

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, July 10, 2010 at 8:30 a.m.

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

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

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**\* PUBLIC COMMENT**

**Natalie Roy**, Lyon Park Civic Association President, expressed the Civic Association's desire to have Pershing Drive be a 25mph speed limit zone. The Ashton Heights Civic Association has partnered with Lyon Park in this effort.

**Robert Atkins** asked the County Board if the Arlington County Government was could consider following the request of U.S. President Barack Obama for localities to support and implement the national healthcare program.

**Thomas Schaad** informed the County Board that County employees have been told that some of the changes to Library services/programs are permanent.

**Jim Hurysz** remarked that rather than spend money on reducing the speed limit on Pershing Drive, the County should conduct maintenance along that road to make current speed limit signs visible that are currently obstructed by trees).

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**\* CONSENT ITEMS (ITEMS 1-49) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, JULY 10, 2010, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, JULY 13, 2010, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

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 HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, approved the County Manager's recommendation for all consent items #1 through #7, #9 through #19, #21 through #33, #35, #37 through #43, and #45 through #49. Requests for full hearing were submitted for items #8, #20, #34, #36 and #44 and these items are scheduled for hearing at the June 15 County Board recessed meeting.

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**SITE PLANS/AMENDMENTS/REVIEWS**

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**SP #56 SITE PLAN AMENDMENT TO RECONFIGURE THE SERVICE DRIVE; LOCATED AT 1199 JEFFERSON DAVIS HIGHWAY AND 1800, 1851 AND 1901 S. BELL STREET (RPC #34-026-035 & -037).**

1. **SP #56 SITE PLAN AMENDMENT TO RECONFIGURE THE SERVICE DRIVE; LOCATED AT 1199 JEFFERSON DAVIS HIGHWAY AND 1800, 1851 AND 1901 S. BELL STREET (RPC #34-026-035 & -037).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject site plan amendment request to the September 25, 2010, County Board meeting

[Board Report #1](#)

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2. **SP #65 SITE PLAN AMENDMENT FOR AMENDMENT TO COMPREHENSIVE SIGN PLAN; 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 adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #65 on file in the Office of the Zoning Administrator for modification to the Century Center comprehensive sign plan for the parcel of real property known as 2450 Crystal Drive and 2461 South Clark Street (RPC #34-020-034 and -035), 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, one (1) modified condition, and one (1) new condition.

Modified Condition:

24. The developer agrees that project signs, including rooftop signs, shall be consistent with the comprehensive sign plan titled "Century Center Comprehensive Sign Plan", dated June 22, 2005 and as approved by the County Board on July 9, 2005, and revised June 20, 2010, or as otherwise approved by the County Manager and his designee using the standards set forth in the Sign Guidelines for Site Plan Buildings.

The project identification and directional signs shall be generally consistent with the signage described and outlined in the "Century Center Comprehensive Sign Plan", dated June 22, 2005, and revised in the plans entitled "DeVry Lower Level Elevation," prepared by Gensler, dated June 20, 2010. [Clerk's note: as set forth in the document entitled "Addendum 7-10-10-A – SP#65" attached for the public record to these minutes.]

**Retail Tenant Signage**

Retail tenant signage shall be permitted for the new construction as follows:

- A. Minor modifications to signage shall be subject to review and approval by the County Manager or his designee prior to issuance of all sign permits.
- B. The retail tenant signage shall conform to the standards of Section 34 of the Zoning Ordinance and, to the extent the standards are modified, the adopted amended comprehensive sign plan, as set forth in the "Century Center Comprehensive Sign Plan", dated June 22, 2005, and the following criteria:
  - 1) For each level occupied by a tenant, up to three (3) building wall signs, for a maximum total area of 60 square feet, are permitted for retail tenants with a unit of 60 linear feet of frontage or less; up to four (4) building wall signs, for a maximum total sign area of 1 square foot per linear foot of tenant's frontage, are permitted for each retail tenant with a unit of more than 60 linear feet of

- frontage. A tenant at the corner of Crystal Drive and 23<sup>rd</sup> Street South may have no more than two signs above the retail sign band. No portion of any building wall sign shall be located in front of, or otherwise obscure, any part of a window.
- 2) Additional sign area shall be permitted to accommodate awnings, except any text, logo, graphic, or other image on awnings shall count toward the total allowable sign area for that tenant. This additional sign area on awnings shall be applied only toward graphic images with abstract or stylized patterns that contain no clearly understood images or message content.
  - 3) Applications for sign permits submitted by individual retail tenants shall be pre-approved by the owner/landlord in order to ensure the proper allocation of sign area among the various tenants.
  - 4) For building wall signs, the distribution of the sign area and the location and number of signs shall be approved as part of a unified design approach for the individual retail tenant units, and shall be subject to administrative review and approval by the County Manager or his designee.
  - 5) Blade signs which exceed six (6) square feet of total sign area may be permitted up to a maximum total sign area of fifteen (15) square feet per retail unit. (As used herein, "retail unit" shall mean the amount of frontage occupied by a single retail tenant.) The difference between six (6) square feet and the actual total blade sign area shall be calculated as part of the maximum permitted sign area for the retail unit to which the blade sign is attached. In no event shall such difference increase the maximum permitted sign area for any retail unit.
  - 6) The colors and materials of retail tenant signs shall harmonize with and complement the exterior materials and design of the individual retail storefronts and be consistently treated so as to present a unified design approach for the individual retail unit. The colors and materials of such signs are subject to review and approval by the County Manager or his designee.
  - 7) The types of retail signs that shall be permitted shall be consistent with the types of signs permitted by Section 34 of the Zoning Ordinance, and shall include: building wall signs; blade signs; window signs; carved, painted or sculptural signs; canopy or awning signs; logo signs; permanent quotes on building walls; and blade signs.
  - 8) Retail signs shall be illuminated only during the hours of operation of the establishments.
  - 9) Retail signs shall not exceed 35 feet in height on the buildings.

### **Rooftop Signs**

- A. The applicant agrees to limit the rooftop signage to two tenant identification signs on each building: the northern corner of the east façade and the eastern corner of the south façade on the Century I building, and the southern corner of the west façade and the western corner of the south façade on the Century II building, at the locations and in the dimensions shown on the "Century Center Comprehensive Sign Plan", dated June 22, 2005. The total area for the rooftop signs shall be limited to no more than 144 square feet for each sign.
- B. The signs may be illuminated, and the illumination shall be limited to the hours from 5:00 p.m. until 11:00 p.m., seven (7) days a week.

### New Conditions:

27. The applicant agrees to relocate a portion of the bookstore use associated with DeVry University as shown on the plans entitled "DeVry Lower Level Retail" prepared by Gensler, dated June 20, 2010, prior to the permit being issued for the associated sign for DeVry University. The applicant agrees that this use shall be open to the public.
28. The applicant agrees to submit to the Zoning Office a revised and complete Century Center Comprehensive Sign Plan showing the revisions made in this site plan amendment. The material

shall be submitted prior to the sign permit issued for the associated DeVry University sign on the Crystal Drive façade. [Clerk's note: as set forth in the document entitled "Addendum 7-10-10-A – SP#65" attached for the public record to these minutes.]

[Board Report #2](#)

[Addendum 7-10-10-A – SP#65](#)

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

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4. **SP# 91 SITE PLAN AMENDMENT TO ALLOW A DECK TO PROJECT 5 FEET INTO THE REAR YARD ON THE SITE LOCATED AT 1945 N. WOODLEY STREET (RPC# 07-080-046).**

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 #91 on file in the Office of the Zoning Administrator for a site plan amendment to permit a deck to project into the rear yard for the parcel of real property known as 1945 N. Woodley Street (RPC# 07-080-046), 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 new condition #10:

New Condition:

10. The applicant agrees to obtain a building permit for the deck within 60 days following County Board approval of this site plan amendment. The deck, which is located at the second floor, measures approximately 15 feet long by 16 feet wide by 10 feet 5 inches tall. Minor changes to the approved deck may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) deconstruction of the deck; and (ii) reconstruction of a deck consistent with either this site plan amendment approval or the approved landscape plan. All other changes to the approved deck shall require a site plan amendment.

[Board Report #4](#)

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5. **SP#95 SITE PLAN AMENDMENT TO EXCEED THE LOT COVERAGE AND SETBACK REQUIREMENT AT 4007 NORTH ABINGDON STREET (RPC#: 03-071-090).**

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 #95 on file in the Office of the Zoning Administrator for a site plan amendment to exceed the lot coverage and setback requirement at the parcel of real property known as 4007 North Abingdon Street (RPC#: 03-071-090), 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 one new condition:

Proposed condition:

32. The applicant (the property owner of 4007 N. Abingdon St.) agrees that the enclosed garage entryway, the three (3) rear bump-out additions, and the screened-in porch will be constructed as shown on the plans dated May 20, 2010 created by Architectural Design Studio and approved by the County Board on July 10, 2010. [Clerk's note: as set forth in the document entitled "Addendum 7-10-10-B – SP#95" attached for the public record to these minutes.]

[Board Report #5](#)

[Addendum 7-10-10-B – SP#95](#)

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**6. SP #135 SITE PLAN AMENDMENT TO INSTALL A BACKUP GENERATOR THEREBY INCREASING GFA; LOCATED AT 1225 S. CLARK STREET (RPC: 34-024-266).**

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 #135 on file in the Office of the Zoning Administrator for a site plan amendment to install a backup generator in the G-2 parking garage level for the parcel of real property known as 1225 S. Clark Street (RPC: 34-024-266), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions of approval and one (1) new condition.

Proposed Condition:

30. The developer agrees that the generator installation at 1225. South Clark Street (Crystal Gateway 2) shall be as shown on the plans marked "Verizon Wireless Crystal City Generator" and dated August 31, 2009.

[Board Report #6](#)

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**7. 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 adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #189 on file in the Office of the Zoning Administrator for a site plan amendment for architectural lighting on the building's southern façade for the parcel of real property known as 2900 Crystal Drive (RPC#: 34-027-027), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions.

Proposed conditions which apply specifically to this site plan amendment request for architectural lighting:

1. The applicant agrees that the proposed architectural lighting on the building façade will be installed as shown on the plans dated March 23, 2010 and attached to this staff report and approved by the County Board on July 10, 2010. [Clerk's note: as set forth in the document entitled "Addendum 7-10-10-C – SP#189" attached for the public record to these minutes.]
2. The applicant agrees that the proposed architectural façade lighting will not flash.
3. The applicant agrees that the proposed architectural lighting on the building façade will include dimmable lighting which would allow the lighting to be turned down if the County Manager finds the intensity of the lights has an adverse impact on the surrounding area. Should the County Manager determine that the lights have an adverse effect on the surrounding area, the applicant agrees, within 24 hours notice from the County Manager, to 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.

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[Addendum 7-10-10-C – SP#189](#)

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**9. SP #249 SITE PLAN AMENDMENT TO ALLOW CONVERSION OF RETAIL SPACE FOR USE AS PROFESSIONAL OR MEDICAL OFFICE; LOCATED AT 4350 FAIRFAX DRIVE (RPC: 14-051-016).**

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 #249 on file in the Office of the Zoning Administrator for a site plan amendment to convert approximately 1,539 square feet of retail space to professional or medical office space for the parcel of real property known as 4350 Fairfax Drive (RPC: 14-051-016), 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.

