

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, September 17, 2011 at 8:33 a.m.

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

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

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### **PUBLIC COMMENT**

Robert Atkins raised questions about the Greater Washington Hispanic Chamber of Commerce's donation to political campaigns.

Dorothy Swanson, one of the owners of the Swanson Apartments, expressed concerns regarding the collapse at the adjacent development and their challenges in the aftermath. The developer has placed a structure to support the land, which they had understood would be temporary but has changed to a permanent installation. They ask that the County require the developer to remove every item in that foundation before they construct the development further and it cannot be repaired.

Lewis Feldman asked about the status of a traffic signal system at 9th and N. Quincy Street as Site Plan 275, approved in 2002, had required developer contributions toward the future installation of a traffic signal system at this intersection.

Chris Fraccaro asked about the status of a traffic signal system at Wilson Blvd and N. Pollard Street as Site Plan 383, approved in 2004, had required developer contributions toward the future installation of a traffic signal system at this intersection.

Maureen Ross shared her concerns about the installation of handicap ramps that "lead to nowhere" and requested that a telephone pole on North Lincoln Street be moved to the side so it does not obstruct the use of the sidewalk.

Bruce Engelbert expressed concerns over two boarded up buildings that he can see from his residence at the corner of North Edison and 22nd Streets. He had contacted Code Enforcement this past spring and two code cases were opened up. However, when he inquired about the status he was informed that information could not be shared with him.

Shelley Wade spoke regarding the cost of restoration of library hours. She stated that there is a discrepancy between the cost that appeared in the April press release (full restoration would be almost 1 million dollars) and information the Board had, that stated restoring three hours at all six branches only cost \$63,000. She remarked that she had discussed this with staff, and was informed that this was not a mistake, that it was a matter of interpretation.

Matt Wavro remarked that Arlington County needed a transportation system that worked for everyone; he shared that the current system is difficult for commuters.

Kayla Rizzoli advocated for the construction of aquatic facilities at the Long Bridge Park to help relieve scheduling conflicts at other facilities.

Miriam Gennari petitioned that Arlington eliminate the use of single-use Styrofoam cups by Arlington County Government. She is concerned about the health impact of single-use Styrofoam cups (due to styrene) and is concerned with reducing waste. She also requested the establishment of a sustainability council (as Arlington Public Schools has done) and provided a list of other recommendations to help Arlington achieve its goal to grow and still be green.

Mark Downey remarked that he had reported vehicles in violation of parking restrictions with expired tags and no action had been taken by County staff.

Emma Chipani asked the County Board for assistance as the tenants of the Henderson Courts apartments have received a 150-day notice to vacate the premises. The tenants, supported by BU-GATA, would like assistance from the County in setting up a meeting with the current property owner to discuss their concerns and also request relocation assistance.

German Francisco Henriquez commented on the availability of translated documents on tenant/landlord issues on the County's website.

Louis Athey inquired about changes to the County's tenant relocation policies.

Audrey Clement requested a low-barrier, year-round shelter.

Jim Hurysz asked for electric-vehicle recharging stations to be installed in the County.

Cecelia Cassidy requested that the Rosslyn Business Improvement District and the Rosslyn Renaissance be integral participants of the process for the sector plan review.

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**ANALYSIS OF CONTINGENT ACCOUNTS.**

The Board received a Summary of Fiscal Year 2011 Contingent Accounts showing balances of \$1,000,000 in General and \$6,688,557 in Affordable Housing Investment Fund as of June 27, 2011.

**CONSENT ITEMS (ITEMS 1-51) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, SEPTEMBER 17, 2011, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, SEPTEMBER 20, 2011, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

Ms. Favola read the following statement: Item 25 on the Consent Agenda involves a real estate transaction between the County and the Arlington YMCA. I serve as a member of the Advisory Board of the Arlington YMCA in an unpaid capacity. Under the State and Local Government Conflict of Interests Act, this does not create a personal interest that I must declare nor am I prohibited from participating in the County Board's consideration of and vote on the matter. Accordingly, I intend to participate in this matter, and can do so fairly, objectively and in the public interest.

A motion was made by MARY HYNES, Vice Chairman, seconded by JAY FISETTE, Member, to approve the County Manager's recommendation for all consent items except items #1, 4, 16, 22, 28, 34, 37 and 49, which will be the subject of a full hearing at the September 20, 2011 County Board recessed meeting. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye.

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**SITE PLANS/AMENDMENTS/REVIEW**

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

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the requested site plan amendment to the October 15, 2011 County Board meeting.

[Board Report #2](#)

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**3. SP#190 SITE PLAN AMENDMENT TO AMEND THE COMPREHENSIVE SIGN PLAN FOR AVALON AT BALLSTON LLC, LOCATED AT 4650 WASHINGTON BLVD., (RPC# 14-013-050).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance approving a site plan amendment to the comprehensive sign plan, with a modification of Zoning Ordinance regulations for the number, size, type, and placement of signs subject to all previous conditions and amended condition 11 as set forth in the ordinance.

WHEREAS, an application for a Site Plan Amendment dated June 27, 2011, to amend the Comprehensive Sign Plan for SP #190, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report provided to the County Board for its September 17, 2011 meeting, and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on September 17, 2011 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan, as amended:

- Substantially complies with the character of the General Land Use Plan, and with the uses permitted and use regulations of the C-O-2.5 Districts as set forth in the Zoning Ordinance and modified as follows:
  - Section 34.F.3. (Modification from requirement of only one [1] 24-square foot building name sign for multi-family buildings); and
  - Section 34.D.1. (Modification from requirement that signs shall be placed flat against the building unless otherwise permitted by the Zoning Ordinance).
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated June 27, 2011 for SP #190, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 11 of the site plan (which drawings, etc. are hereafter collectively referred to as "Revised Site Plan Application"), for the parcel of real property known as RPC# 14-013-050 and 4650 North Washington Boulevard, approval is granted and the parcels so described shall be used according to the Revised Site Plan Application, subject to all previously approved conditions with condition #11 amended as follows:

11. No signs above the third floor are permitted and all signs shall conform to the adopted "Sign Standards for Site Plan Buildings" and be approved by the County Manager. For the residential portion of the project, the developer agrees that all signs shall be limited to the location, design, and sign area shown on the drawings entitled "Avalon at Ballston (SP#190)" and dated June 2011 and as in the chart that is a part of this report and approved by the County Board on September 17, 2011. The developer agrees that the total area of permanent signs shall not exceed 270 square feet. The developer further 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) or a minor change in the area of an individual sign (less than 5%). [Clerk's note: as set forth in the document entitled "Addendum-9-17-11-A- SP#190" attached for the public record to these minutes.]

[Board Report #3](#)

[Addendum-9-17-11-A- SP#190](#)

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**5. SP# 239 SITE PLAN AMENDMENT REVIEW FOR AN OUTDOOR CAFÉ IN THE PUBLIC RIGHT-OF-WAY AT PIZZA AUTENTICA; LOCATED AT 850 N. RANDOLPH ST. (RPC# 14-047-020).**

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 #239 on file in the Office of the Zoning Administrator for renewal of the subject site plan amendment for an outdoor café in the public right-of-way at Pizza Autentica for the parcel of real property known as 850 North Randolph Street (RPC# 14-047-020), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, and with a County Board review in three (3) years (September 2014).

[Board Report #5](#)

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**6. SP #280 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN FOR TWO (2) SIGNS LOCATED AT 2800 10TH ST. N. (DR. JOAQUIN PEREZ-FEBLES) (RPC# 18-031-004).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the site plan amendment request to the October 15, 2011 County Board meeting.

[Board Report #6](#)

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**7. SP #387 SITE PLAN AMENDMENT TO AMEND THE TIMING OF IMPROVEMENTS IN CONDITION #13, AT THE ALEXAN 24; LOCATED AT 2400 24TH ROAD SOUTH (RPC# 32-024-003).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the site plan amendment request to amend the timing of Condition #13 to the October 15, 2011 County Board meeting.

[Board Report #7](#)

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**USE PERMITS REQUEST/REVIEWS/AMENDMENTS**

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**8. U-2318-81-2 USE PERMIT REVIEW OF A TRANSITIONAL PARKING LOT; LOCATED AT 700 N. PIEDMONT ST. (REAR OF 3902 WILSON BLVD.) (RPC# 20-004-006).**

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-2318-81-2 on file in the Office of the Zoning Administrator for renewal of the subject use permit for the parcel of real property known as 700 North Piedmont Street (RPC# 20-004-006), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions with no further scheduled County Board review.

