

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, January 21, 2012 at 8:33 a.m.

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

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

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### **PUBLIC COMMENT**

Robert Atkins commented on the priorities of the Board set out at the January 2, 2012 Organizational Meeting in relation to the current economic conditions.

Ori Nir spoke about pipe stem lots and how the County's recent change to the zoning ordinance could impact existing homes on pipe stem lots.

Josh Kaplowitz, a Field to Table Board Member, commented on the New Westover Farmer's Market's pending use permit application.

Alison Gracey, of the Shirlington Crest neighborhood, spoke about neighbor's concerns for a pending live entertainment use permit for Lucy's ARL in Shirlington.

Ida Claire spoke about Long Bridge Park and the need for more space for aquatics and fitness programs for seniors. She stated that classes fill quickly and more should be added.

Audrey Clement, Green Party Candidate for the County Board, spoke about the traffic on I-66 and the preliminary findings of the VDOT Multi-Modal Study interim report. She stressed the need for additional public comment on the report in May.

Jim Hurysz commented on the County's infrastructure.

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### **ANALYSIS OF CONTINGENT ACCOUNTS**

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

**CONSENT ITEMS (ITEMS 1-37) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, JANUARY 21, 2012, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, JANUARY 24, 2012, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

Mr. Fisetite announced his declaration of personal interest pursuant to Section 2.2-3115.G in the proposed amendments to the County's retirement ordinance (Item #22). The amendment would provide an

opportunity for Mr. Fiset, as a member of the County Board, to purchase retirement benefits. However, under the State and Local Government Conflicts of Interest Act, because he is member of a group who are all affected by the approval of the amendment, he is able to participate in the discussions and votes concerning the amendment, and can do so fairly, objectively, and in the public interest.

Mr. Zimmerman announced his declaration of personal interest pursuant to Section 2.2-3115.G in the proposed amendments to the County’s retirement ordinance (Item #22). The amendment would provide an opportunity for Mr. Zimmerman, as a member of the County Board, to purchase retirement benefits. However, under the State and Local Government Conflicts of Interest Act, because he is member of a group who are all affected by the approval of the amendment, he is able to participate in the discussions and votes concerning the amendment, and can do so fairly, objectively, and in the public interest.

A motion was made by JAY FISETTE, Member, seconded by J. WALTER TEJADA, Vice Chairman to approve the County Manager’s recommendation for all consent items except items #14, #16, #23, #34 and #36 which will be subject to full hearing at the January 24, 2012 County Board recessed meeting. The motion was adopted and carried by a vote of 4 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

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**SITE PLANS/AMENDMENTS/REVIEW**

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- 1. **SP# 18 SITE PLAN AMENDMENT TO MODIFY CONDITION #21 REGARDING STREET TREES AND CHANGE THE APPROVED 4.1 PLAN SHEET L101; LOCATED AT 1812 N. MOORE ST. (RPC# 16-037-004).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the site plan amendment request to allow a modification of 4.1 plan sheet L101 to allow for the removal of street trees from the plan, to the February 11, 2012, County Board meeting .

[Board Report #1](#)

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

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject site plan amendment application.

[Board Report #2](#)

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- 3. **SP #122 SITE PLAN AMENDMENT 1300 N. 17TH STREET, LP FOR ADDITION OF GROSS FLOOR AREA AND TO ALLOW FOR ROOF DECK, WITH MODIFICATIONS OF USE REGULATIONS TO INCLUDE BUILDING HEIGHT AND DENSITY, AND OTHER MODIFICATIONS AS NECESSARY TO ACHIEVE THE PROPOSED DEVELOPMENT PLAN; LOCATED AT 1300 17TH STREET N. AND IDENTIFIED AS RPC#17-003-032, -031.**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of a site plan amendment to SP #122 to permit a roof deck, to the February 11, 2012 County Board meeting.

[Board Report #3](#)

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**4. [SP #140 SITE PLAN AMENDMENT REVIEW FOR A CHILD CARE CENTER AT 601 S. CARLIN SPRINGS ROAD. \(VIRGINIA HOSPITAL CENTER\) \(RPC# 21-028-097\)](#)**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve a site plan amendment renewal to SP #140 for a child care center at 601 S. Carlin Springs Road, subject to all previous conditions and to the proposed conditions in this report applicable only to the building located at 601 S. Carlin Springs Road, and with a scheduled County Board review in five (5) years (January 2017).

WHEREAS, an application for a Site Plan Amendment dated December 2007 for Site Plan # 140, was filed with the Office of the Zoning Administrator; and

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

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

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

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated December 2007 for Site Plan # 140, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 62 below, for a Site Plan Amendment Renewal for a child care center, for the parcel of real property known as 601 S. Carlin Springs Road (RPC# 21-028-097) approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to all previously approved conditions (numbers 1 through 61) with new condition 62 a-g amended as follows:

62. The applicant agrees that the Child Care use permitted at 601 S. Carlin Springs Road is a temporary use that has been approved for a limited five (5) year period, and not longer. During the five year period, the use is permitted subject to all site plan conditions, and subject to the same reviews that could otherwise be made of any site plan use. The applicant further agrees that approval for the use will terminate after a period of five (5) years, on January 31, 2017, without further action by the County Board. The applicant agrees that it will cease use of the approximately 14,500 square foot space for the purposes of child care, and shall convert the space to another approved use, or fully vacate the space, on or before January 31, 2017. The

applicant acknowledges and agrees that after January 21, 2017, it shall have no right to use the 14,500 square foot space for child care purposes unless specific approval for that use is obtained from the County Board. In addition to all other conditions of this site plan, the applicant specifically agrees that the child care use shall be subject to the following additional conditions:

