

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, May 19, 2009 at 3:00 p.m.

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

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

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COUNTY BOARD RECESSED MEETING

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I. COUNTY BOARD REPORTS

The Chairman recognized Paul Ferguson and asked him to come to the podium to speak about the Northern Virginia Regional Park Authority. Mr. Ferguson spoke about changes and improvements occurring at the Potomac Overlook Park and announced that it is the Northern Virginia Regional Park Authority's 50th Anniversary this year.

The Chairman announced the Fresh AIRE Business Champions. Since the inception of Fresh AIRE – Arlington Initiative to Reduce Emissions – in 2007, the county has been engaging the Arlington community in the climate change dialogue. The Fresh AIRE program is committed to reducing emissions through promotion of energy efficiency and green building, smart transportation, recycling, and water conservation. Business and organizations of all sizes and types have adopted a range of such practices, which is not only improving their own operations financially and environmentally, but also the Arlington community as a whole. Sarah O'Connell, a member of the Fresh AIRE team, announced the following Fresh AIRE Business Champions:

1. Vornado/Charles E. Smith for earning the ENERGY STAR on two buildings: 1601 North Kent Street, Arlington, VA and 2201 Jefferson Davis Highway, Arlington, VA
2. JBG/Commercial Management, L.L.C. & PPF OFF 1801 North Lynn Street, L.L.C. for earning the ENERGY STAR for 1801 North Lynn Street, Arlington, VA
3. Courtyard by Marriott & Ashford Hospitality Trust for earning the ENERGY STAR for the Courtyard by Marriott, Arlington Crystal City at Reagan National Airport, 2899 Jefferson Davis Highway, Arlington, VA
4. Tishman Speyer for earning the ENERGY STAR for Commonwealth Tower, L.P., 1300 Wilson Boulevard, Arlington, VA
5. Lincoln Property Company & The Navy League, L.L.C. for earning the ENERGY STAR for The Navy League, 2300 Wilson Boulevard, Arlington, VA
6. Jones Lang LaSalle Americas, Inc. and Virginia Square Office Corporation for earning the ENERGY STAR for Virginia Square Plaza, 3811 North Fairfax Drive, Arlington, VA
7. Jones Lang LaSalle Americas, Inc. and JP Morgan Asset Management for earning the ENERGY STAR for One Potomac Yard, Arlington, VA
8. Sebesta Blomberg and Associates, Inc. for the achievement of LEED for Commercial Interior Gold Certification for 2231 Crystal Drive, Suite 400, Arlington, VA
9. Irides for the organization-wide purchase of 100% green power
10. The Nature Conservancy for the organization-wide purchase of 100% green power.
11. Arbour Realty for the purchase of 100% green power for their office located at 1100 North Glebe Road, Arlington, VA
12. The Art Institute of Washington for outstanding commuter benefits
13. Consumer Electronics Association for outstanding commuter benefits

The Chairman announced the Green Home Choice Awards. Green Home Choice was established in 2003. To date, the builders and owners of 76 homes have participated in the program. The Green Home Choice was

designed to provide a support system for builders and homeowners to create homes that: are more energy and water efficient; have better indoor air quality; use fewer natural resources; produce less waste; and protect water quality through good site planning. The Chairman welcomed Helen Rinecke-Wilt, Green Building Home Choice Program Manager; Sally Zehaye, the interim program manager; and Joan Kelsch, the Green Building Coordinator to recognize the 14 homes that have been certified within the program during the past year:

1. Arlington Designer Homes, Bill Moore
2. Greenbuilt Homes, Adam Bean
3. JT Carpentry, Jay Taranto
4. Merrill Contracting and Remodeling, David Merrill
5. Metro Green, Patty Shields
6. Paul Davis Restoration and Remodeling, Brett Dalrymple
7. SMK Builders, Steve Kopecky and Ken Pinkela
8. TriVista USA, Michael Sauri

The Chairman announced the Fairlington Walkingtown Meeting on May 12, 2009.

The Chairman announced that May is Foster Care Awareness Month. The foster care program is always in need of individuals and families willing to open their hearts and open their homes to children who need help. For more information, contact the foster care team at 703-228-1550 or visit www.arlingtonva.us/fostercare.

The Chairman announced that May is Older Americans and Older Virginians Awareness Month. For more information call the Department of Human Services at 703-228-1700 or online at www.arlingtonva.us/aging.

Ms. Hynes announced the attendance of the Partnership for Children, Youth, and Families at the Board Meeting and asked them to provide an update on reducing teen substance abuse in the community. Linda Henderson, Chairman of the Arlington Partnership for the Children, Youth and Families, and Ben Harris provided a report on the progress of reducing teen binge drinking in young adults which was outlined in the document handed out during the Board Meeting entitled "Arlington R.E.A.D.Y. Coalition".

Mr. Zimmerman reported on protecting sidewalks. Key elements of good sidewalks are a sufficient sidewalk width and separation between moving vehicles and pedestrians. Separation items between moving vehicles and pedestrians could include trees, on-street parking, planters and bollards. Bridges pose particularly dangerous situations for pedestrians. Mr. Zimmerman would like to see more inviting and safe sidewalks in Arlington.

