrator in sufficient detail to verify that the parking requirement is being met. The amount of office space used to calculate the office parking ratio for the building at the time shall be 162,000 square feet minus the square feet for which a Certificate of Occupancy has been issued for the school of higher education's use.

- 15. ~~The applicant agrees to submit a detailed transportation demand management plan to be approved by the County Manager or his designee before issuance of Certificate of Occupancy. The transportation demand management plan shall include but not be limited to the following strategies:~~
 - ~~a. The applicant agrees to designate a member of the administration as a student transportation coordinator. The transportation coordinator shall be responsible for implementing the transportation demand management strategies.~~
 - ~~b. The applicant agrees to develop a parking management plan identifying the location and number of parking spaces dedicated for faculty, staff and students, identification of additional off-site parking if needed and a projection of parking needs at final buildout and a plan to provide the needed parking.~~
 - ~~c. The applicant agrees to develop a student transportation plan promoting alternatives for commuting to the site.~~

Transportation Demand Management Program

The educational institution agrees to develop and implement a Transportation Management Plan (TMP) in order to achieve the desired results of the Arlington County Transportation Demand Management (TDM) program. The educational institution agrees to obtain the approval of the County Manager or his designee for such plan before the issuance of the use permit.

Annual assessment rates will be adjusted for inflation by the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index (CPI) Inflation Calculator from the date of site plan approval.

The Transportation Management Plan shall include a schedule and details of implementation and continued operation of the elements in the plan. The Transportation Management Plan shall include, but not be limited to, the following strategies:

Participation and Funding

- a. Maintain an active, on going relationship with Arlington Transportation Partners (ATP), or successor entity.
- b. Designate a member(s) of educational institution's management as Property Transportation Coordinator(s) to be a primary point of contact with the county and undertake the responsibility for coordinating and completing all TMP obligations. The educational institution will provide, and keep current, the name and contact information of the PTC to ACCS. The Property Transportation Coordinator shall be appropriately trained, to the satisfaction of ACCS, to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.

Facilities and Improvements

- a. Provide information displays, the number/content/design/location of which shall be approved by ACCS / ATP, to provide transportation related information to students, faculty, and visitors.
- b. Provide a new ten (10) space bicycle parking rack in the garage of the building as specified by the County Manager or designee.
- c. Any changes, either administrative or via site plan amendments that alters the use will require a review by the TDM planner with possible revisions to the plan.

Parking Management Plan

- a. Comply with the parking management plan if required by the use permit.
- b. No on-street loading will be permitted between the hours of 7 and 9 AM and 4 to 6 PM.

Promotions, Services, Policies

- a. Provide one (1) SmarTrip card plus \$10.00 Metro fare media to each new student, once, at enrollment, distributed no later than the first day of classes at the building.
- b. Provide a commute benefit of \$20.00 per month to students that live in Crystal City.
- c. Provide or administer a sustainable commute benefit program for these employees (the program shall include, at a minimum, pre-tax employee contributions and/or tax-free transit or vanpool monthly contributions.)
- d. Provide website hotlinks to CommuterPage.comTM under a "transportation information" heading from the educational institution's websites regarding this site.
- e. Distribute a new-student or new-employee package, material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each new-student or new-employee. Packages will be distributed no later than the student's first day of classes at the building. Distribute equivalent package to new employees no later than their first day of work.
- f. Reference the Rosslyn Metro Station promotional materials and advertisements.
- g. Cooperate with Arlington County to assist the County in implementing a transit-advertising program that may distribute information four times per year to all students and employees.
- h. Participate in Ozone Action Days and other regionally sponsored clean air, transit, and traffic mitigation promotions by posting notice of such promotions in locations within the building(s).

Performance and Monitoring

- a. Upon approval of the TMP by the County, the educational institution agrees to implement all elements of the plan with assistance when appropriate by agencies of the County.
- b. Conduct a transportation performance monitoring study at two years five years, and each subsequent five year period after issuance of the first Certificate of Occupancy and provide a report summarizing findings report findings to the County. The County will specify the scope of the study. The study may include a voluntary mode-split survey. The educational institution will assist and encourage student and employee participation in mode split surveys which may be of an on-line, email variety.
- c. During the first year of start up of the TMP and on an annual basis thereafter, the Educational institution will submit an annual report to the County Manager, describing completely and correctly, the TDM related activities of the site.

16. ~~The applicant agrees to enroll no more than 2,301 students and 300 staff and faculty per quarter. In a quarter,~~

that student enrollment in each session (AM, PM, or evening) shall not exceed ~~767~~ 1300 students and ~~275~~ 200 faculty and staff, ~~1,042 total~~ 1500 total.

[Board Report #1](#)

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2. SP #6 SITE PLAN AMENDMENT TO ALLOW EDUCATIONAL USES IN OFFICE BUILDING; LOCATED AT 4420 FAIRFAX DRIVE (RPC#14-051-019).

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

BE IT ORDAINED that, pursuant to application SP #6 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to allow educational uses in an office building for the parcel of real property known as 4420 Fairfax Drive (RPC #14-051-019), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions as set for in the document entitled "Addendum 5-22-10-A – SP #6" attached for the public record to these minutes.