[Board Report #8](#)

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**9. U-2890-96-3 USE PERMIT REVIEW FOR A VEHICLE SERVICE ESTABLISHMENT LOCATED AT 3100 COLUMBIA PIKE (RPC# 32-007-046, -020).**

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-2890-96-3 on file in the Office of the Zoning Administrator for renewal of the subject use permit for the parcel of real property known as 3100 Columbia Pike (RPC# 32-007-046, -020), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, with no further scheduled County Board review.

[Board Report #9](#)

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**10. U-2973-99-1 USE PERMIT REVIEW FOR LIVE ENTERTAINMENT AT PIKE PIZZA; LOCATED AT 4111 COLUMBIA PIKE (RPC# 23-033-075).**

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-2973-99-1 on file in the Office of the Zoning Administrator for renewal of the subject use permit for live entertainment for the parcel of real property known as 4111 Columbia Pike (RPC# 23-033-075), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions with a County Board review in three (3) years (September 2014).

[Board Report #10](#)

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**11. U-3165-06-1 USE PERMIT REVIEW FOR A FAMILY DAY CARE HOME LOCATED AT 6088 N. 8TH PLACE (RPC# 12-009-037).**

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-3165-06-1 on file in the Office of the Zoning Administrator for renewal of the subject use permit for a family day care home for up to nine (9) children for the parcel of real property known as 6088 N. 8th Place (RPC# 12-009-037), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, with a County Board review in five (5) years (September 2016).

[Board Report #11](#)

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**12. U-3205-08-1 USE PERMIT FOR MODIFICATION TO CONDITION #1 REGARDING EXTENDED HOURS OF LIVE ENTERTAINMENT AT EL MANANTIAL; LOCATED AT 2618 N. PERSHING DRIVE (RPC# 18-056-005).**

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-3205-08-1 on file in the Office of the Zoning Administrator for renewal of the subject use permit for extension of permitted hours and days of live entertainment, for the parcel of real property known as 2618 North Pershing Drive (RPC# 18-056-005), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the modified Conditions #1 and #8 of the staff report, with an administrative review in six (6) months (March 2012) and a County Board review in one (1) year (September 2012).

Modified Condition #1:

1. The applicant agrees that live entertainment (karaoke) shall be permitted only between the hours of 5 p.m. to 12 a.m. Mondays through Thursdays, 5 p.m. to 12:30 a.m. Fridays and Saturdays, and 11 a.m. to ~~2 p.m.~~ 12 a.m. Sundays, and Mondays that fall on a Federal Holiday.

Modified Condition #8

1. ~~The live entertainment use shall terminate upon the termination of the current tenant lease or upon vacation of the current tenant from the subject site and shall not transfer to any other tenant without subsequent approval by the County Board of a new use permit request. The applicant agrees that the use permit for live entertainment shall be reviewed by the County Board upon any change of tenancy of the subject space currently occupied by El Manantial.~~

[Board Report #12](#)

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**13. U-3266-10-1 USE PERMIT REVIEW FOR A FAMILY DAY CARE HOME FOR NINE (9) CHILDREN LOCATED AT 2411 2ND ST. S. (RPC# 24-005-027).**

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-3266-10-1 on file in the Office of the Zoning Administrator for renewal of the subject use permit for a family day care home, for the parcel of real property known as 2411 2nd Street South (RPC# 24-005-027), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions of the staff report, and with a County Board review in three (3) years (September 2014).

[Board Report #13](#)

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**14. U-3302-11-3 USE PERMIT FOR A FAMILY DAY CARE HOME FOR NINE (9) CHILDREN LOCATED AT 937 17TH ST. S. (RPC# 36-001-001).**

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-3302-11-3 on file in the Office of the Zoning Administrator for renewal of the subject use permit for a family day care home, for the parcel of real property known as 937 17th St. S. (RPC# 36-001-001), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions of the staff report, with a County Board review in one (1) year (September 2012).

Proposed conditions:

1. The applicant agrees to meet the requirements of the Child Care Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshall's Office.
2. The applicant agrees that the hours of operation are Monday through Friday between 7 a.m. and 6 p.m.
3. The applicant agrees that parents of children receiving care shall escort their children both to and from the home at all times.
4. The applicant agrees that pick-up and drop-off of the children shall occur off the street in the existing driveway.

[Board Report #14](#)

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**15. U-3303-11-1 USE PERMIT FOR AT&T PUBLIC UTILITIES/TELECOMMUNICATIONS FACILITY LOCATED AT 2110 WASHINGTON BLVD. (SEQUOIA PLAZA II) (RPC# 24-004-016)**

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

BE IT ORDAINED that, pursuant to application U-3303-11-1 on file in the Office of the Zoning Administrator for approval of the subject use permit to install antennas and related equipment on an existing telecommunications facility for the parcel of real property known as 2110 Washington Boulevard (Sequoia Plaza II) (RPC# 24-004-016), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report, and with no further scheduled County Board review.

Proposed Conditions:

1. The applicant agrees that the antennas and related equipment will be installed as shown on plans dated November 10, 2010, and approved by the County Board on September 17, 2011. The applicant agrees that any future installation of antennas or equipment cabinets shall be subject to review, and approval, by the Zoning Administrator. [Clerk's note: as set forth in the document entitled "Addendum-9-17-11-B-U-3303-11-1" attached for the public record to these minutes.]
2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Penrose Neighborhood Association and the Zoning Administrator.
3. The applicant agrees that any AT&T antennas on the site shall be removed within ninety (90) days after any cessation of use.

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[Addendum-9-17-11-B- U-3303-11-1](#)

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**17. U-3305-11-1 USE PERMIT REQUEST TO ALLOW A SPIN CLASS STUDIO IN A RETAIL SPACE LOCATED AT 1025 N. FILLMORE ST. (RPC# 18-024-020).**

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-3305-11-1 on file in the Office of the Zoning Administrator for approval of the subject use permit to allow a spin class studio in retail space for the parcel of real property known as 1025 N. Fillmore St. (RPC# 18-024-020), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the proposed conditions of the staff report, and with a County Board review in one (1) year (September 2012).

Proposed conditions:

1. The applicant agrees to meet the requirements of the Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a certificate of occupancy.
2. The applicant agrees that classes shall be offered Monday through Friday between 6 a.m. and 10:30 a.m. and between 5:30 p.m. and 7:30 p.m.; Sunday through Saturday between 9 a.m. and 12 p.m.

- 3. The applicant agrees that classes shall be limited to a maximum of 45 students. No more than one (1) class shall occur at any given time, with no more than four (4) to eight (8) 45-minute classes occurring every day. The applicant shall submit a copy of their class schedule detailing these requirements to the Zoning Administrator upon application for a certificate of occupancy.
- 4. The applicant shall encourage walking, biking, and the use of public transportation by providing public transit information at the studio and on their website and recommending these alternatives to students.

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

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**18. ENACTMENT OF AN ORDINANCE TO VACATE A 5’ SANITARY SEWER EASEMENT LOCATED ON LOT 3-A OF A RESUBDIVISION OF LOT 3, BLOCK 6, SECTION 3, BELLEVUE FOREST, 3888 30TH ST. N. (RPC#04-038-306), WITH CONDITIONS.**

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

- 1. Enacted the following Ordinance to Vacate a 5’ Sanitary Sewer Easement, Located on Lot 3-A of a Resubdivision of Lot 3, Block 6, Section 3, Bellevue Forest, 3888 30<sup>th</sup> Street North (RPC#04-038-306), with Conditions.
- 2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the Deed of Vacation and all documents necessary to effectuate the Ordinance of Vacation, subject to approval of the deed as to form by the County Attorney.