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**SP#346 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN AMENDMENT FOR THE ROUNDHOUSE SIGNS, LOCATED AT 3500 AND 3550 S. CLARK ST. AND 3639 S. GLEBE ROAD (RPC # 34-027-046 AND # 34-027-053).**

**10. SP#346 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN AMENDMENT FOR THE**

**ROUNDHOUSE SIGNS, LOCATED AT 3500 AND 3550 S. CLARK ST. AND 3639 S. GLEBE ROAD (RPC # 34-027-046 AND # 34-027-053).**

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 a comprehensive sign plan amendment for Roundhouse signs, for the parcel of real property known as 3500 and 3550 S. Clark St. and 3639 S. Glebe Road (RPC # 34-027-046 and # 34-027-053), 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 #79.

Revised Condition # 79:

79. The developer agrees that the project signs, including building identification, directional, retail, and rooftop signs, shall be consistent with the comprehensive sign plan titled, "Comprehensive Sign Plan Land Bay E-West" dated November 5, 2008, as approved by the County Board on November 15, 2008, and as revised and approved by the County Board on April 24, 2010, and as revised by the County Board on July 10, 2010 to include the Roundhouse retail signs. [Clerk's note: as set forth in the document entitled "Addendum 7-10-10-D – SP#346" attached for the public record to these minutes.]

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 the sign to meet field conditions (less than 1 foot in any direction); or (ii) either a minor change in the area of the sign (less than 5%) or the total sign area does not exceed 932 square feet. All other changes to the approved signs will require site plan approval or amendment.

Retail tenant signs shall be permitted for the new construction as follows:

- ~~a. Minor modifications to this approval of signs shall be subject to review and approval by the Zoning Administrator prior to the issuance of all sign permits to determine that they are consistent with the purpose and intent of the approval.~~
- ~~b.~~ a. The retail tenant signs shall conform to the standards of Section 34 of the Zoning Ordinance, except to the extent those ordinance standards are modified by it, the adopted comprehensive sign plan titled, "Comprehensive Sign Plan Land Bay E-West" dated November 5, 2008, and as revised and approved by the County Board on April 24, 2010, and on July 10, 2010 and the following criteria, in which case the signs shall conform to the adopted comprehensive sign plan: [Clerk's note: as set forth in the document entitled "Addendum 7-10-10-D – SP#346" attached for the public record to these minutes.]
- 1) For each space occupied by a tenant, the tenant is permitted up to three (3) retail signs along South Clark Street, which may consist of a combination of awning, façade, and blade signs. The retail space on the corner of South Clark Street and South 35<sup>th</sup> Street (as labeled on the plan) is permitted flexibility in moving some of the signs approved for that space to the South 35<sup>th</sup> Street side of the building, so long as neither the height above average site elevation, nor the materials, nor the type of signs changes.

Additional retail tenant signs for the South Clark Street retail are permitted in the form of banners along Route 1, entrance window signs, or retail signs located in the interior plaza area between the two (2) buildings of Land Bay E-West, and along South Glebe Road, so long as the maximum total sign area does not exceed one (1) square foot per linear foot of the tenant's frontage, and so long as the number, general location, and size of signs are consistent with what is shown on the Comprehensive Sign Plan Land Bay E-West, dated November 5, 2008, and revised and approved by the County Board on April 24, 2010.

The retailer along Route 1 is permitted either a façade sign on the north building of Land Bay E-West, as approved in the comprehensive sign plan, or the second of two (2) awning signs on the south building, but not both.

- 2) The applicant agrees that the banners will be limited to seven (7) retail banners, and five (5) decorative banners, with a total of twelve (12) total banners. Eleven (11) of those banners will be placed along Route 1, and one (1) retail banner will be placed on South 35<sup>th</sup> Street, as depicted on the Comprehensive Sign Plan Land Bay E-West, dated November 5, 2008. The applicant agrees that the number of retail banners permitted on Land Bay E-West is limited to seven (7), and that the number of decorative banners is five (5), and that at no time will additional retail or decorative banners be approved for Land Bay E-West.
  - 3) The colors and materials of retail tenant signs shall harmonize with and complement the exterior materials and design of the individual retail storefronts and be consistently treated so as to present a unified design approach for the individual retail unit.
  - 4) Retail signs shall be illuminated only during the hours of operation of the corresponding retail establishment.
  - 5) Maintenance of the banners shall be the sole responsibility of the applicant. The banners shall be maintained in good condition.
- ⊖ b. The developer agrees that the twelve (12), twenty-one square foot (21' sq. ft.) decorative and retail banner signs located along U.S. Route 1 and South 35<sup>th</sup> Street, and the freestanding directory sign located along South Clark Street in the internal plaza area, have been approved in order to encourage economic development of new retail areas, and that they will be reviewed in ten (10) years to determine if the banner signs and freestanding signs should be permitted after November 2018, when the retail area is established. The developer agrees that such a review may include a determination that the banner signs and freestanding signs shall be permanently removed at that time, and the developer agrees to remove the signs within twenty-one days after such a determination.
- ⊖ c. The applicant agrees that the two (2) major tenant rooftop signs shall not be illuminated between the hours of 12:00 a.m. and 5:00 a.m., seven days per week. The applicant agrees that the two (2) major tenant rooftop signs will include dimmable lighting that will allow the applicant to adjust the rooftop sign's lighting intensity by 50%. The applicant further agrees that if the County Manager finds that the intensity of the rooftop sign's lighting has an adverse effect on the surrounding area, the applicant 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.
- ⊖ d. The applicant agrees that the retail signs for the Roundhouse will be installed as shown on plans created by DCS Design dated May 21, 2010, and approved by the County Board on July 10, 2010. Total sign area for the Roundhouse signs shall not exceed 235 square feet. Up to three (3) wall signs are permitted, in the locations shown on the comprehensive sign plan. Up to 20 square feet of window graphics are permitted on up to two (2) window panels, so long as the window signs do not exceed 20% of the window and are placed four (4) feet or lower on the window.

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[Addendum 7-10-10-D – SP#346](#)

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**11. SP #346 SITE PLAN AMENDMENT OF CAMDEN USA, INC., TO ALLOW MEDICAL CLINIC USES IN RETAIL SPACE; LOCATED AT 3535 SOUTH BALL STREET (RPC# 34-027-063).**

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 a site plan amendment to allow medical clinic uses in the 2,215 square foot retail space located for the parcel of real property known as the corner of South Ball Street and 35th Street South (RPC# 34-027-063), 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 conditions of the staff report, with a review by the County Board in fifteen (15) years (July, 2025).

New Conditions:

75. The applicant agrees to repair and maintain the sidewalks on site consistent with Condition #17 prior to the issuance of the Certificate of Occupancy for the 2,215 square foot space located at the corner of South Ball Street and 35<sup>th</sup> Street South.
76. The applicant agrees to maintain window transparency on the 2,215 square foot space located at the corner of South Ball Street and 35<sup>th</sup> Street South consistent with Condition #59.d.

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

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

BE IT ORDAINED that, pursuant to application SP #397 on file in the Office of the Zoning Administrator for a site plan amendment for a comprehensive sign plan at Clarendon Center for the parcel of real property known as 3028 Wilson Blvd, 3000 Wilson Blvd, Clarendon Blvd, 1101 N. Highland St, 1200 N. Garfield St. and 3030 Clarendon Blvd. (RPCs: 18-012-003, 18-012-004, 18-013-007, 18-013-010, 18-013-011), 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 #47.

Revised Condition #47:

47. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs (including identification and directional signage but excluding all existing signs on the Underwood and Old Dominion Buildings as of June 10, 2006, which may remain and be repaired or replaced with similar type signs due to tenant turnover as necessary) shall be consistent with the guidelines contained in "Sign Guidelines for Site Plan Buildings" and with Section 34 of the Zoning Ordinance or with a comprehensive sign plan approved by the County Board. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance or a comprehensive sign plan approved by the County Board. No sign permits will be issued until a comprehensive sign plan is approved. The developer agrees

to obtain approval from the Zoning Administrator of the comprehensive sign plan before the issuance of the first Certificate of Occupancy. All proposed rooftop signs, defined as all signs that are 35 feet or more above the ground, shall require a site plan approval or amendment. [Clerk's note: as set forth in the document entitled "Addendum 7-10-10-E – SP#397" attached for the public record to these minutes.]

The developer further agrees, in its fulfillment of Condition #62 below, that the only types of retail signs that shall be permitted shall be consistent with types of signs permitted by Section 34 of the Zoning Ordinance or by County planning documents addressing desired signage in Clarendon and shall include: building wall signs; blade signs; window signs; carved, painted or sculptural signs; signage on canopy or awning; logo signs; and, permanent quotes on building walls and blade signs.

The developer agrees that the design and construction of retail tenant signs shall ensure retail vitality and success while being consistent with the high architectural design quality of a first class office building. The colors and materials of retail tenant signs shall harmonize with and complement the exterior materials and design of the individual retail storefronts and shall present a unified design approach for the individual retail unit. The design and construction of retail tenant signs shall express the elements of the character and individuality of the establishment, provided that any signage or architectural detail that differentiates each storefront shall not detract from the viability of other retail storefronts. Individual tenants must apply for and obtain sign permits, including the design, colors, and materials of the signs, which shall be reviewed by the County Manager or his designee to ensure consistency with the comprehensive sign plan.

- a. The developer agrees that temporary leasing signs are permitted only as follows:
  - i. The North Building is permitted up to three (3) temporary leasing signs which, in aggregate, do not exceed 120 sq. ft. Such signs may be located at any of the three locations shown on the attached drawings (labeled "22 Temporary Marketing Signs North Building 04-28-10) , provided the total area of the signs does not exceed 120 square feet.
  - ii. The South Building is permitted up to three (3) temporary leasing signs for the residential portion of the building, which, in aggregate, do not exceed 120 sq. ft. In addition, the South Building is permitted up to three (3) temporary leasing signs for other uses of the building, which, in aggregate do not exceed 120 sq. ft. Temporary leasing signs on the South Building may be placed only at the locations shown on the attached drawings (labeled "23 Temporary Marketing Signs South Building 04-28-10).
  - iii. The developer agrees that all temporary leasing signs must be removed within one (1) year of the issuance of the shell and core certificate of occupancy. The Zoning Administrator may re-approve the temporary leasing signs for a period of six (6) months if, at any time thereafter, the developer demonstrates to the Zoning Administrator that the leased space is vacant or will become vacant within a period of sixty (60) days.
- b. The developer agrees that all project signs shall be consistent with the comprehensive sign plan prepared by Ad Vice, Inc. and dated June 7, 2010 and approved by the County Board on July 10, 2010. The developer further agrees that all signs shall be of the number, locations, and structure shown on the comprehensive sign plan. The retail tenants are not limited to the signs examples depicted in the comprehensive sign plan but shall comply with the sign area and location as depicted in the comprehensive sign plan. Sign lighting shall conform to the requirements of the Zoning Ordinance. The total project sign area shall not exceed 522 square feet for the North Building and 750 square feet for the South Building, excluding the temporary leasing signs as outlined above.
- c. The developer agrees that retail signage is limited to three (3) signs per retail bay, with the option of choosing among any of the four (4) types of retail sign types for each sign

(wall or canopy mounted, projecting, awning, or window) depicted in the comprehensive sign plan. The total sign area for each retail bay shall not exceed the amount shown on pages 11 and 15 of the comprehensive sign plan. The developer agrees to obtain approval of the historic preservation staff for any retail signs to be placed on retail bays T1, T2, T18, T19, and T20, as shown on the comprehensive sign plan dated June 7, 2010, prior to issuance of any sign permits for these signs.

