

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, October 20, 2012, 2012 at 8:31 a.m.

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

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

ooooo0ooooo

PUBLIC COMMENT

Robert Atkins spoke about concerns for safety of pedestrians at the Carlin building on Carlin Springs Road and Glebe Road and the impact of the Goodyear project on sidewalks in that area.

Audrey Clement of the Green Party of Virginia spoke about the report prepared by consultant Peter Rousselot recommending bus rapid transit for Columbia Pike instead of the streetcar.

Katherine Hale of the Analostan Homes Association spoke about the road construction project at North 24th Street and North Wakefield Street and safety of elementary school children walking to school or waiting for buses near the site.

Juliet Hiznay of the Columbia Pike Revitalization Organization thanked the Board for their support of the vision of Columbia Pike, particularly regarding housing and streetcars.

Lou Gatti spoke of difficulties in trying to discuss taxicab related issues with County staff and his perception that there have been limited or inaccurate responses to his concerns.

Jim Hurysz spoke in opposition to streetcars and in favor of advanced technology bus options.

Matt Wavro spoke about long-term spending planning, projected revenue growth and increased costs of local government. He asked that the County Board take short term steps to ensure costs of local government do not increase in the short term to fund a long term spending plan.

ooooo0ooooo

CONSENT ITEMS (ITEMS 1-26) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, OCTOBER 20, 2012, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, OCTOBER 23, 2012, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).

A motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Vice Chairman to approve the County Manager's recommendation for all consent items except items #7, #15, #18 and #23, which will be subject to full hearing at the October 23, 2012 County Board recessed meeting. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member - Aye.

0000000000

SITE PLANS/AMENDMENTS/REVIEW

0000000000

- 1. **SP# 8 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN AT THE PARK SPRING CONDOMINIUM; LOCATED AT 5000, 5009, 5010, 5017, 5020, 5025, 5030, 5033, 5040, 5041, 5049, 5050, 5051, 5060, 5065, 5070, 5075, 5083, AND 5091 7TH ROAD SOUTH (RPC# 220-01-PCD).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance approving a site plan amendment for a comprehensive sign plan for the Park Spring Condominium.

WHEREAS, an application for a Site Plan Amendment dated August 14, 2012 for Site Plan #8, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Reports prepared for the October 20, 2012 County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Reports; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on October 20, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

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

Reallocate up to 42 square feet of sign area from the total 435 square feet of aggregate area to permit an increase in size for two (2) freestanding entrance signs;
and

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

WHEREAS, the County Board further finds that permitting the reallocation of sign area to allow freestanding signs that are larger than otherwise permitted does not exceed the total aggregate sign area allotted to the development, is in keeping with the character of the neighborhood, and will not adversely impact the neighborhood in which the signs are located;

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated March 12, 1966 for Site Plan # 8, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 8 below (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for a comprehensive sign plan, for the parcel of real property known as RPC # 220-01-648 – 697 and RPC # 220-01-563 – 613; located at 5000, 5009, 5010, 5017, 5020, 5025, 5030, 5033, 5040, 5041, 5049, 5050, 5051, 5060, 5065, 5070, 5075, 5083, and 5091 7th Road South approval is granted and the parcel so described shall be used according to the Site plan as originally approved on March 12, 1966 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to all previous conditions and the following new condition #8.

8. The applicant agrees to obtain sign permits for the two (2) freestanding entrance signs. The signs shall be in conformance with the drawings dated May 12, 2010 and attached to this staff report, and the two (2) signs shall not exceed a combined total square footage of 42 square feet. [Clerk's note: as set forth in the document entitled "Addendum-10-20-12-A-SP #8" attached for the public record to these minutes.]

