

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, November 13, 2010 at 8:31 a.m.

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

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

ooooo0ooooo

PUBLIC COMMENT

Robert Atkins voiced his concerns regarding the snow ordinance adopted by the County Board earlier this year.

Kevin Chisholm, Green Party member, requested the establishment of a year-round, low-barrier shelter.

Matthew Wavro questioned the preparation of the recent bond ballot measures residents voted on during Election Day.

Jim Hurysz requested the establishment of a year-round, low-barrier shelter.

Lou Gatti questioned whether the County is meeting the information collection and reporting requirements of the taxicab ordinance. As examples, he mentioned the hack report and certificates of insurance.

June O'Connell remarked about the increase in food carts in the County and asked whether this was due to the County streamlining the permitting process. She also inquired about the status of the County's efforts to show the dates (e.g. extensions due to state law) on site plan constructions on the County's Web site and listed on any site plan amendments.

ooooo0ooooo

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, NOVEMBER 13, 2010, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, NOVEMBER 16, 2010, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).

On a 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 HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board approved the County Manager's recommendation for all consent items #1 through #3, #5, #8 through #18, #20 through #22, #24, #26 through #31. Requests for full hearing were submitted for items #4, #6, #7, #19, #23 and #25, and these items are scheduled for hearing at the November 16, 2010 County Board recessed meeting.

ooooo0ooooo

SITE PLANS/AMENDMENTS/REVIEW

oooo0oooo

1. SP #28 SITE PLAN AMENDMENT FOR A FREESTANDING BUILDING IDENTIFICATION SIGN FOR CARLYLE HOUSE CONDOMINIUMS LOCATED AT 5300 COLUMBIA PIKE (RPC#: 28-004-072 THROUGH 28-004-121).

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 #28 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for the parcel of real property known as 5300 Columbia Pike (RPC# 28-004-072 through 28-004-121) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, with one (1) new condition.

New condition:

- 36. The applicant agrees that the freestanding monument sign for The Carlyle House shall be consistent, as to location, size, design, text, with the exhibits to the staff report that are entitled "Exhibit 1" and are dated October 21, 2010 and with the chart in the Board report and as approved by the County Board on November 13, 2010. The applicant further agrees that the total sign area such freestanding monument sign shall not exceed 49 square feet. Such sign may be lighted from ground based indirect lights. Such lights shall be shielded so as to face directly toward the sign and will not be directed toward traffic or neighboring properties. [Clerk's note: as set forth in the document entitled "Addendum 11-13-10-A-SP #28" attached for the public record to these minutes.]

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

[Board Report #1](#)

[Addendum 11-13-10-A-SP #28](#)

oooo0oooo

2. SP #56 SITE PLAN AMENDMENT TO RECONFIGURE THE SERVICE DRIVE; LOCATED AT 1999 JEFFERSON DAVIS HIGHWAY AND 1800, 1851, AND 1901 S. BELL ST. (RPC#: 34-026-035 & -037).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject site plan amendment request to the January 2011 County Board Regular meeting.

[Board Report #2](#)

oooo0oooo

3. SP#65 SITE PLAN AMENDMENT FOR AN OUTDOOR CAFE IN THE PUBLIC RIGHT-OF-WAY FOR PIZZA AUTENTICA, LOCATED AT 2450 CRYSTAL DRIVE (RPC#: 34-020-034).

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

BE IT ORDAINED that, pursuant to application SP #65 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for outdoor café seating in the public right-of way for the parcel of real property known as 2450 Crystal Drive (RPC#: 34-020-034) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions and the conditions of the staff report with a County Board review in one (1) year (November 2011).

New Conditions:

32. The applicant agrees that the outdoor café shall be in the same general location as shown on the attached drawing labeled "A-0.1" dated July 1, 2010, and as approved by the County Board on November 13, 2010. The applicant further agrees to maintain a minimum of seven (7) feet of clear unobstructed sidewalk width at all times . [Clerk's note: as set forth in the document entitled "Addendum 11-13-10-B-SP #56" attached for the public record to these minutes.]
33. The applicant agrees that there shall be no speakers, radio, or live entertainment in any outdoor seating area.
34. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the outdoor seating and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the outdoor cafe. The name and telephone number shall be submitted to the Zoning Administrator before issuance of the certificate of occupancy.

Board Report #3

Addendum 11-13-10-B-SP #65

ooooo0ooooo

5. CLARENDON LIVE ENTERTAINMENT

A. 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 #194 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for live entertainment and dancing for the parcel of real property known as 3100 Clarendon Blvd. (Mr. Days, RPC: 19-002-007) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, and eight (8) new conditions, with an administrative review in one (1) year (November 2011) and a County Board review in two (2) years (November 2012).

1. Live entertainment is permitted Sundays, Mondays, Tuesdays and Wednesdays from 8:00 p.m. to 12:30 a.m., and Thursdays, Fridays and Saturdays from 8:00 p.m. to 1:30 a.m., and the Sundays, Mondays, Tuesdays and Wednesdays that occur on the eve of a federal holiday from 8:00 p.m. to 1:30 a.m.
2. No customer dancing shall occur without the applicant first obtaining approval of a dance hall permit.
3. 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. The name

and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator.

4. The applicant agrees to share with other businesses the responsibility for picking up trash along 11th Street North between North Daniel and North Fillmore Streets, the 1000 block of North Edgewood Street and the North Highland Streets between Washington Boulevard and Clarendon Boulevard and the building's frontage along Washington Boulevard between North Highland Street and Wilson Boulevard. The applicant agrees that its share of this responsibility shall be to pick up trash on these blocks each Thursday, Friday and Saturday of any odd numbered month (January, March, May, July, September and November). Such trash shall be picked up after 9:00 p.m. or before 9:00 a.m. the following morning. Trash shall include bottles, cans, and any other trash that can be reasonably linked to the applicant's patrons.
5. The applicant agrees to participate in the establishment of a neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mister Days Sports and Rock Cafe, other live entertainment users in the area, 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 proposed advisory group would meet quarterly to work through issues associated with the live entertainment uses.
6. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
7. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance and further agrees that the restaurant's windows and doors shall remain closed during the times of live entertainment except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment.
8. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.
9. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or deejays whose primary purpose is to serve a dancing crowd. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.
10. The applicant agrees that all staff serving alcohol to customers shall have TIPs (Training for Intervention Procedures) certification.
11. The applicant agrees to post sign signs inside the restaurant near the door telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
12. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
13. The applicant agrees to clean the sidewalk in front of the establishment each morning, including sweeping cigarette butts and litter that may have accumulated from the outdoor seating area.
14. The applicant agrees that the approval for live entertainment at 3100 Clarendon Boulevard is valid only for Mister Days. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.

- B. 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 #194 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for live entertainment and dancing for the parcel of real property known as 3100 Clarendon Blvd. (Sobe, RPC#: 19-002-007) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, and eight (8) new conditions, with an administrative review in one (1) year (November 2011) and a County Board review in two (2) years (November 2012).