[Addendum 5-22-10-A – SP #6](#)

[Board Report #2](#)

[Board Report #2-Supplemental](#)

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3. SP #18 SITE PLAN AMENDMENT TO REVISE CONDITION #68 AFFORDABLE HOUSING CONTRIBUTION TO MODIFY THE TIMING OF PAYMENTS; LOCATED AT 1812 N. MOORE ST. (RPC #16-037-004, -005).

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 #18 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to amend condition #68 regarding Affordable Housing Contribution to modify the timing of payments for the parcel of real property known as 1812 N. Moore Street (RPC #16-037-004, -005), 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 condition #68:

Affordable Housing Contribution

68. The developer has agreed to make an affordable housing contribution on the proposed site plan's entire GFA (601,790 s.f.), resulting in a contribution of \$4,814,320. This contribution shall be made in three equal installments with one-third (\$1,604,773.33) due prior to the issuance of ~~the first above-grade any~~ building permit associated with the construction of any office floors above the garage and including the P7 level of the garage (not including permits associated with the four-and-a-half levels of parking below the lobby levels, the lower and upper lobby levels, and necessary columns and structural elements needed to complete the garage entrance and project stair towers), one-third (\$1,604,773.33) due prior to the issuance of the first Certificate of Occupancy for any office floors above the garage and including the P7 level of the garage, and one-third (\$1,604,773.34) due prior to the issuance of the Certificate of Occupancy for the top floor of the office building.

[Board Report #3](#)

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4. SP#89 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN, CHANGE OF USE OF APPROXIMATELY 570 SQ. FT. OF MAIN BUILDING MEZZANINE LOBBY, LIVE ENTERTAINMENT AND FOOD DELIVERY SERVICE, WITH MODIFICATION OF ZONING ORDINANCE REQUIREMENTS FOR SIGN AREA, LOCATED AT 1101 WILSON BOULEVARD (RPC# 16-039-002).

This item was removed from the consent agenda and will be heard at the May 25, 2010 County Board Recessed Meeting.

[Board Report #4](#)

[Board Report #4-Supplemental](#)

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5. SP #90 SITE PLAN AMENDMENT REQUEST, FOR OUTDOOR CAFÉ IN THE PUBLIC RIGHT OF WAY, FAÇADE MODIFICATIONS AND A COMPREHENSIVE SIGN PLAN AT HAMBURGER HAMLET; LOCATED AT 1601 CRYSTAL SQUARE ARCADE (RPC# 34-020-248).

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

1. Adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #90 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for outdoor café in the public right of way and façade modifications for the parcel of real property known as 1601 Crystal Square Arcade (Hamburger Hamlet) (RPC #34-020-248), 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 one (1) new condition:

4. A) The developer agrees that the outdoor seating area for Hamburger Hamlet (or its successors) shall be as located on a plan entitled "Hamburger Hamlet Dimension Plan" dated April 21, 2010, and on an untitled plan dated April 29, 2010. The number of permitted tables and chairs shall be as determined at the time of the granting of the Certificate of Occupancy.

B) The developer agrees that for any trees removed by the creation of the outdoor café, the applicant shall either: 1) Submit a Tree Replacement Plan for approval by the County Manager's designee for trees of a County-approved type, size, and location within the same Site Plan #90, or on a property owned by Charles E Smith/Vornado in the Crystal City area, per the Tree Replacement Ordinance; or 2) Pay into the Tree Fund a minimum of \$2,400 for every tree that cannot be replaced under 1) above. Proof of replacement or payment shall be furnished to the Zoning Administrator before a Certificate of Occupancy for the outdoor café will be issued.

2. Deferred a request for a modification of a comprehensive sign plan to the June 12, 2010, County Board meeting.

[Board Report #5](#)

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6. SP #231 SITE PLAN AMENDMENT FOR A FLEA MARKET; LOCATED AT 1400 NORTH COURTHOUSE ROAD (RPC#18-002-001).

On the consent agenda vote, after a duly advertised public hearing, the Board discontinued the use permit for a Flea Market located at 1400 North Courthouse Road.

[Board Report #6](#)

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7. SP #346 SITE PLAN AMENDMENT REQUEST, FOR FAÇADE MODIFICATIONS AND A COMPREHENSIVE SIGN PLAN INCLUDING ROOFTOP SIGNS AT POTOMAC YARD LAND BAY B; LOCATED AT 2800, 2850 POTOMAC AVENUE (RPC# 34-027-066).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the site plan amendment request for façade modifications and a comprehensive sign plan including rooftop signs to the June 12, 2010 County Board meeting.

[Board Report #7](#)

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- 8. **SP#397 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN AT CLARENDON CENTER; LOCATED AT 3028 WILSON BLVD, 3000 WILSON BLVD, CLARENDON BLVD, 1101 N. HIGHLAND ST, 1200 N. GARFIELD ST. AND 3030 CLARENDON BLVD. (RPC# 18-012-003, 18-012-004, 18-013-007, 18-013-010, 18-013-011).**

This item was removed from the consent agenda and will be heard at the May 25, 2010 County Board Recessed Meeting.