Mr. Tejada announced the Phoenix Bike Show which took place on April 30, 2009.

Mr. Tejada announced the U.S. State Department Speaker and Specialist Program which awards grants to U.S. experts to promote understanding of the U.S. culture, institutions and policies through lectures, workshops and seminars. Mr. Tejada was invited to participate in this program and will travel to Bolivia and Ecuador in May and June.

[Arlington R.E.A.D.Y. Coalition](#)

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II. APPOINTMENTS

On motion by BARBARA A. FAVOLA, Chairman, and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member, the Board made the following appointments:

Deputy Animal Control Officers

Appoint Kimberly Harman, Erin Simmons and Kate Zapf

Commission on the Status of Women

Reappoint Bruchillica Jones

Public Facilities Review Committee

Reappoint Charles Monfort as the Planning Commission Representative

Eric Harold as the Environment and Energy Conservation
Commission Representative
Paul Benda as the Transportation Commission Representative

Community Housing Finance Corporation Board

Reappoint Patricia McGrady
Libby Ross
Jonathan Kinney

Multicultural Advisory Commission

Reappoint Bruce Engelbert
Marco Antonio Vallejas

Appoint Elizabeth Ogunwo
Anita Nahal

Sports Commission

Appoint David Matthew Ernest

Sesquicentennial of the American Civil War

Appoint Gabe Rubalcava

On motion by MARY HUGHES HYNES, Member, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member, the Board adopt the following Emergency Preparedness Advisory Commission (EPAC) Charter:

Emergency Preparedness Advisory Commission (EPAC) Charter

Adopted by the County Board on May 15, 2009

Introduction. The Arlington Emergency Preparedness Advisory Commission (Arlington EPAC or "EPAC") is created as an advisory body by the County Board of Arlington County, Virginia. It will act as the overarching emergency preparedness advisory group to coordinate the efforts of a Local Emergency Planning Committee (LEPC), as well as Emergency Medical Services and the Citizen Corp Council. The Commission is created in recognition that preparedness efforts must be collaborative and, when confronted with a crisis, the community must respond as a system in order to ensure the greatest service to those in need.

Mission. The EPAC will provide policy advice to the County Board on Arlington's emergency preparedness and ability to respond. To ensure that Arlington is a safe, well-prepared and resilient place to live, work, and visit, EPAC will be a community forum focused on coordinating and integrating the efforts of Arlington's schools, civic, commercial, service communities, as well as other government agencies located in Arlington with County, state and federal emergency preparedness organizations.

Functions and Scope. The EPAC shall carry out the following functions:

1. Recommend to the County Board measures to integrate community groups, businesses and individual citizen activities with government emergency planning activities.
2. Review and advise the County Board on Arlington County emergency preparedness planning.
3. Coordinate the functions of a Local Emergency Planning Committee in compliance with SARA Title III, the Emergency Planning and Community Right-to-Know Act of 1986.
4. Participate, as appropriate, with the Planning Commission's Site Plan Review Committees and Long Range Planning Committee. Provide policy recommendations as may be appropriate to guide emergency preparedness and safety issues in the overall consideration of long range plans and site plans.
5. Review and advise the County Board on budget planning related to emergency preparedness and response.
6. Provide a periodic forum for community input to local emergency planning, mitigation, preparedness, response, and recovery activities.

Staffing. The County Manager shall designate staffing for the EPAC and its constituent committees.

Membership. The EPAC shall be comprised of twelve Commission members who shall be appointed for three-year terms by the County Board to serve at the pleasure of the County Board :

- 7 members – At-Large
- 1 member – representing the Arlington Chapter, American Red Cross
- 1 member – representing the Civic Federation
- 1 member – representing the Chamber of Commerce or Arlington NVBIA/NAIOP
- 1 member – representing the Arlington School Board
- 1 member – representing Virginia Hospital Center – Arlington

In addition, local, state or federal organizations with an interest in Arlington emergency preparedness may, upon request, receive notice of meetings and designate a liaison (non-voting) to EPAC.

Responsibilities. Members are expected to perform their duties and responsibilities relating to Arlington's identification of preparedness needs and planning for response to a wide array of emergencies that the County could face. The EPAC shall keep the County and community leadership apprised of issues and actions regarding the preparedness and resilience of Arlington to potential natural and man-made disasters. The Commission will self-monitor its activities and progress in fulfilling this mission.

Chair and Committees. A Chair shall be designated by the County Board. The group will choose the Vice Chair. The EPAC may create committees, as necessary, to accomplish specific Commission missions and the Chairman shall appoint committee leadership. Committee membership may include persons who are not on the Commission.

Meetings. The EPAC will meet at least quarterly. All meetings will be conducted in accordance with applicable laws, including FOIA. All meetings shall be open to the public, minutes will be taken and all minutes will available for public review.

Reporting. The EPAC will provide recommendations to the County Board about preparedness goals. The EPAC will submit annual reports to the County Board about County preparedness.

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III. REGIONAL REPORTS

Mr. Fiset reported that the Council of Governments has appointed a Workforce Task Force. There are approximately 20 members and one of those members is an Arlington representative. Additionally, the COG Board adopted the by-laws and the membership for the Climate, Energy, and Environment Policy Committee that was put into place last month. Mr. Fiset announced that he was appointed as Chairman of the Climate, Energy, and Environment Policy Committee.