1. Live entertainment and dancing hours
 - a. The applicant agrees that the hours for live entertainment inside the restaurant shall be as follows: 5 p.m. until 12:30 a.m., Monday through Thursday; 5 p.m. to 1:30 a.m., Fridays; 10 a.m. until 1:30 a.m., Saturdays; 10 a.m. until 12:30 a.m., Sundays; and 5 p.m. until 1:30 a.m., on the eve of all legal U.S. holidays.
 - b. The applicant agrees that the hours for dancing inside the restaurant shall be the same as for live entertainment inside except it would not begin before 5 p.m. any day.
 - c. The applicant agrees that the hours for live entertainment in the outdoor seating area shall be as follows: 5 p.m. until 12:00 a.m., Thursday and Friday; 10 a.m. to 12:00 a.m., Saturdays; 10 a.m. to 3 p.m. Sundays; and 5 p.m. until 12:00 a.m. on the eve of all legal U.S. holidays.
 - d. The applicant agrees that the hours for dancing in the outdoor seating area shall be the same as for live entertainment outside except it would not begin before 5 p.m. any day.
2. The live entertainment and dancing shall be consistent with the applicant's leasing arrangement with the Wells REIT 1 3100 Clarendon LLC.
3. There shall be no customer dancing without obtaining a valid dance hall permit from the County Zoning Office.
4. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant.
5. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal's Office, the Police Department, Community Code Enforcement Office and the Alcohol Beverage Control Board.
6. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be provided in writing to the Zoning Administrator, The Clarendon Alliance, the Clarendon-Courthouse Civic Association and the Lyon Village Citizens Association.
7. The applicant agrees that live entertainment and dancing shall meet the noise limits established in the County Noise Ordinance- and further agrees that the restaurant's windows and doors shall remain closed during the times of live entertainment except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. The applicant agrees that doors shall not be propped open during live entertainment.
8. The applicant agrees to share with other businesses the responsibility for picking up trash along 11th Street North between North Daniel and North Fillmore Streets, the 1000 block of North Edgewood Street and North Highland Street between Washington Boulevard and Clarendon Boulevard and the building's frontage along Washington Boulevard between North Highland Street and Wilson Boulevard. The applicant agrees that its share of this responsibility shall be defined in writing and provided to the Zoning Administrator. The applicant agrees that its share of this responsibility shall be to pick up trash on these blocks the following morning after each Thursday, Friday, and Saturday before 9 a.m. Trash shall include bottles, cans, and any other trash that can be reasonably linked to the applicant's patrons.
9. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mister Days Sports and Rock Cafe, other live entertainment users in the area, 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.
10. The applicant agrees to ensure that all restaurant staff are enrolled in the Police Department's Training for Intervention Procedures (TIPS) training.
11. The applicant agrees that the types of live entertainment inside the restaurant would be limited to a DJ, small combos, small jazz groups, an individual guitarist or pianist, or similar style entertainment.
12. The applicant agrees that the types of live entertainment in the outdoor seating area would be limited to small combos, small jazz groups, an individual guitarist or pianist, or similar style entertainment.

13. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or deejays whose primary purpose is to serve a dancing crowd. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.
14. The applicant agrees to post sign signs inside the restaurant near the door telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
15. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
16. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.
17. The applicant agrees that the approval for live entertainment at 3100 Clarendon Blvd. is valid only for Sobe. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.

C. 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 #333 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for live entertainment for the parcel of real property known as 3100 Washington Blvd. (Sobe, RPC#: 19-006-196) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, and eight (8) new conditions, with an administrative review in one (1) year (November 2011) and a County Board review in two (2) years (November 2012).

1. Live entertainment shall be limited to live bands or DJ entertainment 8 pm – 1 am Thursday, Friday, and Saturday, and DJ entertainment only 8 pm – 1 am Sunday through Wednesday.
2. Live entertainment will only take place after the restaurant has obtained a Certificate of Occupancy and is open to the public for business.
3. 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, except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. ~~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.
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 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 Civic 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.
6. 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 Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and the Clarendon Alliance.
7. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.
8. ~~The restaurant live entertainment use shall terminate upon the termination of the current tenant lease or upon vacation of the current tenant from the subject site and shall not transfer to any other tenant without subsequent approval by the County Board of a new site plan amendment request.~~ The applicant agrees that the approval for live entertainment at 3100

Washington Blvd. is valid only for Lyon Hall. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.

9. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or deejays whose primary purpose is to serve a dancing crowd. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.
 10. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
 11. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
 12. The applicant agrees to post sign signs inside the restaurant near the door telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
 13. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
 14. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.
- D. 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 #362 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for live entertainment and an outdoor menu box for the parcel of real property known as 2900 Wilson Blvd. (La Tasca, RPC#: 18-011-008) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, and eight (8) new conditions, with an administrative review in one (1) year (November 2011) and a County Board review in two (2) years (November 2012).

1. The applicant agrees that the live entertainment shall be limited to Thursdays, Fridays, Saturdays and Sundays between 11:00 a.m. and midnight (12:00 a.m.). The applicant agrees that there shall be no dancing by customers unless the required dance hall permit is secured. The applicant agrees that additional live entertainment events may be permitted on Mondays, Tuesdays, and Wednesdays between 11:00 a.m. and midnight (12:00 a.m.) provided that these additional events do not exceed six (6) additional events per month.
2. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
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 agrees that the live entertainment shall be limited to acoustic music and vocal music. The applicant agrees that the decibel level of amplification for the acoustic and vocal music shall not exceed a level inside the restaurant that represents background music compatible with a dining experience, and agrees that music in no event shall be of such a level as to be audible outside the restaurant. At times the applicant anticipates including flamenco dancers performing to the live and/or recorded music.
5. The applicant agrees to ensure that all windows and doors shall remain closed when live entertainment is being offered except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. The applicant agrees that no live entertainment shall be permitted outdoors, and further agrees to insure that live entertainment performances inside the restaurant will not be broadcast to the exterior of the restaurant over the restaurant's audio system. The applicant agrees that doors shall not be propped open during live entertainment.
6. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be shared with the Zoning Administrator, the Clarendon-Courthouse Civic Association, the nearby Lyon Village Citizens Association and the Clarendon Alliance.

7. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mr. Days Sports and Rock Café, Iota Bar and Restaurant, the Clarendon Ballroom, the Boulevard Woodgrill, LLC, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Citizens Association and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly to work through issues associated with the live entertainment uses.
 8. ~~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 "La Tasca".~~ The applicant agrees that the approval for live entertainment at 2900 Wilson Blvd. is valid only for La Tasca. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.
 9. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.
 10. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or deejays whose primary purpose is to serve a dancing crowd. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.
 11. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
 12. The applicant agrees to post sign signs inside the restaurant near the door telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
 13. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
 14. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.
- E. 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 #397 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for live entertainment and dancing for the parcel of real property known as 3028 Wilson Blvd. (Hard Times Cafe, RPC#: 18-012-003) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, and eight (8) new conditions, with an administrative review in one (1) year (November 2011) and a County Board review in two (2) years (November 2012).

1. Live entertainment shall be permitted only between the hours of 11:00 a.m. to 1:30 a.m., seven (7) days a week, with the restriction that bands and deejays are permitted only from 6:00 pm to 1:30 am on Thursday, Friday, and Saturday evenings, and on the eve of all Federal Holidays.
2. Live entertainment is permitted only on the second floor of 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.~~ The applicant agrees to comply with the Arlington County noise ordinance and further agrees that the restaurant's windows and doors shall remain closed during the times of live entertainment except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment.
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 agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.

5. 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 Civic 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.
6. 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 Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and the Clarendon Alliance.
7. 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.
8. The approval for live entertainment at 3028 Wilson Blvd. is only valid for Hard Times Cafe. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.
9. The applicant agrees that on-site, dedicated security shall be provided from 9:00 p.m until closing on nights that have bands or deejays. The on-site security may consist of "in-house" staff, so long as that staff is dedicated to security only.
10. All staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
11. The applicant agrees to post sign signs inside the restaurant near the door telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
12. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
13. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.

F. 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-2776-93-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for live entertainment for the parcel of real property known as 3114 10th St. N. (Jay's Saloon, RPC#: 19-007-005) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, and eight (8) new conditions, with an administrative review in one (1) year (November 2011) and a County Board review in two (2) years (November 2012).