[Board Report #8](#)

[Board Report #8-Supplemental](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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- 9. **U-96-48-1 USE PERMIT AMENDMENT FOR A COMMERCIAL RADIO TOWER FOR WETA-FM; LOCATED AT 5217 19TH ROAD N. (RPC# 09-015-024).**

This item was removed from the consent agenda and will be heard at the May 25, 2010 County Board Recessed Meeting.

[Board Report #9](#)

[Board Report #9-Supplemental](#)

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- 10. **U-1818-69-1 USE PERMIT AMENDMENT TO AMEND THE PERMITTED AGES FOR A CHILD CARE CENTER FOR TRINITY SCHOOL OF EARLY LEARNING LOCATED AT 2217 COLUMBIA PIKE (RPC# 25-018-022-028).**

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-1818-69-1 on file in the Office of the Zoning Administrator for a special exception for a use permit ~~to amend the permitted to eliminate the upper limit on the ages of the children served for a child care center~~ for the parcel of real property known as 2217 Columbia Pike (Trinity School of Early Learning) (RPC #25-018-022, -028), 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 amended conditions #3 through #5 with an administrative review in one (1) year (May 2011) and no further scheduled County Board review:

Revised Conditions:

- ~~3.~~ 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 adjacent Safeway parking lot at all times during the hours of operation of 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.
- ~~3.~~ 4. The Child Care Office shall make a final determination of the final occupancy of the program following final renovation of the proposed space. The applicant agrees to work closely with the Child Care Office, sharing

~~designs and renovation plans of the proposed space. The County Manager or his designee and the Child Care Office shall review the plans prior to issuance of an occupancy permit. Maximum enrollment shall not exceed 76.~~

- ~~4.~~ 5- The applicant shall identify a contact person who shall have the authority to respond in the event that issues arise regarding the subject use. The name of the contact person is to be provided to the Columbia Heights Civic Association, the Penrose Civic Association, the Columbia Pike Revitalization Organization (CPRO), the adjoining, adjacent and abutting neighbors, and the Arlington County Zoning Office prior to issuance of a certificate of occupancy.

[Board Report #10](#)

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11. U-2713-91-1 USE PERMIT RENEWAL OF A PUBLIC GARAGE (REFERRED NOW AS A VEHICLE SERVICE ESTABLISHMENT) FOR TOWN CAR REPAIR; LOCATED AT 301 SOUTH GLEBE ROAD (RPC#24-014-001).

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-2713-91-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a public garage (referred to now as a vehicle service establishment) for the parcel of real property known as 301 South Glebe Road (Town Car Repair) (RPC #24-014-001), 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 five (5) years (May 2015).

[Board Report #11](#)

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12. U-2730-92-1 USE PERMIT RENEWAL FOR A FAMILY DAY CARE; LOCATED AT 6015 LEE HIGHWAY (RPC# 01-058-009).

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-2730-92-1 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 the parcel of real property known as 6015 Lee Highway (RPC #01-058-009), 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 three (3) years (May 2013).

[Board Report #12](#)

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13. U-3005-01-1 USE PERMIT RENEWAL FOR LIVE ENTERTAINMENT AND DANCING AT FREDDIE’S BEACH BAR; LOCATED AT 555 23RD ST. S. (RPC# 36-018-011).

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-3005-01-1 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 555 23rd Street South (Freddie’s Beach Bar) (RPC #36-018-011), 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 with no further scheduled County Board review.

[Board Report #13](#)

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14. U-3145-05-1 USE PERMIT RENEWAL FOR KLINE IMPORTS ARLINGTON, INC. TO OPERATE A TIRE SHOP, LOCATED AT 4060 LEE HIGHWAY (RPC# 06-018-002).

This item was removed from the consent agenda and will be heard at the May 25, 2010 County Board Recessed Meeting.

[Board Report #14](#)

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15. U-3154-06-1 USE PERMIT RENEWAL FOR SECONDARY PARKING FOR 45 SPACES FOR OFF-SITE USERS; LOCATED AT 4300 ARLINGTON BLVD (RPC#23-003-002).

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

BE IT ORDAINED that, pursuant to application U-3154-06-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for 45 secondary parking spaces for off-site users for the parcel of real property known as 4300 Arlington Boulevard (RPC #23-003-002), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, and with a County Board review in five (5) years (May 2015).

[Board Report #15](#)

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16. U-3205-08-1 USE PERMIT RENEWAL FOR RESTAURANT LIVE ENTERTAINMENT; LOCATED AT 2618 NORTH PERSHING DRIVE (RPC# 18-056-005).

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-3205-08-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for restaurant live entertainment for the parcel of real property known as 2618 North Pershing Drive (El Manantial Restaurant) (RPC #18-056-005), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, the following one (1) new condition, with an administrative review in six (6) months (November 2010) and with a County Board review in one (1) year (May 2011):

New Condition:

- 9. The applicant agrees to work with the Arlington County Police Department and ensure that all restaurant staff serving alcohol shall complete the State Training Intervention Procedures (TIPS) program prior to the administrative review scheduled for November 2010.

[Board Report #16](#)

[Board Report #16-Supplemental](#)

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17. U-3211-08-3 USE PERMIT RENEWAL FOR ACCESSORY PARKING; LOCATED AT 5115 LITTLE FALLS ROAD (RPC# 02-024-027).