- a) The applicant agrees that the maximum child care center enrollment shall be limited to 123 children, provided, however, that the Child Care Office may determine the final number of children that can be served in the program following the required renovations and improvements to the site. This number may be modified based on appropriate space ratios. The applicant agrees not to provide care for more than 123 children at any one time, or such other number as the Child Care Office has determined can be accommodated and as evidenced by the certificate of occupancy.
- b) The applicant agrees to meet all 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.
- c) The applicant agrees to require parents of children attending the program (or persons designated by the parents) to escort their children to and from the center at all times.
- d) The applicant agrees that all child care center staff parking will be accommodated on site. The applicant further agrees to provide signs on each of its designated parking spaces which indicate that those parking spaces are designated for the child care center's exclusive use.
- e) The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this child care center. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator, as well as to the Glencarlyn Civic Association, prior to issuance of any building permit.
- f) The applicant is aware and agrees that the required Virginia State and Arlington County Child Licenses will not be issued prior to the issuance of a certificate of occupancy for a child care center.
- g) The applicant agrees to provide the hours of operation to the Zoning Administrator prior to issuance of the Certificate of Occupancy.

[Board Report #4](#)

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**5. [SP #153 SITE PLAN AMENDMENT TO AMEND CONDITION #45 TO CONVERT 7,500 SQUARE FEET OF PUBLIC DINING FACILITY SPACE TO OFFICE SPACE IN THE "C-O" ZONING DISTRICT UNDER SECTION 36.H. 1320 N. COURTHOUSE ROAD \(RPC# 18-003-113\).](#)**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve a site plan amendment to SP #153 for conversion of a public dining facility to office space at 1320 N. Courthouse Road, subject to all previous conditions and to the proposed conditions in this report applicable only to the building located at 1320 N. Courthouse Road.

WHEREAS, an application for a Site Plan Amendment dated November 14, 2011 for Site Plan #153, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report provided to the County Board for its January 21, 2012 meeting, and through comments made at the public hearing before the County Board, the County

Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report; and

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

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

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated November 14, 2011 for Site Plan # 153 and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Conditions #55 and 56 below ( which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for conversion of a public dining facility to office space, for the parcel of real property known as 1320 N. Courthouse Road (RPC# 18-003-113) approval is granted and the parcel so described shall be used according to the approval dated November 1998 as amended by the Revised Site Plan Application, subject to all previously approved conditions (numbers 1 through 54) with Condition #45.A amended as follows and new Conditions #55 and 56:

Amended Condition #45.A:

45.A. The applicant shall provide a ~~minimum of 15,000 square feet of public dining facility and~~ minimum of 2,000 square feet of retail space, open to the public, on site. The retail space shall be located on the ground floor of either 1310 or 1320 North Court House Road and shall face the public plaza areas. ~~The applicant at its discretion may convert up to 7,500 square feet of the public dining facility space to office space.~~

New Conditions:

55. Plaza Improvements to 1320 N. Courthouse: The applicant agrees that all plaza improvements to the 1320 N. Courthouse Road site shall be established and maintained in accordance with the "1320 Courthouse Road Proposed Plaza Plan" dated January 10, 2012 and approved by the County Board on January 21, 2012, and these conditions. The applicant agrees to obtain the County Manager's or designee's approval of any deviation from the "1320 Courthouse Road Proposed Plaza Plan" dated January 10, 2012. The construction of the plaza improvements shall be finished prior to the issuance of a Certificate of Occupancy for the use that includes the 7,500 square feet of public dining facility space converted to office space as approved by the County Board on January 21, 2012. [Clerk's note: as set forth in the document entitled "Addendum-1-21-12-A- SP#153" attached for the public record to these minutes.]
56. Polling Location: The developer agrees that, to the extent the Office of Voter Registration and Electoral Board is unable to secure publicly owned building space within a two block radius of 1320 N. Courthouse Road for use as a public election polling location, the applicant agrees to provide, at no cost to the County, a space for public election polling in the 1320 N. Courthouse Road building in accordance with the needs and requirements of the Office of Voter Registration and the Electoral Board, provided that there is no conflict with the commercial operation of the building. The applicant agrees to permit public election activities, so long as such election activities are covered by the Commonwealth's Risk Management Plan, or successor to such plan.

[Board Report #5-Supplemental Report](#)

[Addendum-1-21-12-A- SP#153](#)

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**6. SP #194 SITE PLAN AMENDMENT TO AMEND A COMPREHENSIVE SIGN PLAN FOR MAD ROSE; LOCATED AT 3100 CLARENDON BOULEVARD (RPC# 19-002-007).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance for a site plan amendment to amend an existing comprehensive sign plan, subject to the conditions of the staff report.

WHEREAS, an application for a Site Plan Amendment dated September 12, 2011, for Site Plan #194, was filed with the Office of the Zoning Administrator: and

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

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on January 21, 2012, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan amendment for an amendment to the comprehensive sign plan for Site Plan #194:

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

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated September 12, 2011, for Site Plan #194, for a Site Plan Amendment for an amendment to the comprehensive sign plan for Site Plan #194 to permit an additional 16 square foot sign, for the parcel of real property known as 3100 Clarendon Boulevard (RPC# 19-002-007) approval is granted and the parcel so described shall be used according to the Site Plan #194 as amended by the Amendment Application for amendment to the comprehensive sign plan for SP #194, subject to all previously approved conditions and the following conditions:

1. The total sign area approved for the Olmstead Building (3100 Clarendon Boulevard) is 528 square feet. The building owner agrees that all signs shall conform to drawings and plans shown to and approved by the County Board on March 14, 1998 and January 21, 2012. The building owner agrees to secure all required sign permits prior to the installation of any sign.
2. The applicant agrees that the Zoning Administrator may approve a minor change to the Comprehensive Sign Plan consistent with the *Sign Guidelines for Site Plan Buildings*. 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); (ii) a minor change in the area of the sign (less than 5%), or (iii) a change in the text and/or color of the sign. All other changes to the approved Comprehensive Sign Plan will require site plan approval or amendment.