1. Live entertainment shall be permitted only between the hours of 4 p.m. and 8 p.m. on Sundays, between the hours of 8 p.m. and 11 p.m. on Wednesdays, and between the hours of 8 p.m. and 12 a.m. on Fridays and Saturdays. Live entertainment shall be in one (1) of the forms as referenced by the applicant's statement of support dated May 3, 1993.
2. The applicant shall seek written permission requesting the use of the parking lots of nearby businesses during the hours of live entertainment.
3. The applicant shall ensure that all trash generated by the subject restaurant is appropriately stored in trash receptacles until such time as it is removed from the premises. Debris and discarded or unwanted items shall not be allowed to collect at the rear of the property.
4. The applicant shall ensure that all windows and doors to the subject site shall be kept closed at all times except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment. ~~and~~ The applicant shall soundproof the rear windows if necessary.
5. The applicant shall install additional privacy fencing along the rear of the property to buffer the abutting residential properties from this use.

6. There shall be no dancing by customers or entertainers. If dancing is later desired, the applicant shall seek the required use permit amendment and dance hall permit in advance.
 7. The applicant shall post signs directing restaurant patrons to the designated parking area for the restaurant.
 8. The applicant shall designate a responsive neighborhood liaison who shall be available during the hours of the restaurant operation and shall provide the name, address, and telephone number of the liaison to the Lyon Park, Ashton Heights, and Courtlands Civic Association, the Clarendon Alliance, and the Zoning Administrator.
 9. The applicant shall not dispose of trash after 10 p.m. or before 7 a.m. and shall make every attempt to dispose of trash before 9 p.m.
 10. ~~The restaurant live entertainment use shall terminate upon the termination of the current tenant lease or upon vacation of the current tenant from the subject site and shall not transfer to any other tenant without subsequent approval by the County Board of a new use permit request.~~ The applicant agrees that the approval for live entertainment at 3114 10th St. North is valid only for Jay's Saloon. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.
 11. 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.
 12. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
 13. 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 Civic 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.
 14. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website, if there is a restaurant website.
 15. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or deejays whose primary purpose is to serve a dancing crowd. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.
 16. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
 17. The applicant agrees to post sign signs inside the restaurant near the door telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
 18. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
 19. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.
- G. 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-2861-95-1 & U-2286-96-3 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for live entertainment and outdoor seating for the parcel of real property known as 2854 Wilson Blvd. (Whitlow's on Wilson, RPC#: 18-010-008) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, and eight (8) new conditions, with an administrative review in one (1) year (November 2011) and a County Board review in two (2) years (November 2012).

1. On Sundays, Mondays, and Tuesdays, live entertainment shall be limited to exclusively acoustic music. On Wednesdays, live entertainment shall be limited to primarily acoustic music ("Primarily acoustic" envisions a mixture of acoustic and electric instruments playing in

what would still be considered an "acoustic" setting where non-acoustic instruments would play softly enough so as not to overwhelm the acoustic instruments in the group. One example is a Jazz combo with an electric guitarist. Another is a Bluegrass band with an electric bass.) Live entertainment shall be limited to the hours between 6:00 p.m. and midnight on Sundays, Mondays, Wednesdays, and Thursdays. All amplified live entertainment shall be limited to Thursday, Friday, and Saturday evenings and New Year's Eve. Live entertainment on Fridays, Saturdays and New Year's Eve shall be limited to the hours between 6:00 p.m. and 1:00 a.m. There shall be no amplified music after 11:00 p.m. in rooms, such as the Sand Bar, which have not received the full noise abatement treatment ("Full noise abatement treatment" includes two layers of acoustic draping, double-glazed tempered glass, and acoustical sound tiles).

2. The applicant shall post signs inside the restaurant that are clearly visible to patrons, telling patrons to respect the peace of the residential neighborhoods and discouraging parking within the residential neighborhood across Wilson Boulevard from the site. Information on parking should also be posted on their website.
3. The applicant shall designate a neighborhood liaison or liaisons to communicate with nearby residents and neighbors to address concerns, which may be related to the live entertainment. Whitlow's will address late-night complaints about loud music immediately upon receiving the complaint. The restaurant owner, manager, or other company representative shall be available during the hours of live entertainment to address concerns from citizens by telephone or in attendance. The name and telephone number of the liaison(s) shall be submitted by the applicant to the President of the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, and the Zoning Administrator.
4. All bands shall use the Whitlow's side door on Fillmore Street to load their equipment after completing their performance(s).
5. All doors, windows, or other openings shall remain closed during the hours of live entertainment- except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment. All acoustic drapes shall also remain closed during hours of live entertainment.
6. The applicant shall pick up litter along North Fillmore Street between Clarendon Boulevard and North Franklin Street, on Monday and Friday mornings.
7. Whitlow's will work with the Lyon Village Citizens Association to develop a sound management plan which assures that sound from all live entertainment does not create a noise disturbance, as determined in accordance with measurement standards agreed upon by Whitlow's and the Lyon Village Citizens Association, within the nearby residential area. More specifically:
 - a. Whitlow's will work with nearby neighbors to pre-determine which frequency/decibel levels can be heard within their homes and/or cause a noise disturbance in the neighborhood.
 - b. Whitlow's will use these pre-determined levels to monitor and adjust the live entertainment sounds.
 - c. Whitlow's will respond immediately to complaints from neighbors about music emanating from Whitlow's and take measures to adjust the live entertainment sounds to acceptable levels.
 - d. Whitlow's will book bands according to their ability to comply with these noise requirements.
 - e. Monitoring of and compliance with the sound management plan shall be the responsibility of the Lyon Village Citizens Association, and not Arlington County, in accordance with measurement standards agreed upon by Whitlow's and the Lyon Village Citizens Association, and as set forth in the sound management plan. The sound management plan does not exempt Whitlow's from compliance with applicable Arlington County Code ordinances and enforcement.
8. 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.
9. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.

10. 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 Civic 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.
11. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or deejays whose primary purpose is to serve a dancing crowd. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.
12. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
13. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
14. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
15. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.
16. The applicant agrees that the approval for live entertainment at 2854 Wilson Blvd. is valid only for Whitlow's on Wilson. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.

H. 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-2873-95-2 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for live entertainment for the parcel of real property known as 1101 N. Highland St. (Clarendon Grill, RPC#: 18-013-010) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, and eight (8) new conditions, with an administrative review in one (1) year (November 2011) and a County Board review in two (2) years (November 2012).

1. Live entertainment is permitted up to seven (7) days a week between the hours of 6:00 p.m. and 2:00 a.m., Mondays through Fridays, and between 11:00 a.m. and 2:00 a.m. on Saturdays and Sundays.
2. The applicant agrees that sound resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance: and further agrees that the restaurant's windows and doors shall remain closed during the times of live entertainment except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment.
3. No customer dancing shall occur without the applicant first obtaining approval of a dance hall permit.
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. The name and telephone number of the liaison shall be submitted by the applicant to the presidents of the Lyon Village Civic Association, the Courtlands Civic Association, the Executive Director of the Clarendon Alliance, and the Zoning Administrator prior to starting live entertainment.
5. The applicant agrees to share with other businesses the responsibility for picking up trash along North 11th Street, between North Daniel and Fillmore Streets and the 1000 block of North Edgewood Street. The applicant agrees that its share of this responsibility shall be to pick up trash on these blocks each Thursday, Friday and Saturday or any even numbered month (February, April, June, August, October, and December). Such trash shall be picked up after 9:00 p.m. or before 9:00 a.m. the following morning. Trash will include bottles, cans, and any other trash that can be reasonably linked to the applicant's patrons.

6. 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.
7. 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 Civic 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.
8. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.
9. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or deejays whose primary purpose is to serve a dancing crowd. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.
10. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
11. The applicant agrees to post sign signs inside the restaurant near the door telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
12. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
13. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.
14. The applicant agrees that the approval for live entertainment at 1101 N. Highland St. is valid only for Clarendon Grill only. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.