- d. The developer agrees that the "Lyon Place" residential building identification sign on Garfield St. will be the size and in one (1) of the two (2) general locations, either horizontally oriented above the canopy or vertically oriented as a blade sign, as shown in the comprehensive sign plan. The text, logo, and color of the sign may change from what is proposed in the plan.
- e. 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%).

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[Addendum 7-10-10-E – SP#397](#)

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**13. [SP#402 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN INCLUDING A ROOFTOP SIGN AND A TEMPORARY SIGN AT PENROSE SQUARE LOCATED AT 2501 9TH ROAD SOUTH \(RPCS: 25-016-012, -013, AND -014.\)](#)**

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 #402 on file in the Office of the Zoning Administrator for a site plan amendment for a comprehensive sign plan at at Penrose Square for the parcel of real property known as 2501 9th Road South (RPCs: 25-016-012, -013, and -014) 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.

Revised condition #50:

- 50. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs (including identification and directional signage) shall be consistent with the guidelines contained in "Sign Guidelines for Site Plan Buildings" and meet, when possible, the guidelines contained in the Columbia Pike Form Based Code (Section 20. – Appendix A of the Zoning Ordinance) and with Section 34 of the Zoning Ordinance. Modifications to the guidelines found within the Columbia Pike Form Based Code are permitted for the grocery store signs. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign plan before the issuance of the first Certificate of Occupancy. All proposed rooftop signs, defined as all signs that are 35 feet or more above the ground elevation at entrances, shall require a site plan approval or amendment.

The developer further agrees, in its fulfillment of Condition #64 below (retail attraction and marketing plan), that the only types of retail signs that shall be permitted shall be consistent with types of signs permitted by Section 34 of the Zoning Ordinance or with the comprehensive sign plan approved by the County Board on July 10, 2010, and shall include some or all of the following:

building wall signs; blade signs; window signs; carved, painted or sculptural signs; canopy or awning signs; logo signs; and, permanent quotes on building walls and blade signs.

The colors and materials of retail tenant signs shall harmonize with and complement the exterior materials and design of the individual retail storefronts so as to present a unified design approach for the individual retail unit. Individual tenants must apply for and obtain sign permits, including the design, colors, and materials of the signs, which shall be reviewed by the County Manager to ensure consistency with the comprehensive sign plan. [Clerk's note: as set forth in the document entitled "Addendum 7-10-10-F – SP#402" attached for the public record to these minutes.]

- a. The developer agrees that all project signs shall be consistent with the comprehensive sign plan prepared by Dodd Creative Group and dated June 30, 2010 and approved by the County Board on July 10, 2010. The developer further agrees that all signs shall be of the number, type, size, location, and structure shown on the comprehensive sign plan. Sign lighting shall conform to the requirements of the Zoning Ordinance. The total project sign area shall not exceed 1,120 square feet, plus the additional 180 sq. ft. for the second floor retail along Columbia Pike as outlined below.
- b. The developer agrees that retail signage is limited to three (3) signs per retail bay, with the option of choosing among three (3) of the four (4) types of retail sign types (wall or canopy mounted, projecting, awning, or window) depicted in the comprehensive sign plan. The developer agrees that flexibility is permitted in the location of retail tenant signs (with the exception of the Giant Food store signs) in that the non-Giant retail tenant signs can be moved within each retail bay, so long as the sign area for each retail tenant is not exceeded. The developer agrees that each individual retail tenant will obtain sign permits for their signs, and will submit information on the total linear frontage for each retail tenant when applying for individual sign permits. The sign area for each retail sign will be based on the linear frontage for each retail tenant. The total retail linear frontage for the entire project will not exceed 624 sq. ft. for the 1<sup>st</sup> floor retail.
- c. The developer agrees that the second floor retail is permitted a total of 180 sq. ft. of retail signage, which shall be allocated as follows: 60 sq. ft. per tenant if there are three (3) second floor tenants, 90 sq. ft. per tenant if there are two (2) second floor tenants, and 180 sq. ft. total if there is one (1) second floor tenant. The developer agrees that retail signage for the second floor is limited to three (3) signs per retail bay, with the option of choosing among a wall, canopy mounted, projecting, or window, in the locations depicted in the comprehensive sign plan. For the projecting signs, each second story tenant shall be allowed to deploy such sign at the ground floor entrance in the location(s) depicted on the comprehensive sign plan.
- d. 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%).
- e. The developer agrees that one (1) temporary leasing sign is permitted as shown in the comprehensive sign plan. The temporary leasing sign must be removed one (1) year after placement on the building. The Zoning Administrator may re-approve the temporary leasing signs for a period of six (6) months at any time the developer demonstrates to the Zoning Administrator that the leased space is vacant or will become vacant within a period of sixty (60) days.
- f. The developer agrees that the Penrose Square rooftop building identification sign above 35 feet will include dimmable lighting that will allow the applicant to adjust the rooftop sign's lighting intensity. The applicant further agrees that if the County Manager finds that the intensity of the rooftop sign's lighting has an adverse effect on the surrounding area, the applicant 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.

[Board Report #13](#)

[Addendum 7-10-10-F – SP#402](#)

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**USE PERMITS REQUEST/REVIEWS/AMENDMENTS**

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**14. U-1243-56-2 USE PERMIT RENEWAL FOR BUSY BEE CHILD CARE CENTER LOCATED AT 913 23RD STREET SOUTH (RPC#: 36-032-012).**

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-1243-56-2 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for Busy Bee Child Care Center for the parcel of real property known as 913 23rd Street South (RPC#: 36-032-012), 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 revised Condition #2, with a County Board review in three (3) years (July 2013).

Revised condition #2:

- 2. The applicant agrees that the hours of operation will be weekdays from 7:00 a.m. to 6:00 p.m. with a maximum capacity of up to 48 children, provided however, that the Child Care Office may determine the final number of children that can be served in the program following the required renovations and improvements to the site. This number may be modified based on appropriate space ratios and as evidenced by the Certificate of Occupancy. The applicant agrees to obtain approval of the Board of Zoning Appeals (BZA) to encroach into a required 20-foot side yard setback prior to receiving a Certificate of Occupancy (CO) for 48 children, as the BZA approval expired June 11, 2009 since a building permit was not issued for the addition.

[Board Report #14](#)

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**15. U-1748-67-2 USE PERMIT RENEWAL FOR A CHILDCARE CENTER AT 2700 19TH ST. SOUTH**

On the consent agenda vote, after a duly advertised public hearing, the Board did not renew the use permit for a Childcare center at 2700 19th St. South (Our Lady Queen of Peace, RPC#: 31-008-050).

[Board Report #15](#)

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**16. U-2167-78-1 USE PERMIT REVIEW FOR RENEWAL OF AN AUTOMOBILE SERVICE STATION LOCATED AT 2835 WASHINGTON BLVD. (SHELL, RPC # 18-031-005).**

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

BE IT ORDAINED that, pursuant to application U-2167-78-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for an automobile service station for the parcel of real property known as 2835 Washington Blvd. (Shell, RPC # 18-031-005) approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previous conditions, with no further scheduled County Board review.

[Board Report #16](#)

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**17. U-2823-94-4 USE PERMIT REVIEW TO RENEW PANEL ANTENNAE AND EQUIPMENT CABINETS ON WATER TOWER LOCATED AT 2400 N. WAKEFIELD ST. (SPRINT PCS/LEE PUMPING STATION, RPC #05-005-072).**

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-2823-94-4 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for panel antennae and equipment cabinets on water tower for the parcel of real property known as at 2400 N. Wakefield St. (Sprint PCS/Lee Pumping Station, RPC #05-005-072), 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, one (1) amended condition, and with a review by the County Board in one (1) year (July 2011).

Amended Condition #6

6. The applicant agrees to remove any equipment not in use or operation from the water tower. The applicant further agrees to place waterproof identification labels on the existing antennas and related facilities, including cables and cabinets inside and outside the Equipment Room, located at the Site, by or before August 31, 2010.

[Board Report #17](#)

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**18. U-2969-99-1 USE PERMIT REVIEW TO RENEW A SELF-STORAGE FACILITY AT 1001 N. FILLMORE ST. (RPC# 18-024-018).**

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-2969-99-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a self-storage facility for the parcel of real property known as at 1001 N. Fillmore St. (RPC# 18-024-018), 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, with no further scheduled County Board review.

[Board Report #18](#)

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**19. 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 renewal of a special exception for a use permit for 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 a review in one (1) year (July 2011).

[Board Report #19](#)

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**21. U-3113-04-3 USE PERMIT AMENDMENT FOR EXPANSION OF AN MARTIAL ARTS STUDIO FROM 25 TO 35 STUDENTS PER CLASS; LOCATED IN THE LEE-HARRISON SHOPPING CENTER, 2425, 2499, 2503, 2509 NORTH HARRISON STREET. (RPC #02-073-084).**

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

BE IT ORDAINED that, pursuant to application U-3113-04-3 on file in the Office of the Zoning Administrator for a special exception for a use permit for expansion of a martial arts studio from 25 to 35 students per class for the parcel of real property known as in the Lee-Harrison Shopping Center, 2425, 2499, 2503, 2509 North Harrison Street (RPC #02-073-084), 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, one (1) modified condition, one (1) new condition, and with a County Board review in three (3) years and three (3) months (October 2013).

Modified Condition:

6. The applicant agrees to provide information to patrons ~~that~~, parents, and/or students on the first day of classes that:

- Encourages parking in the underground parking garage and describes the location of the garage entrance and hours of operation

- Encourages all pick-up and drop-off activity to occur in the underground parking garage
- Encourages patrons/students, and parents escorting students, to utilize the path that connects the parking garage to the outdoor entrances to the lower level studios when entering and exiting the site.

New Condition:

7. The applicant agrees that all instructors and/or staff will park in the underground parking garage.

[Board Report #21](#)

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**22. U-3202-08-2 USE PERMIT AMENDMENT FOR CLEARWIRE ANTENNAS AND GROUND EQUIPMENT ON AN EXISTING TELECOMMUNICATIONS FACILITY 2305 S. WALTER REED DRIVE RPC: 29-002-029.**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the use permit amendment for a telecommunication facility for Clearwire at 2305 S. Walter Reed Drive to the September 25, 2010, County Board meeting.

[Board Report #22](#)

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**23. U-3211-08-3 USE PERMIT AMENDMENT, ACCESSORY PARKING FOR TEACHERS; LOCATED AT 5115 LITTLE FALLS ROAD (RPC #02-024-027).**

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

BE IT ORDAINED that, pursuant to application U-3211-08-3 on file in the Office of the Zoning Administrator for a special exception for a use permit amendment for accessory parking for Yorktown High School teachers for the parcel of real property known 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 conditions of the staff report, with a County Board review in May 2013.

