

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, June 12, 2010 at 8:30 a.m.

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

ALSO PRESENT: MICHAEL B. BROWN, County Manager
STEPHEN MacISAAC, County Attorney
HOPE L. HALLECK, Clerk

ooooo0ooooo

*** PUBLIC COMMENT**

Gail Goodrige, a parishioner of St. Charles Borromeo Catholic Church and an Alcova Heights resident, expressed her concerns regarding Arlington County's participation in the U.S. Department of Homeland Security's Secure Communities Program.

Robert Atkins asked why County children would not be provided the school meals program during the summer.

T.D. Stanger remarked that improvements needed to be made to County processes to avoid losing money. He cited as examples: inadequate leaf collection, property tax assessments and unsatisfactory street sweeping.

Carla Uniona commented how the proposed form of government referendum would impact childcare centers. She asked that the referendum to be rejected.

Grace Denney, a student at H.B. Woodlawn High School, petitioned the Board for the installation of a synthetic turf field at the school.

Shelley Wade expressed her concerns regarding the change in hours at the County libraries. She asked the Board to postpone this change until a more comprehensive evaluation of the impact of this change could be made.

Miriam Balutes and other Civic Association members from Ashton Heights and Lyon Park were present to ask the Board to reduce the speed limit along N. Pershing Drive from 30mph to 25mph.

Jim Hurysz commented that Fairlington area residents were going to be deluged by traffic from the MARK center with the U.S. Army's new office complex nearing completion.

Chick Walter, President of the Arlington Ridge Civic Association, urged the Board and the County Manager to set guidelines for what constitutes a timely response to residents' inquiries and for staff to provide specificity regarding timelines for projects.

Carrie Johnson asked that the Board and the County recognize neighborhoods in plans. She brought her concerns to the Board since the street element of the Master Transportation Plan (MTP) is starting to move through the public comment, and there can be conflicts between new standards for streetscapes and neighborhood practices.

Emma Grayeb, a Gabriel Project member and parishioner at Lady Queen of Peace, expressed her concerns that the women who receive services at Gabriel Project are not reporting instances of domestic abuse because of the Secure Communities program.

Esteban Grares presented his concerns to the Board regarding the Secure Communities program.

ooooo0ooooo

*** CONSENT ITEMS (ITEMS 1-33) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, JUNE 12, 2010, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, JUNE 15, 2010, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

Ms. Hynes announced her declaration of personal interest pursuant to the State and Local Government Conflict of Interest Act in the site plan amendment #20 (Item #1). Ms. Hynes is on the Board of a prospective tenant for the retail space proposed to be converted; however, under the State and Local Government Conflicts of Interest Act, because she is a member of a group who are all affected by the approval of the site plan amendment, she was able to participate in the discussions and votes concerning the site plan amendment, and can do so fairly, objectively, and in the public interest.

On a motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by BARBARA A. FAVOLA, Member and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member – Aye, approved the County Manager’s recommendation for all consent items #1 through #17, #19 and #20, #23 through #29, and #31 through #33. Requests for full hearing were submitted for items #18, #21, #22 and #30 and are scheduled for hearing at the June 15 County Board recessed meeting.

ooooo0ooooo

SITE PLANS/AMENDMENTS/REVIEWS

ooooo0ooooo

1. SP# 20 SITE PLAN AMENDMENT TO CONVERT GROUND FLOOR RETAIL SPACE TO OFFICE OR RETAIL USE ON THE SITE LOCATED AT 818 NORTH QUINCY STREET (RPC# 14-044-021).

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 #20 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to convert ground floor retail space to office or retail use for the parcel of real property known as 818 North Quincy Street (RPC# 14-044-021), for temporary conversion of approximately 2,146 square feet of ground floor retail space to non-profit office use, with a review by the County Board in five (5) years (June 2015), subject to all previously approved conditions and new Conditions #71 and 72:

- 71. The developer agrees that the temporary conversion of approximately 2,146 square feet of retail space to retail or non-profit office uses shall be reviewed by the County Board in five (5) years (June 2015). At the time of review, the County will have the opportunity to either determine the continuation of this use or if the space shall revert to retail use only, with no further action by the County Board.
- 72. The developer agrees that the portion of the storefront windows of the ground floor space (approximately 2,146 square feet) that is located between three and eight feet from existing grade, shall be at least 80% transparent, with a final window design plan to be

approved by the County Manager or his designee as consistent with this condition, prior to the issuance of a Certificate of Occupancy. The purpose of this condition is to allow pedestrians to view the activity within the space and to allow patrons and employees of the establishment to view the activity on the sidewalk and street. "Transparency" shall mean using glass or other transparent exterior material offering a view into an area of the space where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like.

[Board Report #1](#)

0000000000

- 2. SP #65 SITE PLAN AMENDMENT FOR MODIFICATION OF A COMPREHENSIVE SIGN PLAN AT CENTURY CENTER; LOCATED AT 2450 CRYSTAL DRIVE AND 2461 SOUTH CLARK STREET (RPC# 34-020-034 AND -035).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the site plan amendment request to the July 10, 2010, County Board meeting.

[Board Report #2](#)

0000000000

- 3. SP #90 SITE PLAN AMENDMENT REQUEST, FOR A MODIFICATION OF A COMPREHENSIVE SIGN PLAN AT HAMBURGER HAMLET; LOCATED AT 1601 CRYSTAL SQUARE ARCADE (RPC# 34-020-248).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the site plan amendment request to the July 10, 2010, County Board meeting.

[Board Report #3](#)

0000000000

- 4. SP#189 SITE PLAN AMENDMENT FOR ARCHITECTURAL LIGHTING ELEMENTS TO BE INSTALLED ON THE BUILDING'S SOUTHERN FAÇADE AT 2900 CRYSTAL DRIVE (RPC# 34-027-027).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the site plan amendment request to the July 10, 2010, County Board meeting.

[Board Report #4](#)

0000000000

5. SP #207 SITE PLAN AMENDMENT REQUEST FOR SECOND FLOOR OCCUPATION OF OFFICE SPACE BY A MEDICAL OFFICE (LOW VOLUME OCCUPATIONAL THERAPY); PREMISES KNOWN AS 5130 WILSON BOULEVARD. (ADVANCED PHYSICAL MEDICINE AND REHABILITATION OF VIRGINIA, RPC# 13-029-001).

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

BE IT ORDAINED that, pursuant to application SP #207 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for second floor occupation of office space by a medical office (low volume occupational therapy) for the premises known as 5130 Wilson Boulevard (Advanced Physical Medicine and Rehabilitation of Virginia) (RPC #13-029001), 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.