[Board Report #6](#)

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- 7. **THE REQUEST FOR THIS ITEM HAS BEEN WITHDRAWN. SP #231 SITE PLAN AMENDMENT FOR ELECTRONIC SIGNS (TELEVISIONS IN WINDOW) FOR VELOCITY 5, LOCATED AT 2300B CLARENDON BLVD. (RPC #18-005-041).**

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- 8. **SP #408 SITE PLAN AMENDMENT TO REVISE THE APPROVED PARKING PLAN FOR MARY MARSHALL ASSISTED LIVING RESIDENCE, LOCATED AT 2000 5TH ST. S. (RPC# 24-032-036).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance for a site plan amendment to allow a modification to the compact parking ratio, subject to all previous conditions.

WHEREAS, an application for a Site Plan Amendment dated October 10, 2011 for Site Plan # 408, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Reports provided to the County Board for its January 21, 2012 meeting, and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment; and

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

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

**Compact parking spaces to comprise 37% of the total site parking spaces; and**

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

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated October 10, 2011 for Site Plan # 408, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements included in this application, for a Site Plan Amendment to modify the compact parking ratio for the parcel of real property known as RPC# 24-032-036 and 2000 5<sup>th</sup> Street S., approval is granted and the parcel so described shall be used according to the site plan approval dated July 7, 2007as amended by the Revised Site Plan Application, subject to all previously approved conditions numbers 1 through 60.

[Board Report #8](#)

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**USE PERMITS REQUEST/REVIEWS/AMENDMENTS**

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**9. SP #346: UP-11-1: USE PERMIT ASSOCIATED WITH A SITE PLAN FOR LIVE ENTERTAINMENT AND/OR DANCING AT MELODY TAVERN, LOCATED AT 3650 S. GLEBE ROAD (THE ECLIPSE AT POTOMAC YARDS) (RPC# 34-027-322).**

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 #346: UP-11-1 on file in the Office of the Zoning Administrator for a use permit associated with a site plan for live entertainment and/or dancing at Melody Tavern for the parcel of real property known as 3650 S. Glebe Road (the Eclipse at Potomac Yards) (RPC #34-027-322), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions, and with a County Board review in one (1) year (January 2013).

1. The applicant agrees that live entertainment will be limited to Monday through Saturday, from 5 p.m. to 12:00 a.m., with additional hours on Sunday from 11 a.m. to 5 p.m.
2. 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.
3. The applicant agrees that live entertainment shall comply at all times with the Arlington County Noise Ordinance.
4. The applicant agrees to ensure that all windows and doors remain closed when live entertainment is being offered. The applicant agrees that no live entertainment shall be permitted outdoors, and further agrees to ensure that live entertainment performances inside the restaurant will not be broadcast to the exterior of the restaurant over the restaurant's audio system.
5. The applicant agrees that no customer dancing shall occur without the applicant first obtaining approval of a dance hall permit.
6. The applicant agrees to 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 Eclipse Condominium Building prior to any presentation of live entertainment. The applicant agrees to update such designation by notifying the same parties, and to have a designation for an active neighborhood liaison in place at all times.
7. The applicant agrees that the use permit for live entertainment shall be reviewed by the County Board upon any change of tenancy of the subject space currently occupied by Melody Tavern.

[Board Report #9](#)

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**10. U-2479-85-5 USE PERMIT REVIEW FOR A CHILD CARE USE LOCATED AT 2706 24TH ROAD SOUTH. (SCHOOL OF CHILDREN) (RPC# 31-034-023)**

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

BE IT ORDAINED that, pursuant to application U-2479-85-5 on file in the Office of the Zoning Administrator for renewal of a use permit for a child care use for the parcel of real property known as 2706 24<sup>th</sup> Road South (School of Children) (RPC #31-034-023), 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 six (6) months (July 2012) and a County Board review in five (5) years (January 2017).

[Board Report #10](#)

[Board Report # 10-Supplemental Report](#)

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**11. U-3019-01-1 USE PERMIT REVIEW FOR A SCHOOL LOCATED AT 935 23RD STREET SOUTH. (POTOMAC CRESCENT WALDORF SCHOOL) (RPC# 36-032-023).**

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

BE IT ORDAINED that, pursuant to application U-3019-01-1 on file in the Office of the Zoning Administrator for renewal of a use permit for a school for the parcel of real property known as 935 23<sup>rd</sup> Street South (Potomac Crescent Waldorf School) (RPC #36-032-023), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions with a County Board review in five (5) years (January 2017).

[Board Report #11](#)

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**12. U-3190-07-2 USE PERMIT RENEWAL FOR THE HEAD START PROGRAM AT THE GEORGE MASON CENTER, LOCATED AT 1801 N. GEORGE MASON DRIVE (RPC# 09-016-052).**

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

BE IT ORDAINED that, pursuant to application U-3190-07-2 on file in the Office of the Zoning Administrator for renewal of a use permit for the Head Start program at the George Mason Center for the parcel of real property known as 1801 N. George Mason Drive (RPC #09-016-052), approval is granted and the parcel so

described shall be used according to the approval requested by the application, subject to all previously approved conditions with a County Board review in five (5) years (January 2017).

[Board Report #12](#)

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- 13. [U-3191-07-1 USE PERMIT REVIEW BORROMEO HOUSING, INC. FOR RENEWAL OF A USE PERMIT FOR A DORMITORY \(GROUP HOME FOR WOMEN AND THEIR CHILDREN\) LOCATED AT 4624 9TH ST. S \(RPC# 23-037-017\).](#)**

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

BE IT ORDAINED that, pursuant to application U-3191-07-1 on file in the Office of the Zoning Administrator for renewal of a use permit for a dormitory (group home for women and their children) for the parcel of real property known as 4624 9<sup>th</sup> St. S. (RPC #23-037-017), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions with a County Board review in five (5) years (January 2017).