- I. 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-2884-00-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for live entertainment for the parcel of real property known as 3185 Wilson Blvd. (Clarendon Ballroom, RPC#: 15-075-003) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, and eight (8) new conditions, with an administrative review in one (1) year (November 2011) and a County Board review in two (2) years (November 2012).

1. The applicant agrees to limit the hours of live entertainment on Tuesdays, Thursdays, Fridays, and Saturdays to between the hours of 11:00 a.m. and 1:30 a.m. Live entertainment on Sundays, Mondays, and Wednesdays shall be limited to 11:00 a.m. to 12:00 midnight, except that the applicant shall be permitted to operate between the hours of 11:00 a.m. and 1:30 a.m. on these days when they occur on the eve of a federal holiday, further subject to condition number 8.
2. The applicant agrees to limit seating to 199 patrons at any given time.
3. The applicant agrees that music resulting from live entertainment, including rooftop entertainment, shall comply with the limits established in the County Noise Ordinance- and further agrees that the restaurant's windows and doors shall remain closed during the times of live entertainment except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment.
4. The applicant agrees that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board shall be met.
5. The applicant agrees to identify parking locations in the commercial area and shall present the signed contracts for the use of such parking to the Zoning Administrator, the Clarendon Alliance and the nearby civic associations of Lyon Village, Lyon Park, Ballston-Virginia Square,

- Ashton Heights and Clarendon-Courthouse prior to the issuance of a certificate of occupancy. In addition the applicant agrees to develop and implement a parking plan which shall be reviewed and approved by the County Manager or his designee prior to the issuance of any certificate of occupancy. The applicant agrees that the parking plan shall include: the total number of parking spaces, the location and address of the parking spaces and the days and hours of the day that the parking spaces are available for patrons of the approved use, and at a minimum consistent with the approved days and hours of live entertainment.
6. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be shared with Zoning Administrator, the nearby civic associations of Lyon Village, Lyon Park, Ballston-Virginia Square, Ashton Heights, Clarendon-Courthouse and the Clarendon Alliance prior to the issuance of a certificate of occupancy.
 7. The applicant agrees to secure the required dance hall permit prior to offering dancing activities on the site.
 8. The applicant agrees to use the rooftop space for activities such as wedding ceremonies, with no live entertainment after 8:30 p.m. The applicant further agrees that activities being held on the roof top level before 8:30 p.m. shall contain limited amplification.
 9. The applicant intends to provide valet parking and agrees that valet parking shall not be on neighborhood streets. Valet parking personnel will use the arterial streets and commercial alleys to move cars to and from the valet parking lots. The applicant agrees to develop a written valet parking plan showing the pick-up and drop-off areas and traffic routes prior to commencing valet parking for review by the Lyon Village neighborhood and the Department of Public Works and shall be approved by the County Manager or his designee prior to the commencement of valet parking services.
 10. The applicant agrees to provide literature and maps with directions that guide patrons arriving to the site by automobiles to use the arterial streets in the vicinity of the Ballroom. Specific routes shall be worked out with nearby civic associations. The literature and the Ballroom personnel shall also emphasize the Clarendon Ballroom's proximity to Metro.
 11. The applicant agrees to make the Clarendon Ballroom Facility available as a meeting space to Arlington County Government, community partnerships such as the Clarendon Alliance, Arlington County civic groups and charitable organizations, free of charge a minimum of 24 times per year, subject to prior availability, at mutually agreed upon times generally on Mondays through Fridays from 11 a.m. to 4:30 p.m.
 12. If an evening event (approximately from 6:30 p.m. to 11:30 p.m.) is desired, the ballroom facility may be available on Sundays, Mondays and Wednesdays, at the applicant's option, subject to 30 days written notice, and the availability of the Clarendon Ballroom Facility. This agreement is limited to opening and closing of the facility and lighting, heating and air-conditioning. The applicant agrees to provide reconfiguration of the room, catering, food services and entertainment at extra cost, subject to negotiation with the user.
 13. The applicant agrees to participate in the establishment of a neighborhood advisory group consisting of representatives of the Clarendon Grill, Whitlow's on Wilson, Mr. Days Sports and Rock Café, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association and representatives of various County staff including Police, Code Enforcement, and Planning. The proposed advisory group would meet quarterly to work through issues associated with the live entertainment uses.
 14. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.
 15. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or deejays whose primary purpose is to serve a dancing crowd. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.
 16. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
 17. The applicant agrees to post sign signs inside the restaurant near the door telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
 18. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.

19. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.
20. The applicant agrees that the approval for live entertainment at 3185 Wilson Blvd. is valid only for Clarendon Ballroom. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.

J. On the consent agenda vote, after a duly advertised public hearing, the Board did not renew the use permit U-3046-02-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for live entertainment and dancing for the parcel of real property known as 2901 Wilson Blvd. (Boulevard Woodgrill, RPC#: 15-066-019).

K. On the consent agenda vote, after a duly advertised public hearing, the Board did not renew the use permit U-3050-02-1 for live entertainment located at 2933 Wilson Blvd. (Mexicali Blues, RPC: 15-066-019) due to lapse of use.

L. 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-3114-04-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for live entertainment for the parcel of real property known as 3207 Washington Blvd. (O'Sullivan's, RPC: 15-078-001) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, and eight (8) new conditions, with an administrative review in one (1) year (November 2011) and a County Board review in two (2) years (November 2012).

1. The applicant agrees to meet the requirements of the 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 to limit the live entertainment to 6 p.m. to 1:30 a.m. Monday through Saturday and 2 p.m. to 1:30 a.m. Sunday.
3. The applicant agrees that there shall be no dancing by musicians or customers and that no customer dancing shall be permitted prior to securing the required dance hall permit. The applicant further agrees that should the applicant desire to provide dancing, a site plan amendment and dance hall permit must be obtained.
4. The applicant agrees to ensure that all doors and windows shall remain closed during the hours when live entertainment is offered—except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment.
5. ~~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 "O'Sullivan's."~~ The applicant agrees that the approval for live entertainment at 3207 Washington Blvd. is valid only for O'Sullivan's. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.
6. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be shared with the Zoning Administrator, the Clarendon-Courthouse Civic Association, the nearby Lyon Village Citizens Association and the Clarendon Alliance.
7. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of several of the live entertainment establishments in the Clarendon area, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Citizens Association and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly to work through issues associated with the live entertainment uses.
8. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.

9. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.
10. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or deejays whose primary purpose is to serve a dancing crowd. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.
11. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
12. The applicant agrees to post sign signs inside the restaurant near the door telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
13. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
14. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.

M. 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-3125-05-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for live entertainment for the parcel of real property known as 2915 Wilson Blvd. (RiRa, RPC: 15-066-002) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, and eight (8) new conditions, with an administrative review in one (1) year (November 2011) and a County Board review in two (2) years (November 2012).

1. The applicant agrees to limit the live entertainment to the following hours: Sunday through Thursday, 4 p.m. to 12 a.m. midnight; and Friday and Saturday, 11 a.m. to 1:00 a.m. All amplified live entertainment shall be limited to Thursday, Friday, and Saturday evenings, St. Patrick's Day and New Year's Eve. The applicant agrees that there shall be no dancing associated with the live entertainment. A dance hall permit will be required in the event that the applicant decides to offer dancing in the future.
2. The applicant agrees to keep all doors and windows of the restaurant closed during live entertainment: except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment. There shall be no music piped outside of the restaurant. The applicant agrees that music resulting from live entertainment shall comply with the limits established in the County Noise Ordinance.
3. The applicant agrees to meet the requirements of the Community Code Enforcement Office, Environmental Health Bureau, the Fire Marshal's Office, the Police Department, and the Alcohol Beverage Control Board.
4. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be shared with the Zoning Administrator, the Lyon Village Citizens Association, and the Clarendon-Courthouse Civic Association.
5. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of several of the live entertainment establishments in the Clarendon area, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Citizens Association and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly to work through issues associated with the live entertainment uses.
6. The applicant agrees to submit a list of noise abatement treatments to the Zoning Administrator prior to the issuance of final Certificate of Occupancy (noise abatement treatment, for example, can be multi-layers of acoustic draping, double-glazed tempered glass, and acoustical sound tiles).

7. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.
8. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or deejays whose primary purpose is to serve a dancing crowd. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.
9. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
10. The applicant agrees to post sign signs inside the restaurant near the door telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
11. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
12. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.
13. The applicant agrees that the approval for live entertainment at 2915 Wilson Blvd. is valid only for RiRa. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.

N. 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-3134-05-2 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for live entertainment and dancing for the parcel of real property known as 1041 N. Highland St. (Eleventh Street Lounge, RPC: 18-026-004) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, and eight (8) new conditions, with an administrative review in six (6) months and a County Board review in one (1) year (November 2011).

1. The applicant agrees to limit the live entertainment to the following hours: Monday through Sunday, 9 a.m. to 1:30 a.m. The applicant agrees that there shall be no dancing associated with the live entertainment. A use permit amendment and a dance hall permit will be required in the event that the applicant decides to offer dancing in the future.
2. The applicant agrees to keep all doors and windows of the restaurant closed during live entertainment: except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment. There shall be no music piped outside of the restaurant. The applicant agrees that music resulting from live entertainment shall comply with the limits established in the County Noise Ordinance.
3. The applicant agrees to meet the requirements of the Community Code Enforcement Office, Environmental Health Bureau, the Fire Marshal's Office, the Police Department, and the Alcohol Beverage Control Board.
4. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be shared with the Zoning Administrator and the Clarendon-Courthouse Civic Association.
5. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of several of the live entertainment establishments in the Clarendon area, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Citizens Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly to work through issues associated with the live entertainment uses.
6. The applicant agrees to pay its proportional share of the cost of hiring an off-duty police officer between the hours of 9 a.m. and 1:00 a.m. on Monday through Sunday, should a cost-sharing agreement for the police officer be reached among all the businesses that have use

permits or site plan amendments for live entertainment in the Clarendon Metro Station area in the future.

7. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.
 8. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or deejays whose primary purpose is to serve a dancing crowd. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.
 9. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
 10. The applicant agrees to post sign signs inside the restaurant near the door telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
 11. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
 12. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.
 13. The applicant agrees that the approval for live entertainment at 1041 N. Highland St. is valid only for Eleventh Street Lounge. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.
- O. 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-3233-09-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for live entertainment and dancing for the parcel of real property known as 3171 and 3181 Wilson Blvd. (Spider Kelly's, RPC: 15-075-002) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, and eight (8) new conditions, with an administrative review in one (1) year (November 2011) and a County Board review in two (2) years (November 2012).

1. Live entertainment is permitted from 4 p.m. to 12 a.m., Monday through Wednesday; 4 p.m. to 1:30 a.m. Thursday and Friday; 11 a.m. to 1:30 a.m. Saturday and the eve of all Federal Holidays; and 11 a.m. to 12 a.m. Sunday 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 agrees that on-site, dedicated security shall be provided from 9:00 pm until closing on nights that have bands or deejays. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.
3. The applicant shall comply with the Arlington County noise ordinance and the windows and doors shall remain closed during the times of live entertainment except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building.
4. All staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
5. 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.
6. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
7. 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.

8. 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 Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and the Clarendon Alliance.
9. 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.
10. The approval for live entertainment at 3181 Wilson Blvd. is only valid for Spider Kelly's. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.
11. The applicant agrees to post sign signs inside the restaurant near the door telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
12. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
13. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.

P. 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 renewal of the use permit amendment for live entertainment for the parcel of real property known as 3211 Wilson Blvd. (Northside Social, RPC: RPC 15-089-001) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, and eight (8) new conditions, with an administrative review in one (1) year (November 2011) and a County Board review in two (2) years (November 2012).

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 except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. 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. [Clerk's note: "Outdoor Seating Plan" may be found on the May 22, 2010 regular meeting minutes, item #19.]
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.
12. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or deejays whose primary purpose is to serve a dancing crowd. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.
13. The applicant agrees to post sign signs inside the restaurant near the door telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
14. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
15. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.

[Board Report #5](#)

[Board Report #5-Supplemental](#)

oooo0oooo

8. SP #269 SITE PLAN AMENDMENT RENEWAL, RESTAURANT WITH LIVE ENTERTAINMENT AND DANCING FOR CARIBBEAN BREEZE, LOCATED AT 4100 N. FAIRFAX DRIVE (RPC#:14-046-025).

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 #269 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for a restaurant with live entertainment and dancing, for the parcel of real property known as 4100 N. Fairfax Drive (RPC#:14-046-025) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all existing conditions and with an administrative review in one (1) year and a County Board review in three (3) years (November 2013).

[Board Report #8](#)

oooo0oooo

USE PERMITS REQUEST/REVIEWS/AMENDMENTS

oooo0oooo

9. USE PERMITS FOR ROCK SPRING CONGREGATIONAL CHURCH

- A. U-3006-01-1 Use Permit to renew weekly orchestra rehearsal for Washington Balalaika Society located at 5010 Rock Spring Road (Rock Spring Congregational Church), (RPC: 02-021-001).

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-3006-01-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for weekly orchestra rehearsal for the parcel of real property known as 5010 Little Falls Road (Rock Spring Congregational Church, RPC#: 02-021-001) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, with no further scheduled County Board review.

[Board Report #9 A](#)

- B. U-3011-01-1 Use Permit Review for Tai Chi classes for 60 adults; 5010 Little Falls Road (School of Tai Chi Chuan of Metropolitan Washington). (RPC: 02-021-001).

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-3011-01-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for Tai Chi classes for the parcel of real property known as 5010 Little Falls Road (School of Tai Chi Chuan of Metropolitan Washington) (RPC#: 02-021-001) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, with no further scheduled County Board review.

[Board Report #9 B](#)

- C. Use Permit to renew ballet classes for Ballet Petite located at 5010 Rock Spring Road (Rock Spring Congregational Church), (RPC: 02-021-001).

On the consent agenda vote, after a duly advertised public hearing, the Board did not renew the use permit U-3013-01-1 for ballet classes, due to lapse of use.

[Board Report #9 C](#)

oooo0oooo

10. U-3009-01-1 USE PERMIT RENEWAL FOR A FAMILY DAY CARE LOCATED AT 300 N. NOTTINGHAM ST. (RPC: 12-040-140).

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-3009-01-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for a family day care for the parcel of real property known as 300 N. Nottingham St. (RPC: 12-040-140) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, with an administrative review in three (3) months (February 2011) and a County Board review in six (6) months (May 2011).

[Board Report #10](#)

ooooo0ooooo

11. U-3015-01-1 USE PERMIT REVIEW FOR PRE-KINDERGARTEN PROGRAM LOCATED AT 2335 11TH ST. N. (RPC#:18-084-002).

On the consent agenda vote, after a duly advertised public hearing, the Board did not renew use permit U-3015-01-1 for a pre-kindergarten program due to lapse of use.

[Board Report #11](#)

ooooo0ooooo

12. U-3017-01-1 USE PERMIT REVIEW FOR A FAMILY DAY CARE HOME FOR NINE (9) CHILDREN LOCATED AT 4136 41ST ST. N. (RPC#: 03-003-048).