Mr. Fiset reported that the Virginia Municipal League's Go Green Virginia program had two statewide forums, one in Richmond and one in Roanoke.

The Chairman announced that she is the Chair of the VACo Committee regarding monitoring alternative sewage system regulations.

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IV. COUNTY MANAGER REPORT

The Manager reported on the progress of the distribution of the new recycling carts. Distribution of the new carts is scheduled to be completed by the end of the month. If a person has a concern about the new carts please call 703-228-6570.

The Manager announced the completion of Project Civic Access, in coordination with the Justice Department, which was a three year program to conduct audits on County facilities and programs to make sure they were

ADA (Americans with Disabilities Act) compliant. In March, Arlington completed its final report to the Department of Justice. The County identified 398 changes and modifications to County buildings, facilities, and programs at a cost of just over \$3 million. 309 of those projects were completed in the first year of the project and two of the projects are still in progress. In the future, the County will continue its own audit of County facilities and programs.

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THE FOLLOWING ITEMS TO BE HEARD BEGINNING AT 6:30 P.M.

The Chairman welcomed the graduates of the ninth Arlington Neighborhood College Program and congratulated the twenty individuals who have demonstrated their commitment to participate in Arlington civic activities. Katie Brown-Henry announced the following 2009 Neighborhood College Graduates:

1. Michael Broadnax
2. Sara Cabrera
3. Berta Godinez
4. Abraham Gonzales
5. Larisa Krantsberg
6. Hok Lay
7. Antonio Cabrera Lopez
8. Agrippina Miskevich
9. Francisco Morente Hernandez
10. Delia Moscoso
11. Reinaldo Moscoso
12. G. Carlos Olguin
13. Juan Alberto Rodriguez
14. Gloria Sejas
15. Ross Mery Terceros
16. Magaly Ticona
17. Ernesto Torrico
18. Saida Torrico
19. Leticia Unzueta
20. Mariya Zagubina

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*** CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, MAY 16, 2009)**

Ms. Favola announced her declaration of personal interest pursuant to Section 2.2-3115.G in the use permit applied for by the James G. Davis Construction Corporation for accessory parking (Item #11). The parking is for construction workers to park their personal vehicles while working on a project at Marymount University. Ms. Favola is employed by the University; 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 use permits, she was able to participate in the discussions and votes concerning the use permits, and can do so fairly, objectively, and in the public interest.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board approved the County Manager's recommendation for all consent items in block except item #1.

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1. **SP #231 SITE PLAN AMENDMENT TO REVISE CONDITION #66 REGARDING ENERGY STAR LABEL APPLIANCES, FIXTURES AND/OR BUILDING COMPONENTS: PROPERTY LOCATED AT 1401 N. ADAMS ST. (RPC #18-005-042).**

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

BE IT ORDAINED that, pursuant to application SP #231 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to revise condition #66 regarding Energy Star label appliances, fixtures and/or building components for the parcel of real property known as 1401 N. Adams Street (RPC #18-005-042), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, and the following amended condition #66:

66. The developer agrees to hire a LEED certified consultant as a member of the design and construction team. The consultant shall work with the team to incorporate sustainable design elements and innovative technologies into the project so that numerous building components may earn the developer points under the U.S. Green Building Council's system for LEED certification. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for seven (7) LEED Prerequisites and 26 LEED credits. The developer further agrees to achieve Credit 7.2, *Landscape and Exterior Design to Reduce Heat Islands, Roof* under the Sustainable Sites category of the LEED-NC Version 2.2 Registered Project Checklist, by providing an Energy Star-compliant, high-reflectance and high-emissivity or similar roof surface finish on the 10-story tower and a vegetated green roof on the five story wing.

The developer agrees that all dishwashers and exit signs used in the project shall have earned the U.S. EPA's Energy Star label. The developer also agrees to replace the refrigerators, with refrigerators that have earned the U.S. EPA's Energy Star label or equivalent, pursuant to a standard replacement schedule. The developer further agrees to purchase green power/renewable electricity from Dominion Virginia Power or a third party supplier (Renewable Choice Energy, Sterling Plant, etc.) in the amount of 1,633,280 kWh, and to provide evidence to the Zoning Administrator that such purchase has been completed prior to the Certificate of Occupancy that permits occupancy of any space on the final floor for which Certificates of Occupancy are issued. To further enhance energy efficiency, the developer agrees to install Onity Sensor Stat programmable thermostats in all hotel rooms and agrees that more than 85% of the bulbs installed in the hotel rooms shall be fluorescent or compact fluorescent, with the remaining 15% being less than or equal to 35-watt incandescent bulbs. The developer shall submit to the County Manager a statement listing all Energy Star qualified or equivalent components prior to issuance of the Core and Shell Certificate of Occupancy. In addition, the developer agrees to implement a green hotel management program, such as Virginia Green Lodging, as part of its housekeeping services. Documentation of participation in the program shall be submitted to the County Manager prior to the issuance of the Certificate of Occupancy for hotel occupancy.