ORDINANCE TO VACATE A 5’ SANITARY SEWER EASEMENT, LOCATED ON LOT 3-A OF A RESUBDIVISION OF LOT 3, BLOCK 6, SECTION 3, BELLEVUE FOREST, 3888 30<sup>TH</sup> STREET NORTH (RPC #04-038-306), WITH CONDITIONS:

BE IT ORDAINED that, pursuant to a request by N. 30<sup>th</sup> St, LLC (the “Property Owner/Applicant”), on file in the Department of Environmental Services, a 5’ sanitary sewer easement located on Lot 3-A, Bellevue Forest (RPC# 04-038-306), and created by a Deed dated May 26, 1941, and recorded in Deed Book 544 at Page 330, among the land records of Arlington County, Virginia, and which easement is shown on the plat entitled “Plat Showing the Vacation of an Existing 5’ Sanitary Sewer Easement, on Lot 3-A, of the Resubdivision of Lot 3, Block 6, Section 3, BELLEVUE FOREST, Deed Book 4451, Page 2394, Arlington County, Virginia”, dated April 29, 2011, prepared by R.C. Fields, Jr. and Associates, a Professional Corporation, attached to the County Manager’s report dated August 18, 2011, as Exhibit A, is hereby vacated, subject to the following conditions:

- 1. The Property Owner/Applicant shall submit, for review and approval, to the Department of Environmental Services (“DES”), an engineering site design plan showing the construction, relocation, removal, and/or replacement of any and all sanitary sewer facilities located, in whole or in part, within the sanitary sewer easement vacated by this Ordinance of Vacation in compliance with the Arlington County Construction Standards and Specifications (the “Plan”). The Plan shall be subject to approval by the Director of DES, or his designee.

2. The Property Owner/Applicant shall submit to the Director of DES, or his designee, a bond, letter of credit, or other security, in an amount and in substance and form, as determined by, and acceptable to, the County Manager, or her designee, to secure the construction, relocation, removal, and/or replacement of any and all existing sanitary sewer facilities pursuant to the approved Plan;
3. The Property Owner/Applicant shall, at its sole cost and expense: (a) remove the existing underground sanitary sewer pipe within the easement herein being vacated, and (b) install a new underground pipe within the proposed new easement, and in accordance with the Arlington County Construction Standards and Specifications, all applicable laws, ordinances, regulations and policies, and the approved building plans.
4. The Property Owner/Applicant shall dedicate, grant and convey a new sanitary sewer easement to the County, in a form acceptable to the County Attorney, over, under, across and through the Property.
5. The Property Owner/Applicant shall prepare, submit to the County Real Estate Bureau Chief, or his designee, for review and approval, the Deed of Vacation, all plats and all required deeds of easement and deeds of dedication, subject to the approval thereof as to substance by the County Manager, or her designee, and approval as to form by the County Attorney.
6. The Property Owner/Applicant shall record the Deed of Vacation, all plats, and all deeds of easement and/or dedication required by the conditions of this Ordinance of Vacation among the land records of the Circuit Court of Arlington County, Virginia.
7. The Property Owner/Applicant shall pay all fees, including the fees for recording the required documents associated with the Ordinance of Vacation, including the Deed of Vacation and Deed of Easement.
8. All conditions of the Ordinance of Vacation shall be met by 5:00 p.m. on September 17, 2014 or the Ordinance shall become null and void without the necessity of further action by the County Board.

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**19. AUTHORIZATION TO ACCEPT A DEED OF EASEMENT FOR PUBLIC STORM AND SANITARY SEWER PURPOSES FROM THE OWNER OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF JOHN MARSHALL DRIVE AND LEE HIGHWAY FOR THE DEPARTMENT OF ENVIRONMENTAL SERVICES STORM DRAINAGE CAPITAL IMPROVEMENT PROJECT #S20D (RPC #11-001-200).**

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 storm and sanitary sewer purposes attached to this Report as "Exhibits 1 and 2", on property located at the southeast corner of John Marshall Drive and Lee Highway, Arlington, Virginia (RPC #11-001-200); [Clerk's note: as set forth in the document entitled "Addendum-9-17-11-C- RPC #11-001-200" attached for the public record to these minutes.]
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept and execute on behalf of the County Board the Deed of Easement and all associated documents, subject to approval of all documents by the County Attorney.

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[Addendum-9-17-11-C- RPC #11-001-200](#)

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**20. APPROVAL OF A DEED OF EASEMENT FROM BUCHANAN GARDENS LIMITED PARTNERSHIP TO THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS GRANTEE, SUBORDINATING THE LIEN OF A COUNTY AFFORDABLE HOUSING INVESTMENT FUND DEED OF TRUST TO THE DEED OF EASEMENT ON PROPERTY KNOWN AS LOTS B AND C, PROPERTY OF C.J. ARNETT, ARLINGTON, VIRGINIA (RPC #23006002, 23006161).**

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

1. Approved a Deed of Easement from Buchanan Gardens Limited Partnership to the County Board of Arlington County, Virginia, as Grantee, subordinating the lien of a County Affordable Housing Investment Fund ("AHIF") Deed of Trust to the Deed of Easement on Property Known as Lots B and C, Property of C.J. Arnett, Arlington, Virginia (RPC #23006002, 23006161) [Clerk's note: as set forth in the document entitled "Addendum-9-17-11-D- Buchanan Gardens Deed of Easement" attached for the public record to these minutes.];and
2. Authorized Louise DiMatteo and/or Julie Massie, Trustee(s), to execute the Deed of Easement, for the purpose of subordinating the lien of the AHIF Deed of Trust on the Property to the Deed of Easement being dedicated, granted and conveyed to the County, subject to approval of the Deed of Easement as to form by the County Attorney.

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[Addendum-9-17-11-D- Buchanan Gardens Deed of Easement](#)

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**21. ENCROACHMENT OF AN UNDERGROUND ELECTRIC VAULT INTO A PORTION OF AN EASEMENT FOR PUBLIC SIDEWALK AND UTILITIES PURPOSES, SUCH PORTION LOCATED ON PROPERTY OF 3565 LEE HIGHWAY LLC, RPC #050-56-002, ABUTTING THE EAST SIDE OF NORTH MONROE STREET, WITH CONDITIONS.**

On the consent agenda vote, after a duly advertised public hearing, the Board enacted the Ordinance of Encroachment of an Underground Electric Vault into a portion of an Easement for Public Sidewalk and Utilities Purposes, such portion located on property of 3565 Lee Highway LLC, RPC #050-56-002, abutting the east side of North Monroe Street, with conditions.

**ORDINANCE TO PERMIT THE ENCROACHMENT OF AN UNDERGROUND ELECTRIC VAULT WITHIN A PORTION OF AN EASEMENT FOR PUBLIC SIDEWALK AND UTILITIES PURPOSES, SUCH PORTION LOCATED ON PROPERTY OF 3565 LEE HIGHWAY LLC, RPC #050-56-002, ABUTTING THE EAST SIDE OF NORTH MONROE STREET, WITH CONDITIONS.**

BE IT ORDAINED by the County Board of Arlington County, Virginia, that 3565 Lee Highway LLC, its successors and assigns, as owner/applicant of property known as 3565 Lee Highway, Arlington, Virginia, also known as Part Original Grace Donaldson Property, RPC #050-56-002 (jointly, "Owner/Applicant"), and developer of the project known as Site Plan #395, as amended ("Site Plan"), are permitted to construct, operate and maintain an underground electric vault ("Encroachment") within a portion of an Easement for Public Sidewalk and Utilities Purposes ("Easement"), such portion located on the property of 3565 Lee Highway LLC, RPC #050-56-002, abutting the east side of North Monroe street, with conditions. The

dimensions (length and width) and spatial location of the permitted Encroachment are depicted on Exhibit A attached to the County Manager's Report dated September 7, 2011, entitled "Exhibit Showing Encroachment Area Within an Easement for Public Sidewalk and Utilities Purposes, Deed Book \_\_\_\_, Page \_\_\_\_, on Part Original Grace Donaldson Property, Deed Book 115, Page 184, Arlington County, Virginia" dated September 6, 2011, prepared by Urban, Ltd., attached hereto as Exhibit A ("Plat"); [Clerk's note: as set forth in the document entitled "Addendum-9-17-11-E- Lee Highway Plat" attached for the public record to these minutes.];

BE IT FURTHER ORDAINED that these permissions shall be a license only, and shall continue until such time as: a) the Site Plan is no longer in effect or is amended; or b) the County requests, in writing to the Owner/Applicant, that the Encroachment be removed. Nothing herein shall be construed to either allow the installation of any above ground structure or any structure other than the Encroachment within the area as shown on the Plat; or to allow any greater encroachment beyond the area shown on the Plat;

BE IT FURTHER ORDAINED that the Owner/Applicant shall continuously and promptly maintain, including snow and ice removal, the area of the Encroachment, including all maintenance, restoration, repair and replacement of all facilities, within and adjacent to the Encroachment area;

BE IT FURTHER ORDAINED that this permission shall not release the Owner/Applicant of negligence on their part on account of such encroachment. The Owner/Applicant, by availing themselves of the permissions authorized by this Ordinance and by continuing to have the electric vault encroach within the Easement, thereby agrees for themselves, their successors and assigns, to the provisions of this Ordinance and agree to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, and agents from all claims, negligence, damages, costs and expenses arising out of the permission for the electric vault to encroach within the Easement.