Modified Conditions:

1. The applicant (Hess Construction and Engineering Services and Arlington Public Schools) agrees that parking at the site be limited to a maximum of ~~80~~ 130 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 and teachers 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 final Certificate of Occupancy for U-3041-02-2 (Yorktown High School project), whichever occurs first.
- ~~8. The applicant (James G. Davis Construction Corporation) agrees that parking at the site be limited to a maximum of 50 vehicles at any one time. Accessory parking shall be restricted to between the hours of 6:00 am to 7:00 pm Monday through Friday. The applicant agrees that no parking shall occur between May 26, 2010, and September 8, 2010.~~
- ~~9. The applicant shall identify a liaison that shall be available during the hours of operation to receive and respond to community concerns. The name and telephone number of the liaison shall be sent to the Yorktown and Rock Spring Civic Association Presidents, and the Zoning Administrator prior to the commencement of use.~~
- ~~10. The applicant agrees that no construction vehicles may be parked on the site at any time.~~
- ~~11. 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. A schedule for maintenance of the site, including the clean up of trash and the emptying of trash bins.~~
  - ~~b. A plan for security at the site, including the monitoring of worker conduct and illegal parking. This plan shall include a copy of a placard that workers shall maintain in their vehicles while parked at the lot. The placard must display:
    - ~~• The rules and regulations for parking, in both English and Spanish~~
    - ~~• The name and telephone number of a liaison that will be able to answer questions and community concerns.~~~~~~

This plan shall be submitted to the Yorktown and Rock Spring Civic Associations for informational purposes.

- 12. ~~The applicant agrees that this use permit shall be valid until January 1, 2011, or such time as the applicant receives their first Certificate of Occupancy for the Marymount 26<sup>th</sup> Street Project (U-1671-65-3), whichever occurs first.~~
- 13. ~~The applicant agrees that if the County finds that aspects of the operation for the parking of workers' vehicles and the shuttling of workers to and from the construction site have an adverse impact on the either the site or the surrounding area, the applicant shall, within five (5) business days of receipt of notice from the County, respond to the County with a plan to mitigate said issues.~~

[Board Report #23](#)

[Board Report #23-Supplemental](#)

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**24. U-3222-09-3 USE PERMIT RENEWAL FOR A CHILD CARE CENTER AT THE WILSON SCHOOL PROPERTY LOCATED AT 1601 WILSON BOULEVARD (RPC# 16-032-001).**

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-3222-09-3 on file in the Office of the Zoning Administrator for a special exception for renewal of a use permit for a child care center at the Wilson School for the parcel of real property known 1601 Wilson Boulevard (RPC# 16-032-001), 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 a County Board review in one (1) year (July 2011).

[Board Report #24](#)

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**25. U-3236-09-1 USE PERMIT AMENDMENT TO INCREASE THE HEIGHT OF ANTENNAS ON AN EXISTING TOWER LOCATED WITHIN THE VDOT RIGHT-OF-WAY AT NORTH SYCAMORE STREET (ON-RAMP TO I-66 EASTBOUND).**

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-3236-09-1 on file in the Office of the Zoning Administrator for a special exception of a use permit to increase the height of antennas on an existing tower for the parcel of real property known as within the VDOT right-of-way at North Sycamore Street (on-ramp to I-66 eastbound), 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 revised Condition #1, with an administrative review in one (1) year (July 2011) and no further scheduled County Board review.

Revised condition #1:

1. The applicant agrees that the telecommunications facility on the existing transmissions tower located within the VDOT right-of-way at North Sycamore Street (on-ramp to I-66 eastbound) will be installed limited to a total of nine (9) antennas at a height of 115 feet, as shown on plans dated ~~September 11, 2009~~ May 19, 2010 and approved by the County Board on ~~January 23, 2010~~ July 10, 2010. [Clerk’s note: as set forth in the document entitled “Addendum 7-10-10-G – U-3236-09-1” attached for the public record to these minutes.]

[Board Report #25](#)

[Addendum 7-10-10-G – U-3236-09-1](#)

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**26. U-3240-09-3 USE PERMIT AMENDMENT TO AMEND THE NUMBER OF AT&T ANTENNAS IN THE APPROVED CONDITIONS FOR THE PROPERTY LOCATED AT 2666 MILITARY ROAD (RPC #05-001-031).**

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-3240-09-3 on file in the Office of the Zoning Administrator for a special exception of a use permit to amend the number of AT & antennas in the approved conditions for the parcel of real property known as 2666 MILITARY ROAD (RPC #05-001-031), 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 one (1) revised condition and with no further scheduled County Board review.

Revised condition:

1. The applicant agrees that the telecommunications facility on the existing church at 2666 Military Road will be limited to a total of ~~two (2)~~ three (3) AT&T antennas, including the replacement antenna, as shown on plans dated ~~October 13 16, 2009~~. [Clerk’s note: as set forth in the document entitled “Addendum 7-10-10-H – U-3240-09-3” attached for the public record to these minutes.]

[Board Report #26](#)

[Addendum 7-10-10-H – U-3240-09-3](#)

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**27. U-3259-10-1 USE PERMIT FOR A FAMILY DAYCARE HOME FOR UP TO 9 CHILDREN; LOCATED AT 1243 SOUTH FOREST DRIVE (RPC #28-014-003).**

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-3259-10-1 on file in the Office of the Zoning Administrator for a special exception of a use permit for a family daycare home for up to 9 children for the parcel of real

property known as 1243 South Forest Drive (RPC #28-014-003), 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 (July, 2011).

Conditions:

1. The applicant agrees to meet the requirements of the Child Care Ordinance, Community Code Enforcement Office, Environmental Health Bureau, and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.
2. The applicant agrees that parents of children receiving care shall escort their children both to and from the home at all times.
3. The applicant agrees that the hours of operation are Monday through Friday between 8 a.m. and 6 p.m.

[Board Report #27](#)

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**28. U-3260-10-1 USE PERMIT FOR A FAMILY DAYCARE HOME FOR UP TO 9 CHILDREN; LOCATED AT 3519 18TH STREET SOUTH (RPC #26-015-002).**

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

BE IT ORDAINED that, pursuant to application U-3260-10-1 on file in the Office of the Zoning Administrator for a special exception of a use permit for a family daycare home for up to 9 children for the parcel of real property known as 3519 18th Street South (RPC #26-015-002), 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 (July, 2011).

Conditions:

4. The applicant agrees to meet the requirements of the Child Care Ordinance, Community Code Enforcement Office, Environmental Health Bureau, and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.
5. The applicant agrees that parents of children receiving care shall escort their children both to and from the home at all times.
6. The applicant agrees that the hours of operation are Monday through Friday between 8 a.m. and 6 p.m.

[Board Report #28](#)

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**29. THE REQUEST FOR THIS ITEM HAS BEEN WITHDRAWN. U-3261-10-1 USE PERMIT GIANT OF MARYLAND LLC COMPREHENSIVE SIGN PLAN TO ALLOW ADDITIONAL SIGNS IN THE C-2 SERVICE COMMERCIAL COMMUNITY BUSINESS DISTRICTS UNDER ACZO §34.A.3. PROPERTY APPROXIMATELY 171,887 SQ. FT., LOCATED AT 3115 LEE HIGHWAY; RPC #15-009-001. APPLICABLE POLICIES INCLUDE GLUP "SERVICE COMMERCIAL" (PERSONAL AND BUSINESS SERVICES, GENERALLY ONE TO FOUR STORIES AND MAXIMUM 1.5 FAR).**

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**30. U-3262-10-1 USE PERMIT FOR A COMPREHENSIVE SIGN PLAN INCLUDING A ROOF-MOUNTED SIGN; LOCATED AT 5731 LEE HIGHWAY (RPC #02-077-009).**

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

BE IT ORDAINED that, pursuant to application U-3262-10-1 on file in the Office of the Zoning Administrator for a special exception of a use permit for a comprehensive sign plan including a roof-mounted for the parcel of real property known as 5731 Lee Highway (RPC #02-077-009), 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.

Conditions:

1. The applicant (as used in these conditions, the term "applicant" shall mean the owner, the applicant, and all successors and assigns) agrees to limit the roof-mounted sign to the size, design, location, color, materials, and text of the proposed sign shown on the attached drawings by New Color Sign (labeled Attachments A and B). [Clerk's note: as set forth in the document entitled "Addendum 7-10-10-I U-3262-10-1" attached for the public record to these minutes.]
2. The applicant agrees that that the sign shall not extend more than 36 inches above the roof line (top of the eaves line).
3. The applicant agrees to forego any and all rights to wall-mounted building identification signs as allowed for in Section 34 of the Arlington County Zoning Ordinance, for the time in which the roof-mounted sign is in existence.

[Board Report #30](#)

[Addendum 7-10-10-I U-3262-10-1](#)

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

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**31. APPROVAL OF: (1) A LETTER OF NOTIFICATION FROM THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS TENANT, TO FC BALLSTON COMMON, LLC, AS LANDLORD, EXERCISING THE COUNTY'S OPTION TO EXTEND THE LEASE TERM UNDER A DEED OF LEASE; (2) A FIRST AMENDMENT TO SUBLEASE AGREEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS TENANT, AND SAINT COLETTA OF GREATER WASHINGTON, INC., AS SUBTENANT; AND (3) A FIRST AMENDMENT TO SUBLEASE AGREEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS TENANT, AND ELLIPSE FINE CRAFTS, LLC, AS SUBTENANT, ALL CONCERNING MODIFICATION OF TERMS OF SUCH SUBLEASES, AND THE EXTENSION OF THE LEASE TERM FOR THE COUNTY TO OCCUPY STORE NO. 2176 AT BALLSTON COMMON MALL, 4238 WILSON BOULEVARD, ARLINGTON, VIRGINIA (RPC #14059035).**

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

- A. Approved the:
- (1) letter of notification from The County Board of Arlington County, Virginia, as Tenant, to FC Ballston Common, LLC, as Landlord, exercising the County's option to extend the lease term under a Deed of Lease;
  - (2) a First Amendment to Sublease Agreement between The County Board of Arlington County, Virginia, as Tenant, and Saint Coletta of Greater Washington, Inc., as Subtenant; and
  - (3) a First Amendment to Sublease Agreement between The County Board of Arlington County, Virginia, as Tenant, and Ellipse Fine Crafts, LLC, as Subtenant, all concerning modification of terms of such subleases, and the extension of the lease term for the County to occupy Store No. 2176 at Ballston Common Mall, 4238 Wilson Boulevard, Arlington, Virginia (RPC #14059035).  
[Clerk's note: as set forth in the document entitled "Addendum 7-10-10-J Woodmont Weavers Lease" attached for the public record to these minutes.]
- B. Authorized the Real Estate Bureau Chief, or his designee, to execute on behalf of the County Board the above referenced letter of notification and two First Amendments, subject to approval of such documents as to form by the County Attorney.

[Board Report #31](#)

[Addendum 7-10-10-J Woodmont Weavers Lease](#)

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**32. APPROVAL OF, AND AUTHORIZATION TO ACCEPT, A DEED OF EASEMENT FOR PUBLIC BUS SHELTER PURPOSES FOR THE DEPARTMENT OF ENVIRONMENTAL SERVICES PROJECT ON A PROPERTY LOCATED AT 611 SOUTH CARLIN SPRINGS ROAD, ARLINGTON, VIRGINIA (RPC #21028144).**

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

- 1. Approved the deed of easement for public bus shelter purposes. [Clerk's note: as set forth in the document entitled "Addendum 7-10-10-K Bus Shelter Easement" attached for the public record to these minutes.]
- 2. Authorized the Real Estate Bureau Chief, Engineering and Capital projects Division, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the Deed of Easement (attached to the staff report), subject to approval as to form by the County Attorney.