[Board Report #13](#)

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- 15. [THE REQUEST FOR THIS ITEM HAS BEEN WITHDRAWN. U-3320-11-1 USE PERMIT FOR A FAMILY DAY CARE HOME FOR UP TO NINE \(9\) CHILDREN LOCATED AT 1710 N POLLARD ST. \(LOVELY DAY CARE\) \(RPC# 06-024-031\)](#)**

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- 17. [U-3322-11-1 USE PERMIT APPLICATION FOR COMPREHENSIVE SIGN PLAN AND RESTAURANT PROVIDING LIVE ENTERTAINMENT; LOCATED AT 3165 WILSON BOULEVARD \(EVENTIDE RESTAURANT\) \(RPC# 15-075-001\).](#)**

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-3322-11-1 on file in the Office of the Zoning Administrator for renewal of a use permit for live entertainment and a comprehensive sign plan for the parcel of real property known as 3165 Wilson Boulevard (RPC #15-075-001), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions of the staff report, with an administrative review in six (6) months (July 2012), and a County Board review in ten (10) months (November 2012).

Conditions (live entertainment):

1. The applicant agrees that live entertainment is permitted only from 11:00 a.m. to 9:00 p.m. on Sundays through Thursdays, and only from 11:00 a.m. to 1:00 a.m. on Fridays and Saturdays.

2. The applicant agrees to comply with all applicable laws, including, by way of illustration and not limitation, all applicable requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board (ABC).
3. 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.
4. 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.
5. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
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 post sign signs in windows telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
8. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
9. The applicant agrees to 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 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.
11. The applicant agrees to participate in the established Clarendon Live Entertainment 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, Fire Marshal, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses. One (1) of the quarterly meetings will consist of an educational seminar to review requirements and regulations of various departments, codes, and policies. The applicant agrees to have a representative with management authority in the restaurant attend all such meetings.
12. The applicant agrees to designate and make available a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to 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 Citizens Association, the Lyon Park Civic Association, and the Clarendon Alliance.
13. The applicant agrees that the approval for live entertainment at 3165 Wilson Boulevard is valid only for Eventide. The County Board shall review the use permit upon any change in tenancy or ownership of the subject space.

Conditions (sign):

14. The applicant agrees to limit all signs to the size, design, location, and materials of the proposed signs shown on the drawings entitled "Eventide Restaurant," prepared by Service Neon Signs Inc., dated October 27, 2011, revised January 11, 2012, and the existing sign as shown in the attachment entitled "Eventide Restaurant," prepared by Service Neon Signs Inc., dated July 2, 2008. [Clerk's note: as set forth in the document entitled "Addendum-1-21-12-B-U-3322-11-1" attached for the public record to these minutes.]
15. The applicant agrees that the Zoning Administrator may approve a minor change to the Comprehensive Sign Plan consistent with the *Sign Guidelines for Site Plan Buildings*. 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); (ii) a minor change in the area of the sign (less than 5%), or (iii) a change in the text and/or color of the sign. All other changes to the approved Comprehensive Sign Plan will require site plan approval or amendment.

[Board Report #17](#)

[Addendum-1-21-12-B- U-3322-11-1](#)

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**18. [U-3323-11-1 USE PERMIT FOR RESTAURANT LIVE ENTERTAINMENT AND DANCING LOCATED AT 2910 COLUMBIA PIKE \(P. BRENNAN'S IRISH PUB AND RESTAURANT\) \(RPC# 32-006-030\).](#)**

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-3323-11-1 on file in the Office of the Zoning Administrator for approval of a use permit for a restaurant providing live entertainment and dancing for the parcel of real property known as 2910 Columbia Pike (RPC #32-006-030), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions of the staff report, with a County Board review in one (1) year (January 2013).

1. The applicant agrees that live entertainment and dancing at 2910 Columbia Pike shall be permitted only between the hours of 11:00 a.m. and 1:30 a.m. seven (7) days a week.
2. The applicant agrees to comply, by way of illustration and not limitation, with all applicable requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department, and the Alcohol Beverage Control Board (ABC).
3. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
4. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights when dancing is permitted. The on-site security may consist of "in-house" staff, so long as that staff is dedicated to only security during the hours of live entertainment and dancing.
5. The applicant agrees to comply with the Arlington County Noise Ordinance and further agrees that the restaurant's windows and doors shall remain closed during the times of live entertainment and dancing

except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment and dancing be permitted outside of the building or broadcast over loudspeakers outside the building. The applicant agrees that doors shall not be propped open during live entertainment and dancing.

6. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
7. 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.
8. The applicant agrees to designate and make available a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to live entertainment and dancing and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment and dancing. The name, telephone number, and electronic mail address (if one is established) shall be submitted to the Zoning Administrator and a copy sent to the DSF Columbia Center, LLC ("Owner"), the Halstead Residential Community, the Douglas Park Civic Association, the Arlington Heights Civic Association, the Columbia Heights Civic Association, and the Penrose Neighborhood Association.

[Board Report #18](#)

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**19. U-3324-11-1 USE PERMIT FOR A CHILD CARE CENTER LOCATED AT 850 S. GREENBRIER STREET (HARVEY HALL) (RPC# 22-011-054).**

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-3324-11-1 on file in the Office of the Zoning Administrator for approval of a use permit for a child care center for the parcel of real property known as 850 S. Greenbrier Street (RPC #22-011-054), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report, with a County Board review in one (1) year (January 2013).