BE IT FURTHER ORDAINED that the County may record, or cause to be recorded, in the land records of the Arlington County Circuit Court, a certified copy of the Ordinance and the Plat.

[Board Report #21](#)

[Addendum-9-17-11-E- Lee Highway Plat](#)

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**23. APPROVAL OF A THIRD AMENDMENT TO AGREEMENT OF LEASE BETWEEN JBG/FALLS CHURCH CC, L.L.C. AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AT 6400 ARLINGTON BOULEVARD, FALLS CHURCH, VIRGINIA (FAIRFAX COUNTY PARCEL ID #S 0513-01-0001B AND 0513-01-0001E; CITY OF FALLS CHURCH RPC #53-217-001).**

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

1. Approved the attached Third Amendment to Agreement of Lease Between JBG/Falls Church CC, L.L.C. and the County Board of Arlington County, Virginia, at 6400 Arlington Boulevard, Falls Church, Virginia [Clerk's note: as set forth in the document entitled "Addendum-9-17-11-F-JBG Lease Amendment" attached for the public record to these minutes.]; and
2. Authorized the Real Estate Bureau Chief to execute, on behalf of the County Board, the Third Amendment and all related documents, subject to approval as to form by the County Attorney.

[Board Report #23](#)

[Addendum-9-17-11-F- JBG Lease Amendment](#)

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**24. THIS ITEM WAS REMOVED**

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**25. APPROVAL OF AN AGREEMENT BETWEEN THE YOUNG MEN’S CHRISTIAN ASSOCIATION OF METROPOLITAN WASHINGTON, D.C. AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA TO CONVEY, BY QUITCLAIM DEED OF GIFT AND COVENANT, THE REAL PROPERTY KNOWN AS ALL OF LOTS 9, 10 AND 11 (MARY) MORRIS SUBDIVISION, ARLINGTON, VIRGINIA (RPC NO. 31021013).**

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

1. Approve the attached Agreement between the Young Men’s Christian Association of Metropolitan Washington, D.C. (“YMCA”) and the County Board of Arlington County, Virginia (“County”) to convey, by Quitclaim Deed of Gift and Covenant, the real property known as All of Lots 9, 10 and 11 (Mary) Morris Subdivision, Arlington County, Virginia (RPC No. 31021013) [Clerk’s note: as set forth in the document entitled “Addendum-9-17-11-G- YMCA Agreement” attached for the public record to these minutes.];
2. Authorize the Real Estate Bureau Chief, or his designee, to execute the Agreement, accept the Deed, and execute all related documents necessary for the conveyance, subject to approval as to form of the Agreement and Deed by the County Attorney.

[Board Report #25](#)

[Addendum-9-17-11-G- YMCA Agreement](#)

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**ORDINANCES, PLANS AND POLICIES**

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**26. PROPOSED AMENDMENTS, REENACTMENT, AND RE-CODIFICATION OF ALL CHAPTERS OF THE ARLINGTON COUNTY CODE TO UPDATE AND STANDARDIZE FORMATTING AND STYLING, AND TO CONFORM THE CODE TO PREVIOUSLY APPROVED COUNTY BOARD ACTIONS.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the Ordinance to re-codify the County Code to standardize formatting, correct errors and bring the Code into conformance with approved County Board actions.

**AN ORDINANCE TO AMEND, REENACT, AND RECODIFY THE ARLINGTON COUNTY CODE IN ITS ENTIRETY TO STANDARDIZE FORMATTING, UPDATE CROSS REFERENCES TO THE CODE OF VIRGINIA, AND TO CONFORM THE CODE TO PREVIOUSLY APPROVED COUNTY BOARD ACTIONS.**

1. BE IT ORDAINED that the Arlington County Code is hereby amended, reenacted and recodified in accordance with Attachment A, including those changes to the Arlington County Code approved by the County Board during its meetings from May 2011 through August 2011, set forth in Attachment B.

[Board Report #26](#)

[Board Report #26-Attachment A \(Chapters 1-18\)](#)

[Board Report #26-Attachment A-2 \(Chapters 19-37\)](#)

[Board Report #26-Attachment A-3 \(Chapters 38-52\)](#)

[Board Report #26-Attachment A-4 \(Chapters 53-67\)](#)

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**27. ADOPTION OF AN AMENDMENT TO ARLINGTON COUNTY CODE SECTION 27-7 CONCERNING FEES FOR DISHONORED CHECKS.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the proposed amendment to Arlington County Code Section 27-7 concerning fees for dishonored checks.

**BE IT ORDAINED** by the County Board of Arlington, Virginia that Section 27-7, of the Arlington County Code is amended as follows:

**§ 27-7. Fee for dishonored check or draft.**

The uttering, publishing or passing of any check, ~~or draft, or order~~ for payment of any sums due to any agency of the Arlington County Government, which is subsequently returned for insufficient funds or because there is no account or the account has been closed, ~~or because such check, draft, or order was returned because of a stop-payment order placed in bad faith on the check, draft, or order by the drawer,~~ shall be subject to a ~~fifty twenty-five~~ dollar (\$~~50.00~~ ~~25.00~~) fee for each occurrence.

[Board Report #27](#)

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**29. Z-2550-10-1 REZONING FROM "R-6" ONE FAMILY DWELLING DISTRICTS TO "S-3A" SPECIAL DISTRICTS; FOR LYON PARK LOCATED AT 414 AND 420 N. FILLMORE ST. (RPC #18-050-001).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the requested rezoning to the October 3, 2011, Planning Commission and October 15, 2011, County Board meetings.

[Board Report #29](#)

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**CAPITAL PROJECTS**

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- 30. APPROVE THE AWARD OF CONTRACT FOR THE ARLINGTON COUNTY WATER POLLUTION CONTROL PLANT (WPCP) PHASE 8 WET WEATHER FILTRATION FACILITY (WWFF) CONSTRUCTION PROJECT, INVITATION TO BID NUMBER 256-11, AND AUTHORIZE AN AMENDMENT TO THE CURRENT CONTRACT WITH MALCOLM PIRNIE, INC. (MALCOLM) FOR ENGINEERING SERVICES RELATED TO THE CONSTRUCTION OF THE WWFF PROJECT.**

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

1. Approved the award of Contract No. 256-11 to PC Construction Company (formerly known as Pizzagalli Construction Co.) for the WWFF Project in an amount not to exceed \$21,244,800.
2. Authorized an amendment to Contract No. 96-03 held by Malcolm in an amount not to exceed \$1,250,000.
3. Authorized the Purchasing Agent to execute the Contract Documents and the Amendment subject to legal review by the County Attorney.

[Board Report #30](#)

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- 31. APPROVE THE AWARD OF A CONTRACT TO ARDENT COMPANY LLC FOR THE CONSTRUCTION OF THE BUS STOP & SHELTER ENHANCEMENT PROGRAM, AT VARIOUS LOCATIONS THROUGHOUT THE COUNTY, CONTRACT NO. 177-10.**

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

1. Approved the award of Contract No. 177-10 to Ardent Company LLC. for the construction of the Bus Stop & Shelter Enhancement Program in the amount of \$333,100.00; authorize an allocation of \$40,000.00 as a contingency for change orders and increased quantities, and \$20,000.00 in stipulated price items for a total authorization of \$393,100.00.
2. Authorized the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

[Board Report #31](#)

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**32. APPROVE THE AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE FOUR MILE RUN DRIVE WATER MAIN PROJECT, INVITATION TO BID NUMBER 146-11.**

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

1. Approved the award of Contract Number 146-11 to E. E. Lyons to construct the Four Mile Run Drive Water Main Project, in the amount of \$1,152,040, and authorize additional funds in the amount of \$115,000 as a contingency for change orders and increased quantities, and \$75,000 for stipulated price items, for a total contract authorization of \$1,342,040.
2. Authorized the Purchasing Agent to execute the contract documents, subject to review by the County Attorney.

[Board Report #32](#)

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**33. FUNDING REQUEST FOR NEIGHBORHOOD CONSERVATION (NC) PROGRAM PROJECTS.**

On the consent agenda vote, after a duly advertised public hearing, the Board approved the use of a total of \$2,809,566.00 of Neighborhood Conservation bond funds which is entirely for the priority neighborhood projects listed in Attachment A as approved by the Neighborhood Conservation Advisory Committee (NCAC) for spring 2011, and authorize the County Manager to proceed with implementation of these projects. [Clerk's note: as set forth in the document entitled "Addendum-9-17-11-H- NCAC Projects" attached for the public record to these minutes.]