The developer further agrees to submit, to the County Manager, reports prepared by the LEED consultant and documentation upon request to substantiate the report. Such report will be submitted prior to issuance of each of the following permits or certificates of occupancy for construction of the project and will summarize the efforts to date of the inclusion of the sustainable elements within the project:

- Demolition Permit
- Excavation, Sheet piling and Shoring Permit
- Footing to Grade Permit
- First Above Grade Building Permit
- Final Building Permit
- Shell and Core Certificate of Occupancy
- Certificate of Occupancy for occupancy of the last floor of space
- Master Certificate of Occupancy

In addition, prior to issuance of the first Certificate of Occupancy after the Shell and Core Permit, the developer will have its LEED consultant submit a certification to the County Manager that the elements to earn the above specified numbers of points have been included in the buildings.

[Board Report #1-Supplemental \(Revised Condition #66\)](#)

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2. **SP #307 SITE PLAN AMENDMENT BY MR BOUNDARY CHANNEL LLC, TO AMEND CONDITION #1 TO EXTEND THE TERM OF THE SITE PLAN; PREMISES KNOWN AS 333 AND 355 OLD JEFFERSON DAVIS HIGHWAY (RPC# 34-023-001, -002).**

On block vote, after a duly advertised public hearing, at which there were no speakers the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #307 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to extend the term of the site plan for thirty (30) days from May 31, 2009 to June 30, 2009 for the parcel of real property known as 333, 355 Old Jefferson Davis Highway (RPC #34-023-001 and -002), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions and the following amended condition #1:

1. The developer (as used in these conditions, the term developer includes the owner, the applicant, and their successors and assigns) agrees to comply with the standard conditions set forth in Administrative Regulation 4.1 and the plans dated June 8, 1994, the Illustrative Landscape Plan and Phase I Landscape Plan dated August 2, 1994, the Proposed Road Improvements Plan dated August 15, 1994, the Ground Floor Plan, Building Sections, Typical Floor Plan and Building Elevations plans dated June 8, 1994, as revised September 20, 1994, and reviewed and approved by the County Board and made a part of the public record on October 1, 1994, together with any modifications proposed by the developer and accepted by the County Board or vice versa. The developer agrees to coordinate with County staff and obtain approval from the County Manager or his designee on reasonable revisions to the Illustrative Landscape Plan and Phase I Landscape Plan dated August 24, 1994, and the Proposed Road Improvements Plan dated August 15, 1994, that may be necessary to accomplish the County's goals for development of the North Tract, so long as said revisions do not delay the developer's ability to pursue construction of the site plan beyond the typical review time for revisions of this nature, as approved on February 8, 2003. The developer agrees to prepare and submit such revised plans within 90 days after request for such revisions by the County Manager. The developer further agrees to obtain the County Manager's approval of all revisions before proceeding with development. In the event the developer is ready to proceed with development before a request for revisions is received from the County Manager, the developer agrees to incorporate revisions necessary to accomplish the County goals for development of the North Tract (as such goals are determined by the County Manager) into all plans submitted for approval in the process of development. This site plan approval expires automatically and without the need for any further action by the County Board if either: the approved plan is not under construction by June 30, 2009; or the Applicant acquires real properties located between South Clark Street, 6th Street, South, South Ball Street, and 10th Street, South (RPC#'s 34-025-001, 34-025-003, 35-025-004, and 35-025-005); or the County acquires 333 and 355 Old Jefferson Davis Highway (RPC#'s 34-023-001 and 34-023-002). Acquisition shall be deemed to have occurred upon execution of a deed conveying fee ownership to the referenced parties. The developer agrees to work diligently to secure the release of the Lehman Brothers lien on the property and to provide a written report to the Arlington County Real Estate Supervisor detailing progress by Monument Realty to secure the release of the Lehman Brothers lien on the property to be conveyed to the County; the names, titles, and telephone numbers of the Trustee in bankruptcy and the Lehman Brothers staff that Monument Realty is working with to obtain release of the Lehman lien; remaining steps to be completed by the Trustee, Lehman Brothers and Monument Realty; and efforts by Monument Realty to obtain alternative refinancing to obtain the release of the lien. Extension of this approval shall be at the sole discretion of the County Board. The developer agrees that this discretion shall include a review of this site plan and its conditions for compliance with then current County policies for land use, zoning, and special exception uses. Extension of the site plan is subject to, among other things, inclusion of amended or additional site plan conditions necessary to bring the plan into compliance with then current County policies and standards together with any modifications proposed by the developer and accepted by the County Board or vice versa.

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3. **SP #371 SITE PLAN AMENDMENT BY 1800 WILSON BOULEVARD, LLC, TO AMEND CONDITION #66 REGARDING ALTERNATIVE LEED COMPLIANCE MEASURES; 1800 WILSON BLVD. (RPC #17-010-038, -040 THROUGH -194).**

On block vote, the County Board deferred consideration of the site plan amendment request to the June 13, 2009, County Board meeting.