[Board Report #32](#)

[Addendum 7-10-10-K Bus Shelter Easement](#)

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**CAPITAL PROJECTS**

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**33. AMEND AGREEMENT NO. 428-02 TO INCLUDE FUNDING FOR THE DESIGN OF THE GRAVITY FILTER BUILDING RETROFIT PROJECT AT THE DES WATER POLLUTION CONTROL PLANT (WPCP).**

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

1. Approve an amendment to Agreement No. 428-02 held with Malcolm Pirnie, Inc. to include the design of the gravity filter retrofit project at the WPCP for the additional not-to-exceed the amount of \$3,000,000.
2. Authorize the Purchasing Agent, subject to legal review by the County Attorney, to sign the above amendment.

[Board Report #33](#)

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**35. APPROVE THE AWARD OF A CONTRACT TO ANCHOR CONSTRUCTION CORPORATION FOR THE CONSTRUCTION OF THE FAIRLINGTON SEWER SYSTEM IMPROVEMENTS PROJECT, CONTRACT NO. 171-10.**

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

1. Approve the award of Contract No.171-10 to Anchor Construction Corporation for the construction of the Fairlington Sewer System Improvements project in an amount of \$505,604.50.
2. Authorize an allocation of \$51,000.00 as a contingency for change orders and increased quantities, and \$25,500.00 in stipulated price items for a total authorization of \$582,104.50.
3. In addition, authorize the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

[Board Report #35](#)

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**APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS**

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**37. APPLICATION FOR AND APPROPRIATION OF FY 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM.**

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

1. Authorized the County Manager to accept \$61,326 in non-competitive grant funds under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program: FY 2010 Local Solicitation from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.
2. Appropriated \$61,326 in grant funds from the Bureau of Justice Assistance (101.374900) to the Police Department (101.31202) for costs associated with the FY 2010 JAG Program in FY 2011.

[Board Report #37](#)

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**38. APPLICATION FOR AND APPROPRIATION OF VIRGINIA DEPARTMENT OF HEALTH, DIVISION OF INJURY AND VIOLENCE PREVENTION - PREVENTING UNINTENTIONAL INJURIES MINI-GRANT.**

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

1. Authorized the County Manager to accept \$1,000 in competitive grant funds under the Virginia Department of Health (VDH), Preventing Unintentional Injuries Mini-Grant.
2. Appropriated \$1,000 in grant funds from the VDH (101.374900) to the Police Department (101.31202) for costs associated with the Preventing Unintentional Injuries Mini-Grant.

[Board Report #38](#)

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**39. PART C FUNDING FOR THE DEPARTMENT OF HUMAN SERVICES**

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

1. Appropriated \$285,908 in American Recovery and Reinvestment Act Part C funds from the Virginia Department of Behavioral Health and Developmental Services (101.374900) to the Department of Human Services (101.55201).
2. Appropriated \$97,229 State Part C Funds from the Virginia Department of Behavioral Health and Developmental Services (101.374900) to the Department of Human Services (101.55201).

[Board Report #39](#)

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**40. SUPPLEMENTAL OMNIBUS BUDGET RECONCILIATION ACT (OBRA) GRANT FOR THE DEPARTMENT OF HUMAN SERVICES**

On the consent agenda vote, after a duly advertised public hearing, the Board appropriated \$8,541 from the Virginia Department of Behavioral Health and Developmental Services (101.364501) to the Department of Human Services (101.53601) for intellectual and developmental disability day support services.

[Board Report #40](#)

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**41. VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES GRANT.**

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

1. Appropriated \$71,250 in FY 2011 from the Virginia Department of Criminal Justice Services (101.364501) to the Department of Human Services (101.52139).
2. Authorized a 1.0 grant-funded, limited-term FTE for mental health jail diversion activities.
3. Authorized the director of DHS or her designated agent to sign a grant agreement relating to these funds.

[Board Report #41](#)

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**42. ACCEPTANCE OF A CONTINUATION GRANT AND APPROPRIATION OF GRANT FUNDS FROM THE COMMONWEALTH OF VIRGINIA AMERICORPS STATE PROGRAM.**

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

1. Accepted a one-year grant from the Commonwealth of Virginia’s AmeriCorps State Program (101.364900) in the amount of \$76,833.00, and appropriated that money to the Department of Parks, Recreation and Cultural Resources’ FY 2011 operating expenses (101.83024), and authorized 4.8 temporary FTE’s.
2. Authorized the County Manager to sign both a letter accepting the grant and a contract between the County Board and the Commonwealth of Virginia’s Department of Social Services, subject to the approval of the contract by the County Attorney’s Office. [Clerk’s note: as set forth in the document entitled “Addendum 7-10-10-L Americorps” attached for the public record to these minutes.]

[Board Report #42](#)

[Addendum 7-10-10-L Americorps](#)

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**REQUESTS TO ADVERTISE**

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**43. REQUEST TO ADVERTISE A PUBLIC HEARING ON THE ADOPTION OF NON-CODIFIED ORDINANCES**

**DESIGNATING SIX TREES ON PRIVATE PROPERTY AS "SPECIMEN TREES" IN ACCORDANCE WITH ARTICLE III OF CHAPTER 67 OF THE ARLINGTON CODE, REGULATION OF HERITAGE TREES, MEMORIAL TREES, SPECIMEN TREES ON PUBLIC OR PRIVATE PROPERTY (HEREINAFTER "TREE PRESERVATION ORDINANCE") SO THAT THEY ARE SUBJECT TO PROTECTION FROM REMOVAL OR INJURY.**

On the consent agenda vote, after a duly advertised public hearing, the Board authorized advertisement of a public hearing for the adoption of the ordinances on September 25, 2010, to designate six trees on private property as "Specimen Trees" in accordance with Arlington County's Tree Preservation Ordinance so that they are subject to protection from removal or injury. [Clerk's note: as set forth in the document entitled "Addendum 7-10-10- M – Specimen Trees" attached for the public record to these minutes.]

[Board Report #43](#)

[Addendum 7-10-10- M – Specimen Trees](#)

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**OTHER**

**45. APPROVAL OF RESOLUTIONS AND QUESTIONS TO BE INCLUDED IN THE 2010 BOND REFERENDA**

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

1. Adopted the resolutions in Attachment A, as summarized below, and the explanation of the referendum questions to appear in publications, at voter registration sites, and polling places as detailed in Attachment B, in order to initiate and facilitate the November 2 bond referenda.

a.	Metro and Transportation	\$ 34,100,000
b.	Local Parks and Recreation	5,975,000
c.	Community Infrastructure	18,065,000
d.	Arlington Public Schools	<u>102,888,000</u>
	TOTAL	\$161,028,000

2. Requested that the Electoral Board list the referenda on the ballot in the order detailed in this report as shown in the Ballot Layout section on page 2.
3. Directed the County Manager to take all the steps necessary to ensure that the information provided to voters by the County is printed in both English and Spanish. [Clerk's note: as set forth in the document entitled "Addendum 7-10-10- N – 2010 Bond Referenda " attached for the public record to these minutes.]

[Board Report #45](#)

[Addendum 7-10-10- N – 2010 Bond Referenda](#)

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**46. AMENDMENTS TO THE COUNTY PURCHASING RESOLUTION**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the proposed attached amendments to the Arlington County Purchasing Resolution to be effective upon the date of adoption by the County Board.

AMENDMENTS TO  
ARLINGTON COUNTY PURCHASING RESOLUTION  
TO BE EFFECTIVE UPON ADOPTION BY THE COUNTY BOARD  
**TEXT OF PROPOSED AMENDMENTS**

(New text is bold and underlined. Deleted text is lined through.)

AMENDMENTS TO PURCHASING RESOLUTION

I. The following sections and subsections of the Purchasing Resolution are amended to read, in pertinent part, as follows:

**§4-102 Competitive Negotiation**

**(1) Competitive Negotiation For Goods or Services Other Than Professional Services**

A. Conditions for Use: Upon a determination made in advance by the Purchasing Agent and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public; goods, services, or insurance may be procured by competitive negotiation. The writing shall document the basis for this determination.

Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the Purchasing Agent and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

i. for the construction, alteration, repair, renovation or demolition of buildings or structures when the contract is not expected to cost more than ~~\$1,000,000~~ **\$1,500,000**; or

ii. for the construction of highways and any draining, dredging, excavation, grading or similar work upon real property.

\* \* \*

**§4-110 Competitive Bidding or Competitive Negotiation on State-aid Projects**

No contract for the construction of any building or for an addition to or improvement of an existing building by the County for which state funds of ~~\$30,000~~ **\$50,000** in the aggregate or for the sum of all phases of a contract or project, either by appropriation, grant-in-aid or loan, are used or are to be used for all or part of the cost of construction shall be let except after competitive sealed bidding or after competitive negotiation as provided under Section 4-102 (1) A of this resolution. The procedure for the advertising for bids or for proposals and for letting of the contract shall conform, mutatis mutandis, to the Virginia Public Procurement Act, Sections ~~11-~~ **352.2-4300** et seq.

\* \* \*

**§3-101 Conditions for Use**

The County may enter into a cooperative agreement ~~under Section 11-40 of the Virginia Code~~ for the purpose of combining requirements to increase efficiency or reduce administrative expenses.

\* \* \*

**§7-107 Contractual Disputes**

Contractual claims, whether for money or other relief, shall be submitted in writing no later than sixty days after final payment, however, written notice of the contractor's intention to file such claim must have been given at the time of the occurrence or beginning of the work upon which the claim is based. Nothing herein shall preclude a contract from requiring submission of an invoice for final payment within a certain time after the completion and acceptance of the work or acceptance of the goods. Pendency of claims shall not delay payment of amounts agreed due in the final payment.

A procedure for consideration of contractual claims shall be included in each contract. Such procedure, which may be incorporated into the contract by reference, shall establish a time limit for a final decision in writing by the County Manager.

The decision of the County Manager shall be final and conclusive unless the contractor appeals within six months of the date of the decision on the claim by the County Manager to the County Board in accordance with the requirements of sections ~~15.1-550 through 554~~**15.2-1243 through 15.2-1248** of the Virginia Code.

\* \* \*

**§9-101 Purpose**

The provisions of this article supplement, but do not supersede, other provisions of law including, but not limited to, the ~~Comprehensive Conflict of Interests Act (sections 2.1-599 et seq.)~~**State and Local Government Conflict of Interests Act (sections 2.2-3100 et seq.)**, the Virginia Governmental Frauds Act (section 18.2-498.1 et seq.), and Articles 2 and 3 of Chapter 10 of Title 18.2 of the Code of Virginia as amended. The provisions of this article apply notwithstanding the fact that the conduct described may not constitute a violation of the Comprehensive Conflict of Interests Act.