[Board Report #5](#)

0000000000

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

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 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for façade modifications and a comprehensive sign plan including two (2) rooftop signs for the premises known as 2800, 2850 Potomac Avenue, (RPC# 34-027-066), 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 revised condition #50:

Proposed amended condition:

50. The developer agrees to develop and submit a comprehensive sign plan that is consistent with the approved Potomac Yard Overall Sign Guidelines. All exterior signs (including identification and directional signage) shall be consistent with the approved Potomac Yard Overall Sign Guidelines; the guidelines contained in "Sign Guidelines for Site Plan Buildings" and with Section 34 of the Zoning Ordinance. No sign permits will be issued until a comprehensive sign plan for the final site plan for Land Bay B is approved by the County Board. The developer agrees to obtain approval from the County Board of the comprehensive sign plan before the issuance of the first Certificate of Occupancy. All proposed rooftop signs and rooftop façade lighting, defined as all signs and exterior lighting illumination that are 35 feet or more above the ground, shall require a site plan approval or amendment.

a. The developer agrees that all project signs except for rooftop signs shall be consistent with the comprehensive sign plan entitled "Potomac Yard Renaissance & Residence Inn Comprehensive Sign Plan" prepared by Cooper Carry and dated May 3, 2010, with revisions dated May 19, 2010 and May 21, 2010; and approved by the County Board on June 12, 2010. The developer further agrees that all signs shall be of the number, size, location, design, materials, and structure shown on the comprehensive sign plan. Sign lighting shall conform to the requirements of the Zoning Ordinance. The total project sign excluding rooftop signs area shall not exceed 373 square feet. The developer further agrees that the proposed rooftop signs as shown on a document entitled "Potomac Yard Renaissance & Residence Inn

Comprehensive Sign Plan" prepared by Cooper Carry and dated May 3, 2010, with revisions dated May 19, 2010 and May 21, 2010; and approved by the County Board on June 12, 2010. The total rooftop sign area shall not exceed 441 square feet. [Clerk's note: as set forth in the document entitled "Addendum 6-12-10-A – SP#346" attached for the public record to these minutes.]

- b. The developer agrees that rooftop facade lighting shall be as shown on applicant's exhibit titled "Potomac Yard Renaissance and Residence Inn Proposed Façade Lighting Package prepared by Cooper Carry and dated March 15, 2010 and approved by the County Board on June 12, 2010. [Clerk's note: as set forth in the document entitled "Addendum 6-12-10-A – SP#346" attached for the public record to these minutes.]
- c. The developer agrees that minor changes to the approved signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: i) a minor adjustment in the location of a sign to meet field conditions (less than 1 foot in any direction); or (ii) a minor change in the area of an individual sign (less than 5%). [Clerk's note: as set forth in the document entitled "Addendum 6-12-10-A – SP#346" attached for the public record to these minutes.]
- d. The developer agrees that the vinyl graphics as shown on the exhibits titled "Optional Decorative Vinyl Window Graphics" and "Sign 2d" prepared by Cooper Carry and dated May 3, 2010 and approved by the County Board on June 12, 2010, shall be noncommercial, shall not be used to direct identify or inform the public and shall be purely decorative. They shall not have text or corporate logos, and shall neither advertise nor refer to products or services that are for sale on- or off-site. They may be changed periodically subject to the above condition. [Clerk's note: as set forth in the document entitled "Addendum 6-12-10-A – SP#346" attached for the public record to these minutes.]
- e. The developer agrees that the proposed freestanding signs shall not be placed in such a way as to constitute a visual obstruction to vehicles as defined in the Zoning Ordinance Section 32.D.4.
- f. The developer agrees to install a rheostat or other appropriate variable resistor to the proposed rooftop signs and proposed rooftop lighting (with the sole exception of the six [6] 5/8"-wide fin lights on the east facade) that will allow the developer to adjust (decrease) the rooftop signs' or rooftop lighting's intensity. The developer further agrees that if the County Manager finds that the intensity of the rooftop signs has an adverse effect on the surrounding area, the developer will, within 24 hours notice from the County Manager, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment will no longer have such an adverse effect. The applicant further agrees that should the architectural lights be found by the County Manager as having an adverse affect on residential property owners or renters in the surrounding area, the developer will work with the County Manager to reduce the intensity so the lights no longer have an adverse affect and such solution shall be approved administratively.

[Board Report #6](#)

[Addendum 6-12-10-A – SP#346](#)

0000000000

7. SP# 387 SITE PLAN AMENDMENT FOR THE ALEXAN 24

- 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 #387 on file in the Office of the Zoning Administrator for an amendment to a special exception to amend condition #18 to change the timing of construction of the sidewalks and to amend condition #28 to change timing of when overhead utility lines and associated utility poles must be removed at the Alexan 24 for the parcel of real property known as 2400 24th Road South (RPC #32-024-003), 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 revised conditions #18 (sidewalk improvements) and #28:

Sidewalk improvements:

18. The developer agrees that the final sidewalk pattern/design and final selection of materials and colors to be used shall be as determined by the County Manager or his designee on the final site development and landscape plan and final engineering plan, in accordance with the Rosslyn-Ballston Streetscape Standards or other applicable urban design standards approved by the County Board and in effect at the time of the final landscape plan approval. The developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project, except where otherwise noted below in order to construct improvements outlined in condition #17e, f, g, and h, and to construct the "path" as outlined below. The sidewalks along the street frontages of this development shall be paved with brick, an interlocking concrete pavers or scored concrete and shall be placed on a properly-engineered base approved as such by the Department of Transportation. The sidewalk treatments shall continue across all driveway aprons for loading and garage entrances along all frontages of the site plan, and there shall be no barriers to impede the flow of pedestrian traffic. The sidewalks shall contain street trees placed in either tree pits, tree grates or planting strips, consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Placement, planting and root enhancement options shall be consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standard. The developer agrees to maintain and replace the street trees and sidewalks for the life of the site plan. The sidewalk sections and street tree species shall be as follows:

South Glebe Road -A minimum 8-foot wide clear sidewalk measured from the back of curb and a 5.5-foot wide planting strip located at the back of curb, planted with 4 to 4 ½ inch caliper Red Maple (*Acer rubrum*) street trees and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), placed approximately 30 feet apart on center. The sidewalk improvements along South Glebe Road must be constructed prior to any partial Certificate of Occupancy for any units on the BI level of the building or two (2) years after County Board approval of this amendment on November 14, 2009, whichever comes first. Temporary sidewalks, in accordance with condition #6 regarding "temporary pedestrian and vehicular circulation" shall be in place until the permanent sidewalk is installed.