[Board Report #3](#)

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4. **SP #382 SITE PLAN AMENDMENT "ON THE COUNTY BOARD'S OWN MOTION" TO DELETE CONDITIONS #53 AND #68 FOR NATIONAL SCIENCE TEACHERS ASSOCIATION; PROPERTY LOCATED AT 1801, 1805 CLARENDON BLVD., 1836, 1840 WILSON BLVD. (RPC #17-011-019, -021, -023).**

On block vote, after a duly advertised public hearing, at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #382 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to delete conditions #53 and #68 for the parcel of real property known as 1801, 1805 Clarendon Boulevard, 1836, 1840 Wilson Boulevard (National Teachers Association) (RPC #17-011-019, -021, -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, except conditions #53 and #68 which are deleted:

67. **(Intentionally Omitted)**
68. **Deleted and replaced by Condition #83**

[Board Report #4](#)

[Board Report #4-Supplemental](#)

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5. **U-1146-54-2 USE PERMIT AMENDMENT FOR CLUBHOUSE ADDITION TO EXISTING POOL BATHHOUSE, PARKING REDUCTION, MODIFICATION OF REQUIRED PARKING IMPROVEMENTS; PROPERTY LOCATED AT 411 N. JEFFERSON ST. (RPC # 13-043-018, -019, -050).**

On block vote, the Board deferred consideration of the use permit amendment request to the June 13, 2009, County Board meeting.

[Board Report #5](#)

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6. **U-2730-92-1 USE PERMIT RENEWAL FOR FAMILY DAY CARE AT 6015 LEE HIGHWAY (JULIO AND MAGDA TORRICO, RPC# 01-058-009).**

On block vote, after a duly advertised public hearing, at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-2730-92-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for family day care for the parcel of real property known as 6015 Lee Highway (Julio and Magda Torrico) (RPC #01-058-009), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, with

an administrative review in six (6) months (November 2009), and a County Board review in one (1) year (May 2010).

[Board Report #6](#)

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7. U-3126-05-1 USE PERMIT AMENDMENT TO MODIFY SIGN REQUIREMENTS FOR RETAIL TENANT SIGNS AND DIRECTIONAL SIGNS AND TO PERMIT CANOPY SIGNS UNDER SECTION 20. "CP-FBC" – COLUMBIA PIKE FORM BASED CODE DISTRICTS, SUBSECTION E.3. OF THE ARLINGTON COUNTY ZONING ORDINANCE; PROPERTY IS LOCATED AT 5400 COLUMBIA PIKE (RPC: #28-004-004 AND -005).

On block vote, after a duly advertised public hearing, at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3126-05-1 on file in the Office of the Zoning Administrator for a special exception for a use permit to modify sign requirements for retail tenant signs and directional signs and to permit canopy signs under Section 20. "CP-FBC" – Columbia Pike Form Based Code Districts, Subsection E.3. of the Arlington County Zoning Ordinance for the parcel of real property known as 5400 Columbia Pike (RPC #28-004-004 and -005), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, and the following new condition #24 to require approval of a Comprehensive Sign Plan:

24. The developer agrees to develop and submit a comprehensive sign plan to the Zoning Administrator and that all exterior signs (including identification and directional signage) shall be consistent with the regulations contained within the Columbia Pike Form Based Code (Section 20. – Appendix A of the Zoning Ordinance), with the following modifications:

- a. Permit the sign shown as tenant sign 2 on page 6, of the plans dated May 5, 2009, which may be used as a replacement for and instead of, but not in addition to, the type of retail signs otherwise permitted;
- b. Permit the three parking, loading, and directional signs to exceed the size limit of 2 square feet per sign provided they are no larger than 6 square feet per sign on the plans dated May 5, 2009; and
- c. Permit a canopy building identification sign as shown on the plans dated May 5, 2009, in lieu of a building name wall plaque that is otherwise permitted by the FBC.

All signs permitted by the modification of regulations shall be the size, location, and design shown on plans dated May 5, 2009. The Zoning Administrator shall determine whether the signs meet the Form Based Code regulations as modified. No sign permits will be issued until a comprehensive sign plan is approved by the Zoning Administrator as being consistent with the FBC sign regulations as modified above. The developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign plan before the issuance of the Last Partial Certificate of Occupancy. Individual tenants must apply for and obtain sign permits, including the design, colors, and materials of the signs, which shall be reviewed by the Zoning Administrator to ensure consistency with the comprehensive sign plan.

[Board Report #7](#)

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8. U-3196-08-3 USE PERMIT RENEWAL FOR AFTER SCHOOL PROGRAM AT 716 S. GLEBE ROAD (YMCA, RPC #23-028-016).

On block vote, after a duly advertised public hearing, at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3196-08-3 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for an after school program for the parcel of real property known as 716 S. Glebe Road (YMCA) (RPC #23-028-016), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, with an administrative review in six (6) months (November 2009) and with a County Board review in three (3) years (May 2012).

[Board Report #8](#)

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9. U-3205-08-1 USE PERMIT RENEWAL FOR LIVE ENTERTAINMENT AT 2618 N. PERSHING DRIVE (EL MANANTIAL RESTAURANT, RPC #18-056-005).

On block vote, after a duly advertised public hearing, at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3205-08-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for restaurant live entertainment for the parcel of real property known as 2618 North Pershing Drive (RPC #18-056-005), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, with an administrative review in six (6) months (November 2009) and a County Board review in one (1) year (May 2010).