1. The applicant agrees to meet the requirements of the Child Care Ordinance, 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 the hours of operation shall be 2:30 p.m. to 5:30 p.m., Mondays through Thursdays, with a maximum number of 30 students. The applicant agrees to have no more than three (3) full-time staff persons on site, and that in no event shall the number of children exceed those permissible under state and local requirements, with three (3) staff persons.
3. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this child care center. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator, as well as to the Columbia Heights West Civic Association, prior to issuance of a Certificate of Occupancy.
4. The applicant agrees to submit for review by, and to obtain approval of, the Zoning Administrator for, a parking plan showing three (3) new parking spaces in the existing parking lot reserved for

staff persons for the child care center. The Zoning Administrator’s approval shall be obtained prior to issuance of a certificate of occupancy for the child care use. The parking spaces reserved for teachers shall be in addition to a sufficient number of spaces to meet zoning requirements for the apartment complex. The new parking spaces for the teachers shall comply with Section 33 of the Zoning Ordinance.

- 5. The applicant agrees to submit a pick-up and drop-off plan for students arriving by vehicle to the Zoning Administrator, and to obtain the Zoning Administrator’s plan as [Put in standard here] before issuance of the certificate of occupancy.
- 6. The applicant agrees, that when the new AHC building on Columbia Pike is constructed, to reserve three (3) parking spaces , that are not otherwise required per Zoning regulations for the new apartment complex, for the staff, in the proposed new parking garage associated with the new building on Columbia Pike. Such parking spaces shall be fully constructed and available for use prior to issuance of a certificate of occupancy for the child care use in the new AHC building.

[Board Report #19](#)

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

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**20. APPROVAL AND AUTHORIZATION TO ACCEPT DEEDS OF EASEMENT FOR PUBLIC STORM SEWER ON LOT 63, BLOCK 5, BON AIR, LOCATED AT 609 NORTH JEFFERSON STREET (RPC #13-034-011); AND LOT 64, BLOCK 5, BON AIR, LOCATED AT 613 NORTH JEFFERSON STREET (RPC #13-034-065).**

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

- 1. Approved the attached Deed of Easement from Nicole Gabrielle Pineau to the County Board of Arlington County, Virginia (“Exhibit A”), granting to the County a permanent public storm sewer easement on a portion of the property located at 609 North Jefferson Street, RPC # 13-034-011; and
- 2. Approved the attached Deed of Easement from 615 Jefferson LLC, a Virginia limited liability company, to the County Board of Arlington County, Virginia (“Exhibit B”), granting to the County a permanent public storm sewer easement on a portion of the property located at 613 North Jefferson Street, RPC # 13-034-065; and
- 3. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept, on behalf of the County Board, the Deeds of Easement attached hereto as Exhibits “A” and “B” and all associated documents, subject to approval of all documents by the County Attorney.

[Clerk’s note: as set forth in the document entitled “Addendum-1-21-12-C-613 N. Jefferson Street” attached for the public record to these minutes.]

[Board Report #20](#)

[Addendum-1-21-12-C-613 N. Jefferson Street](#)

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**21. APPROVAL AND AUTHORIZATION TO ACCEPT DEEDS OF EASEMENT FOR PUBLIC STORM SEWER ON LOT 36, BLOCK TWO, SECTION TWO, BELLEVUE FOREST, LOCATED AT 3909 30TH STREET NORTH (RPC #04-008-031); AND LOT 16A, BLOCK TWO, SECTION ONE, BELLEVUE FOREST, LOCATED AT 3919 30TH STREET NORTH, (RPC #04-008-032)**

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

1. Approve the attached Deed of Easement from J. Joyce Kaiser to the County Board of Arlington County, Virginia ("Exhibit A"), granting to the County a permanent public storm sewer easement on a portion of the property located at 3909 30<sup>th</sup> Street North, RPC # 04-008-031; and
2. Approve the attached Deed of Easement from Thomas Patrick Bidigare and Sarah Anne Bidigare to the County Board of Arlington County, Virginia ("Exhibit B"), granting to the County a permanent public storm sewer easement on a portion of the property located at 3919 30<sup>th</sup> Street North, RPC # 04-008-032; and
3. Authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept, on behalf of the County Board, the Deeds of Easement attached hereto as Exhibits "A" and "B", and all associated documents, subject to approval of all documents by the County Attorney.

[Clerk's note: as set forth in the document entitled "Addendum-1-21-12-D-3919 30<sup>th</sup> Street North" attached for the public record to these minutes.]

[Board Report #21](#)

[Addendum-1-21-12-D-3919 30th Street North](#)

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**ORDINANCES, PLANS AND POLICIES**

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**22. AMENDMENTS TO CHAPTERS 21, 35 AND 46 OF THE ARLINGTON COUNTY CODE.**

Following a duly advertised public hearing at which there were no speakers, a motion was made by Ms. Hynes and seconded by Mr. Tejada, to adopt amendments 1-3 and 5-7 to Chapters 21, 35 and 46 (Retirement System) of the Arlington County Code advertised by the County Board at its November 29, 2011, meeting to include the following:

1. Authorize the County Manager, based on business necessity, to create an early retirement buy-out option for Chapters 21, 35 and 46.
2. Provide that Chapter 46 employees who work part of their career as a public safety employee and part of their career as a general employee will receive a retirement allowance recognizing their dual service to the County.
3. Amend Chapter 46 to provide an option to employees who were vested as of April 18, 2008, to choose the prior retirement allowance calculation using their final average salary as of January 3, 2009.
5. Authorize the County Manager to create an option for newly hired employees in the Management Accountability Program (MAP) to participate in a (new or enhanced) deferred compensation plan in lieu of Article VIII of Chapter 46 Defined Benefit Retirement Plan.