[Board Report #33](#)

[Addendum-9-17-11-H- NCAC Projects](#)

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**APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS**

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**35. APPLICATION FOR AND APPROPRIATION OF FISCAL YEAR 2011 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 \$48,406 in non-competitive grant funds under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program: FY 2011 Local Solicitation from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.
2. Appropriated \$48,406 in grant funds from the Bureau of Justice Assistance (101.374900) to the Police Department (101.31202) for costs associated with the FY 2011 JAG Program in FY 2012.

[Board Report #35](#)

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**36. FY 2012 STATE GRANTS 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 \$44,614 in FY 2012 from the Virginia Department of Behavioral Health and Developmental Services (101.364501) to the Department of Human Services (101.52111) for the mental health pharmacy supports program.
2. Appropriated \$5,750 in FY 2012 from the Virginia Department of Behavioral Health and Developmental Services (101.364501) to the Department of Human Services (101.52139) for the mental health forensic jail diversion program.
3. Appropriated \$258,082 in FY 2012 from the Virginia Department of Behavioral Health and Developmental Services (101.364501) to the Department of Human Services (101.52134) for the Regional Discharge Assistance Project.

[Board Report #36](#)

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**38. APPROVAL AND APPROPRIATION OF FISCAL YEAR (FY) 2012 REVENUE SHARING FUNDS, AND APPROVAL OF FY 2013 REVENUE SHARING FUNDS, AND APPROVAL OF LOCAL FUNDS FOR FOUR TRANSPORTATION PROJECTS: 1) OLD DOMINION DRIVE - PHASE II; 2) WASHINGTON BOULEVARD TRAIL - PHASE II; 3) FIVE POINTS INTERSECTION IMPROVEMENTS; AND 4) KIRKWOOD ROAD PEDESTRIAN IMPROVEMENTS.**

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

Approve and Appropriate:

1. Appropriate \$250,000 in FY 2012 State Revenue Sharing funds for Old Dominion Drive – Phase II, UPC # 87271 (313.366001) to the Pay-As-You-Go Capital Fund (313.43513);
2. Appropriate \$85,000 in FY 2012 State Revenue Sharing funds for Washington Boulevard Trail – Phase II, UPC # 87156 (313.363200) to the Pay-As-You-Go Capital Fund (313.43520);
3. Appropriate \$112,500 in FY 2012 State Revenue Sharing funds for Five Points Intersection Improvements, UPC #87158 ( 331.363200) to the Transportation Capital Fund (331.44001); and
4. Appropriate \$20,000 in FY 2012 State Revenue Sharing funds for Kirkwood Road Pedestrian Improvements, UPC # 91835 (313.366001) to the Pay-As-You-Go Capital Fund (313.43511).

Approve:

1. \$250,000 in FY 2013 State Revenue Sharing funds for Old Dominion Drive – Phase II;
2. \$85,000 in FY 2013 State Revenue Sharing funds for Washington Boulevard Trail – Phase II;
3. \$112,500 in FY 2013 State Revenue Sharing funds for Five Points Intersection Improvements;
4. \$20,000 in FY 2013 State Revenue Sharing funds for Kirkwood Road Pedestrian Improvements.

The total amount to be received from the State for Fiscal Year 2012 is \$467,500 with a County match of \$467,500. The total amount to be received from the State for Fiscal Year 2013 is \$467,500 with a County match of \$467,500. The total combined State Revenue Sharing Funds to be received in Fiscal Years 2012-2013 is \$935,000.

[Board Report #38](#)

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**39. REIMBURSEMENT AWARD TO THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL RESOURCES (PRCR) SUMMER CAMP PROGRAM FROM THE VIRGINIA DEPARTMENT OF HEALTH (VDH) VIRGINIA SUMMER FOOD SERVICE PROGRAM (FORMERLY KNOWN AS THE USDA SUMMER FOOD SERVICE PROGRAM).**

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

Authorize the County Manager to accept and appropriate \$19,980 in grant funds from VDH (101.374900) to PRCR (101.88110) for reimbursement of costs incurred in providing nutritious meals to qualified County summer camp participants.

Ratify the endorsement by PRCR's Recreation Supervisor of the Permanent Agreement between Sponsor and VDH regarding the County's receipt of reimbursement monies from VDH.

[Board Report #39](#)

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**40. ARLINGTON COMMUNITY SERVICES BOARD FISCAL YEAR 2012 PERFORMANCE CONTRACT WITH VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES**

On the consent agenda vote, after a duly advertised public hearing, the Board approved the FY 2012 Performance Contract between the Arlington Community Services Board and the Virginia Department of Behavioral Health and Developmental Services.

[Board Report #40](#)

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**REQUESTS TO ADVERTISE**

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**41. APPROVE A SERVICE AGREEMENT WITH THE BALLSTON BUSINESS IMPROVEMENT CORPORATION AND AUTHORIZE ADVERTISEMENT OF AN AMENDMENT TO THE BOUNDARY OF THE BALLSTON BUSINESS IMPROVEMENT SERVICE DISTRICT.**

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

1. Approved a Service Agreement between the County and the Ballston Business Improvement Corporation, and authorize the County Manager to execute it on behalf of the County Board. [Clerk's note: as set forth in the document entitled "Addendum-9-17-11-I- Ballston BID" attached for the public record to these minutes.]

- 2. Authorized advertisement of a public hearing to be held on October 15, 2011, to consider adoption of a proposed ordinance to amend the boundaries of the Ballston Business Improvement Service District effective January 1, 2012. [Clerk’s note: as set forth in the document entitled “Addendum-9-17-11-I- Ballston BID” attached for the public record to these minutes.]

[Board Report #41](#)

[Addendum-9-17-11-I- Ballston BID](#)

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**42. THIS ITEM WAS REMOVED.**

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**43. REQUEST TO AMEND THE PHASE 1 HISTORIC RESOURCES INVENTORY (HRI) LIST; AND TO ADVERTISE PUBLIC HEARINGS TO CONSIDER THE ADOPTION OF THE PHASE 1 HISTORIC RESOURCES INVENTORY (HRI) GOALS AND POLICY OBJECTIVES.**

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

- 1) Amended Historic Resources Inventory (HRI) Phase 1 list by moving 3401 Fairfax Drive from the Demolished to Minor category and 4800 31<sup>st</sup> Street South from the Important to Essential category; and
- 2) Adopted the resolution to authorize advertisement of public hearings by the Planning Commission on October 5, 2011, and the County Board on October 15, 2011, to consider the adoption of the Phase 1 Historic Resources Inventory (HRI) Goals and Policy Objectives. [Clerk’s note: as set forth in the document entitled “Addendum-9-17-11-J- HRI” attached for the public record to these minutes.]

**RESOLUTION TO AUTHORIZE ADVERTISEMENT OF A PUBLIC HEARING AT THE OCTOBER 5, 2011 PLANNING COMMISSION MEETING AND THE OCTOBER 15, 2011, COUNTY BOARD MEETING TO CONSIDER THE ADOPTION OF THE PHASE 1 HISTORIC RESOURCES INVENTORY (HRI) GOALS AND POLICY OBJECTIVES, IN ACCORDANCE WITH THE RECOMMENDATIONS SET FORTH IN ARLINGTON’S HISTORIC PRESERVATION MASTER PLAN.**

Whereas the staff of Arlington County has recommended that the County Board of Arlington County (“County Board”) hold public hearings on certain Phase 1 Historic Resources Inventory Goals and Policy Objectives, and

Whereas, the County Board desires to hold such public hearings,

Therefore, the County Board hereby resolves to authorize the advertisement of a public hearing at the October 5, 2011, Planning Commission meeting and the October 15, 2011, County Board meeting to consider the adoption of the Phase 1 Historic Resources Inventory (HRI) Goals and Policy Objectives, in accordance with the recommendations set forth in Arlington’s Historic Preservation Master Plan.