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-3211-08-3 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for accessory parking for the parcel of real property known as 5115 Little Falls Road (RPC #02-024-027), 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) modified condition, with a County Board review in three (3) years (May 2013):

Modified Condition:

7. The applicant agrees that this use permit shall be valid until July 1, 2013, or such time as Arlington Public Schools receive their ~~first~~ final Certificate of Occupancy for U-3041-02-2 (Yorktown High School project), whichever occurs first.

[Board Report #17](#)

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18. U-3219-09-1 USE PERMIT RENEWAL FOR LIVE ENTERTAINMENT AT TORTOISE AND HARE BAR LOCATED AT 567 23RD ST S. (RPC# 36-018-011).

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-3219-09-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for live entertainment for the parcel of real property known as 567 23rd Street South (RPC #36-018-011), 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 and a County Board review in three (3) years (May 2013).

[Board Report #18](#)

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19. U-3250-10-1 USE PERMIT FOR OUTDOOR CAFÉ IN THE PUBLIC RIGHT OF WAY AND RESTAURANT LIVE ENTERTAINMENT; LOCATED AT 3211 WILSON BOULEVARD (RPC #15-089-001).

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-3250-10-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for an outdoor café in the public right of way and restaurant live entertainment for the parcel of real property known as 3211 Wilson Boulevard (RPC #15-089-001), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to following conditions, and with a County Board review in six (6) months (November 2010):

1. Live entertainment is permitted from 4 p.m. to 9 p.m., Sunday through Wednesday; 4 p.m. to 12 a.m. Thursday through Saturday, and the eve of all Federal Holidays with the restriction that live bands are limited to Thursday, Friday, Saturday and the eve of all Federal Holidays. For the purposes of this condition, a "live band" is defined as a group of musicians employing a drum kit, a PA system (other than the house speakers) and full amplification (i.e. non-acoustic groups). The term "live band" does not apply to deejays, emcees, smaller groups of musicians, karaoke or other types of entertainment.
2. The applicant shall comply with the Arlington County noise ordinance and the windows and doors shall remain closed during the times of live entertainment. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building.
3. All staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
4. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
5. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
6. The applicant agrees to participate in the established Neighborhood Advisory Group consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.

7. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and 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. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Ballston-Virginia Square Civic Association, the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and the Clarendon Alliance.
8. The applicant shall make customers aware of proximity to Metro, available parking and any special parking arrangements through postings in the restaurant and on their website.
9. The approval for live entertainment at 3211 Wilson Blvd. is only valid for Northside Social. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.
10. The outdoor seating area is permitted on the plaza on Wilson Boulevard as shown on the plans entitled "Outdoor Seating Plan," and attached to this report. The seating area shall leave a minimum of six (6) feet of clearance width along all sides of the perimeter for pedestrians. The outdoor seating shall be limited to a maximum of 16 tables with a maximum total seating capacity of 64 seats.
11. The applicant agrees that any use of umbrellas in the outdoor seating area shall not contain any signs or interfere with pedestrian movement along the sidewalk. No outdoor fixtures shall display any sign messages unless a sign permit has been approved by the Zoning Office.

[Board Report #19](#)

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20. U-3251-10-2 USE PERMIT OF COTTAGE ETHIOPIAN RESTAURANT LLC FOR LIVE ENTERTAINMENT AND DANCING; LOCATED AT 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-3251-10-2 on file in the Office of the Zoning Administrator for a special exception for a use permit for live entertainment and dancing for the parcel of real property known as 3111 Columbia Pike (Cottage Ethiopian 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 the following conditions, and with a County Board review in one (1) year (May 2011):

1. Live entertainment shall be permitted only between the hours of 10:00 p.m. – 1:30 a.m. Thursday through Monday.
2. Live entertainment must take place only within the building. The windows and doors to the outside shall remain closed during the times of live entertainment, and the applicant shall comply with the Arlington County noise ordinance. No live entertainment shall be broadcast over loudspeakers outside of the building, and under no circumstances shall live entertainment be permitted outside of the building.
3. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
4. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and 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. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Arlington Heights Civic Association.
5. The approval for live entertainment at 3111 Columbia Pike is only valid for Cottage Ethiopian. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.

[Board Report #20](#)

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21. U-3252-10-2 USE PERMIT FOR CLEARWIRE WIRELESS BROADBAND PUBLIC UTILITIES/TELECOMMUNICATION FACILITIES; LOCATED AT 2001 N. ADAMS ST. (POTOMAC TOWERS, RPC# 15-004-034).

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-3252-10-2 on file in the Office of the Zoning Administrator for a special exception for a use permit for Clearwire Wireless Broadband public utilities/telecommunications facilities for the parcel of real property known as 2001 N. Adams Street (Potomac Towers) (RPC #15-004-034), 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:

1. The applicant agrees that the telecommunications facility on the existing building at 2001 N. Adams St. will be installed as shown on plans dated December 23, 2009. Any additional antennas on the site will require a use permit amendment.
2. The applicant shall identify a community liaison who shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the North Highlands Citizens Association and the Zoning Administrator.
3. The applicant agrees that the antennas shall be removed within ninety (90) days after any cessation of use.

[Board Report #21](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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22. APPROVAL OF A DEED OF EASEMENT FOR THE DEPARTMENT OF ENVIRONMENTAL SERVICES PUBLIC BUS SHELTER PROJECT ON THE PROPERTY LOCATED AT 2110 WASHINGTON BLVD. (RPC # 24-004-016).