6. Provide more flexibility in electing the Chapter 46 Social Security Leveling option by allowing the leveling to continue through to a member's Social Security normal retirement age, rather than to age 62 or age 65 as currently codified.
7. Implement a technical change to Chapters 21 and 46 regarding how a former member communicates their desire to receive a deferred vested benefit in the future which will result in streamlined administrative processes.
8. Implement a technical clarification indicating that the actuarial report required for amendments may be produced by an actuary selected by the Retirement Board or the County Manager.

The motion was adopted by a vote of 4 to 0, the voting recorded as follows: Ms. Hynes – Aye, Mr. Tejada - Aye, Mr. Fisetle – Aye, and Mr. Zimmerman – Aye. [Clerk's note: as set forth in the document entitled "Addendum-1-21-12-E-Retirement System Ordinances" attached for the public record to these minutes.]

Following a duly advertised public hearing at which there were no speakers, a motion was made by Ms. Hynes and seconded by Mr. Tejada, to permit elected officials to join the retirement system at any time and to buy back service with interest. The motion was adopted by a vote of 3 to 1, the voting recorded as follows: Ms. Hynes – Aye, Mr. Tejada - Aye, Mr. Fisetle – Aye, and Mr. Zimmerman – No.

[Board Report #22](#)

[Addendum-1-21-12-E-Retirement System Ordinances](#)

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**CAPITAL PROJECTS**

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**24. APPROVE THE AWARD OF CONTRACT FOR THE HIGH VIEW PARK PLAYGROUND RENOVATION AND ADA IMPROVEMENTS LOCATED AT 1945 N. DINWIDDIE STREET. INVITATION TO BID NUMBER 575-12.**

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

1. Approved the Award of Contract Number 575-12 to the Francis Lee Companies, LLC in the amount of \$570,984.00 and approve an allocation of \$57,098.40 as a contingency for change orders for a total contract authorization of \$628,082.40.
2. Authorized the Purchasing Agent to execute the Contract Documents, subject to legal review by the County Attorney.

[Board Report #24](#)

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**25. APPROVE AN INCREASE OF \$600,000 TO CONTRACT NO. 74-11 WITH NORAIR ENGINEERING CORP. FOR THE ARLINGTON COUNTY WATER POLLUTION BUREAU (WPCB) PHASE 8B ACTIVATED SLUDGE EFFLUENT (ASE) PIPE REPLACEMENT TO ADDRESS AN UNFORESEEN SITE CONDITION.**

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

1. Approved an increase of \$600,000 to Contract No. 74-11 with Norair Engineering Corp. for a total contract authorization of \$3,462,465, for additional work required due to an unforeseen site condition.
2. Authorized the Purchasing Agent to execute an amendment to the Contract, subject to legal review by the County Attorney.

[Board Report #25](#)

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**APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS**

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**26. AMENDMENTS TO SCHOOLS APPROPRIATIONS FOR FISCAL YEAR (FY) 2012 BASED ON CLOSEOUT OF FY 2011.**

On the consent agenda vote, after a duly advertised public hearing, the Board approved the revised appropriations for various School funds in FY 2012 to reflect the approved School Board resolutions in the FY 2011 Final Fiscal Status Report and appropriate \$16,376,297 from the FY 2011 fund balance to Non-departmental to increase the transfer to the Schools as follows:

Schools Operating Fund:	\$ 3,150,000
Capital Projects Fund:	\$ <u>13,226,297</u>
Total	\$16,376,297

[Board Report #26](#)

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**27. GRANT AWARD - NATIONAL ENDOWMENT FOR THE ARTS.**

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

1. Authorized the County Manager to accept \$10,000 in federal funds from the National Endowment for the Arts (NEA) to conduct folklore research, do photographic documentation, and present exhibitions and performances pertaining to the arts and culture of Arlington’s Bolivian community.
2. Appropriated \$10,000 in grant funds received from the National Endowment for the Arts to revenue (101.340000.86024) and expenditure (101.424000.86024) to Arlington Economic Development for personal service fees and supply expenses associated with conducting the above-mentioned programs.

[Board Report #27](#)

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**28. THE PARK AND RECREATION COMMISSION ("COMMISSION") REQUESTS THAT THE COUNTY BOARD APPROVE FUNDS FOR NINE PARK ENHANCEMENT GRANT PROJECTS.**

On the consent agenda vote, after a duly advertised public hearing, the Board approved an allocation of \$83,637 from appropriated Park Enhancement Grant ("PEG") Program funds for nine projects as recommended by the Park and Recreation Commission.

[Board Report #28](#)

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**29. ACCEPTANCE OF GRANT TO THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL RESOURCES (PRCR) FROM THE RUN FOR WETLANDS, SPONSORED BY VOLUNTEERS OF THE U.S. FISH AND WILDLIFE SERVICE, AND APPROPRIATION OF THAT GRANT TO PRCR.**

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

9. Authorized the County Manager to accept grant funds from the Run for Wetlands for invasive plant removal and habitat restoration at Barcroft Park.
10. Appropriated \$14,217 in grant funds (101.374900) to the Department of Parks, Recreation and Cultural Resources (101.83024) for invasive plant removal and habitat restoration at Barcroft Park.

[Board Report #29](#)

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**30. CHILD ADVOCACY CENTER SOCIAL WORKER AUTHORIZATION**

On the consent agenda vote, after a duly advertised public hearing, the Board authorized 0.875 FTE grant-funded position for the Department of Human Services supported by a Virginia Department of Social Services grant.

[Board Report #30](#)

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**31. URBAN AREA SECURITY INITIATIVE FUNDS TO SUPPORT PUBLIC HEALTH EMERGENCY PLANNING.**

On the consent agenda vote, after a duly advertised public hearing, the Board appropriated \$103,000 in federal Urban Area Security Initiative ("UASI") funds (101.374900) to the Department of Human Services (101.55102) for Fiscal Year 2012 to conduct emergency preparedness training and planning activities.