[Board Report #9](#)

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10. U-3211-08-3 USE PERMIT BY HESS CONSTRUCTION AND ENGINEERING SERVICES FOR ACCESSORY PARKING AT 5115 LITTLE FALLS ROAD (COLUMBUS CLUB OF ARLINGTON RPC #02-024-027).

On block vote, after a duly advertised public hearing, at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3211-08-3 on file in the Office of the Zoning Administrator for a special exception for a use permit for accessory parking for the parcel of real property known as 5115 Little Falls Road (RPC #02-024-027), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions, with an administrative review in three (3) months (August 2009), and a County Board review in one (1) year (May 2010):

1. The applicant (Hess Construction and Engineering Services) agrees that parking at the site be limited to a maximum of 80 vehicles at any one time, and will be restricted to between the hours of 6:00 a.m. to 7:00 p.m. Monday through Friday, and 10:00 a.m. to 6:00 p.m. on Saturdays and Sundays.
2. The applicant agrees to restrict construction workers to using only the western-most ingress/egress to the site during the months of June, July, and August. The applicant further agrees that no vehicles belonging to construction workers may enter or exit the site after 7:00 a.m. and before 10:00 a.m. during these months.
3. The applicant agrees that no construction vehicles may be parked on the site at any time.
4. The applicant agrees that all temporary signs placed on site must be in both English and Spanish.
5. The applicant agrees to submit a plan to be approved by the Zoning Administrator prior to the commencement of use. This plan shall include the following:
 - a. An estimate of how many workers will be using the lot during each phase of construction.
 - b. A walking route for the construction workers to get from the site to Yorktown High School.
 - c. A plan for maintenance and security at the site, including the clean-up of trash and the emptying of trash bins.
 - d. The name and telephone number of an on-site community liaison.

A copy of this approved plan shall be provided to the Yorktown Civic Association and the Rock Spring Civic Association. This plan may be modified through an administrative change approved by the Zoning Administrator. All changes shall be provided to the Yorktown Civic Association and the Rock Spring Civic Association for informational purposes.

6. The applicant agrees to submit quarterly reports to the Yorktown Civic Association and the Rock Spring Civic

Association that include a status update on the accessory parking use, and an update on any complaints received and how they were resolved.

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

[Board Report #10](#)

[Board Report #10-Supplemental](#)

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11. TEMPORARY PARKING USE PERMITS

- A. U-3215-09-1 Use Permit for accessory parking use at a place of worship for temporary construction workers, located at 1961 N. Culpeper St. (RPC #07-006-129).

On block vote, the Board deferred consideration of the subject use permit request for one (1) month to the June 13, 2009, County Board meeting.

[Board Report #11 A](#)

- B. The application for this item has been withdrawn. U-3216-09-1 Use Permit, accessory parking use at a place of worship for temporary construction workers, located at 4250 N. Glebe Road (RPC #03-067-067).

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12. U-3220-09-1 USE PERMIT FOR CONDOMINIUM CONVERSION AT 2912 - 17TH STREET SOUTH, (PERRY S HALL APARTMENTS RPC #31-001-036).

On block vote, after a duly advertised public hearing, at which there were no speakers, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3220-09-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for condominium conversion for the parcel of real property known as 2912 17th Street South (Perry S Hall Apartments, LLC) (RPC #31-001-036), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following condition:

1. The applicant agrees to submit to, and obtain the Zoning Administrator's approval of a parking plan for the site, which plan shall provide for 12 spaces. The developer further agrees to submit the plan at the time of a building permit application and to obtain the Zoning Administrator's approval of the plan as providing for 12 spaces and otherwise meeting all zoning ordinance requirements before issuance of a building permit. The parking spaces shall be built as part of the project before issuance of the certificate of occupancy, and maintained throughout the existence of the condominium.

[Board Report #12](#)

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13. U-3221-09-1 USE PERMIT TO INSTALL UP TO SIX (6) ANTENNAS ON EXISTING PENTHOUSE WALL AND PLACE UP TO TWO (2) EQUIPMENT CABINETS ON EXISTING ROOF FOR PURPOSES OF OPERATING A TELECOMMUNICATIONS FACILITY LOCATED AT 4343 LEE HIGHWAY (RPC: 06-001-036 – 06-001-077).

On block vote, the Board deferred consideration of the subject use permit request to the June 13, 2009, County Board meeting.

[Board Report #13](#)

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- 14. APPROVAL OF A DEED MODIFYING OR AMENDING A RESTRICTIVE COVENANT CONCERNING AFFORDABLE HOUSING, RUNNING TO THE BENEFIT OF THE COUNTY, ON REAL PROPERTY KNOWN AS 3215 24TH STREET SOUTH, PARCEL A, THE SHELTON (RPC #S 31022PEA; 31022101; & 31022102), WHICH COVENANT IS CONTAINED IN A DEED OF VACATION RECORDED AMONG THE LAND RECORDS OF THE CIRCUIT COURT OF ARLINGTON COUNTY, VIRGINIA, IN DEED BOOK 4161 AT PAGE 1959. THE MODIFIED OR AMENDED COVENANT WILL RELEASE THE EXISTING COVENANT UNDER SPECIFIED CIRCUMSTANCES.**