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-3017-01-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for a family day care home for nine (9) children for the parcel of real property known as 4136 41st St. N. (RPC#: 03-003-048) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, with no further scheduled County Board review.

[Board Report #12](#)

ooooo0ooooo

13. U-3133-05-1 USE PERMIT REVIEW FOR TWO (2) CHILD CARE CENTERS OF 16 CHILDREN EACH LOCATED AT 1712 AND 1718 S. TAYLOR ST. (RPC #27-007-086).

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-3133-05-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for two (2) child care centers of 16 children each for the parcels of real property known as 1712 AND 1718 S. Taylor St. (RPC #27-007-086) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, with a County Board review in five (5) years (November 2015).

[Board Report #13](#)

ooooo0ooooo

14. [U-3153-06-2 USE PERMIT TO RENEW LIVE ENTERTAINMENT LOCATED AT 77 AND 79 N. GLEBE ROAD. \(RPC#: 20-033-004\).](#)

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

BE IT ORDAINED that, pursuant to application U-3153-06-2 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for live entertainment for the parcels of real property known as 77 and 79 N. Glebe Road (RPC#: 20-033-004) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions and new condition #7, and with a review by the County Board in five (5) years (November 2015).

New condition:

#7: The applicant agrees that if the business changes ownership, a County Board review of this live entertainment approval will be scheduled.

[Board Report #14](#)

ooooo0ooooo

15. [U-3161-06-1 USE PERMIT REVIEW FOR FAMILY DAY CARE HOME FOR NINE \(9\) CHILDREN; 2810 20TH ST. S. \(RPC#: 31-008-034\).](#)

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-3161-06-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for family day care for nine (9) children for the parcels of real property known as 2810 20th St. S. (RPC#: 31-008-034) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions in the staff report, with a County Board review in five (5) years (November 2015).

Approved Conditions:

1. The applicant agrees to meet the requirements of the Child Care 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 parents of children receiving care shall escort their children both to and from the home at all times.
3. The applicant agrees that the hours of operation are Monday through Friday from 6 a.m. until 7 p.m.

[Board Report #15](#)

ooooo0ooooo

16. [U-3202-08-2 USE PERMIT AMENDMENT FOR CLEARWIRE ANTENNAS AND GROUND EQUIPMENT ON AN EXISTING TELECOMMUNICATIONS FACILITY 2305 S. WALTER REED DRIVE \(RPC#: 29-002-029\).](#)

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

BE IT ORDAINED that, pursuant to application U-3202-08-2 on file in the Office of the Zoning Administrator for renewal of the use permit amendment to locate antennas on an existing telecommunications facility for the parcel of real property known as 2305 S. Walter Reed Drive (RPC#: 29-002-029) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions and two (2) revised conditions, and with an administrative review in five (5) months (April 2011), in order to track this amendment with the approved telecommunications facility use permit.

Revised conditions #1 and #4:

1. The applicant of the use permit approved on October 18, 2008, New Cingular Wireless, agrees that the monopole will be designed as a low-profile, slender monopole, as shown on plans dated October 3, 2008, and, the applicant of the use permit amendment, approved on January 23, 2010, T Mobile Northeast, LLC agrees that the nine (9) total antennas will be installed as shown on plans dated October 7, 2009 at a height of 52 feet. The applicant of the second use permit amendment, approved on November 13, 2010, Clearwire US LLC, agrees to construct antennas as shown on the plans dated February 3, 2010. Any additional antennas will require a use permit amendment. [Clerk's note: as set forth in the document entitled "Addendum 11-13-10-C- U-3202-08-2" attached for the public record to these minutes.]

4. The applicant agrees to provide landscaping between the parking lot and the Four Mile Run Trail. The landscaping will consist of a two-foot wide grass strip with evergreen shrubs, ornamental grasses and/or perennials along the existing chain-link fence bordering the parking lot. The applicant agrees to provide landscaping along the entire length of the existing chain-link fence, from the monopole to the small paved parking area at the western end of the site, as generally shown on plan titled "Location of Proposed Landscaping Buffer" dated October 2, 2008. Additionally, the applicant agrees to enhance landscaping in the way of a minimum of twenty (20) evergreen trees (minimum of 7-8' feet in height) between the proposed stockade fence and Four Mile Run Trail, as generally shown on plan titled "Location of Proposed Landscaping Buffer" dated October 2, 2008. The applicant agrees to provide shrubs as a landscape buffer around the exterior of the proposed stockade fence. The applicant agrees to submit a final landscape plan to be approved by the County Manager or his designee, as fulfilling this condition, prior to issuance of any permits. The applicant agrees to maintain all landscaping, at the base of the tower, between the fence and the trail, and along the chain-link fence, in good condition. The applicant of the use permit amendments, T Mobile Northeast, approved on January 23, 2010, LLC and Clearwire US LLC, approved on November 13, 2010, agrees that should any evergreen trees be impacted by the addition of ground equipment, that the evergreens will be replaced in another location, to be approved by the County Manager or designee, near the base of the tower, ~~and a revised landscape plan to reflect the changes will be submitted and approved by the County Manager or her designee, prior to installation of the new equipment.~~

[Board Report #16](#)

[Addendum 11-13-10-C- U-3202-08-2](#)

0000000000

17. U-3229-09-1 USE PERMIT TO RENEW A FAMILY DAY CARE HOME FOR UP TO NINE (9) CHILDREN, LOCATED AT 2101 27TH ST. S. (RPC#: 38-008-001).

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-3229-09-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for a family day care home for up to nine (9) children for the parcel of real property known as 2101 27th St. S. (RPC#: 38-008-001) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, and with a County Board review in three (3) years (November 2013).

[Board Report #17](#)

ooooo0ooooo

18. U-3254-10-1 USE PERMIT FOR A TELECOMMUNICATIONS FACILITY LOCATED AT RESURRECTION LUTHERAN CHURCH AT 6201 WASHINGTON BLVD. (RPC#: 11-032-011).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the use permit request for a telecommunications facility to the December 11, 2010, County Board meeting.

[Board Report #18](#)

ooooo0ooooo

20. U-3270-10-1 USE PERMIT FOR A STUDIO FOR PRIVATE MUSIC LESSONS AND ANCILLARY RETAIL SALES, LOCATED AT 2499 N. HARRISON ST., SUITE 11LL IN THE LEE HARRISON SHOPPING CENTER 2425, 2433, 2435, 2447, 2491, 2499, 2503, AND 2509 N. HARRISON ST. (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-3270-10-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for a studio for private music lessons and ancillary retail sales for the parcels of real property known as 2499 N. Harrison St., Suite 11LL in the Lee Harrison Shopping Center 2425, 2433, 2435, 2447, 2491, 2499, 2503, and 2509 N. Harrison St. (RPC#: 02-073-084) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions of the staff report, and with a County Board review in one (1) year (November 2011).

Proposed conditions:

1. The applicant agrees to meet the requirements of the Child Care 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 parents of students attending the sessions shall escort their students who are ten (10) years old and younger to and from the studio at all times.
3. The applicant agrees that the hours of operation for the studio would be Monday through Thursday between the hours of 12 p.m. to 9 p.m.; Friday 12 p.m. to 6 p.m.; and Saturday 9 a.m. to 6 p.m.

4. The applicant agrees that the total number of students at Maley’s Music Studio shall not exceed 25 students at any one time. Monthly enrollment may increase to but will not exceed 99 students during any one (1) month period. Any changes to the monthly enrollment limit may be administratively reviewed and approved by the Zoning Administrator.
5. 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.
6. The applicant agrees that all instructors and/or staff will park in the underground parking garage.
7. The applicant agrees that windows will be installed on all studio instruction rooms providing visibility into the spaces.