[Board Report #31](#)

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**REQUESTS TO ADVERTISE**

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**32. REQUEST TO ADVERTISE CHANGES TO CHAPTER 31 OF THE ARLINGTON COUNTY CODE TO MERGE THE EQUAL EMPLOYMENT OPPORTUNITY ADVISORY COMMISSION AND THE HUMAN RIGHTS COMMISSION.**

On the consent agenda vote, after a duly advertised public hearing, the Board authorized advertising a public hearing on February 11, 2012, on proposed amendments to Chapter 31 of the Arlington County Code, also known as the Human Rights Ordinance, with the purpose of merging the Equal Employment Opportunity Advisory Commission and the Human Rights Commission (see attachment A [of the staff report] for code amendments and the resolution). [Clerk’s note: as set forth in the document entitled “Addendum-1-21-12-F-EEOAC-HRC” attached for the public record to these minutes.]

[Board Report #32](#)

[Addendum-1-21-12-F-EEOAC-HRC](#)

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**33. REQUEST TO ADVERTISE AN AMENDMENT TO CHAPTER 14.2 (MOTOR VEHICLES AND TRAFFIC), SECTION 14.2-12(A), OF THE CODE OF ARLINGTON COUNTY, VIRGINIA, CONCERNING MAXIMUM AND MINIMUM SPEED LIMITS ALONG A PORTION OF SOUTH GLEBE ROAD FROM WALTER REED DRIVE TO ARLINGTON BOULEVARD/STATE ROUTE 50.**

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the advertisement of a March 10, 2012 public hearing to enact an Ordinance to Amend, Reenact and Recodify Chapter 14.2 (Motor Vehicles and Traffic), Section 14.2-12(A), of the Code of Arlington County, Virginia, Concerning Maximum and Minimum Speed Limits by Decreasing the Speed Limit on South Glebe Road from Walter Reed Drive to Arlington Boulevard/State Route 50. [Clerk’s note: as set forth in the document entitled “Addendum-1-21-12-G-Chapter 14.2” attached for the public record to these minutes.]

[Board Report #33](#)

[Addendum-1-21-12-G-Chapter 14.2](#)

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**OTHER**

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**35. AUTHORIZING THE SALE OF GENERAL OBLIGATION REFUNDING BONDS IN AN AMOUNT NOT TO EXCEED \$200,000,000.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the resolution (attached to the staff report as Attachment 1) authorizing the sale of General Obligation Refunding Bonds in an amount not to exceed \$200,000,000. [Clerk's note: as set forth in the document entitled "Addendum-1-21-12-H-GO Refunding Bonds Sale" attached for the public record to these minutes.]

[Board Report #35](#)

[Addendum-1-21-12-H-GO Refunding Bonds Sale](#)

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**37. [MINUTES](#)**

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

December 10, 2011	Regular Meeting
December 13, 2011	Recessed Meeting

[Item #37-Minutes](#)

[Item # 37 -Revised Minutes \(Posted 01-19-2012\)](#)

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**[REGULAR HEARING ITEMS](#)**

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**38. [SP #105-8 SITE PLAN AMENDMENT TO MODIFY THE LANDSCAPE PLAN FOR THE PLAZA INCLUDING EXPANSION OF THE ICE RINK AND ASSOCIATED MODIFICATIONS TO THE LANDSCAPING AND ADDITION OF FREESTANDING RETAIL STRUCTURES IN THE PLAZA LOCATED AT 1101, 1201 AND 1301 SOUTH JOYCE STREET AND 900 ARMY NAVY DRIVE \(RPC# 35-005-031\).](#)**

Following a duly advertised public hearing at which there were no speakers, a motion was made by MARY HYNES, Chair, seconded by JAY FISETTE, Member to defer consideration of the subject site plan amendment to the March, 2012 County Board meeting. The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

[Board Report #38](#)

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**39. SP #386 SITE PLAN AMENDMENT FOR THE CONSTRUCTION OF A 201,627 SQUARE FOOT COMMERCIAL BUILDING WITH 178,131 SQUARE FEET OF OFFICE SPACE, 3,200 SQUARE FEET OF GROUND FLOOR RETAIL, A 12,985 SQUARE-FOOT BLACK BOX THEATER, AND A COMPREHENSIVE SIGN PLAN IN THE C-O-2.5 ZONING DISTRICT UNDER SECTION 36.H; LOCATED AT 3901 N. FAIRFAX DRIVE. PROPERTY IS APPROXIMATELY 45,508 SQUARE FEET; MODIFICATIONS OF ZONING ORDINANCE REQUIREMENTS INCLUDE: PARKING RATIO, INCREASED SIGN AREA, FREESTANDING SIGN, CHANGEABLE COPY SIGNAGE, AND SURFACE PARKING AS AN INTERIM USE, EXCLUSIONS FROM DENSITY FOR THE THEATER, BELOW-GRADE STORAGE AND A BELOW-GRADE FITNESS FACILITY, BONUS DENSITY FOR LEED GOLD CERTIFICATION, AFFORDABLE HOUSING CONTRIBUTION, SPECIFIC CONSTRUCTION PROBLEMS AND TECHNIQUES NEEDED FOR THE BLACK BOX THEATER, OPEN SPACE AND ENVIRONMENTAL AMENITIES, AND OTHER MODIFICATIONS AS NECESSARY TO ACHIEVE THE PROPOSED DEVELOPMENT PLAN (RPC# 14-030-057AND -058).**

Following a duly advertised public hearing at which there were no speakers, a motion was made by Mr. Zimmerman, seconded by Mr. Tejada to provide direction to the County Manager on parking reduction. The motion was adopted by a vote of 4 to 0, the voting recorded as follows: Ms. Hynes – Aye, Mr. Tejada – Aye, Mr. Fisetto – Aye, and Mr. Zimmerman – Aye.