On block vote, after a duly advertised public hearing, at which there were no speakers, the Board took the following actions:

1. Approved the deed (attached to the County Manager's May 12, 2009 report) modifying a restrictive covenant running to the benefit of the County on real property known as 3215 24th Street South, Parcel A, The Shelton (RPC #s 31-022-PEA; 31-022-101; and 31-022-102), which covenant is contained in a deed of vacation recorded among the land records of the Circuit Court of Arlington County, Virginia, in Deed Book 4161 at Page 1959.
2. Authorized the Real Estate Bureau Chief, or his designee, to execute on behalf of the County Board of Arlington County, Virginia, the Deed Modifying a Restrictive Covenant and all related documents, subject to approval as to form by the County Attorney.

[Board Report #14](#)

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- 15. AWARD OF A CONTRACT FOR LANDSCAPE ARCHITECTURAL SERVICES FOR THE MODERNIZATION AND RENOVATION OF VARIOUS ARLINGTON COUNTY PARKS, PLAYGROUNDS AND OPEN SPACES FOR UP TO A THREE YEAR PERIOD, AS PER RFP 467-08.**

On block vote, the Board took the following actions:

1. Approved the award of contract No. 467-08 to Lee + Papa and Associates, Inc. regarding landscape architectural services for the modernization and renovation of various Arlington County parks, playgrounds and open spaces for up to a three year period, in an amount not to exceed \$1,000,000.00 per year.
2. Authorized the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

[Board Report #15](#)

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- 20. MINUTES.**

On block vote, at which the public spoke, the Board approved the minutes from the January 27, 2009 Recessed Meeting; and February 21, 2009 Regular Meeting.

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THE FOLLOWING ITEMS TO BE HEARD NO EARLIER THAN 6:45 P.M.

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24. REQUEST TO ADVERTISE FOR A PUBLIC HEARING ON JUNE 13, 2009, AN ORDINANCE TO AMEND CHAPTER 25 (TAXICABS) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA (“CODE”), AND TO RE-ADOPT IT AS CHAPTER 25.1 OF THE CODE, CONCERNING THE REGULATION, OPERATION AND CONTROL OF TAXICAB SERVICE, TAXICAB BUSINESSES, OWNERS, DRIVERS AND PASSENGERS, INCLUDING THE ESTABLISHMENT OF RATES AND CHARGES FOR TAXICAB SERVICE, TO BE EFFECTIVE UPON RE-ENACTMENT.

On motion by JAY FISSETTE, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which the public spoke, the Board authorized advertisement for a public hearing at the June 13, 2009, County Board meeting, an ordinance to amend Chapter 25 (Taxicabs) of the Code of Arlington County, Virginia (“Code”) (Attachment 2 of the County Manager’s May 15, 2009 report) and to Readopt it as Chapter 25.1 of the Code, concerning the regulation, operation and control of taxicab service, taxicab businesses, owners, drivers and passengers, including the establishment of rates and charges for taxicab service, to be effective upon enactment, with the following amendments established by the Board at the May 19, 2009 County Board Meeting to Attachment 2 of the County Manager’s May 15, 2009 report:

1. Amended §25.1-1(a):

The purposed of this Chapter is to regulate and control Taxicab Service in Arlington County, the operation of Taxicabs for hire, rates and charges for service, and the character and qualifications of operators through the issuance of Certificates of public convenience and necessity, in order to preserve the health, safety, welfare and property of Arlington County citizens and the public at large, and recognizing the importance of addressing the disadvantageous effects on competition, the quality of Taxicab Service, and the public health, safety, and welfare resulting from a concentration of the total authorized Certificates in any one Certificate-holder.

2. Amended §25.1-2. Definitions.:

Transfer means any transaction in which an ownership interest, rights or obligations or other interest in a Certificate-holder or its Taxicab Business, or in a Certificate, is sold, conveyed, assigned, exchanged, or transferred from on Person or group of Persons to another Person or group of Persons so that control of a Certificate-holder or its Taxicab Business, or of a Certificate, is transferred. The term “control” means working control, in whatever manner exercised. By way of illustration, and not limitation, the addition, deletion, or other change of (i) any general partner of a Certificate-holder; or (ii), any Person who owns or controls a Certificate-holder; is a change of control.

3. Amended §25.1-4(a)(3):

Competition, including consideration of the number of Taxicabs authorized to be operated by any Certificate-holder in relation to the total number of Taxicabs authorized to be operated under all Certificates, and of the goal of preventing the disadvantageous effects on competition, the quality of Taxicab Service, and the public health, safety, and welfare resulting from a concentration of the total authorized Certificates in any one Certificate-holder; and

4. Amended §25.1-17(e):

~~Smoking and offensive~~ Use of tobacco products within Taxicab. A Driver, while the Taxicab is occupied by a Passenger, shall not have in his or her possession a lighted cigarette, lighted cigar or lighted pipe. Furthermore, no Passenger shall have in his or her possession a lighted cigarette, lighted cigar or lighted pipe inside a Taxicab engaged in Taxicab Service. No Driver shall engage in chewing tobacco or using snuff while the Taxicab is occupied by a Passenger. Notice of such shall be posted in the Taxicab.