[Board Report #20](#)

[Board Report #20-Supplemental](#)

oooo0oooo

VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

oooo0oooo

21. AUTHORIZATION TO ACCEPT A DEED OF EASEMENT FOR PUBLIC STORM DRAINAGE PURPOSES ON PROPERTY LOCATED AT 3508 LEE HIGHWAY, ARLINGTON, VIRGINIA (RPC 06032010).

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

1. Authorized the acceptance of the attached Deed of Easement between Arthur R. Wise, Trustee, Douglas B. McQueen, Trustee, and Earl Van Wayne Gillenwater, Trustee, all trustees of Columbia Lodge #285 AF & AM, a charitable and beneficial society, and the County Board of Arlington County, Virginia, for the acquisition of a permanent public storm drainage easement on a portion of the property located at 3508 Lee Highway, RPC 06032010; and
2. Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his designee, to accept on behalf of the County Board, the Deed of Easement attached hereto as Attachment 1, for a permanent public storm drainage easement on a portion of the property located at 3508 Lee Highway, subject to approval as to form by the County Attorney. [Clerk’s note: as set forth in the document entitled “Addendum 11-13-10-D- Lee Highway Deed of Easement” attached for the public record to these minutes.]

[Board Report #21](#)

[Addendum 11-13-10-D- Lee Highway Deed of Easement](#)

0000000000

- 22. **THIS ITEM HAS BEEN REMOVED. ENACTMENT, ON THE COUNTY BOARD’S OWN MOTION, OF AN ORDINANCE TO PERMIT THE ENCROACHMENT OF A PORTION OF AN UNDERGROUND PARKING GARAGE STRUCTURE UNDER AND WITHIN COUNTY OWNED PROPERTY KNOWN AS PARCEL A, BUCKINGHAM COMMONS VILLAGE 1, ARLINGTON COUNTY, VIRGINIA (RPC NO. 20024240), WITH CONDITIONS.**

0000000000

CAPITAL PROJECTS

0000000000

- 24. **APPROVAL OF THE SECOND AMENDMENT TO THE PHASE TWO AGREEMENT BETWEEN THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA (COUNTY BOARD) FOR WMATA CONSTRUCTION SUPPORT OF THE ROSSLYN STATION ACCESS IMPROVEMENT PROJECT (RSAIP)**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred approval of the second amendment to the Phase Two Agreement until the December 11, 2010, County Board Meeting.

[Board Report #24](#)

0000000000

APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

0000000000

26. TRANSPORTATION ENHANCEMENTS PROGRAM FUNDS

- A. Authorization to submit a grant application for Transportation Enhancement Program funds to the Commonwealth Transportation Board for improvements to the Arlington Boulevard Trail.

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

1. Adopted the endorsement resolution regarding Arlington County’s application for Transportation Enhancement funds.
2. Authorized the County Manager to submit, on behalf of the County Board and consistent with the resolution, an application to the Commonwealth Transportation Board for Fiscal Year 2011-12.

**PROJECT ENDORSEMENT RESOLUTION
For the Transportation Enhancements Program**

Whereas, the Arlington County Board desires to submit an application for Transportation Enhancement funds for improvements to the Arlington Boulevard Trail.

And Whereas, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the sponsoring local jurisdiction in order that the Virginia Department of Transportation establish an enhancement project in Arlington County.

Therefore, Be It Resolved, that Arlington County requests the Commonwealth Transportation Board to establish a project for the improvement of the Arlington Boulevard Trail in Arlington County.

Be It Further Resolved, that Arlington County hereby agrees to provide a minimum of 20 percent of the total cost for planning and design, right of way, and construction of this project.

Be It Further Resolved, that Arlington County hereby agrees to enter into an agreement with the Virginia Department of Transportation to provide oversight that ensures the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.

Be It Further Resolved, that Arlington County will be responsible for maintenance, upkeep and operating costs of any facility constructed with Enhancement Program funds.

Be It Further Resolved, that if Arlington County subsequently elects to cancel this project the Arlington County Board hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The Arlington County Board also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

[Board Report #26 A](#)

- B. Authorization to submit an application for Transportation Enhancements Program funds to the Commonwealth Transportation Board for improvements to the Route 110 Trail.

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

1. Adopted the endorsement resolution regarding Arlington County's application for Transportation Enhancement program funds.
2. Authorized the County Manager to submit, on behalf of the County Board and consistent with the resolution, an application to the Commonwealth Transportation Board for Fiscal Year 2010-11.

**PROJECT ENDORSEMENT RESOLUTION
For the Transportation Enhancements Program**

Whereas, the Arlington County Board desires to submit an application for Transportation Enhancement funds for improvements to the Route 110 Trail.

And Whereas, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the sponsoring local jurisdiction in order that the Virginia Department of Transportation establish an enhancement project in Arlington County.

Therefore, Be It Resolved, that Arlington County requests the Commonwealth Transportation Board to establish a project for the improvement of the Route 110 Trail in Arlington County.

Be It Further Resolved, that Arlington County hereby agrees to provide a minimum of 20 percent of the total cost for planning and design, right of way, and construction of this project.

Be It Further Resolved, that Arlington County hereby agrees to enter into an agreement with the Virginia Department of Transportation to provide oversight that ensures the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.

Be It Further Resolved, that Arlington County will be responsible for maintenance, upkeep and operating costs of any facility constructed with Enhancement Program funds.

Be It Further Resolved, that if Arlington County subsequently elects to cancel this project the Arlington County Board hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The Arlington County Board also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

[Board Report #26 B](#)

oooo0oooo

27. [UASI GRANTS](#)

- A. Appropriation of U.S. Department of Homeland Security Urban Area Security Initiative (UASI) grant funded through the National Capital Region Commission: Northern Virginia Emergency Response System Subcommittee (NVERS) for a regional private-sector recovery forum and after action report.

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

1. Appropriated \$140,000 from the U.S. Department of Homeland Security (101.375230) to the Office of Emergency Management (101.32020) for Regional Private-Sector Resource Recovery Forum(s) and After Action Recommendation Report.
2. Authorized the Director of the Office of Emergency Management to accept the grant and execute the grant agreement.

[Board Report #27 A](#)

- B. Appropriation of U.S. Department of Homeland Security Urban Area Security Initiative (UASI) grant for management and coordination of the Volunteer Management Program.

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

1. Appropriated \$86,500 from the U.S. Department of Homeland Security (101.375230) to the Office of Emergency Management (101.32020) for the Volunteer Management Program.
2. Authorized the Director of the Office of Emergency Management to accept the grant and execute the grant agreement.
3. Authorized a 1.0 FTE limited term grant funded position in the Office of Emergency Management (101.32020).

[Board Report #27 B](#)

- C. Urban Area Security Initiative funds to support public health emergency planning.

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

1. Appropriated \$100,000 in federal Urban Area Security Initiative (101.374000) funds to the Department of Human Services (101.55001) to conduct emergency preparedness training and planning activities.
2. Authorized the Director of the Department of Human Services or her designee to accept the grant and execute the grant agreement.

[Board Report #27 C](#)

ooooo0ooooo

REQUESTS TO ADVERTISE

ooooo0ooooo

28. AUTHORIZE ADVERTISEMENT OF THE PUBLIC HEARING ON A PROPOSED ORDINANCE ESTABLISHING THE BALLSTON BUSINESS IMPROVEMENT SERVICE DISTRICT ("BALLSTON BID") TO BE HELD ON DECEMBER 11, 2010.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the resolution authorizing a public hearing on December 11, 2010 to consider adoption of an ordinance creating the Ballston Business Improvement Service District. [Clerk's note: as set forth in the document entitled "Addendum 11-13-10-E- Ballston BID" attached for the public record to these minutes.]