[Board Report #43](#)

[Addendum-9-17-11-J- HRI](#)

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- 44. REQUEST TO ADVERTISE PUBLIC HEARINGS BY THE PLANNING COMMISSION AND THE COUNTY BOARD ON A GENERAL LAND USE PLAN AMENDMENT FROM "SERVICE COMMERCIAL" (PERSONAL AND BUSINESS SERVICES, GENERALLY 1-4 STORIES) TO EITHER "HIGH-MEDIUM RESIDENTIAL MIXED-USE" (UP TO 3.24 FAR INCLUDING ASSOCIATED OFFICE AND RETAIL ACTIVITIES) OR "MEDIUM" OFFICE-APARTMENT-HOTEL (UP TO 2.5 FAR FOR OFFICE DENSITY; UP TO 115 UNITS/ACRE FOR APARTMENT DENSITY; UP TO 180 UNITS/ACRE FOR HOTEL DENSITY) FOR THE PROPERTY KNOWN AS 2401 AND 2407 WILSON BOULEVARD WHICH IS GENERALLY LOCATED ON THE SOUTHERN HALF OF THE BLOCK BOUNDED BY 16TH STREET NORTH TO THE NORTH, WILSON BOULEVARD TO THE SOUTH, NORTH ADAMS STREET TO THE EAST AND REACHING APPROXIMATELY HALFWAY ACROSS THE BLOCK WEST TOWARDS NORTH BARTON STREET.**

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the advertisement of public hearings to consider amending the General Land Use Plan for the property known as 2401 and 2407 Wilson Boulevard generally located on the southern half of the block bounded by 16<sup>th</sup> Street North to the north, Wilson Boulevard to the south, North Adams Street to the east and reaching approximately halfway across the block west towards North Barton Street from "Service Commercial" (Personal and business services, generally 1-4 stories) to either "High-Medium Residential Mixed-Use" (up to 3.24 FAR including associated office and retail activities) or "Medium" Office-Apartment-Hotel (up to 2.5 FAR for office density; up to 115 units/acre for apartment density; up to 180 units/acre for hotel density) to a date concurrent with future public hearings by the Planning Commission and County Board for appropriate associated rezoning and site plan applications. (see attached map). [Clerk's note: as set forth in the document entitled "Addendum-9-17-11-K- Wilson Boulevard Map" attached for the public record to these minutes.]

[Board Report #44](#)

[Addendum-9-17-11-K- Wilson Boulevard Map](#)

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- 45. REQUEST TO ADVERTISE PUBLIC HEARINGS BY THE PLANNING COMMISSION AND THE COUNTY BOARD ON A GENERAL LAND USE PLAN AMENDMENT FROM "LOW-MEDIUM" RESIDENTIAL (16-36 UNITS/ACRE) TO "LOW" OFFICE-APARTMENT-HOTEL (UP TO 1.5 FAR OFFICE; UP TO 72 UNITS/ACRE RESIDENTIAL; UP TO 110 UNITS/ACRE HOTEL) FOR THE PROPERTY KNOWN AS 2114, 2188, 2122 20TH STREET NORTH, 2145 AND 2147 LEE HIGHWAY AND NORTH UHLE STREET WHICH ENCOMPASSES THE TWO (2) BLOCKS BOUNDED BY LEE HIGHWAY, NORTH VEITCH STREET, 20TH STREET NORTH AND THE VDOT RIGHT-OF-WAY FOR INTERSTATE 66.**

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the advertisement of public hearings to consider amending the General Land Use Plan for the property known as 2114, 2188, 2122 20<sup>th</sup> Street North, 2145 and 2147 Lee Highway and North Uhle Street which encompasses the two (2) blocks bounded by Lee Highway, North Veitch Street, 20<sup>th</sup> Street North and the VDOT right-of-way for Interstate 66 from "Low-Medium" Residential (16-36 units/acre) to "Low" Office-Apartment-Hotel (up to 1.5 FAR office; up to 72 units/acre residential; up to 110 units/acre hotel) to a date concurrent with future public hearings by the Planning Commission and County Board for appropriate associated rezoning and site plan applications. (see attached map). [Clerk's note: as set forth in the document entitled "Addendum-9-17-11-L- Lee Highway Map" attached for the public record to these minutes.]

[Board Report #45](#)

[Addendum-9-17-11-L- Lee Highway Map](#)

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**46. REQUEST TO ADVERTISE PUBLIC HEARINGS TO AMEND THE ZONING FEE SCHEDULE TO INCLUDE A FEE FOR "OPEN-AIR MARKET" SPECIAL EXCEPTION USE PERMIT APPLICATIONS.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the resolution to authorize advertisement of a public hearing by the County Board on October 15, 2011 to amend the schedule of Zoning fees to include an application fee for an "Open-Air Market" special exception use permit application.

**RESOLUTION TO AUTHORIZE THE ADVERTISEMENT OF A PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE ZONING FEE SCHEDULE FOR THE OCTOBER 15, 2011, COUNTY BOARD MEETING, TO ADD A FEE FOR A SPECIAL EXCEPTION USE PERMIT FOR OPEN-AIR MARKETS; AND TO PROVIDE FOR EFFICIENT ADMINISTRATION OF THE COUNTY'S ZONING ORDINANCE; TO ENCOURAGE ECONOMIC DEVELOPMENT; AND TO PROMOTE THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE PUBLIC**

The County Board of Arlington County hereby resolves to authorize advertisement of a public hearing at the October 15, 2011, County Board meeting to consider adoption of a schedule of zoning fees necessary to provide for:

**ARLINGTON COUNTY, VIRGINIA  
DEPARTMENT OF COMMUNITY PLANNING, HOUSING AND  
DEVELOPMENT  
ZONING ADMINISTRATION**

**CONSOLIDATED FEE SCHEDULE FOR  
APPLICATIONS, VARIOUS PERMITS,  
BUILDING PERMITS AND SUBDIVISION  
PLATS**

**APPLICATION FEES**

~~**JULY 1, 2010**~~ **October 15, 2011**

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**USE PERMITS**

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Places of worship or lodges permitting secondary use of parking lots and Open-Air Markets - \$302 plus DES fee of \$302.

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[Board Report #46](#)

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**OTHER**

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**47. AMENDMENT OF THE RESOLUTION SPECIFYING ATTORNEYS IN THE COUNTY ATTORNEY'S OFFICE AUTHORIZED TO ACCEPT CERTAIN DEEDS ON BEHALF OF THE COUNTY BOARD.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the Amended Resolution Regarding Acceptance of Deeds Conveying Real Estate to the County Board.

**AMENDED RESOLUTION REGARDING ACCEPTANCE OF DEEDS  
CONVEYING REAL ESTATE TO THE COUNTY BOARD**

WHEREAS, by a Resolution adopted by the County Board on November 14, 2009, Stephen A. MacIsaac, County Attorney; Ara L. Tramblian, Deputy County Attorney; Carol W. McCoskrie, Assistant County Attorney; Bruce A. Kimble, Assistant County Attorney; Louise M. DiMatteo, Assistant County Attorney;Carolynn E. Kane, Assistant County Attorney; Julie A. Massie, Assistant County Attorney; Jonnise M. Conanan, Assistant County Attorney; Brian R. Charville, Assistant County Attorney; and Deborah S. Olin, Assistant County Attorney; were authorized, during their tenures in those positions, to accept, on behalf of the County Board, deeds conveying real estate to the County Board; and,

WHEREAS, personnel changes in the County Attorney's Office necessitate the amendment of the November 14, 2009 Resolution;

NOW THEREFORE, BE IT RESOLVED, by the County Board of Arlington County, Virginia, that the Resolution adopted by the County Board on November 14, 2009 is amended to provide as follows: Stephen A. MacIsaac, County Attorney; Ara L. Tramblian, Deputy County Attorney; Carol W. McCoskrie, Assistant County Attorney; Bruce A. Kimble, Assistant County Attorney; Louise M. DiMatteo, Assistant County Attorney;Carolynn E. Kane, Assistant County Attorney; Julie A. Massie, Assistant County Attorney; Jonnise M. Conanan, Assistant County Attorney; Brian R. Charville, Assistant County Attorney; MinhChau N. Corr, Assistant County Attorney; Jason L. McCandless, Assistant County Attorney; and Robert E. Dawson, Assistant County Attorney; are authorized to accept deeds on behalf of the County Board of Arlington County, Virginia conveying real estate to the County Board during such persons tenure in their respective positions.

[Board Report #47](#)

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**48. PRESENTATION OF DELINQUENT TAX ACCOUNTS**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the resolution concerning the annual presentation of lists of delinquent taxes by the Treasurer.