On the consent agenda vote, the Board took the following actions:

1. Approved the deed of easement, attached to the County Manager’s April 23, 2010 report, between by and among, FP Sequoia 2006, LLC, a Maryland limited liability company, Okland Sequoia 2006, LLC, a Maryland limited liability company, FP Republic 2006, LLC, a Maryland limited liability company, Okland Republic 2006, LLC, a Maryland limited liability company, RCI Sequoia Maryland, LLC, a Maryland limited liability company, and England Sequoia 2006, LLC, a Maryland limited liability company; Wells Fargo Bank, N.A., Alexander Title Agency, Incorporated, Trustee, and The County Board of Arlington County, Virginia, a body politic.
2. Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to accept, on behalf of the County Board, the Deed and all related documents necessary for the acquisitions, subject to the approval as to form of all documents by the County Attorney.

[Board Report #22](#)

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23. APPROVAL OF A STORAGE SPACE DEED OF LEASE, BETWEEN VNO COURTHOUSE II LLC, AS LANDLORD, AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS TENANT, FOR STORAGE SPACE IN COURTHOUSE PLAZA OFFICE BUILDING II, ON THE G-1 LEVEL AT 2300 CLARENDON BLVD., ARLINGTON, VIRGINIA 22202 (RPC # 18005041).

On the consent agenda vote, the Board took the following actions:

1. Approved the storage space deed of lease attached to the County Manager's April 28, 2010 report between VNO Courthouse II LLC, as Landlord, and The County Board of Arlington County, Virginia, as Tenant, for storage space in the building known as Courthouse Plaza Office Building II, on the G-1 Level at 2300 Clarendon Blvd., Arlington, Virginia 22202 (RPC # 18005041).
2. Authorized the Real Estate Bureau Chief, or his designee, to execute, on behalf of the County Board, the storage space deed of lease, and all related documents, subject to approval as to form by the County Attorney.

[Board Report #23](#)

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ORDINANCES, PLANS AND POLICIES

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24. AMENDMENTS TO THE COLUMBIA PIKE FORM BASED CODE

- A. FBC-10. Zoning Ordinance amendment to Section 20. (Appendix A), "CP-FBC" Columbia Pike Form Based Code Districts, subsection III.B.2.E. The Regulating Plans, Rules for the Regulating Plan and New Development Plans, Buildings, to clarify that a Building Envelope Standard may be extended up to 50 feet around a block corner.

This item was removed from the consent agenda and will be heard at the May 25, 2010 County Board Recessed Meeting.

[Board Report #24 A](#)

- B. FBC-11. Amendments to the Arlington County Zoning Ordinance, Section 20. (Appendix A), "CP-FBC" Columbia Pike Form Based Code Districts, to amend:
 1. Subsection II. Definitions to add definitions for "English basement," "porch" and "vestibule" and revise the existing definitions for "ground floor, ground story" and "Local street building;"
 2. Subsection III. The Regulating Plans B. Rules for the Regulating Plan and New Development Plans, 4. Parking, to require that parking be provided when there are more than two (2) dwelling units per Local street building on sites of less than 20,000 square feet in land area;
 3. Subsection IV. Building Envelope Standards to add references to "English basement," "porch," "vestibule," "ground floor, ground story" and "Local street building" where appropriate; to permit Local street buildings to have a ground story finished floor elevation of zero (0) to five (5) inches or 36 to 60 inches above the fronting sidewalk; to modify the minimum clear height for the ground story of Local site buildings and the ground and second stories of Neighborhood site buildings from nine (9) feet four (4) inches to nine (9) feet; to clarify the clear height depth requirement for the ground story of live/work buildings; to add language such that when the finished floor elevation of the ground floor is zero (0) to five (5) inches above grade a stoop is not required and the shy zone shall be distinguished from the sidewalk when a porch is not provided; to prohibit English basement units in Local street buildings with a finished floor elevation of less than 36 inches; to prohibit entries below the ground story on the required building line side of Local street buildings with a finished floor elevation of zero [0] to five [5] inches above grade; to allow up to two (2) entries per stoop, porch or, for Local street buildings with a finished floor elevation of zero [0] to five [5] inches above grade, per shy zone treatment; and to allow up to two (2) dwelling units and an English basement unit per Local street building.

This item was removed from the consent agenda and will be heard at the May 25, 2010 County Board Recessed Meeting.

Meeting.

[Board Report #24 B](#)

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CAPITAL PROJECTS

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- 25. APPROVE THE AWARD OF A CONTRACT TO MARTIN AND GASS, INC. FOR THE CONSTRUCTION OF VARIOUS UNDERGROUND UTILITIES ALONG COLUMBIA PIKE FROM SOUTH WAKEFIELD STREET TO FOUR MILE RUN, INVITATION TO BID NUMBER 206-10.**

This item was removed from the consent agenda and will be heard at the May 25, 2010 County Board Recessed Meeting.