\* \* \*

**§9-108 Purchase of Building Materials, etc., from Architect or Engineer Prohibited**

A. No building materials, supplies or equipment for any building or structure constructed by or for the County shall be sold by or purchased from any person employed as an independent contractor by the County to furnish architectural or engineering services, but not construction for such building or structure; or from any partnership, association, or corporation in which such architect or engineer has a personal interest as defined in Virginia Code ~~§2.1-639.2~~**section 2.2-3101**.

B. No building materials, supplies or equipment for any building or structure constructed by or for the County shall be sold by or purchased from any entity which has provided or is currently providing design services specifying a sole source for such materials, supplies or equipment to be used in such building or structure to the independent contractor employed by the County to furnish architectural or engineering services in which such entity has a personal interest as defined in Virginia Code ~~§2-1-639.2~~ **section 2.2-3101.**

\* \* \*

II. The sections and subsections of the Purchasing Resolution not specifically amended above shall remain in full force and effect.

[Board Report #46](#)

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**47. ADOPTION OF A RESOLUTION GRANTING THE CONSENT OF THE COUNTY BOARD TO THE TRANSFER OF CONTROL OF THE CABLE TELEVISION FRANCHISEE, STARPOWER COMMUNICATIONS, L.L.C., FROM RCN CORPORATION TO YANKEE CABLE ACQUISITION, L.L.C.**

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

1. Adopted the attached Resolution Granting the Consent of the County Board to the Transfer of Control of the Cable Television Franchisee, Starpower Communications, L.L.C., From RCN Corporation to Yankee Cable Acquisition, L.L.C. [Clerk's note: as set forth in the document entitled "Addendum 7-10-10- O – Cable Franchise " attached for the public record to these minutes.]
2. Authorized the County Manager to execute the Transfer Agreement and all other documents relating to the transfer, subject to approval of such documents as to form by the County Attorney.

[Board Report #47](#)

[Addendum 7-10-10- O – Cable Franchise](#)

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**48. RESOLUTION IN SUPPORT OF THE DOMINION RADNOR HEIGHTS UNDERGROUND TRANSMISSION LINE PROJECT.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following resolution in support of the Dominion Radnor Heights underground transmission line project:

**RESOLUTION IN SUPPORT OF THE RADNOR HEIGHTS 230 KV TRANSMISSION LINES TO BE UNDERGROUNDED**

**ARLINGTON COUNTY BOARD**

July 10, 2010

**WHEREAS**, during its 2008 Session, the Virginia General Assembly passed, and the Governor signed into law, House Bill ("HB") 1319 which established a pilot program to construct a total of four qualifying electric transmission line projects of 230kV or less, in whole or in part, underground ("qualifying underground electric transmission project"); and

**WHEREAS**, HB 1319 allows Virginia Electric and Power Company ("Dominion Virginia Power" or "DVP") to pursue qualifying underground electric transmission projects that meet certain requirements and conditions; and

**WHEREAS**, Dominion Virginia Power is obligated to comply with North American Reliability Corporation (NERC) Reliability Standards for transmission facilities; and

**WHEREAS**, to assure that Dominion Virginia Power can continue to provide reliable electric service to its customers in Arlington County, consistent with mandatory NERC Reliability Standards, DVP proposes to construct in Arlington County two new 230 kV underground lines approximately 2.6 miles long from the Pentagon Military Reservation to a new substation to be located on the Joint Base Myer-Henderson Hall called "Radnor Heights Substation" and one 230 kV underground line approximately 1.1 miles long from the new Radnor Heights Substation to the existing substation at 3245 Wilson Boulevard.

**WHEREAS**, the proposed underground project also will support future load growth and improve transmission network reliability in Arlington County; and

**WHEREAS**, Dominion Virginia Power has conducted public outreach to the community on the proposed underground electric transmission project through direct communication with the 103 adjacent property owners along the proposed route and placed ads in various newspapers regarding the proposed project; and

**WHEREAS**, Dominion Virginia Power will implement a communications outreach plan regarding the project, pre- and during construction, including but not limited to hosting a community open-house and follow-up visits with civic associations, businesses and individuals as requested and required as part of the applicable County permitting process; and

**WHEREAS**, Dominion Virginia Power is required to go through the established Arlington County permitting process and meet all applicable County permitting requirements for this project; and

**WHEREAS**, Dominion Virginia Power will use newer technologies to the extent possible as part of the new 230 kV underground lines being proposed along the route in Arlington; and

**WHEREAS**, Arlington County prefers the use of new electric lines be placed underground when feasible and the undergrounding of electric lines is in support of the adopted resolution of the Arlington County "Underground Utility Plan" by the Arlington County Board on March 23, 2002; and

**WHEREAS**, Arlington County intends to pursue underground joint-use trench construction in support of its fiber optics network along the proposed Dominion route and coordinate on other infrastructure projects to achieve efficiencies and minimize construction impacts on the community; and

**WHEREAS**, Arlington County will continue to explore with Dominion Virginia Power ways to achieve energy conservation measures in support of its energy and environmental sustainable efforts; and

**WHEREAS**, to meet the requirements of Section 4.3 of the HB 1319 pilot program, Dominion Virginia Power must present a resolution from the governing body of each locality in which the underground lines are located that indicates general community support for the lines to be placed underground; and

**NOW, THEREFORE BE IT RESOLVED**, that the Arlington County Board finds it is in the public interest with general community support for the line to be placed underground in accordance with the requirements of Section 4.3 of the HB 1319 pilot program.

**BE IT FURTHER RESOLVED**, that on today's date of July 10, 2010, a copy of this resolution will be permanently included in the official records of Arlington County.

[Board Report #48](#)

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

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

March 13, 2010	Regular Meeting - Revised July 6, 2010
March 16, 2010	Recessed Meeting
May 22, 2010	Regular Meeting

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

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**50. [1025 N. FILLMORE STREET](#)**

- A. [Z-2508-03-1 Request For Proffer Amendment to amend the proffers associated with this rezoning application, to permit structures and/or uses in the plaza and/or sidewalk, located at 1025 N. Fillmore Street \(RPC #18-024-020\).](#)

After a duly advertised public hearing at which the public spoke, on a motion by Mr. Fisette, seconded by Ms. Favola and carried by a vote of 4 to 1, the voting recorded as follows: Mr. Fisette – Aye, Mr. Zimmerman – No, Ms. Favola – Aye, Ms. Hynes – Aye, and Mr. Tejada – Aye, the Board approved the following resolution accepting the proposed proffer amendment as described in the revised proffer agreement to allow outdoor cafes in the public right-of-way by special exception use permit only, and to prohibit outdoor cafes on private property on the ZOSO project.

**RESOLUTION FOR PROFFER AMENDMENT  
THE ZOSO PROJECT**

WHEREAS, SHLP ZOSO LLC ("Developer") has requested that the County Board of Arlington County approve an Amended Proffer Agreement to modify the Proffered Rezoning first approved on July 13, 2004 ("Original Proffer") for the property located at 1025 North Fillmore Street and further identified as RPC #18-024-020 on the County Record ("Property"); and WHEREAS, the Original Proffered Rezoning was approved for development of 114 apartments and a retail gross floor area of 23,133 square feet and a 210-space garage housed in a 55-foot tall building with a two-level underground garage; and

WHEREAS, Developer requests an amendment to the proffers previously approved to permit outdoor cafe seating in the public right of way subject to the Amended Proffer Agreement attached to this Resolution as Attachment A and made a part hereof; and

WHEREAS, the County Manager has recommended that the proposed Amended Proffer Agreement be approved; and

~~WHEREAS, on June 28, 2010, the Planning Commission recommended that the proposed Amended Proffer Agreement be accepted by the County Board; and~~

WHEREAS, the County Board has considered the foregoing recommendations, the Zoning regulations on the site, including the Original Proffer, the Comprehensive Plan, and the purposes of the Clarendon Sector Plan, and finds that the proposed Amended Proffer Agreement will achieve goals and objectives set forth in those documents, and

WHEREAS, the County Board finds that the proposed Amended Proffer Agreement is required by public necessity, convenience, general welfare, and good zoning practice; and

WHEREAS, the County Board held a duly advertised public hearing on the proposed Amended Proffer Agreement for the Property on July 10, 2010.

NOW, THEREFORE, be it resolved that, based on the aforementioned considerations, deliberations and all public comments, the County Board of Arlington finds that the proposed Amended Proffer Agreement set forth in Attachment A should be, and hereby is approved, and that all other previous proffers remain in full force and effect, and that the site known as 1025 N. Fillmore Street (RPC # 18-024-020) formerly known as 1021, 1025, 1027, 1031, and 1041 N. Fillmore Street (RPC # 18-024-010,011,012,013,014,015) shall remain zoned "C-TH" subject to the amended proffers.

ATTACHMENT A  
The Fillmore (now known as ZOSO) Amended Proffer Agreement  
Revised July --, 2010

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950, as amended and in accordance with Section 2.G. of the Arlington County Zoning Ordinance, and contingent upon the Arlington County Board's approval of the rezoning application for the site known as 1025 N. Fillmore Street (RPC # 18-024-020) formerly known as 1021, 1025, 1027, 1031, and 1041 N. Fillmore Street (RPC # 18-024-010,011,012,013,014,015), the undersigned, the contract purchaser and fee-simple owners of all properties incorporated in the application on behalf of themselves and their successors and assigns, agree to the following amended proffers (the "Proffers"). Shown below is one new proffer and amendments to the current proffers agreed to on the property. All proffers dated July 6, 2004, accepted by the County Board with the approval of Z-2058-03-1 on July 13, 2004, shall remain in full force and effect except as expressly revised as shown below:

[Revised Proffer 17 **bold and underlined** text will be added as shown below to existing Proffer ]

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 RosslynBallston Streetscape Plan or other applicable urban design standards approved by the County Board and in effect at the time of the site plan approval. The developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the first Certificate of Occupancy for the site plan. The sidewalks along the street frontages of this development shall be paved with brick or an interlocking concrete paver and shall be placed on a properly engineered base approved as such by the Department of Public Works. 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 Project*, 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:

A minimum of 13.5-foot wide sidewalk measured from the back of curb, include eight (8) feet clear sidewalk width free from obstructions (**six (6) feet clear width in outdoor cafe seating areas**), five (5)-foot wide by twelve (12)-foot long tree pits, located a minimum of eight (8) inches from the back of curb, and planted with 4 to 4 1/2 inch caliper London Plane street trees and such ground cover as liriope muscari, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects* then placed approximately 30 feet apart on center. The driveway ramp shall not extend beyond the tree pits into the clear sidewalk.

[New Proffer 77, to be added to the existing proffers]

Outdoor cafes shall, subject to special exception use permit approval, be permitted within the public right-of-way adjacent to the entire building frontage on North Fillmore Street and on the first 25 feet of 11th Street North eastward from the build-to line in the areas identified in the diagram attached hereto and incorporated here as Exhibit 1. No outdoor cafes will be permitted on any other part of the development. Any such permitted outdoor cafes shall be open for business no later than 9 p.m. Sundays through Thursdays and 10 p.m. Fridays and Saturdays. Live entertainment, amplification, and the playing of radios or recorded music shall be prohibited at all outdoor cafes.