[Board Report #28](#)

[Addendum 11-13-10-E- Ballston BID](#)

ooooo0ooooo

29. ADVERTISE AMENDMENTS TO CHAPTERS 21 AND 46 OF THE ARLINGTON COUNTY CODE.

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the advertisement for a public hearing on December 11, 2010, regarding the proposed amendments to Chapters 21 and 46 (Retirement Systems) of the Arlington County Code.

**AN ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 21 (RETIREMENT ORDINANCES) OF THE ARLINGTON COUNTY CODE.
BE IT ORDAINED that the Arlington County Code is amended, reenacted and recodified as follows:**

§ 21-48. Benefits upon withdrawals from employment or death.

- (b) If a member has ceased to be an employee, other than by death or by retirement, after completion of five (5) or more years of service and has not elected in writing as prescribed by the County Manager ~~not~~ to withdraw the total amount of his contribution account, he will be eligible to receive a deferred vested retirement allowance commencing on his normal retirement date.

AN ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 46 (RETIREMENT ORDINANCES) OF THE ARLINGTON COUNTY CODE.

BE IT ORDAINED that the Arlington County Code is amended, reenacted and recodified as follows:

§ 46-27. Eligibility requirements.

(a) Except for employees who are covered by section 46-44(h) and persons appointed as county manager who elect not to become members within sixty (60) days after appointment, employees of the county board hired after February 8, 1981, who have not reached normal retirement age (age sixty-two (62)), or in the case of police officers, firefighters, and deputy sheriffs, age fifty-two (52) as of the first day of employment, and all employees of the school board hired after February 8, 1981, and before July 1, 2001, who have not reached normal retirement age (age sixty-two (62)) are members of the system. Notwithstanding the foregoing, retirement benefits under this Chapter shall not be provided to employees in the Management Accountability Program, as defined in Administrative Regulation 2.7, who have entered into an agreement for inclusion in a deferred compensation plan when the agreement prohibits inclusion in any other retirement system established by the county, pursuant Virginia Code 51.1-800(d). Notwithstanding the foregoing, there shall be no age restrictions on membership for persons hired on or after January 1, 1991. Employees who did not meet the eligibility requirements related to age at the time of hire shall have the option to join the system and elect to purchase service credit for service back to January 1, 1991. Such election must be made by December, 1991.

§ 46-55. Social Security Option.

A member who has retired from service pursuant to Section 46-37 (service retirement) may elect to receive an increased retirement allowance until ~~age sixty two (62) or until age sixty-five~~ his Social Security full retirement age as defined as of January 1, 2001 or at the early Social Security reduced benefit age if the member elects to receive Social Security at an early age and a decreased retirement thereafter, so that a member will receive a uniform or nearly uniform retirement allowance when the member's retirement allowance is added to the member's anticipated federal Social Security primary benefits.

§ 46-44. Benefits upon withdrawal from employment or death.

(b) If a member has ceased to be an employee, other than by death or by retirement, after completion of five (5) or more years of service and has not elected in writing as prescribed by the County Manager ~~not~~ to withdraw the total amount of his contribution account, he will be eligible to receive a deferred vested retirement allowance commencing on his normal retirement date.

[Board Report #29](#)

0000000000

OTHER

0000000000

30. PRELIMINARY ADOPTION OF CALENDAR YEAR 2011 COUNTY BOARD MEETING SCHEDULE.

On the consent agenda vote, after a duly advertised public hearing, the Board tentatively adopted the Calendar Year 2011 County Board meeting schedule. [Clerk’s note: as set forth in the document entitled “Addendum 11-13-10-F- 2011 Board Meeting Schedule” attached for the public record to these minutes.]

[Board Report #30](#)

[Addendum 11-13-10-F- 2011 Board Meeting Schedule](#)

0000000000

31. MINUTES

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

| | |
|------------------|------------------|
| October 23, 2010 | Regular Meeting |
| October 26, 2010 | Recessed Meeting |

0000000000

REGULAR HEARING ITEMS

0000000000

32. ADOPTION OF THE NATURAL RESOURCES MANAGEMENT PLAN

After a duly advertised public hearing at which there were speakers, on a motion by MARY HYNES, Member, 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 HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board adopted the Natural Resources Management Plan, including supplemental report dated November 10, 2010, for Arlington County as recommended by the Planning Commission as an element of the Public Spaces Master Plan (an element of the County’s Comprehensive Plan), to guide the preservation and protection of Arlington County’s natural resources, with the following change: delete the Executive Summary chart on pages 1 through 3 of the attached version of the NRMP and replace it with the attached revised Executive Summary chart, and with the additional guidance to the Manager:

1. Create a process on how to identify if a development occurs within 100 feet of an identified resource.
2. The plan should be brought back to the Board with the budget process to revise the timeline and fiscal impact sections as appropriate.
3. Add name of responsible Department on top of Executive Summary chart and on web page to guide citizens seeking additional information.

[Clerk’s note: as set forth in the document entitled “Addendum 11-13-10-G- 2011 Revised Executive Summary” attached for the public record to these minutes.]

[Board Report #32](#)

[Board Report #32-Supplemental](#)

[Addendum 11-13-10-G- 2011 Revised Executive Summary](#)

0000000000

33. PUBLIC HEARING FOR THE PROPOSED ARLINGTON COUNTY BOARD 2011 GENERAL ASSEMBLY LEGISLATIVE PRIORITIES.

After a duly advertised public hearing at which there were speakers, JAY FISETTE, Chairman announced that the Board has closed the public hearing on the Arlington County Board 2011 General Assembly Legislative priorities. The Board will finalize and adopt the Legislative Priorities at the December 11, 2010 meeting.

[Board Report #33](#)

0000000000

34. SP #106 SITE PLAN AMENDMENT TO SHIRLINGTON VILLAGE COMPREHENSIVE SIGN PLAN AND SIGN GUIDELINES TO ALLOW AN ADDITIONAL NUMBER OF RETAIL TENANT IDENTIFICATION SIGNS FOR SAMUEL BECKETT'S IRISH GASTRO PUB; LOCATED AT 2800 S. RANDOLPH ST., SUITE 110 (RPC#: 29-014-020).

After a duly advertised public hearing at which there were speakers, on a motion by MARY HYNES, Member, 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 HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #106 on file in the Office of the Zoning Administrator for renewal of the site plan amendment to *Shirlington Village Comprehensive Sign Plan and Sign Guidelines* for a sign package for Samuel Beckett's Irish Gastro Pub, for the parcel of real property known as 2800 S. Randolph St., Suite 110 (RPC#: 29-014-020) 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 two (2) new conditions of the staff report.

New Conditions: (The following conditions apply to the signs at 2800 South Randolph Street, Suite 110):

79. The applicant agrees to limit all signs to the size, design, location, color, materials, and text of the proposed signs shown on the drawings entitled "Beckett's Irish Gastro Pub," prepared by Bar None Designs, dated July 21, 2010, except for the 4.5 square foot retail tenant identification sign shown at the corner entrance, which is not approved, and which the applicant agrees will not be erected. [Clerk's note: as set forth in the document entitled "Addendum 11-13-10-H- SP #106" attached for the public record to these minutes.]
80. The applicant agrees that the Zoning Administrator may approve a minor change to the signs approved for Samuel Beckett's Irish Gastro Pub provided the Zoning

Administrator finds that the signs after the change are consistent with the Shirlington Village Comprehensive Sign Plan and Sign Guidelines.

[Board Report #34](#)

[Addendum 11-13-10-H- SP #106](#)

oooo0oooo

ADJOURNMENT

Without objection, at 11:17 a.m., the Board recessed until the November 16, 2010 Recessed Meeting.

JAY FISETTE, Chairman

ATTEST:

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