[Board Report #25](#)

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- 26. APPROVAL OF THE AWARD OF A CONTRACT BETWEEN THE COUNTY BOARD AND COMBINED SERVICES INC., FOR THE REPLACEMENT OF THE WASHERS AND DRYERS IN THE ARLINGTON COUNTY DETENTION CENTER LOCATED AT 1435 N. COURTHOUSE ROAD.**

On the consent agenda vote, the Board took the following actions:

- 1. Approved the award of Agreement Number 83-10 between the County Board of Arlington County, Virginia and Combined Services, Inc., to provide general construction services to replace the washers and dryers in the County's Detention Center for an amount not to exceed \$237,000, plus a contingency of the \$35,550 for a total contract authorization of \$272,550.
- 2. Authorized the Purchasing Agent to execute the Agreement and any other contract documents, subject to the approval of such documents by the County Attorney.

[Board Report #26](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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- 27. AUTHORIZATION TO ACCEPT A \$12,500 MATCHING GRANT FROM THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES' (VDHR) CERTIFIED LOCAL GOVERNMENT (CLG) PROGRAM TO UPDATE THE COUNTYWIDE HISTORIC RESOURCE SURVEY.**

On the consent agenda vote, the Board took the following actions:

- 1. Accepted a \$12,500 matching grant from the Virginia Department of Historic Resources' (VDHR) Certified Local Government (CLG) Program to update the Countywide Historic Resources Survey.
- 2. Appropriated \$12,500 in FY 2011 from the Virginia Department of Historic Resources to the Department of Community Planning, Housing and Development to update the Countywide Historic Resources Survey.
- 3. Ratified the CGL grand award agreement attached to the County Manager's April 26, 2010 report signed by the County Manager and the State of Historic Preservation Officer for the update of the Countywide Historic Resources Survey.

[Board Report #27](#)

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28. AUTHORIZATION TO EXECUTE AN ARLINGTON COUNTY COMMUTER SERVICES PROGRAM GRANT AGREEMENT BETWEEN THE COMMONWEALTH OF VIRGINIA, VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AND THE ARLINGTON COUNTY BOARD AND APPROPRIATE GRANT FUNDS TO THE COMMUTER SERVICES PROGRAM.

On the consent agenda vote, the Board took the following actions:

1. Approved the agreement between the County Board and Commonwealth of Virginia, Department of Transportation for use of Congestion Mitigation and Air Quality Improvement (CMAQ) Funds.
2. Authorized the County Manager to execute the agreement and all related documents subject to approval of the agreement and documents as to form by the County Attorney, and accepted any funds awarded.
3. Appropriated \$10,150 in grant revenues to the FY 2010 Commuter Services Program, Transportation Planning.

[Board Report #28](#)

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29. AUTHORIZATION AND APPROPRIATION OF NORTHERN VIRGINIA REGIONAL GANG TASK FORCE (NVRGTS) FUNDS TO PURCHASE EQUIPMENT AND CONTRACTED SERVICES.

On the consent agenda vote, the Board took the following actions:

1. Authorized the County Manager to accept \$9,368 in non-competitive grant funds from the Northern Virginia Regional Gang Task Force (NVRGTF).
2. Appropriate \$9,368 grants funds in FY 2010 from NVRGTF to the Juvenile and Domestic Relations District Court (JDR) for costs associated with the Arlington Gang Task Force.

[Board Report #29](#)

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30. AUTHORIZATION FOR THE COUNTY MANAGER OR THEIR DESIGNEE TO ACCEPT DONATIONS OF CASH AND MATERIALS ON BEHALF OF THE COUNTY TO BE UTILIZED TOWARD POLICE DEPARTMENT ACTIVITIES RELATING TO CRIMINAL INVESTIGATIONS AND CRIME PREVENTION.

On the consent agenda vote, the Board authorized the County Manager or their designee to accept donations of cash and materials on behalf of the County to be utilized toward Police Department activities relating to criminal investigations and crime prevention.

[Board Report #30](#)

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[REQUESTS TO ADVERTISE](#)

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31. REQUEST TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED AMENDMENT, REENACTMENT, AND RECODIFICATION OF CHAPTER 9.2 (FOOD AND FOOD HANDLING CODE) OF THE ARLINGTON COUNTY CODE.

On the consent agenda vote, the Board authorized the request to advertise a public hearing to be held on June 12, 2010, to consider amending Chapter 9.2 of the Arlington County Code, attached to the County Manager's April 23, 2010 report, to incorporate the United States Food and Drug Administration, Centers for Disease Control and Prevention, and Food Safety and Inspection Service 2009 Food Code, and to make other amendments to Chapter 9.2.

[Board Report #31](#)

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32. REQUEST TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE COUNTY'S UTILITIES ORDINANCE, CHAPTER 26, SUBSECTION 26-5(C) AND SECTION 26-9, AND STORMWATER DETENTION ORDINANCE, CHAPTER 60, SECTIONS 60-5 AND 60-6 OF THE ARLINGTON COUNTY CODE.

On the consent agenda vote, the Board authorized the request to advertise a public hearing to be held on June 12, 2010, to consider proposed amendments to the County's Utilities Ordinance, Chapter 26, Subsection 26-5(c) and Section 26-9, and the Stormwater Detention Ordinance, Chapter 60, Sections 60-5 and 60-6 of the Arlington County Code, attached to the County Manager's May 13, 2010 report, to provide the County Manager or designee with an enforcement mechanism and schedule of civil penalties for enforcing violations of these sections of County Code and to require periodic certifications of private stormwater detention facilities.