Ms. Hynes offered a substitute motion, seconded by Mr. Zimmerman, which failed by a vote of 3-2, the voting recorded as follows, Mr. Fissette – No, Mr. Zimmerman – Aye, Ms. Favola – No, Ms. Hynes – Aye, and Mr. Tejada – No, to approve the following Amended Proffer Agreement, Revised June 22, 2010, presented by Simpson Housing LLLP:

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950, as amended and in accordance with Section 2.G. of the Arlington County Zoning Ordinance, and contingent upon the Arlington County Board's approval of the rezoning application for the site known as 1025 N. Fillmore Street (RPC # 18-024020) formerly known as 1021, 1025, 1027, 1031, and 1041 N. Fillmore Street (RPC # 18-024-010, 011, 012, 013, 014, 015), the undersigned, the contract purchaser and fee-simple owners of all properties incorporated in the application on behalf of themselves and their successors and assigns, agree to the following amended proffers (the "Proffers"). Shown below is one new proffer and amendments to the current proffers agreed to on the property. All proffers dated July 6, 2004, accepted by the County Board with the approval of 2-2058-03-1 on July 13, 2004, shall remain in full force and effect except as expressly revised as shown below:

[Revised Proffer 17 bold and underlined text will be added as shown below to existing Proffer 17]

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 Plan or other applicable urban design standards approved by the County Board and in effect at the time of the site plan approval. The developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the first Certificate of Occupancy for the site plan. The sidewalks along the street frontages of this development shall be paved with brick or an interlocking concrete paver and shall be placed on a properly-engineered base approved as such by the Department of Public Works. 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 Project, 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:

A minimum of 13.5-foot wide sidewalk measured from the back of curb, include eight (8) feet clear sidewalk width free from obstructions (six (6) feet clear width in outdoor cafe seating areas), five (5)-foot wide by twelve (12)-foot long tree pits, located a minimum of eight (8) inches from the back of curb, and planted with 4 to 4 ½ inch caliper London Plane street trees and such ground cover as liriopie muscari, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), consistent with the Standards for Planting and Preservation of Trees in Site Plan Projects then placed approximately 30 feet apart on center. The driveway ramp shall not extend beyond the tree pits into the clear sidewalk.

[New Proffer 77, to be added to the existing proffers]

Outdoor cafes shall, subject to special exception use permit approval, be permitted within the public right-of- way adjacent to the entire building frontage on North Fillmore Street and on the first 15 feet of 11<sup>th</sup> Street North eastward from the build-to line in the areas identified in the diagram attached hereto and incorporated here as Exhibit I. No outdoor cafes will be permitted on any other part of the development. Any such permitted outdoor cafes shall be open for business no later than 9 p.m. Sundays through Thursdays and 10 p.m. Fridays and Saturdays. Live entertainment, amplification, and the playing of radios or recorded music shall be prohibited at all outdoor cafes.

[Board Report #50.A.](#)

[Board Report #50A-Supplemental](#)

- B. [U-3265-10-1 Use Permit for an outdoor cafe in the public right-of-way; located at 1025 N. Fillmore Street \(RPC #18-024-020\).](#)

After a duly advertised public hearing at which the public spoke, on a motion by Ms. Hynes, seconded by Ms. Favola and carried by a vote of 4 to 1, the voting recorded as follows: Mr. Fisetto – No, Mr. Zimmerman – Aye, Ms. Favola – Aye, Ms. Hynes – Aye, and Mr. Tejada – Aye, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3265-10-1 on file in the Office of the Zoning Administrator for a special exception of a use permit for outdoor seating for the parcel of real property known as 1025 N. Fillmore Street (RPC #18-024-020) 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 and a County Board review in one (1) year (July 2011).

Conditions:

1. The applicant (as used in these conditions, the term "applicant" shall mean the owner, the tenant "Screwtop" and all successors and assigns) agrees that, in building or using any outdoor café on the property at 1025 N. Fillmore Street, it will comply with the conditions set forth below and the drawings referenced below.
2. The applicant agrees that the outdoor café shall be in the same general location outlined in the heavy black line as shown on the attached drawing dated ~~June 8, 2010~~ July 6, 2010, and as approved by the County Board on July 10, 2010. The applicant further agrees to maintain a minimum of six (6) feet of clear unobstructed sidewalk width at all times. [Clerk's note: as set

forth in the document entitled "Addendum 7-10-10- P – U-3265-10-1 " attached for the public record to these minutes.]

3. The applicant agrees that the outdoor café shall close at 9 p.m. Sunday through Thursday, and 10 p.m. on Friday and Saturday.
4. The applicant agrees that there shall be no speakers, radio, or live entertainment in any outdoor seating area.
5. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the outdoor seating and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the outdoor cafe. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Clarendon-Courthouse Civic Association.
6. The applicant agrees that the use permit shall be subject to review by the County Board upon a change in the tenancy of subject property.

[Board Report #50.B.](#)

[Board Report #50 B-Supplemental](#)

[Addendum 7-10-10- P – U-3265-10-1](#)

- C. [U-3258-10-1 Use Permit for an outdoor cafe in the public right-of-way; located at 1025 N. Fillmore Street \(RPC #18-024-020\).](#)

After a duly advertised public hearing at which the public spoke, on a motion by Mr. Fisette, seconded by Ms. Favola and carried by a vote of 5 to 0, the voting recorded as follows: Mr. Fisette – Aye, Mr. Zimmerman – Aye, Ms. Favola – Aye, Ms. Hynes – Aye, and Mr. Tejada – Aye, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3258-10-1 on file in the Office of the Zoning Administrator for a special exception of a use permit for an café in the public right-of-way for the parcel of real property known as 1025 N. Fillmore Street (RPC #18-024-020) 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 and a County Board review in one (1) year (July 2011).

Conditions:

1. The applicant (as used in these conditions, the term "applicant" shall mean the owner, the tenant "American Flatbread" and all successors and assigns) agrees that, in building or using any outdoor café on the property at 1025 N. Fillmore Street it will comply with the conditions set forth below and the drawings referenced below.
2. The applicant agrees that the outdoor café shall be in the same general location outlined in the heavy black line as shown on the attached drawing dated ~~June 8, 2010~~ July 6, 2010, and as approved by the County Board on July 10, 2010, but in no case shall be more than 25 feet

from the ~~corner of the building on 11<sup>th</sup> Street North~~ front face of the building on North Fillmore Street. The applicant further agrees to maintain a minimum of six (6) feet of clear unobstructed sidewalk width at all times. [Clerk’s note: as set forth in the document entitled “Addendum 7-10-10- Q – U-3258-10-1 ” attached for the public record to these minutes.]

3. The applicant agrees that the outdoor café shall close at 9 p.m. Sunday through Thursday, and 10 p.m. on Friday and Saturday.
4. The applicant agrees that there shall be no speakers, radio, or live entertainment in any outdoor seating area. Exterior doors shall never be propped open.
5. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the outdoor seating and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the outdoor cafe. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Clarendon-Courthouse Civic Association, the Clarendon Alliance, and the residential townhouse neighbors across 11<sup>th</sup> Street North, and the single-family neighbors on North Edgewood Street.
6. The applicant agrees that the use permit shall be subject to review the County Board upon a change in the tenancy of subject property.

[Board Report #50.C.](#)

[Board Report #50 C-Supplemental](#)

[Addendum 7-10-10- Q – U-3258-10-1](#)

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**51. CONSIDERATION OF THE EAST FALLS CHURCH AREA PLAN.**

- A. After a duly advertised public hearing at which there were speakers, on a motion by Ms. Favola, seconded by Mr. Zimmerman, and carried by a vote of 5 to 0, the voting recorded as follows: Mr. Fisette – Aye, Mr. Zimmerman – Aye, Ms. Favola – Aye, Ms. Hynes – Aye, and Mr. Tejada – Aye, the board adopted the following resolution accepting the East Falls Church Area Plan, prepared by the East Falls Church Planning Task Force. [Clerk’s note: as set forth in the document entitled “Addendum 7-10-10- R – EFC Area Plan ” attached for the public record to these minutes.]

**Resolution to Accept the East Falls Church Area Plan**

**Whereas**, the County Board appointed the East Falls Church Planning Study Task Force (“the Task Force”) in 2007 to “generate a vision for transit-oriented development in the East Falls Church area”; and

**Whereas**, the Task Force worked closely with County staff over a three year period to develop a Task Force Plan that contains a Vision Statement and Land Use, Open Space, Sustainability, Affordable Housing, and Transportation recommendations; and

**Whereas**, on June 9, 2010, the Task Force voted 14-4 to forward their Plan to the County Board for consideration; and

**Whereas**, the Task Force Plan is generally in conformance with the goals and policies of Arlington County; and

**Whereas**, the Planning Commission also recommended acceptance of the East Falls Church Area Plan;

**Now, therefore be it resolved** that after careful staff review and community input regarding the recommendations of the East Falls Church Planning Study Task Force, the County Board hereby accepts the East Falls Church Area Plan, as updated through June 30, 2010 as a statement of the East Falls Church Planning Study Task Force and directs the County Manager to complete the remaining sections and other background information of a final East Falls Church Area Plan document to be developed by staff for future County Board consideration.

- B. After a duly advertised public hearing at which there were speakers, on a motion by Mr. Zimmerman, seconded by Ms. Hynes, and carried by a vote of 5 to 0, the voting recorded as follows: Mr. Fisetto – Aye, Mr. Zimmerman – Aye, Ms. Favola – Aye, Ms. Hynes – Aye, and Mr. Tejada – Aye, the board adopted the following County Board Policy Determinations, provides guidance for the completion of a final East Falls Church Area Plan document to be developed by staff for future County Board consideration.

#### **County Board Policy Determinations**

East Falls Church is a vital predominantly residential neighborhood with a Metro station located at its center. The East Falls Church area is not now like other Arlington Metro Station areas, nor does the County Board intend to replicate the densities and massing of other metro station areas. The presence of Interstate 66 and the Metro station, however, makes East Falls Church unlike any other low-density neighborhood in Arlington. Any proposed development should respect these distinctions while bringing to the area the kinds of shopping and recreational opportunities that exist close to many other Arlington neighborhoods. Heights and designs for new development should accommodate the preservation of single-family homes, while acknowledging that the proximity of the Metro Station and the desire for amenities and community benefits may result in sharper transitions than would be customary near single-family neighborhoods located farther from a major transit facility. Toward this end, any plan for East Falls Church should:

1. Preserve single-family homes (excluding only the two houses on the corner of Washington Boulevard at Sycamore St.).
2. Protect historic sites: Specifically, the Eastman-Fenwick House and the W&OD railway siding.
3. Include as a high priority a grocery store and other neighborhood-serving retail/office at mixed-use sites: restaurants, professional offices, farmer's market, etc.
4. Provide for new and enhanced public plazas and recreation spaces that could be used for gatherings and community events.
5. Generally limit building heights in the concept area to four to six stories where buildings meet the street.
6. On the Park & Ride site, restrict heights along the frontage to the same as those of the homes facing them across Washington Blvd. and Sycamore Street (generally, 4 stories and not more than 48 feet) tapering up from the neighborhood behind the buildings along the street frontage by one to two stories and then tapering up again by one to three stories along the center section of the I-66 frontage. Provide

extensive design guidelines to allow for the creation of a neighborhood complementing development that is in keeping with the nature of the community throughout the area. Provide for access to the Metro station from within the site (i.e., via any plaza that may be included in the interior of the site).