24th Road South - A minimum 5-foot wide clear sidewalk measured from the back of curb and a 5-foot wide planting strip located at the back of curb, planted with 4 to 4 ½ inch caliper Red Maple (*Acer rubrum*) street trees and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), placed approximately 30 feet apart on center.

Path along southern and eastern edge of site - The developer agrees to convey a public use access easement to the County, for the benefit of the County and the public at large, for access to and use, at all times, except as necessary for repairs, by the public at large, of the path along the southern and eastern edge of site prior to the issuance of the Final Building Permit. The public access easement shall not obligate or require the County to construct or maintain the path. The public access easement shall provide, among other things, that the grantor, its successors and assigns, shall indemnify and hold harmless the County Board, its elected and appointed officials, employees and agents from any liability, claims, damages, costs and expenses of whatever nature concerning the construction, maintenance, and regulation of the private path by the developer and use thereof by the general public and the developer or grantor. The public access easement shall be granted by deed, in form and substance acceptable to the County Manager and the County Attorney, and shall be recorded among the land

records of the Clerk of the Circuit Court of Arlington County. The developer shall be responsible for maintaining the private path. The developer agrees to extend the sidewalk/public pathway on the southeast corner of the property to connect with the adjacent property if that site redevelops and/or if owner desires the connection. The developer agrees that the path along the southern and eastern edge of the site will be constructed prior to issuance of any Certificate of Occupancy that allows occupancy of any part of any unit on the B1 level of the building but in no event more than two (2) years after County Board approval of this amendment on June 12, 2010.

Undergrounding Aerial Utilities:

28. The developer agrees to remove or place underground all existing aerial utilities within or along the periphery of the entire site plan site, as shown on the final site development and landscape plan and the final engineering plan approved by the County Manager or his designee. Any utility improvements necessary to provide adequate utility services to this development or utility work necessary to provide a terminus to the underground facilities shall be paid for by the developer and shall not result in the installation of any additional utility poles, or aerial devices. All utility relocation shall be completed prior to the issuance of ~~the Shell and Core Certificate of Occupancy~~ any Certificate of Occupancy (CO) that allows occupancy of any part of any unit on the BI level of the building.

- B. On the consent agenda vote, after a duly advertised public hearing, the Board approved the resolution authorizing advertisement of public hearings by the County Board on September 25, 2010 to consider a site plan amendment to amend the timing in conditions #13, 17, 18, and 28 for SP #387, premises known as 2400 24th Road S. (RPC #32-024-003).

RESOLUTION TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS AT THE SEPTEMBER 25, 2010 COUNTY BOARD MEETING:

Whereas, because it is the County's responsibility to install the traffic signal at South Glebe Road and 24th Road; and,

Whereas, because the developer may not be able to complete improvements outlined in conditions #13, 17, 18, and 28 if the County does not install the traffic signal by the time the developer needs to obtain permits tied to improvements in those conditions; and,

Whereas, the timing of the improvements outlined in conditions #13, 17, 18, and 28 may need to be extended to allow the project to continue without delays and so that the permits tied to those conditions may be issued.

Therefore, the County Board of Arlington County hereby resolves that public hearings should be advertised on the County Board's own motion, to be heard at the September 25, 2010 to consider the following:

A site plan amendment to amend the timing in conditions #13, 17, 18, and 28 for SP #387, premises known as 2400 24th Road South (RPC #32-024-003).

[Board Report #7 A.,B.](#)

0000000000

8. SP#402 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN INCLUDING

ROOFTOP SIGNS AND TEMPORARY SIGNS AT PENROSE SQUARE LOCATED AT 2501 9TH ROAD S. (RPC#S: 25-016-012, -013, AND -014.)

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the site plan amendment request for a comprehensive sign plan at Penrose Square to the July 10, 2010, County Board meeting.

[Board Report #8](#)

0000000000

USE PERMITS REQUEST/REVIEWS/AMENDMENTS

0000000000

9. U-1748-67-2 USE PERMIT RENEWAL FOR A CHILDCARE CENTER AT 2700 19TH ST. S. (OUR LADY QUEEN OF PEACE, RPC #31-008-050).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the use permit renewal for a childcare center at 2700 19th St. S. to the July 10, 2010, County Board meeting.

[Board Report #9](#)

0000000000

10. U-2152-78-5 USE PERMIT RENEWAL FOR A PRESCHOOL AT WESTOVER BAPTIST CHURCH LOCATED AT 1125 N. PATRICK HENRY DRIVE (RPC# 09-067-001).

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-2152-78-5 on file in the Office of the Zoning Administrator for a special exception for a use permit for a preschool at Westover Baptist Church for the parcel of real property known as 1125 N. Patrick Henry Drive (RPC# 09-067-001), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previous conditions and with no further County Board review.

[Board Report #10](#)

0000000000

11. U-2670-90-5 USE PERMIT REVIEW FOR A VEHICLE SERVICE ESTABLISHMENT LOCATED AT 6720, 6730 LEE HIGHWAY (EXXON, RCP #11-005-001, -042).

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-2670-90-5 on file in the Office of the Zoning Administrator for a special exception for a use permit for a vehicle service establishment for the parcel of real property known as 6720, 6730 Lee Highway (Exxon, RCP #11-005-001, -042) approval is granted and the parcel so described shall be used according to the use permit approval requested by the application for three months, subject to all previous conditions and with County Board review at the September 25, 2010 County Board meeting.

[Board Report #11](#)

[Board Report #11-Supplemental](#)

0000000000

12. U-2985-00-1 USE PERMIT REVIEW FOR EDUCATIONAL PROGRAM AND PARKING AT THE THURGOOD MARSHALL BUILDING; LOCATED AT 2847 WILSON BLVD. (RPC #15-065-019).

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

BE IT ORDAINED that, pursuant to application U-2985-00-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for an educational program and parking at the Thurgood Marshall Building for the parcel of real property known as 2847 Wilson Blvd. (RPC #15-065-019), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions and with County Board review in one (1) month (July 10, 2010).

[Board Report #12](#)

0000000000

13. U-3221-09-1 USE PERMIT REVIEW OF A TELECOMMUNICATIONS FACILITY ON THE ROOF OF AN EXISTING CONDOMINIUM BUILDING; SITE IS LOCATED AT 4343 LEE HIGHWAY (RPC# 06-001-036 - 06-001-077).