[Board Report #32](#)

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OTHER

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33. AMENDMENTS TO THE BUDGET AND APPROPRIATION RESOLUTIONS FOR FY 2011.

On the consent agenda vote, the Board approved the amended FY 2011 Budget and Appropriation Resolutions, as set forth in the document "Addendum 5-22-10-B – FY 2011 Budget and Appropriation Resolutions" attached for the public record to these minutes, to reflect final changes approved by the School Board for FY 2011, and adjustments to the spread of compensation enhancements to County departments.

[Addendum 5-22-10-B – FY 2011 Budget and Appropriation Resolutions](#)

[Board Report #33](#)

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34. FINAL AUTHORIZATION OF ISSUANCE OF GENERAL OBLIGATION BONDS THROUGH THE VIRGINIA PUBLIC SCHOOL AUTHORITY'S QUALIFIED SCHOOL CONSTRUCTION BOND PROGRAM.

This item was removed from the consent agenda and will be heard at the May 25, 2010 County Board Recessed Meeting.

[Board Report #34](#)

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35. REQUEST A BOARD RESOLUTION, AUTHORIZING THE COUNTY MANAGER TO SIGN THE MEMBER AGREEMENT TO JOIN THE VIRGINIA ASSOCIATION OF COUNTIES GROUP SELF-INSURANCE RISK POOL.

This item was removed from the consent agenda and will be heard at the May 25, 2010 County Board Recessed Meeting.

[Board Report #35](#)

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36. MINUTES.

This item was removed from the consent agenda and will be heard at the May 25, 2010 County Board Recessed Meeting.

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REGULAR HEARING ITEMS

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37. CAPITAL IMPROVEMENT PLAN PUBLIC HEARING. (THERE IS NO REPORT FOR THIS ITEM.)

The Board held a duly advertised public hearing at which 12 persons testified on the proposed Fiscal Year 2011 -2016 Capital Improvement Plan; and, on motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board closed the public hearing on the 2011 - 2016 Capital Improvement Plan (The proposed Fiscal Year 2011 - 2016 Capital Improvement Plan will be considered for adoption at the June 15, 2010, meeting of the County Board).

Neal Sigmon spoke about Long Bridge Park, new park land acquisitions, Four Mile Run, and park development for Crystal City.

Tony Taylor, representing the Arlington Aquatics Coalition, spoke about Long Bridge Park.

Sally Carson spoke about Long Bridge Park.

Kristine Wood, representing the Clarendon-Courthouse Civic Association, spoke about Rocky Run Park.

Patrick Svenburg spoke about Rocky Run Park.

Seema Nanda spoke about Rocky Run Park.

Robert Atkins spoke about the intended debt capacity of the Capital Improvement Plan and requested a public board report for the item.

Richard Epstein, on behalf of the Friends of Arlington Parks, spoke about purchasing land for new parks.

Larry Finch spoke about land acquisition and preservation of parks.

Mark Antell, vice president of the Arlington County Civic Federation, spoke about park land acquisition and capital project funding.

Douglas Ross spoke about Long Bridge Park.

Jim Hurysz requested a public board report for this item and spoke about the need for a new government system.

Wayne Kubicki spoke about borrowing for basic needs and Wakefield High School.

Eric Sildon, representative of the Neighborhood Conservation Advisory Committee, spoke about proposed cuts to the neighborhood conservation program.

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38. 1900 WILSON BOULEVARD

- A. GP-319-10-1 GENERAL LAND USE PLAN AMENDMENT from "Service Commercial" (Personal and business services. Generally one to four stories. Maximum 1.5 F.A.R. with special provisions within the Columbia Pike Special Revitalization District.) to "Medium" Office-Apartment-Hotel (up to 2.5 F.A.R. Office Density, up to 115 units/acre Apartment Density, up to 180 units/acre Hotel Density) for a property known as 1900 and 1916 Wilson Boulevard, generally located on the western part of the block in the area bounded by Wilson Boulevard, the proposed North Troy Street extension, Clarendon Boulevard and North Rhodes Street.
- B. Z-2547-09-1 REZONING from "C-2" Service Commercial - Community Business Districts and "RA8-18" Apartment Dwelling Districts to "C-O-2.5" Commercial Office Building, Hotel and Apartments Districts; premises known as 1900 and 1916 Wilson Boulevard (RPC # 17-011-006, -007, -008, -017, -018, -019).
- C. SP # 411 SITE PLAN to develop up 201 dwelling units and up to 30,000 square feet commercial/retail, a comprehensive sign plan, and modifications of zoning ordinance requirements for exclusions from density for mechanical closets, residential storage below grade, and vertical shafts, and bonus density for LEED and other modifications necessary in order to achieve the proposed development; located at 1900 Wilson Boulevard and 1916 Wilson Boulevard (RPC # 17-011-006, -007, -008, -017, -018, -019).
- D. Enactment of An Ordinance to Vacate a Portion of 17th Street North, Beginning at the Eastern Boundary of Lot 25B, Washington View and Running East Between the Southern Boundary of Part of Lot 14, Part of Lot 13, Part of Lot 12, Part of Lot 11 and Part of Lot 10, Washington View and the Northern Boundary of Lot 26, Lot 27, and a Portion of Lot 28, Washington View, Adjacent to and Between RPC Nos. 17011006, 17011007, 17011008, 17011009, 17011017, 17011018 and 17011019, with Conditions; and
- E. Enactment of An Ordinance to Vacate a Portion of a 10 foot Sanitary Sewer Easement Running South to North Across the Northwest Corner of Lot 26, Washington View, RPC No. 17011008, with Conditions.

On motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board deferred consideration of the subject requests to the June 12, 2010, County Board meeting.

The Board gave staff and the applicant the following guidance:

1. The thinking of the entrance way is heading in the right direction.
2. Explore the quality and contrast of the building materials relative to the surrounding buildings.
3. Look at ways to add variety and liveliness to the façade next to the NSTA building since this will likely be a path used by pedestrians (ie: a mural).
4. Consider the material used for the flex units. Glass fronts for residential may not be ideal.
5. Staff should come back to the Board regarding implications of the shy zone located on the sidewalks (ie: form based code, ownership).
6. Professional office space should be considered part of the commercial use.
7. If the applicant starts off using the flex units for residential purposes and the units then move to a commercial use, the commercial plan will need to come back to the Manager for review.
8. More information is need regarding the interior corridor behind the units of the building.
9. Explore whether it is possible to combine two units to make a larger living space so that the housing stock is not only one bedroom.
10. Explore affordable housing opportunities.
11. Explore a recharging station and a bike sharing program in the Rosslyn-Ballston Corridor.
12. In the future, staff may want to consider including research regarding the area in the discussion paragraph

of the Manager's board report.

[Board Report #38 A-E](#)

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39. [SP# 395 SITE PLAN AMENDMENT TO MODIFY DENSITY, PARKING, HEIGHT, FACADES, LANDSCAPING, UTILITY LOCATIONS, LOCATED AT 3565 LEE HIGHWAY.](#)

On motion by BARBARA A. FAVOLA, Member, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #395 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to modify density, parking, height, facades, landscaping and utility locations for the parcel of real property known as 3565 Lee Highway (RPC #05-056-002), 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, revised conditions #1, #17, #18, #19, #32, #37, #47, #49, #62, #64 and #70, and new conditions #81, #82 and #83, as set forth in the document entitled "Addendum 5-22-10-C – SP# 395" attached for the public record to these minutes.

[Addendum 5-22-10-C – SP# 395](#)

[Board Report #39](#)

[Board Report #39-Supplemental](#)

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40. [ZOA-09-10A ZONING ORDINANCE AMENDMENT TO SECTION 31A. THE AMENDMENTS TO SECTION 31A WOULD ALTER THE STANDARD FOR COUNTY BOARD REVIEW OF APPEALS OF HALRB DECISIONS, ALTER THE RESPONSIBILITIES OF THE HALRB REGARDING HISTORIC DISTRICT DESIGN GUIDELINES, AMEND THE HISTORIC DISTRICT DESIGNATION PROCESS TO INCLUDE STANDARDS FOR HISTORIC DISTRICT DESIGN GUIDELINES, AND ALTER THE ADOPTION PROCESS FOR HISTORIC DISTRICT DESIGN GUIDELINES BY THE HALRB AND THE COUNTY BOARD.](#)

On motion by MARY HUGHES HYNES, Member, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, after a duly advertised public hearing, at which there were no speakers, the Board adopted the ordinance, as set forth in the document entitled "Addendum 5-22-10-D – ZOA-09-10A Amendment to Section 31A." attached for the public record to these minutes, to amend, reenact and recodify Section 31 A of the Zoning Ordinance to alter the standard for County Board review of appeals of HALRB decisions, alter the responsibilities of the HALRB regarding historic district design guidelines, amend the historic district designation process to include standards for historic district design guidelines and alter the adoption process for historic district design guidelines by the HALRB and the County Board.

[Addendum 5-22-10-D – ZOA-09-10A Amendment to Section 31A.](#)

[Board Report #40](#)

[Board Report #40 - Attachment 1](#)

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41. [SITE PLAN #414: A MEDICAL OR DENTAL OFFICE, WITH MODIFICATIONS OF USE REGULATIONS](#)

FOR SETBACKS, PARKING, AND SIGNS ON PREMISES KNOWN AS 6011 WILSON BLVD. (RPC# 12-024-013).

On motion by J. WALTER TEJADA, Member, seconded by CHRISTOPHER ZIMMERMAN, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #414 on file in the Office of the Zoning Administrator for a special exception for a site plan for a medical or dental office, with modifications of use regulations for setbacks, parking, and signs for the parcel of real property known as 6011 Wilson Boulevard (RPC #12-024-013), approval is granted and the parcel so described shall be used according to the approval requested by the application, as set forth in the document entitled "Addendum 5-22-10-E – SP #414" attached for the public record to these minutes.

[Addendum 5-22-10-E – SP #414](#)

[Board Report #41](#)

[Board Report #41-Supplemental](#)

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ADJOURNMENT

Without objection, at 1:12 p.m., the Board recessed until the May 25, 2010 Recessed Meeting.

JAY FISETTE, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: April 16, 2011