7. Outline goals and strategies for preserving and creating affordable housing within one mile of the East Falls Church station area.
8. Including strategies that preserve and protect existing natural areas.

**Transportation:** The Metro Station, Interstate-66 and other major roadways dominate East Falls Church and currently interfere with the ability to walk, bike, drive, or use transit in the area. Significant improvements to the public's transportation experience and the impacts of automotive traffic in the East Falls Church area are needed. To achieve this, any plan for East Falls Church should:

1. Provide alternative financing mechanisms and plans for constructing a western entrance to the Metrorail station at the earliest possible date.
2. Reduce auto congestion in the area by reducing commuter parking at the Metro station.
3. Utilize the Residential Zoned Parking Program to control spillover parking.
4. Enhance the environment for pedestrians by improving the streetscape, especially across Lee Highway and along Washington Blvd. and by introducing measures consistent with the Master Transportation Plan to calm arterial traffic in the area, shorten crossing distances, and provide adequate pedestrian paths.
5. Create a more bike-friendly environment through establishing additional bike routes along arterial and neighborhood streets and providing for better bicycle parking and storage.
6. Design an improved path for crossing Lee Highway on the W&OD that is safer and easily accessible, to increase its use as a primary route by bicyclists and pedestrians.
7. Provide enhancements for bus service, and examine options for bus loading that ensure transferring is safe and convenient for riders and that ensure appropriate multimodal movement on the street.
8. Work cooperatively with the Virginia Department of Transportation (VDOT) and the Federal Highway Administration (FHWA) to advance a transportation and urban design study of the I-66 interchange in order to identify measures to better integrate this facility with the East Falls Church Station Area and reduce existing substantial adverse impacts.

- C. After a duly advertised public hearing at which there were speakers, on a motion by Mr. Zimmerman, seconded by Ms. Favola, and carried by a vote of 5 to 0, the voting recorded as follows: Mr. Fisetto – Aye, Mr. Zimmerman – Aye, Ms. Favola – Aye, Ms. Hynes – Aye, and Mr. Tejada – Aye, the board directed the County Manager to submit two reports to the County Board, in two phases. The first report (Report 1 – Research and Analysis) should provide research and analysis related to the Plan's recommendations. The second report (Report 2 – Proposed Area Plan) should recommend specific policies and implementation plans, as customarily associated with a sector plan, for the East Falls Church area for adoption by the County Board.

**Direction to the County Manager Regarding  
The East Falls Church Area Plan**

**Report 1: Research and Analysis**

The County Board directs the County Manager to review the East Falls Church Area Plan presented by the Task Force, and other appropriate resources, and provide information and/or recommendations to the County Board by September regarding the following:

- 1) An economic analysis of the development potential of the Metro Station Park and Ride Lot and a systematic comparison on all relevant parcels of a) the heights, densities and uses permitted by the existing General Land Use Plan designations and existing zoning, b) the heights, densities and uses proposed in the Task Force Plan, and c) any additional heights, densities and uses that on the basis of economic potential could reasonably be proposed by the private sector.
- 2) An analysis of the level of community benefit resources that could be generated from each of these densities.
- 3) An inventory of existing affordable housing resources within one mile of the East Falls Church Metro station.
- 4) A list of feasible options for preservation and/or creation of affordable housing in the East Falls Church area.
- 5) The feasibility of attracting a grocery store to the area and the mechanisms by which this can be done.
- 6) An analysis of the application of policies and standards contained in the Master Transportation Plan to the East Falls Church area, comparing them both to the existing conditions and to the transportation proposals contained in the Plan.
- 7) Examine options for improved pedestrian crossing on Washington Blvd. near the Verizon parking lot.
- 8) Identify what can be done ahead of the plan's implementation to ease congestion.
- 9) Identification of any major policy questions that need to be resolved before proceeding to develop a detailed sector plan.
- 10) An appropriate timeline for developing the area plan, including a proposal for community participation in its development.
- 11) Analysis of the potential impact of the Tyson's-Dulles Metrorail extension on travel patterns and parking demand in the East Falls Church area.

**Report 2: Proposed Area Plan**

The County Board directs the County Manager to include in the second report all relevant guidance ordinarily contained in a sector plan, such as any proposed changes to the General Land Use Plan and Zoning Ordinance, specific policy guidance for development, detailed design guidelines and illustrative plans, and an implementation plan that outlines steps to achieving the vision expressed in the plan, subject to the policy determinations of the County Board.

Community review process

1. The Manager's Research and Analysis report (Report 1) should be distributed to the public for review and comments before it is presented for action by the County Board.

2. The Manager’s proposed area plan (Report 2) should fully incorporate the County Board’s policy determinations and Report 1 findings. Staff will work with the Long Range Planning Committee of the Planning Commission in the review of the final plan, to be submitted to the County Board within six months.
3. The public review process for Reports 1 and 2 may include, but need not be limited to: presentations of the draft report to civic associations and other interested organizations, general meetings open to the public, commission presentations, and work sessions with the County Board.
4. In presenting the area plan to the County Board prior to formal commission review, the Manager’s report should thoroughly summarize community comments and questions received and provide the staff’s response to them.

[Board Report #51](#)

[Attachment to #51](#)

[Board Report #51-Supplemental](#)

[Addendum 7-10-10- R – EFC Area Plan](#)

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**52. U-3255-10-2 USE PERMIT AMENDMENT FOR COMPREHENSIVE SIGN PLAN; LOCATED AT 5510 LEE HIGHWAY (RPC #10-001-007).**

After a duly advertised public hearing at which there were no speakers, on a motion by Mr. Zimmerman, seconded by Ms. Hynes, and carried by a vote of 5 to 0, the voting recorded as follows: Mr. Fisetto – Aye, Mr. Zimmerman – Aye, Ms. Favola – Aye, Ms. Hynes – Aye, and Mr. Tejada – Aye, the Board deferred consideration of the use permit for a comprehensive sign plan for TD Bank to the September 25, 2010, County Board meeting.

[Board Report #52-Revised](#)

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**53. BIKE SHARING**

After a duly advertised public hearing at which there were speakers, on a motion by Mr. Tejada, seconded by Mr. Zimmerman, and carried by a vote of 5 to 0, the voting recorded as follows: Mr. Fisetto – Aye, Mr. Zimmerman – Aye, Ms. Favola – Aye, Ms. Hynes – Aye, and Mr. Tejada – Aye, the Board took the following actions:

1. Approved the amendments to the Master Transportation Plan (MTP), Bicycle Element and Map to add an Appendix F which lists the general locations of planned bike-sharing stations and to the MTP Map to add Note 20 showing the general locations of the planned bike-share station locations. [Clerk's note: as set forth in the document entitled "Addendum 7-10-10- S – MTP Bicycle Element " attached for the public record to these minutes.]
2. Consented to the use of public property and existing public easements for bike-sharing stations at the locations shown on the plans dated June 15, 2010, and adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3263-10-1 on file in the Office of the Zoning Administrator for a special exception of a use permit for 13 bike-share stations and a comprehensive sign plan associated with this use for the parcel of real property known as A) 1101 S. Joyce St. (RPC #35005031); B) 1200 S. Hayes St. (RPC #35005027); C1) property owned by the County Board at 1600 S. Hayes St. closest to the intersection of 15<sup>th</sup> St. S. and S. Hayes St. (RPC # 35005015); C2) property owned by the County Board at 1600 S. Hayes St. closest to the intersection of 5<sup>th</sup> St. S. and S. Joyce St. (RPC # 35005015); D) property owned by the County Board at 1750 S. Hayes St. (RPC # 35008001); E) property owned by the County Board within the 1200 block of S. Eads St. (adjacent RPC #35001019); F) 1550 Crystal Dr. (RPC #34020248); G) 1901 S. Bell St. (RPC #34026037); H) property owned by the County Board within the 2000 block of Jefferson Davis Highway (adjacent RPC #34020267); I) 2351 Jefferson Davis Highway (RPC #34020032); J) 2799 Jefferson Davis Highway (RPC #34027017); K) 2451 Crystal Dr. (RPC #34020243); and L) in property owned by the County Board within the 3600 block of S. Glebe Rd. (adjacent RPC #34027075), 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 in the staff report, and with a review in two (2) years (July 2012).

**Use Permit Conditions:**

1. The applicant agrees that up to twelve (12) bike-share stations, including either site C1 or C2, but not both, and associated signs, up to the maximum sizes indicated and in the locations shown on the plans dated June 15, 2010 and approved by the County Board on July 10, 2010, may be installed at such locations, and in accordance with Agreement No. 56-09 between Alta Bicycle Share, Inc. and the County Board of Arlington County, Virginia, dated April 8, 2010.
2. The applicant agrees that the County Manager may review and approve minor adjustments to the location of the bike-share stations and associated appurtenances, but no part of the station may be placed more than five (5) feet from any part of the locations shown on the plans dated June 15, 2010, provided the final installed locations meet the following conditions:
  - A. The final locations shall be in the same parcel or easement as the approved location;
  - B. Minimum clear sidewalk width shall be as indicated in the drawing for each station as shown on the plans dated June 15, 2010;
  - C. No station shall conflict with existing utilities or with existing trees.
3. The applicant agrees that all signs shall be consistent with the comprehensive sign plan entitled "Comprehensive Signage Plan Submittal: Bike Share System Arlington County, VA" prepared by Alta Bicycle Share, Inc. and dated June 21, 2010 and approved by the County Board on July 10, 2010. The applicant further agrees that all signs shall be of the number, size, location, design, materials, and structure shown on the comprehensive sign plan. The signs shall not be lit. The total sign area for the freestanding and terminal sign at each station shall not exceed 30.5 square feet, to include one 22 square foot freestanding sign and one 7 square foot terminal sign. Sponsor names and logos may be included on the freestanding signs up to a cumulative maximum of 1.5 square feet of the total freestanding sign area and shall be placed in the locations and with the maximum individual sign area as shown on pages 17, 18 and 19 of the Plan.

- A. The applicant 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); (ii) a minor change in the area of an individual sign (less than 5%); or (iii) a minor change in wording of the sign. All other changes to the Comprehensive Sign Plan will require use permit approval or amendment.
  - B. The applicant agrees that the freestanding and terminal signs shall be noncommercial, except for the specified sponsor names and/or logos. The non-commercial portions of the signage shall not have text or corporate logos, and shall not advertise nor refer to products or services that are for sale. They may be changed periodically subject to the above condition.
  - C. The applicant agrees that the freestanding and terminal 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.
- 4. The applicant agrees to operate the bike-share stations shown on the plans dated June 15, 2010 in accordance with the terms and provisions of Agreement No. 56-09 between Alta Bicycle Share, Inc. and the County Board of Arlington County, Virginia, dated April 8, 2010. [Clerk's note: as set forth in the document entitled "Addendum 7-10-10- S – MTP Bicycle Element " attached for the public record to these minutes.]
  - 5. The applicant agrees to comply with all federal, state, and local laws and regulations.

[Board Report #53A-C](#)

[Board Report #53 A-C-Supplemental](#)

[Addendum 7-10-10- S – MTP Bicycle Element](#)

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**\* ADDITIONAL ITEMS**

**ADJOURNMENT**

Without objection, at 4:02 p.m., the Board recessed until the July 13, 2010 Recessed Meeting.

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JAY FISETTE, Chairman

ATTEST:

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