**RESOLUTION CONCERNING ANNUAL LISTS OF DELINQUENT TAXES**  
**SUBMITTED BY THE TREASURER**

Be it resolved by the County Board of Arlington, Virginia that:

1. Pursuant to Code of Virginia §58.1-3924, the Treasurer is directed to certify to the Director of Real Estate Assessments the **2011** list of real estate on the Arlington Land Book improperly placed thereon or not ascertainable;
2. Pursuant to Code of Virginia §58.1-3924, the Treasurer is directed to publish those real estate and personal property accounts he deems advisable, that is those accounts which equal or exceed \$1,000.00 from the lists mentioned in subdivisions 2 and 3 of Virginia Code §58.1-3921 in **2011**; and
3. Pursuant to Code of Virginia §58.1-3924, the Treasurer is given credit for the tax amounts included in the lists mentioned in subdivisions 4 and 5 of Code of Virginia §58.1-3921 in **2011**; and
4. Pursuant to Code of Virginia Code §58.1-3933, the Treasurer is directed to continue to collect delinquent taxes on subjects other than real estate until the expiration of the appropriate statute of limitations (§58.1-3940).

[Board Report #48](#)

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**50. CREATION OF A COUNTY-HELD RESERVE ACCOUNT FOR MARBELLA APARTMENTS.**

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

1. Authorized the creation of a County-held Operating and Latent Defect Reserve Account (OLDR Account), in the amount of \$300,000.00, which shall be held for a period of ten years and, subject to the written approval of the County Manager, drawn down by Marbella Development LLC to fund unforeseen and major (a) capital expenditures, (b) property repairs, or (c) operating expenses related to its ownership and operation of the Marbella Apartments complex located at 1301 North Queen Street, that are not reimbursable by or exceed available funds from Residual Receipts, the Replacement Reserve, or insurance proceeds, pursuant to the terms of an amended and restated Affordable Housing Investment Fund and HOME Investment Partnerships Program Loan Agreement (AHIF/HOME Loan Agreement). The County-held OLDR Account will be funded with Affordable Housing Investment Fund (AHIF) funds previously allocated by the County Board to Arlington Partnership for Affordable Housing (APAH), or its designated ownership affiliate, on May 14, 2011; no new County funds are needed to fund the OLDR Account.
2. Authorized the County Manager to execute an amended and restated AHIF/HOME Loan Agreement between the County and Marbella Development LLC, subject to approval by the County Attorney.
3. Authorized the County Manager, with the concurrence of the County Attorney, to act as the County Board's representative in approving financing or program revisions that are necessary to remove any ambiguity or inconsistency or which improve the County's financial security or financial position, and which changes do not adversely affect the County financially, prior to or after execution of the County's financing documents.

[Board Report #50](#)

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**51. MINUTES**

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

March 8, 2001	Tax Rate Public Hearing
April 16, 2001	Recessed Meeting
July 28, 2001	Regular Meeting
August 6, 2001	Recessed Meeting
September 8, 2001	Regular Meeting
September 22, 2001	Regular Meeting
October 13, 2001	Regular Meeting
November 17, 2001	Regular Meeting
November 20, 2001	Recessed Meeting
December 8, 2001	Regular Meeting
January 1, 2011	Organizational Meeting
January 22, 2011	Regular Meeting (amended addendum 1-22-11-G-SP #143)
April 8, 2011	Budget Work Session
April 11, 2011	Work Session with Congressman Moran
April 12, 2011	Budget Work Session
May 3, 2011	Work Session with the Community Energy and Sustainability Task Force
May 9, 2011	Closed Session
June 9, 2011	Work Session for Columbia Pike Land Use and Housing Study
June 21, 2011	Work Session for Planning Work Plan and 2011 Management Plan
June 30, 2011	Closed Session
July 5, 2011	Closed Session
July 9, 2011	Regular Meeting

July 12, 2011	Recessed Meeting
July 28, 2011	Closed Session
July 29, 2011	Closed Session
August 9, 2011	Closed Session
January 22, 2011	Regular Meeting (amended addendum 1-22-11-G-SP #143)
April 12, 2011	Budget Worksession
July 28, 2011	Closed Session

[Minutes - Item #51](#)

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**REGULAR HEARING ITEMS**

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**52. VIRGINIA SQUARE TOWERS**

- A. [Z-2552-11-1 Rezoning from "C-2" Service Commercial - Community Business Districts to "MU-VS" Mixed Use Virginia Square Districts; for Ashton Overlook LC \(Virginia Square Towers\); located at 900-920 N. Kansas St., 3440 and 3444 Fairfax Dr., 845-913 N. Lincoln St., and 3425 Wilson Blvd., \(RPC: 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018, -020, -021, -022, -023, -024, -025\).](#)

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by J. WALTER TEJADA, Member, to adopt the attached resolution to approve the rezoning request from "C-2" Service Commercial – Community Business Districts "MU-VS" Mixed Use Virginia Square Districts; located at 900-920 N. Kansas St., 3440 and 3444 Fairfax Dr., 845-913 N. Lincoln St., and 3425 Wilson Blvd., (RPC: 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018, -020, -021, -022, -023, --024, -025.) The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member – Aye.

**REZONING RESOLUTION**

WHEREAS, the County Board of Arlington County ("County Board") finds that Ashton Overlook LC has requested a rezoning FROM "C-2" Service Commercial – Community Business Districts TO "MU-VS" Mixed Use—Virginia Square Districts of property located at 900-920 N. Kansas St., 3440 and 3444 Fairfax Dr., 845-913 N. Lincoln St., and 3425 Wilson Blvd., (RPC: 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018, -020, -021, -022, -023, --024, -025) ("Property"); and

WHEREAS, the County Board finds that the rezoning to "MU-VS" Mixed Use—Virginia Square Districts will be consistent with the General Land Use Plan Designation for the Property; and

WHEREAS, the County Board finds that the rezoning to "MU-VS" Mixed Use—Virginia Square Districts will achieve goals and objectives set forth in the *Virginia Square Sector Plan 2002*; and

WHEREAS, the County Board finds that the rezoning to "MU-VS" Mixed Use—Virginia Square Districts is required by public necessity, convenience, general welfare, and good zoning practice; and

WHEREAS, the Planning Commission recommended approval of the rezoning to "MU-VS" Mixed Use—Virginia Square Districts at their meeting on September 6, 2011; and

WHEREAS, the County Manager recommends approval of the rezoning to "MU-VS" Mixed Use—Virginia Square Districts; and

WHEREAS, the County Board of Arlington County held a duly advertised public hearing on the proposed rezoning on September 17, 2011.

NOW THEREFORE, be it resolved, that the Property located at 900-920 N. Kansas St., 3440 and 3444 Fairfax Dr., 845-913 N. Lincoln St., and 3425 Wilson Blvd., (RPC: 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018, -020, -021, -022, -023, --024, -025) is hereby rezoned FROM "C-2" Service Commercial – Community Business Districts TO "MU-VS" Mixed Use—Virginia Square Districts, as shown on the attached map (Z-2552-11-1). [Clerk's note: as set forth in the document entitled "Addendum-9-17-11-M- Z-2552-11-1" attached for the public record to these minutes.]

- B. [SP # 416 Site Plan to construct up to 540 dwelling units and up to 12,815 square feet of retail and service commercial space for Ashton Overlook LC \(Virginia Square Towers\), located at 900-920 N. Kansas St., 3440 and 3444 Fairfax Dr., 845-913 N. Lincoln St., and 3425 Wilson Blvd.; \(RPC # 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018, -020, -021, -022, -023, -024, -025.\)](#)

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by BARBARA A. FAVOLA, Member, to adopt the resolution approving SP #416 to permit development of up to 540 residential units and up to 12,815 square feet of retail and service commercial space with modifications to zoning ordinance requirements for bonus density for affordable housing and LEED, and to exclude below-grade storage, vents, and vent shafts from density calculation, subject to the conditions of the staff report, as amended. The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member – Aye.

### **Site Plan Ordinance**

WHEREAS, an application for a Site Plan Amendment dated September 20, 2010 for Site Plan # 416, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report provided to the County Board for its September 17, 2011 meeting, and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan subject to numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on September 17, 2011 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

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

**Additional Density for provision of on-site affordable dwelling units;**

**Additional Density for LEED Gold certification; and**

**Exclude mechanical rooms, mechanical vent shafts, and corridor vents from gross floor area calculations.**

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

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated September 20, 2010 for Site Plan # 416, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 below and dated September 1, 2011 (which drawings, etc... are hereafter collectively referred to as "Site Plan Application"), for a special exception Site Plan for Ashton Overlook LC to permit a 534-unit (up to 540 units) multi-family dwelling, with 12,815 square feet of ground floor retail, for the parcels of real property known as RPC# RPC: 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018, -020, -021, -022, -023, -024, -025 and located at 900-920 N. Kansas St., 3440 and 3444 Fairfax Dr., 845-913 N. Lincoln St., and 3425 Wilson Blvd., approval is granted and the parcels so described shall be used according to the Site Plan Application, subject to the following conditions: [Clerk's note: as set forth in the document entitled "Addendum-9-17-11-N- SP #416" attached for the public record to these minutes.]