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-3221-09-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for a telecommunications facility on the roof of an existing condominium building for the parcel of real property known as 4343 Lee Highway (RPC #06-001-036 - 06-001-077), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions and with an administrative review in prior to installation of the remaining antennas.

[Board Report #13](#)

0000000000

14. U-3255-10-2 USE PERMIT FOR A COMPREHENSIVE SIGN PLAN FOR TD BANK; LOCATED AT 5510 LEE HIGHWAY (RPC #10-001-007).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the use permit for a comprehensive sign plan for TD Bank to the July 10, 2010, County Board meeting.

[Board Report #14](#)

ooooo0ooooo

15. U-3256-10-1 USE PERMIT FOR A RESTAURANT PROVIDING LIVE ENTERTAINMENT; LOCATED AT 237 NORTH GLEBE ROAD (RPC #20-032-071).

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-3256-10-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for a restaurant providing live entertainment for the parcel of real property known as 237 North Glebe Road (RPC #20-032-071), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the conditions of the staff report, with a County Board review in one (1) year (June 2011).

Conditions:

1. Live entertainment is permitted from 9 p.m. to 12 a.m., Sunday through Wednesday; 9 p.m. to 2 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, no more than once every month. 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, pianists, karaoke, or other types of entertainment.
2. The applicant shall comply with the Arlington County noise ordinance and the windows and doors shall remain closed during the times of live entertainment. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building.
3. 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 shall ensure that all trash generated by the live entertainment is appropriately stored in trash receptacles until such time as it is removed from the premises. Debris and discarded items shall not be allowed to collect at the rear of the property.
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. The name and telephone number shall be submitted to the Ashton Heights Civic Association, and to the Zoning Administrator.

[Board Report #15](#)

0000000000

16. U-3257-10-2 USE PERMIT FOR A SUMMER DAY CAMP LOCATED AT 3910 LORCOM LANE (CHERRYDALE BAPTIST CHURCH, RPC #05-045-008).

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

BE IT ORDAINED that, pursuant to application U-3257-10-2 on file in the Office of the Zoning Administrator for a special exception for a use permit for a summer day camp for the parcel of real property known as 3910 Lorcom Lane (Cherrydale Baptist Church, RPC #05-045-008), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the conditions of the staff report, with a County Board review in one (1) year (June 2011).

Condition:

1. The applicant agrees to provide staff that will assist participants in the summer day camp program to and from vehicles during the drop-off and pick-up times, and direct on-site traffic.

[Board Report #16](#)

0000000000

VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

0000000000

17. AMENDMENT TO EXTEND AN ORDINANCE TO VACATE CERTAIN EASEMENTS AT LIBERTY CENTER, 875 NORTH RANDOLPH STREET, 888 NORTH QUINCY STREET, 818 NORTH QUINCY STREET, AND 4075 WILSON BOULEVARD (RPC# 14044018, 14044PCA, 14044021 AND 14044022).

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

1. Enact the Ordinance to Amend and Re-enact an Ordinance of Vacation (Attachment 1) to Vacate Easements for Public Street and Utilities Purposes, and Easements for Public Sidewalk and Utilities Purposes on Parcels 1, 2A, 3, and 4, Liberty Center, 875 North Randolph Street, 888 North Quincy Street, 818 North Quincy Street, and 4075 Wilson Boulevard, such parcels bounded on the North by 9th Street North, on the East by North Quincy Street, on the South by Wilson Boulevard and on the West by North Randolph Street, (RPC# 14044018, 14044PCA, 14044021 and 14044022), with Conditions. [Clerk's note: as set forth in the document entitled "Addendum 6-12-10-B – Liberty Center" attached for the public record to these minutes.]
2. Authorize the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his designee, to execute, and to accept, on behalf of the County Board, all documents necessary to effectuate the Ordinance of Vacation, subject to approval as to form by the County Attorney.

[Board Report #17](#)

[Addendum 6-12-10-B – Liberty Center](#)

0000000000

ORDINANCES, PLANS AND POLICIES

0000000000

19. Z-2508-03-1 REQUEST FOR PROFFER AMENDMENT TO PROFFER THAT OUTDOOR CAFES MAY BE PERMITTED ON THE SUBJECT SITE, LOCATED AT 1025 N. FILLMORE STREET (RPC #18-024-020).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the proffer amendment request to the June 28, 2010, Planning Commission and July 10, 2010, County Board meetings.

[Board Report #19](#)

0000000000

20. AMENDMENTS TO THE COUNTY’S UTILITIES ORDINANCE, CHAPTER 26, SUBSECTION 26-5(C) AND SECTION 26-9, AND STORMWATER DETENTION ORDINANCE, CHAPTER 60, SECTIONS 60-5 AND 60-6 OF THE ARLINGTON COUNTY CODE.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the attached amendments to the County’s Utilities Ordinance, Chapter 26, Subsection 26-5(c) and Section 26-9, and the Stormwater Detention Ordinance, Chapter 60, Sections 60-5 and 60-6 of the Arlington County Code to provide the County Manager or designee with an enforcement mechanism and schedule of civil penalties for enforcing violations of these sections of County Code and to require periodic certifications of private stormwater detention facilities. [Clerk’s note: as set forth in the document entitled “Addendum 6-12-10-C – Utilities Ordinance Amendments” attached for the public record to these minutes.]

[Board Report #20](#)

[Addendum 6-12-10-C – Utilities Ordinance Amendments](#)

0000000000

CAPITAL PROJECTS

23. APPROVAL OF A STANDARD PROJECT ADMINISTRATION AGREEMENT BETWEEN THE COUNTY BOARD AND THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE DEVELOPMENT AND ADMINISTRATION OF A BRIDGE REHABILITATION ON CARLIN SPRINGS ROAD AT GEORGE MASON DRIVE.

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

1. Approve the standard project administration agreement between the County Board of Arlington, Virginia and the Commonwealth of Virginia, Department of Transportation (VDOT) for the Carlin

Springs Road bridge rehabilitation and authorize the County Manager, on behalf of the County Board, to execute the agreement, and all related documents necessary to implement the agreement, subject to approval of the agreement as to form by the County Attorney.

- 2. Approve and appropriate \$845,000 in Federal Secondary Formula Bridge Funds that are included in FY 10 allocation, and allocate to the Department of Environmental Services General Capital Improvement Fund (PAYG) revenue account.

[Board Report #23](#)

0000000000

APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

0000000000

24. ADOPTION OF A RESOLUTION AUTHORIZING APPLICATION FOR A FY2011 STATE REVENUE SHARING GRANT.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following resolution entitled "Resolution Authorizing Application to the Virginia Department of Transportation for FY 2011 Revenue Sharing Program Funds" to be submitted to the Virginia Department of Transportation.