5. Amended §25.1-19(n):

The average fuel efficiency (based on the United States Environmental Protection Agency combined (city/highway) fuel-efficiency ratings for driving), during the specified twelve (12) month period, among all Taxicabs placed into service as additional and replacement vehicles (“New Taxicabs”) by such Certificate-holder shall be the following or any more stringent Federal CAFE standards in effect:

The remainder of Section (n) not printed here and shall continue as printed in the County Manager's May 15, 2009 report

[Board Report #24](#)

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25. APPROPRIATION OF FUNDS FOR METRO MATTERS PENDING REIMBURSEMENT FROM PROCEEDS OF JUNE BOND ISSUE.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which there were no speakers, the Board appropriated \$25.9 million from Utilities Fund PAYG accounts (519) as a temporary mechanism to make payment in June to the Washington Metropolitan Area Transit Authority for a portion of the County's obligation under the Metro Matters agreement pending reimbursement from issuance of County bonds, anticipated to close in July:

**RESOLUTION OF THE COUNTY BOARD
OF ARLINGTON COUNTY, VIRGINIA DECLARING ITS INTENTION
TO REIMBURSE ITSELF FROM PROCEEDS OF A FINANCING OF A CAPITAL IMPROVEMENT
PROJECT**

WHEREAS, the County Board of Arlington County, Virginia (the "County Board") has determined that it is necessary or desirable to advance money to pay the cost of financing various capital projects for the Washington Metropolitan Area Transit Authority (the "Metro Projects");

NOW, THEREFORE, BE IT RESOLVED that the County Board adopts this declaration of official intent under Treasury Regulations Section 1.150-2; and

BE IT RESOLVED that the County Board reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Metro Projects from proceeds of its debt. The maximum amount of debt expected to be issued for the Metro Projects is \$25,900,000; and

BE IT RESOLVED that this resolution shall take effect immediately upon its adoption.

[Board Report #25](#)

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ADDITIONAL ITEMS

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26. AMENDMENTS TO THE BUDGET AND APPROPRIATION RESOLUTIONS FOR FISCAL YEAR (FY) 2010.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which there were no speakers, the Board approved the amended FY 2010 Budget and Appropriation Resolutions, as set forth in the document entitled "Addendum 5-19-09-A – Amended Budget and Appropriation Resolutions FY 2010" attached for the public record to these minutes, to reflect final changes approved by the School Board for Fiscal Year 2010.

[Addendum 5-19-09-A – Amended Budget and Appropriation Resolutions FY 2010](#)

[Board Report #26](#)

[Board Report #26-Attachment](#)

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27. [**AWARD OF AN AGREEMENT BETWEEN ARLINGTON COUNTY AND ARCHITECTURE, INCORPORATED FOR DESIGN SERVICES TO PERFORM INTERIOR RENOVATION OF SEQUOIA PLAZA, 2100 WASHINGTON BLVD.**](#)

On motion by BARBARA A. FAVOLA, Chairman, seconded by JAY FISSETTE, Vice Chairman and carried by a vote of 3 to 2, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - No, CHRISTOPHER ZIMMERMAN, Member - No, after a public hearing, at which the public spoke, the Board took the following actions:

1. Approved the award of a contract for design services for the interior renovation of Sequoia Plaza including a base contract of \$922,423 and a contingency of \$100,000, for a total contract authorization of \$1,022,423.
2. Authorized the Purchasing Agent to execute the contract documents, subject to legal review by the County Attorney.

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[**RESOLUTION CALLING FOR RERERENDUM ON ACTIVATION OF HOUSING AUTHORITY**](#)

On motion by JAY FISSETTE, Vice Chairman, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted the following resolution:

RESOLUTION CALLING FOR REFERENDUM ON ACTIVATION OF HOUSING AUTHORITY

WHEREAS, the County Board has received a petition signed by at least 100 persons that the Registrar has determined to be duly qualified voters registered in the County, which petition requests the Arlington County Circuit Court to call a referendum on the question whether there is a need for the housing authority to be activated in the County; and

WHEREAS, in accordance with §36-4 of the Code of Virginia, as amended, upon receipt of such a petition, the County Board is required to call for a referendum;

NOW, THEREFORE, BE IT RESOLVED that the County Board of Arlington County hereby directs the County Attorney to file the signed petition with the Circuit Court of Arlington County, and to request the Court, upon its determination of the validity of the petition and of any referendum that would be thereafter held pursuant to it, to enter an order, if deemed appropriate, in accordance with all applicable provisions of law for the conduct of an election on the question whether there is a need for the housing authority to be activated in the County.

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[**BROMPTONS SETTLEMENT AGREEMENT**](#)

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board approved a settlement agreement in the case of Shahriar Amiri and County Board v. Bromptons at Cherrydale, LLC, Civil Action 08-1213-00 pending in the Arlington Circuit Court, and authorized the Building Official and appropriate County representatives, and the County Attorney to execute the settlement agreement and related documents.

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ADJOURNMENT

Without objection, at 9:22 p.m., the Board adjourned the meeting.

BARBARA A. FAVOLA, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: September 26, 2009