[Board Report #52.A., B. - Part 1](#)

[Board Report #52.A, B. - Part 2](#)

[Board Report #52 A.-B.-Supplemental Report](#)

[Addendum-9-17-11-N- SP #416](#)

[Addendum-9-17-11-M- Z-2552-11-1](#)

- C. [Enactment of an Ordinance to Vacate a 10' Alley in Center Clarendon Subdivision abutting the rear of Lots 37 through 71, and running Northwest from Wilson Boulevard to N. Fairfax Drive, within the block bounded by Wilson Boulevard, N. Kansas Street, N. Fairfax Drive and N. Lincoln Street, Arlington, Virginia \(RPC# 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018, -019, -020, -021, -022, -023, -024 and -025\), with conditions.](#)

Following a duly advertised public hearing at which there were speakers, a motion was made by MARY HYNES, Vice Chairman, seconded by BARBARA A. FAVOLA, Member, to take the following actions:

1. Enact the attached Ordinance to Vacate a 10' Alley in Center Clarendon Subdivision abutting the rear of Lots 37 through 71, and running Northwest from Wilson Boulevard to N. Fairfax Drive, within the block bounded by Wilson Boulevard, N. Kansas Street, N. Fairfax Drive and N. Lincoln Street, Arlington, Virginia (RPC# 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018, -019, -020, -021, -022, -023, -024 and -025), with conditions.

2. Authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the Deed(s) of Vacation, subject to approval as to form by the County Attorney.

The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member – Aye.

**ORDINANCE TO VACATE A 10' ALLEY IN CENTER CLARENDON SUBDIVISION ABUTTING THE REAR OF LOTS 37 THROUGH 71, AND RUNNING NORTHWEST FROM WILSON BOULEVARD TO N. FAIRFAX DRIVE, WITHIN THE BLOCK BOUNDED BY WILSON BOULEVARD, N. KANSAS STREET, N. FAIRFAX DRIVE AND N. LINCOLN STREET, ARLINGTON, VIRGINIA (RPC# 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018, -019, -020, -021, -022, -023, -024 and -025), WITH CONDITIONS:**

**BE IT ORDAINED** that, pursuant to a request on file, by Ashton Overlook, L.C. (the "Applicant"), in the Office of the Department of Environmental Services, the 10' Alley in Center Clarendon Subdivision abutting the rear of Lots 37 through 71, and running northwest from Wilson Boulevard to N. Fairfax Drive, within the block bounded by Wilson Boulevard, N. Kansas Street, N. Fairfax Drive and N. Lincoln Street, Arlington, Virginia (RPC# 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018, -019, -020, -021, -022, -023, -024 and -025), being established by Deed of Dedication and subdivision plat dated February 1, 1911 and recorded in Deed Book 128 at Page 68, among the Arlington County, Virginia land records, and which vacated alley is depicted on the plat entitled "Plat Showing The Vacation of a 10' Alley Center Clarendon and Existing Conditions, Deed Book 128 Page 68, Arlington, Virginia", dated May 24, 2010, prepared by Walter L. Phillips, Inc., and attached to the County Manager's Report dated September 7, 2011, as Exhibit A, is hereby vacated subject to the following conditions: [Clerk's note: as set forth in the document entitled "Addendum-9-17-11-O- Virginia Square Alley Vacation" attached for the public record to these minutes.]

1. The Applicant shall prepare and submit to the County for review and approval, the Deed(s) of Vacation, and all required plats, subject to the approval thereof by the County Manager, or her designee, and approval of the deed(s) as to form by the County Attorney.
2. All of the Deed(s) of Vacation for the entire length and width of the alley vacated by this Ordinance shall be submitted to the County at the same time.
3. Prior to the recordation of any Deed of Vacation, the Applicant shall pay to the County compensation in the full amount of \$1,119,500.00 for the entirety of the alley to be vacated. No partial vacation of the alley is permitted or authorized by this Ordinance.
4. The Applicant shall pay all fees, including the fees for plat review, approval and recordation of the Deed(s) of Vacation associated with the Ordinance of Vacation.
5. The Applicant shall record the Deed(s) of Vacation and all plats, subject to the approval of the County Manager, or her designee, and approval as to form by the County Attorney.
6. All conditions of this Ordinance of Vacation shall be met by noon on September 17, 2014, or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

[Board Report #52.C.](#)

[Addendum-9-17-11-O- Virginia Square Alley Vacation](#)

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**53. Z-2372-89-1 REQUEST FOR PROFFER AMENDMENT TO AMEND THE PROFFERS ASSOCIATED WITH THIS REZONING APPLICATION, TO CONVERT SECOND-STORY OFFICE SPACE TO RESIDENTIAL UNITS, LOCATED AT 925 N. GARFIELD ST. (RPC# 18-029-007).**

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by BARBARA A. FAVOLA, Member, to approve the resolution accepting the proposed proffer amendment to convert second-story office space to residential units at the Garfield Park project, subject to all previously approved proffers, amended proffers #1, 10, 47, 48, and 62, and new Proffer #81. The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member – Aye. [Clerk’s note: as set forth in the document entitled “Addendum-9-17-11-P- Z-2372-89-1 Proffer Amendment” attached for the public record to these minutes.]

**RESOLUTION FOR  
PROFFER AMENDMENT  
GARFIELD PARK**

WHEREAS, GWAY II, L.L.C. (“Developer”) has requested that the County Board of Arlington County approve an Amended Proffer Agreement to modify the Proffered Rezoning first approved on November 18, 1989 (“Original Proffer”) for the property located at 925 N. Garfield Street and further identified as RPC# 18-029-007 on the County Record (“Property”); and

WHEREAS, the Original Proffered Rezoning was approved for development of 250,000 square feet of office gross floor area, and amended for 149 residential units, 20,757 square feet of retail gross floor area, 4,085 square feet of office gross floor area, a three-level underground parking garage containing 283 spaces, and included an outdoor café on existing public property; and

WHEREAS, Developer requests amendments to the previously approved proffers to permit conversion of 4,085 square feet of office gross floor area to three additional residential units, to amend requirements for a Transportation Demand Management program, to require the seasonal removal of the outdoor café’s tables, chairs, and barriers, and to add an additional proffer for installation of power doors at residential entrances to the building, subject to the Amended Proffer Agreement dated September 8, 2011 and 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 September 6, 2011, the Planning Commission recommended that the proposed Amended Proffer Agreement be accepted by the County Board with the addition of a proffer to address the addition of power doors at residential entrances to the building; and

WHEREAS, the County Board has considered the foregoing recommendations, the Zoning regulations on the site, including the Original Proffer Agreement, 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 September 17, 2011.

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 dated September 8, 2011 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 925 N. Garfield Street (RPC# 18-029-007), previously known as 2900 10<sup>th</sup> Street North (RPC# 18-029-007) shall remain zoned "C-TH" subject to the amended proffers.

[Board Report #53](#)

[Addendum-9-17-11-P- Z-2372-89-1 Proffer Amendment](#)

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**54. [SP #18 SITE PLAN AMENDMENT OF 1812 HOLDINGS, LLC TO MODIFY SITE PLAN CONDITIONS #26, 27, 28, 30, 87, AND 88, AND ADD A NEW CONDITION #99; LOCATED AT 1812 AND 1850 N. MOORE STREET \(RPC# 16-037-004, AND -005\).](#)**

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by MARY HYNES, Vice Chairman, to adopt the ordinance to approve a site plan amendment to SP #18, subject to all previously approved conditions and modifications to site plan conditions only numbers #26, 27, 28, 30. The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member – Aye. [Clerk's note: as set forth in the document entitled "Addendum-9-17-11-Q-SP #18" attached for the public record to these minutes.]

[Board Report #54](#)

[Addendum-9-17-11-Q-SP #18](#)

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**ADJOURNMENT**

Without objection, at 4:32 p.m., the Board recessed until the September 20, 2011 Recessed Meeting.

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CHRISTOPHER ZIMMERMAN, Chairman

ATTEST:

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HOPE L. HALLECK, Clerk  
Approved: October 15, 2011