RESOLUTION AUTHORIZING APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FY2011 REVENUE SHARING PROGRAM FUNDS

WHEREAS, the County Board of Arlington County, Virginia ("County Board") desires to submit an application to the Virginia Department of Transportation for an allocation of \$1,000,000 in Fiscal Year 2011 Revenue Sharing Program funds; and

WHEREAS, \$500,000 of these funds will be requested for the construction of the Old Dominion Drive Phase 2 street improvements project, between North Glebe Road and 38th Street North; and

WHEREAS, \$400,000 of these funds will be requested for the expansion of the Bike Sharing project countywide; and

WHEREAS, \$100,000 of these funds will be requested for the construction of the Washington Boulevard Phase 2 trail project, between 2nd Street South and Columbia Pike.

NOW, THEREFORE, BE IT RESOLVED THAT the County Board hereby supports the making of an application and authorizes and directs the County Manager to make an application to the Virginia Department of Transportation for \$1,000,000 of Fiscal Year 2011 Revenue Sharing Program funds for the above described projects, and further authorizes the County Manager to execute project administration agreements for any approved revenue sharing projects subject to approval of such agreements as to form by the County Attorney.

ADOPTED this 12th day of June, 2010.

[Board Report #24](#)

oooo0oooo

25. APPROVAL OF A MASTER AGREEMENT BETWEEN THE COUNTY BOARD AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ("DRPT") FOR USE OF COMMONWEALTH TRANSPORTATION FUNDS.

On the consent agenda vote, after a duly advertised public hearing, the Board approved a Master Agreement for use of Commonwealth Transportation Funds between the Department of Rail and Public Transportation and the County Board, in the form attached, and authorized the County Manager to execute the agreement and amendment, subject to approval as to form by the County Attorney. [Clerk's note: as set forth in the document entitled "Addendum 6-12-10-D – Master Agreement with DRPT" attached for the public record to these minutes.]

[Board Report #25](#)

[Addendum 6-12-10-D – Master Agreement with DRPT](#)

oooo0oooo

26. NATIONAL CHILDREN'S ALLIANCE GRANT

On the consent agenda vote, after a duly advertised public hearing, the Board appropriated a \$9,983 National Children's Alliance grant from the Children's Advocacy Centers of Virginia to the Department of Human Services in FY 2010 for Arlington's Child Advocacy Center.

[Board Report #26](#)

oooo0oooo

27. FUNDING FOR MARY MARSHALL ASSISTED LIVING RESIDENCE

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

1. Appropriate \$1,700,000 in Trust and Agency grant funds (799.434100) to the Department of Human Services (DHS) FY 2011 for the development and construction of the Mary Marshall Assisted Living Facility.
2. Authorize the County Manager or his designee to sign an agreement between the County and Arlington Volunteers of America Assisted Living Residence, Inc. (VOA) to provide payments to VOA for construction costs and developer fees at appropriate mile stones when approved as to form by the County Attorney.

[Board Report #27](#)

oooo0oooo

28. WIC BREASTFEEDING PEER COUNSELOR PROGRAM GRANT FUNDS

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

1. Appropriated \$79,987 from the Virginia Department of Health to the Department of Human Services in FY2010 to continue the Breastfeeding Peer Counselor Program through contracted services.
2. Authorized the County Manager’s designee to enter into the revised Memorandum of Agreement and service agreements for consultants.

[Board Report #28](#)

oooo0oooo

REQUESTS TO ADVERTISE

oooo0oooo

29. REQUEST TO ADVERTISE AN AMENDMENT TO THE BICYCLE ELEMENT OF THE MTP TO ADD AN APPENDIX F FOR BIKE-SHARING STATIONS.

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

1. Authorized the advertisement of an Amendment to the County Comprehensive Plan by adding the following Appendix F to the Master Transportation Plan Bicycle Element, which was adopted on July 22, 2008. Appendix F lists the general locations of the bike-sharing stations that are planned to be installed in Arlington’s transit corridors and other densely-developed areas.
2. Authorized the advertisement of an Amendment to the County Comprehensive Plan by modifying the Master Transportation Plan Map, adopted December 18, 2007, to show general locations of planned bike-sharing stations.

Appendix F: Planned Locations for Bike Sharing Stations

The Arlington bicycle-sharing system will be comprised of many stations at which bicycles will be stored and vended for use by the public. The stations will be comprised of modules and can be as large as 6' wide by 70' long. Generally the stations will be located in the public right-of-way along the following areas and in the estimated numbers:

1. Jefferson Davis Corridor (approximately 25 stations)
2. Rosslyn - Ballston Corridor (approximately 45 stations)
3. Buckingham (approximately 8 stations)
4. Columbia Pike (approximately 22 stations)
5. Shirlington (approximately 12 stations)

[Board Report #29](#)

oooo0oooo

OTHER

oooo0oooo

32. PROPOSED RENAMING OF ARGUS HOUSE TO ANDREW B. FERRARI ARGUS HOUSE.

On the consent agenda vote, after a duly advertised public hearing, the Board approved the renaming of Argus House at 1527 Clarendon Boulevard, Arlington, VA, 22209, to the Andrew B. Ferrari Argus House, in accordance with the County’s Policy on Naming County Facilities.

[Board Report #32](#)

[Board Report #32-Supplemental](#)

ooooo0ooooo

33. MINUTES.

On the consent agenda vote, after a duly advertised public hearing, the Board approved the minutes of the February 20, 2010 Regular Meeting and February 23, 2010 Recessed Meeting.

ooooo0ooooo

REGULAR HEARING ITEMS

ooooo0ooooo

34. CONTINUATION OF THE PUBLIC HEARING WHICH BEGAN ON MAY 25, 2010, REGARDING ADOPTION OF A NON-CODIFIED ORDINANCE AMENDING AND REENACTING THE ARLINGTON TRANSIT ("ART") PASSENGER FARE SCHEDULE BY INCREASING ART AND SPECIALIZED TRANSPORTATION FOR ARLINGTON RESIDENTS ("STAR") FARES AND ADOPTION OF SAME, TO BECOME EFFECTIVE ON JULY 1, 2010 OR ON SUCH FUTURE DATE AS DETERMINED BY THE COUNTY BOARD.