1. The County Board has adopted parking standards for commercial development set forth in the Zoning Ordinance and other policies.
2. Unless amended or modified by the County Board in a particular site plan, these are the standards all commercial development must meet.
3. The County Board recognizes that, in appropriate circumstances, the standard may be modified through the site plan process to permit a reduction in the amount of parking that is normally required.
4. This should not be regarded as the norm, nor should it be expected in every project.
5. The circumstances that may warrant a reduction in parking will vary from site to site and may include a variety of factors such as the unusual nature or unique characteristics of the proposed development, as well as the achievement of extraordinary goals identified in County plans and policies including affordable housing, open space, community facilities, and historic preservation, where strict adherence to the parking standard may jeopardize or render infeasible the achievement of these other goals.
6. In every case, however, any reduction in the amount of required parking must address the impacts to the transportation network that result.
7. The County Board anticipates the incorporation of Transportation Demand Management measures as part of every site plan project because such measures are integral to the transit oriented development that characterizes all County development.
8. As essential elements of good urban development, the County Board also anticipates that infrastructure improvements will be included as part of every site plan project, particularly to streets and sidewalks, in the vicinity of site plan projects.
9. This is consistent with the Master Transportation Plan which recognizes the value of ensuring that minimum parking needs are met and excessive parking is not built, so as to not induce more driving and reduce community walkability.
10. Where parking requirements are reduced, and the impacts to the transportation network caused by the development are increased all the more, the County Board will look for added measures to mitigate these impacts consistent with existing Master Transportation Plan Policy 6.h.
11. These measures may include additional, enhanced Transportation Demand Management measures and improvements to streets surrounding the site plan project, but also contributions to the transit element

of the transportation network which will bear much of the impacts resulting from reduced parking and enhanced Transportation Demand Management measures.

12. The appropriate mix of mitigation measures or the costs thereof cannot be specified in advance and must be a part of the site plan process where the unique circumstances of the proposed development can be analyzed; however, the County Board believes that standards can be developed to provide predictability about how mitigation measures and their costs are determined. Further, the County Board recognizes that the cost to build parking is not a relevant consideration.
13. In light of this, the County Board directs the County Manager to examine the consequences of reducing parking below the required standard and the methodologies that can be used to fully assess and mitigate the impacts attributable to a reduction of parking on a particular site plan project, and to report back to the Board by June 2012 on this effort.

Following a duly advertised public hearing at which there were no speakers, a motion was made by Ms. Hynes, seconded by Mr. Tejada to adopt the ordinance to approve a site plan amendment to permit the construction of a 201,627 square foot commercial building with 178,131 square feet of office space, 3,200 square feet of ground floor retail, a 12,985 square-foot black box theater, and a comprehensive sign plan with modifications of zoning ordinance regulations for parking ratio, increased sign area, changeable copy signage, and surface parking as an interim use, exclusions from density for the theater, below-grade storage and a below-grade fitness facility, bonus density for LEED Gold certification, affordable housing contribution, and specific construction problems and techniques needed for the black box theater and open space and environmental amenities, subject to the conditions of the ordinance. The motion was adopted by a vote of 4 to 0, the voting recorded as follows: Ms. Hynes – Aye, Mr. Tejada - Aye, Mr. Fisetite – Aye, and Mr. Zimmerman – Aye. [Clerk’s note: as set forth in the document entitled “Addendum-1-21-12-I-SP #386” attached for the public record to these minutes.]

[Board Report #39](#)

[Board Report # 39-Supplemental](#)

[Addendum-1-21-12-I-SP #386](#)

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**40. [SP#350 SITE PLAN AMENDMENT REVIEW SUSHI ROCK FOR RESTAURANT PROVIDING LIVE ENTERTAINMENT; LOCATED AT 1900 CLARENDON BLVD. AND IDENTIFIED AS RPC# 17-012-023.](#)**

Following a duly advertised public hearing at which there were no speakers, a motion was made by MARY HYNES, Chair, seconded by CHRISTOPHER ZIMMERMAN, Member to defer the site plan amendment for live entertainment Sushi Rock to the March 10, 2012, County Board meeting. The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

[Board Report #40](#)

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**ADDITIONAL ITEMS**

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**CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS**

A motion was made by MARY HYNES, Chairman, seconded by WALTER TEJADA, Vice Chairman, to convene a closed meeting as authorized by Virginia Code sections 2.2-3711.A.3 and 7 for the purpose of discussing two matters involving the disposition of public held real property where discussion in public could adversely affect the County’s negotiating position; and consultation with the County Attorney and appropriate staff concerning the interpretation of the provisions of the Zoning Ordinance relating to lawful non-confirming homes on pipe stem lots.

The motion was adopted by a vote of 4 to 0, the voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, CHRISTOPHER ZIMMERMAN, Member – Aye.

The Board met in a closed meeting from 2:06 p.m. to 3:11 p.m.

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A motion was made by MARY HYNES, Chairman, seconded by WALTER TEJADA, Vice Chairman to certify that to the best of each member’s knowledge that only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered by the Board. The motion was adopted by a vote of 5 to 0 by roll call as follows:

- Member & Vote**  
Ms. Hynes - Aye  
Mr. Tejada - Aye  
Mr. Fisetite – Aye  
Mr. Zimmerman - Aye

**ADJOURNMENT**

Without objection, at 3:12 p.m., the Board recessed until the January 24, 2012 Recessed Meeting.

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MARY HUGHES HYNES, Chairman

ATTEST:

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HOPE L. HALLECK, Clerk  
Approved: February 11, 2012