After a duly advertised public hearing at which there were speakers, on a motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by MARY HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: JAY FISSETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board took the following actions:

1. Adopted the following non-codified ordinance amending the passenger fare schedule for the Arlington Transit ("ART") Transportation System and Specialized Transportation for Arlington Residents ("STAR"), to become effective on July 1, 2010;
2. Authorized the County Manager or designee to develop options for a local weekly and monthly pass program for ART, to be implemented on October 1, 2010, or on such future date as determined by the County Board, subject to prior approval by the County Board.
3. Appropriated \$200,000 in FY 2011 in revenue from the ART fare increase to the Department of Environmental Services to improve ART route productivity and reliability.

AMENDMENT AND REENACTMENT OF A NON-CODIFIED ORDINANCE REVISING THE PASSENGER FARE SCHEDULE FOR THE ARLINGTON TRANSIT ("ART") TRANSPORTATION SYSTEM AND THE SPECIALIZED TRANSIT FOR ARLINGTON RESIDENTS ("STAR") PROGRAM, TO BECOME EFFECTIVE ON JULY 1,2010.

I. BE IT ORDAINED by the County Board of Arlington County, Virginia, that the following non-codified ordinance is amended and reenacted to revise the passenger fare schedule for the Arlington Transit ("ART") Transportation System and the Specialized Transit For Arlington Residents ("Star") Program, to become effective on July 1, 2010:

ARLINGTON TRANSIT ("ART")
PASSENGER FARE SCHEDULE

One-way base fare-cash/token	\$1.35	<u>\$1.50</u>
One-way base fare SmarTrip	\$1.25	<u>\$1.50</u>
One-way base fare discount with a SmarTrip Card after transferring from Metrorail	\$0.50	
<u>One-way base fare upon presentation of valid Metrobus Weekly Flash Pass, through September 30, 2010, and thereafter only if inclusive of a revenue sharing program</u>	<u>No Extra Charge</u> free	
One-way base fare upon presentation of valid MetroAccess ID	free	
One-way base fare upon presentation of valid Virginia Hospital Center-Arlington employees with hospital ID	free	
One-way base fare for senior citizens and persons with disabilities, upon presentation of valid WMATA ID or Medicare card	\$0.60	<u>\$0.75</u>
One-way base fare for students with a valid Arlington school ID	\$0.60	<u>\$0.75</u> or i-Ride token

SPECIALIZED TRANSIT FOR ARLINGTON RESIDENTS ("STAR")
PASSENGER FARE SCHEDULE

Zone 1	\$2.50	<u>\$3.00</u>
Zone 2	\$3.00	<u>\$4.00</u>
Zone 3	\$7.00	<u>\$8.50</u>

II. The remaining portions of the Non-Codified Ordinance Amending and Reenacting A Passenger Fare Schedule for the Arlington Transit ("ART") Transportation System, enacted by the County Board on December 13, 2008, and effective on January 4, 2009, not amended hereby shall remain in effect as previously enacted.

[Board Report #34](#)

oooo0ooooo

35. [COUNTY ORDINANCE RELATING TO REMOVAL OF SNOW AND ICE FROM PUBLIC SIDEWALKS.](#)

After a duly advertised public hearing at which there were speakers, on a motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 4 to 1, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, JAY FISETTE, Chairman - No, the Board adopted the following ordinance and resolution:

AN ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 27 (MISCELLANEOUS ORDINANCES) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA, RELATING TO THE REMOVAL OF SNOW AND ICE FROM PUBLIC SIDEWALKS, TO BECOME EFFECTIVE UPON ENACTMENT.

1. BE IT ORDAINED by the County Board of Arlington County, Virginia, that Chapter 27 (Miscellaneous Ordinances) of the Arlington County Code is amended, reenacted, and recodified, to read in pertinent part, as follows:

§ 27-24. Snow and ice removal

The County Board of Arlington County hereby finds that the unabated accumulation of snow and ice on public property threatens the public health, safety and welfare of the community, and constitutes a public nuisance unless abated in accordance with the requirements of this Section.

- (A) It shall be the duty of the owner, occupant or other person or entity in charge of any occupied property in the County which is adjacent to any public sidewalk to remove or cause to be removed snow or ice from the entire width of such sidewalk, including any adjacent curb-cut, up to a maximum width of thirty-six inches, and if the same cannot be wholly removed, shall apply thereon sand or other proper substance so that such sidewalk shall be safe for public travel.
- (B) Snow or ice below six (6) inches shall be removed within twenty-four (24) hours, and six (6) inches or above shall be removed within thirty-six (36) hours of the cessation of such snow fall or freezing. (Snowfall as measured by the National Oceanic and Atmospheric Administration at National Airport)
- (C) Any person who violates subsection A and B may be assessed a civil penalty of fifty dollars (\$50) for sidewalk less than two hundred linear feet in length; for sidewalk greater than two hundred linear feet in length, one hundred dollars (\$100).
- (D) Notwithstanding the assessment of a penalty under subsection C, the County may remove any snow or ice which has not been removed pursuant to subsections A and B, and recover abatement costs against the property owner or other person or entity in charge of maintenance of the property, in addition to issuance of penalties under subsection C.

§ 27-25. Deposit of snow and ice on streets or sidewalks

The County Board of Arlington County hereby finds that the unabated accumulation of snow and ice on public property threatens the public health, safety and welfare of the community, and constitute a public nuisance unless abated in accordance with the requirements of this Article.

- (A) No person shall plow, shovel or blow any snow or ice from private property onto a public street, crosswalk, transit stop, sidewalk or any public property.
- (B) Any person convicted of violating this section shall be guilty of a class 4 misdemeanor. Every day's continuance of the violation shall be deemed a separate offense.
- (C) Notwithstanding subsection B, the County may remove any snow or ice which has been moved into the public right-of-way pursuant to subsection A, and recover abatement costs against the owner or other person or entity in charge of maintenance of the property, in addition to the criminal penalty under subsection B.

2. BE IT RESOLVED, by the County Board that the County Manager shall prepare an enforcement policy as part of the Implementation Plan which shall provide reasonable criteria for exempting individuals who are handicapped, over the age of sixty-five, or otherwise physically incapable of complying with the requirements of the ordinance; County staff are directed, as part of the implementation plan, to develop mechanisms to facilitate assistance to persons who qualify for the waiver; and,

BE IT FURTHER RESOLVED, by the County Board that the County Manager shall prepare an enforcement policy as part of the Implementation Plan which shall provide for an exemption from the ordinance in circumstances where additional snow or ice is re-deposited on the sidewalk as a result of government action after the cessation of snowfall; and,

BE IT FURTHER RESOLVED, that enforcement efforts should initially target locations and situations that pose a safety hazard or impair access to transit or essential services (e.g. schools, hospitals or medical facilities, groceries); and,

BE IT FURTHER RESOLVED, that the County Manager may, in his discretion, based on weather conditions, extend the time frames required for compliance with the ordinance, reduce the required width of sidewalk from which snow and ice must be removed, and suspend enforcement of the ordinance; and,

BE IT FINALLY RESOLVED, that it is the policy of the County Board that the County take responsibility for clearing snow from sidewalks on or abutting County property, and that, accordingly, the Board hereby directs the County Manager to prepare administrative procedures that will ensure the fulfillment of this policy.

[Board Report #35](#)

ooooo0ooooo

36. LEEWAY CONSERVATION PLAN UPDATE.

After a duly advertised public hearing at which there were speakers, on a motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by BARBARA A. FAVOLA, Member and carried by a vote of 5 to 0,

the voting recorded as follows: JAY FISETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board adopted the following resolution to accept the Leeway Neighborhood Conservation Plan Update. [Clerk's note: as set forth in the document entitled "Addendum 6-12-10-E – Leeway Neighborhood Conservation Plan" attached for the public record to these minutes.]

Resolution To Accept Leeway Neighborhood Conservation Plan

Whereas, the County Board created the Neighborhood Conservation Program in 1964 to encourage neighborhoods to carry out neighborhood improvement plans and provide dedicated funding to implement those plans; and

Whereas, the Neighborhood Conservation Program is a mechanism for improvement and maintenance of areas where residents indicate a desire to achieve an improved neighborhood and fulfill a broader vision of the modern "urban village" through coordination of public and private efforts; and

Whereas, these plans are initiated and prepared by the neighborhoods, who work with the Neighborhood Conservation Advisory Committee and County staff; and

Whereas, Neighborhood Conservation Plans have three purposes:

- 1) To build a neighborhood vision and consensus on issues affecting the neighborhood, to evaluate County service delivery and the state of the neighborhood, and to suggest policies and projects that will improve the neighborhood
- 2) To establish eligibility for Neighborhood Conservation funding
- 3) To provide guidance to the County Board, Commissions, Departments and staff concerning issues in neighborhoods; and

Whereas, the County Board created the Neighborhood Conservation Advisory Committee (NCAC) to guide the Neighborhood Conservation Program, and the NCAC reviewed this Leeway Plan and recommends its acceptance; and

Whereas, the Planning Commission also recommended acceptance of the Leeway Neighborhood Conservation Plan, as updated through April, 2010.

Now, therefore be it resolved that after careful consideration of the recommendations of the Neighborhood Conservation Advisory Committee, the County Board hereby accepts the Leeway Conservation Plan, as updated through April, 2010 as a statement of the Leeway neighborhood and directs the County Manager to ensure that the recommendations of this plan are considered in decision-making and actions that affect the Leeway neighborhood.

[Board Report #36](#)

[Board Report #36-Supplemental](#)

[Addendum 6-12-10-E – Leeway Neighborhood Conservation Plan](#)

0000000000

37. [ARMY NAVY COUNTRY CLUB](#)

After a duly advertised public hearing at which there were speakers, on a motion by MARY HYNES, Member, seconded by JAY FISETTE, Chairman and carried by a vote of 4 to 1, the voting recorded as follows: JAY FISETTE, Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - No, the Board adopted the following ordinances and took the following action:

- A. AN ORDINANCE TO AMEND, REENACT AND RECODIFY THE ARLINGTON COUNTY ZONING ORDINANCE, SECTION 5, "R-20" ONE-FAMILY DWELLING DISTRICTS, SUBSECTION B. TO ALLOW, BY USE PERMIT APPROVAL, ONE (1) BUILDING OF UP TO 55 FEET IN HEIGHT ON A SITE OF 100 ACRES OR MORE, SUBJECT TO A MINIMUM ISO-FOOT SETBACK FROM PROPERTY LINES AND PUBLIC RIGHTS-OF-WAY, WITH PENTHOUSES AND NON-OCCUPIABLE MECHANICAL SPACE LIMITED TO 15 FEET IN HEIGHT OVER THE 55-FOOT HEIGHT LIMIT; AND TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; TO FACILITATE ECONOMIC DEVELOPMENT; AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE AND GOOD ZONING PRACTICE.

Be it ordained that the Arlington County Zoning Ordinance provisions in Section 5, "R-20" OneFamily Dwelling Districts, Subsection B. are hereby amended, reenacted and recodified as follows, in order to allow one (1) building of up to 55 feet in height on lots of 100 acres or more subject to use permit approval; and to facilitate the creation of a convenient, attractive and harmonious community; to encourage economic development; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice:

* * *

SECTION 5. "R-20" ONE-FAMILY DWELLING DISTRICTS

B. Height Limit.

No building nor the enlargement or any building shall be hereafter erected to exceed thirty-five (35) feet. Provided, however, that the County Board may, on lots of 100 acres or more, by use permit approval in accordance with Section 36.G, approve an increase in the height of one main building to 55 feet. Notwithstanding the provisions of Subsection 31.B. of this ordinance, when a use permit is approved with such a height increase, the County Board may approve non- occupiable architectural features such as cupolas, flagpoles and chimneys that are no more than 15 feet in height above the height of the main building. Height increases allowed under this Subsection 35.B may only be

approved where the main building is set back a minimum of 150 feet from all lot lines and public rights-of-way.

[Board Report #37 A](#)

- B. BE IT ORDAINED that, pursuant to application U-2443-85-1 on file in the Office of the Zoning Administrator for a special exception for a use permit amendment for a country club to demolish existing clubhouse, construct new clubhouse, relocate tennis courts and build two new accessory buildings for Army Navy Country Club for the parcel of real property known as 2400 18th Street S., 1700 Army Navy Drive (RPC: 32-001-006), approval is granted and the parcel so described shall be use according to the use permit approval requested by the application, subject to the conditions in the attached. [Clerk's note: as set forth in the document entitled "Addendum 6-12-10-F – Army Navy Country Club" attached for the public record to these minutes.]

[Board Report #37 B](#)

[Board Report #37 B-Supplemental](#)

[Addendum 6-12-10-F – Army Navy Country Club](#)

- C. BE IT ORDAINED that, pursuant to a request by Army Navy Country Club ("Applicant/Owner"), on file in the offices of the Department of Environmental Services, a portion of a ten (10) foot-wide water main easement running in an easterly to westerly direction within a portion of property owned by Army Navy Country Club, RPC No. 32001006, created by a Deed, dated July 27, 1961, recorded at Deed Book 1471, Page 652, among the land records of Arlington County, Virginia on May 9, 1962, and shown on a plat entitled "Sheet 1 of 1, Exhibit Showing the Vacation of a Portion of a 10' Water Main Easement, Deed Book 1471, Page 652, On the Property of Army Navy Country Club, Arlington County, Virginia", dated November 30, 2009, revised June 2, 2010, prepared by VIKI Incorporated ("Plat"), and attached to the County Manager's June 1, 2010 report as Exhibit A, is hereby vacated, subject to the attached conditions. [Clerk's note: as set forth in the document entitled "Addendum 6-12-10-G – Army Navy Country Club 2" attached for the public record to these minutes.]

Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, the Deed(s) of Vacation and all documents necessary to effectuate the Ordinance of Vacation, subject to approval as to form by the County Attorney.

[Board Report #37 C](#)

[Addendum 6-12-10-G – Army Navy Country Club 2](#)

oooo0ooooo

38. [COLUMBIA PIKE TRANSFER](#)

After a duly advertised public hearing at which there were speakers, on a motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by MARY HYNES, Member and carried by a vote of 5 to 0, the

voting recorded as follows: JAY FISSETTE, Chairman - Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board took the following actions:

- A. Approved a Memorandum of Agreement between the County Board of Arlington County and the Commonwealth of Virginia, Department of Transportation for the transfer of portions of Columbia Pike (Route 244), and certain other streets ancillary to Columbia Pike, from the primary and secondary systems of state highways to the local road system of Arlington County and authorize such modification of the agreement to change the effective date as may be necessary based on the date of the Commonwealth's approval of the agreement. [Clerk's note: as set forth in the document entitled "Addendum 6-12-10-H – Columbia Pike Agreement" attached for the public record to these minutes.]
- B. Enacted the following ordinance to amend, reenact, and recodify Chapter 22 (Street Development And Construction), Section 22-8.1 of the Code of Arlington County, Virginia concerning permits issued before July 1, 2010 by the Commonwealth of Virginia, Department of Transportation (VDOT), for activity, work and installation of facilities in the Columbia Pike (State Route 244) right of way.

AN ORDINANCE TO AMEND CHAPTER 22 (STREET DEVELOPMENT AND CONSTRUCTION) OF THE CODE OF THE COUNTY OF ARLINGTON, VIRGINIA, 1957, AS AMENDED, BY ADDING TO CHAPTER 22 A NEW SECTION 22-8.1 CONCERNING PERMITS ISSUED BEFORE JULY 1,2010 BY THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, FOR ACTIVITY, WORK AND INSTALLATION OF FACILITIES IN THE COLUMBIA PIKE (STATE ROUTE 244) RIGHT OF WAY

- 1. BE IT ORDAINED by the County Board of Arlington County, Virginia that Chapter 22 (Street Development and Construction) of the Code of the County of Arlington, Virginia, 1957, as amended, is amended by adding thereto a new Section 22-8.1 to read, in its entirety, as follows:

§ 22-8.1 Permits Issued Before July 1,2010 by the Commonwealth of Virginia, Department of Transportation, for Activity, Work and Installation of Facilities in the Columbia Pike (State Route 244) Right of Way

(a) All facilities, as hereinafter defined, existing on July 1,2010 in the Columbia Pike right of way as defined in a certain Quitclaim Deed from the Commonwealth of Virginia to the County Board of Arlington County, Virginia pursuant to a permit, agreement, or other written permission duly issued by the Commonwealth of Virginia, Department of Transportation, are permitted to remain in the Columbia Pike right of way after the effective date of the transfer of such right of way from the Commonwealth to the County Board without the necessity of the owner of such facilities obtaining a permit pursuant to this chapter, provided that:

(1) The permission for such facilities to remain in the right of way shall not be construed as conveying any property right to the owner of the facilities. The permission shall be a mere license, revocable at will by the county manager.

(2) Unless otherwise specifically provided by statute or by a fully executed written agreement between the County Board and the owner of the facilities:

- (i) Such owner shall relocate and/or adjust all such facilities located, in whole or in part, within the Columbia Pike right of way when

relocation and/or adjustment is necessary to facilitate any street, highway and/or transportation improvements;

(ii) The relocation and/or adjustment of the facilities shall be performed by the owner of the facilities at such owner's sole cost and expense, without delay, and without liability to, or obligation of, the county to such owner or to others.

(iii) The permission for such facilities to remain in the right of way shall not relieve the owner thereof, or any other person or entity, of the requirement to obtain permits for work in the right of way as otherwise required by this chapter.(b) All permits issued before July 1,2010, by the Commonwealth of Virginia, Department of Transportation, permitting activity or work to be performed, or facilities to be installed, in the Columbia Pike right of way, and which activity, work, or installation is not completed as of July 1, 2010, shall be recognized by the county as fulfilling, until September 30, 2010, the requirements of this chapter, but only for the activities at the location(s) specified in such permit, provided that:

(1) In order to continue any activity, work, or installation in the Columbia Pike right of way after September 30, 2010, the person or entity required by this chapter shall obtain a permit from the county, in accordance with this chapter;

(2) Such permit shall be obtained not later than October 1, 2010; and,

(3) The failure of any person, firm or corporation to timely obtain a permit in accordance with subsections (b)(I) and (b)(2) above shall constitute a violation of this Section 22-8.1 and, upon conviction thereof, shall be punishable as provided in Section 22-9.

(c) For the purposes of this Section 22-8.1, the word "facilities" shall refer to and mean any item that is built, constructed, installed, or established to perform a particular function or to serve or facilitate a particular end, including without limitation, structures, equipment, fixtures, apparatus, tunnels, pipes, box culverts, conduits, wires, cables, fiber optic cable lines, utilities, foundations, poles, towers, antennae, telecommunications systems, traffic signals, cabinets, benches, retaining walls, landscaping, and appurtenances thereto.

(d) Enforcement of this Section 22-8.1 shall not preclude the county from enforcing any other provision of the Code or of state law concerning the unauthorized use or occupation of the public right of way.

2. BE IT FURTHER ORDAINED that all provisions of Chapter 22 of the Code shall remain as previously enacted.

3. BE IT FURTHER ORDAINED that this Ordinance shall be effective on July 1,2010 at 12:01 a.m.

[Board Report #38.A](#)

[Board Report #38.B.](#)

ADJOURNMENT

Without objection, at 4:22 p.m., the Board recessed until the June 15, 2010 Recessed Meeting.

JAY FISETTE, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: September 25, 2010