[Board Report #1](#)

[Addendum-10-20-12-A-SP #8](#)

ooooo0ooooo

2. SP #346 SITE PLAN AMENDMENT REVIEW FOR FOOD DELIVERY OPERATIONS AT PAISANO'S PIZZA; LOCATED AT 3650 S. GLEBE ROAD (RPC# 34-027-322).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to renew the subject site plan amendment, with an administrative review in three (3) months (January 2013), and a County Board review in three (3) years (October 2015), subject to all previously approved conditions, and with one (1) additional condition specifying that the use is temporary and will expire in 2015 unless renewed by the County Board.

WHEREAS, an application for a Site Plan Amendment dated August 4, 2011, for Site Plan #346, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in the Staff Report(s) provided for the October 20, 2012, County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment 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 October 15, 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 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:
 - Food delivery service for a restaurant; and
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated August 4, 2011, for Site Plan #346, for a Site Plan Amendment for food delivery service, for the parcel of real property known as 3650 S. Glebe Road Commercial Unit #3 (RPC#34-027-322) approval is granted and the parcel so described shall be used according to the Site Plan Amendment Application, with an administrative review in three (3) months (January 2013), and a County Board review in three (3) years (October 2015), subject to all previously approved conditions, and with one (1) additional condition specifying that the use is temporary and will expire in 2015 unless renewed by the County Board.

83. The applicant agrees that the food delivery use permitted at 3650 S. Glebe Road is a temporary use that has been approved for a limited three (3) year period, and not longer. During the three year period, the use is permitted subject to all site plan conditions, and subject to the same reviews that could otherwise be made of any site plan use. The applicant further agrees that

approval for the use will terminate after a period of three (3) years, on October 20, 2015, without further action by the County Board. The applicant agrees that it will cease use of the approximately 1,350 square foot space for the purposes of food delivery, and shall convert the space to another approved use, or fully vacate the space, on or before October 20, 2015. The applicant acknowledges and agrees that after October 20, 2015, it shall have no right to use the 1,350 square foot space for food delivery purposes unless specific approval for that use is obtained from the County Board.

[Board Report #2](#)

ooooo0ooooo

3. SP #386 SITE PLAN AMENDMENT ON THE COUNTY BOARD'S OWN MOTION TO AMEND CONDITION #21, WHICH SPECIFIES THE TYPE OF STREET TREES TO BE PLANTED ON NORTH QUINCY STREET; LOCATED AT 3901 N. FAIRFAX DRIVE (RPC# 14-030-057 AND - 058).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted ordinance to approve a site plan amendment to Site Plan #386 Condition #21 to amend the required street tree specified for North Quincy Street from *Acer rubrum* (Red Maple) to *Ulmus americana* ' (American Elm).

WHEREAS, Site Plan Amendment for Site Plan #386 was recommended for advertisement on the County Board's own motion on September 15, 2012; and

WHEREAS, as indicated in Staff Report prepared for the October 20, 2012 County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment 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 October 20, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

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

NOW THEREFORE, BE IT ORDAINED that for Site Plan #386 approval is granted and the parcels so described shall be used according to the Site Plan as originally approved and amended from time to time as shown in the records of the Office of Zoning Administration, with the following amended condition #21:

21. Sidewalk Design and Improvements

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 on the final landscape plan and final civil engineering plan, in accordance with the Arlington County Streetscape Standards or other applicable urban design standards approved by the County Board and in effect at the time of the final landscape plan approval. The clear pedestrian zone of all public sidewalks shall also be indicated.

The sidewalk clear zones along the street frontages of this development shall be consistent with the Arlington County Streetscape Standards and shall be placed on a properly-engineered base approved as such by the Department of Environmental Services. The developer agrees that the clear pedestrian zone sidewalk shall:

- a. 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.
- b. Not be less than six feet wide at any point
- c. Allow pinch-points only under the provisions of the Arlington County Streetscape Standards
- d. Use plain, un-tinted concrete or, subject to approval, an integral tint that harmonizes with its setting. Non-standard materials or surface treatments may be used subject to approval and under the provisions of the Arlington County Streetscape Standards.
- e. Not contain joints or use patterns that create gaps of ¼-in depth or greater at spacings of less than 30.”

The developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the first partial Certificate of Occupancy for occupancy of the applicable phase of the project/tenant occupancy, as such phases are defined in condition #83.

The sidewalks shall contain street trees placed in either tree pits, or planting strips, consistent with the Standards for Planting and Preservation of Trees in Site Plan Projects, and as specified below. Placement, planting and root enhancement options shall be consistent with the Standards for Planting and Preservation of Trees in Site Plan Projects, and as specified below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standard. The developer, or any subsequent owner, also 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:

Fairfax Drive – A minimum 20-foot wide sidewalk measured from the back of curb, maintaining a 10-foot wide clear sidewalk, including 6 feet by 12 feet tree pits, planted with no less than a minimum of 3 ½ inches caliper Willow Oak street trees at 28- to 32-feet on center tree pits 6 feet by minimum of 12 feet with such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), and placed a minimum of eight (8) inches back from the back of curb.

North Quincy Street – A minimum 16-foot wide sidewalk measured from the back of curb, maintaining a 10-foot wide clear sidewalk, including 5 feet by 12 feet tree pits, planted with no less than a minimum of 3 ½ inches caliper ~~Red Maple~~ *Ulmus americana* (American Elm) street trees at 28- to 32-feet on center and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), and placed a minimum of eight (8) inches back from the back of curb.

10th Street North – A minimum 14-foot wide sidewalk measured from the back of curb, maintaining a 8-foot wide clear sidewalk, including 5 foot wide Low Impact Development (LID) tree strips with understory bioretention plantings, planted with no less than a minimum of 3 ½ inches caliper London Plane Tree street trees at 24- to 28-feet on center and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), and placed a minimum of eight (8) inches back from the back of curb.

North Pollard Street – A minimum 10- to 14-foot wide sidewalk measured from the back of curb, maintaining a 8-foot wide clear sidewalk, including 5 feet by 12 feet tree pits, planted with no less than a minimum of 3 ½ inches caliper London Plane Tree street trees in tree pits 5 feet by 12 feet or as fits between parallel parking spaces and with such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), and placed a minimum of eight (8) inches back from the back of curb.

0000000000

USE PERMITS REQUEST/REVIEWS/AMENDMENTS

0000000000

4. **SP-13-U-12-1 USE PERMIT ASSOCIATED WITH A SITE PLAN FOR PUBLIC UTILITY/TELECOMMUNICATIONS FACILITY FOR VERIZON WIRELESS; LOCATED AT 1600 S. EADS ST. (RPC# 35-011-007).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject use permit to the November 17, 2012 County Board meeting.

[Board Report #4](#)

0000000000

5. **SP-239-U-12-1: USE PERMIT ASSOCIATED WITH A SITE PLAN REVIEW FOR LIVE ENTERTAINMENT AT THE FRONT PAGE; LOCATED AT 4201 WILSON BLVD. (RPC# 14-048-012).**

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

BE IT ORDAINED that, pursuant to application SP-239-U-12-1 on file in the Office of the Zoning Administrator for a use permit associated with a site plan for the parcel of real property located at 4201 Wilson Blvd. (RPC# 14-048-012), 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 five (5) years, (October 2017). [Clerk's note: there are no conditions listed in the staff report.]

[Board Report #5](#)

0000000000

6. **U-2823-94-4 USE PERMIT AMENDMENT TO AMEND CONDITION #1 RE: MAXIMUM SIZE OF PERMITTED ANTENNAS AND TO PERMIT REMOVAL OF EXISTING ANTENNAS AND REPLACEMENT WITH NEW ANTENNAS FOR SPRINT, LOCATED AT 2400 N. WAKEFIELD ST. (RPC# 05-005-072).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject use permit request to the November 17, 2012 County Board meeting.

[Board Report #6](#)

0000000000

8. U-3258-10-1 USE PERMIT REVIEW OF AN OUTDOOR CAFE IN THE PUBLIC RIGHT-OF-WAY AT THE GREEN PIG BISTRO; 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-3258-10-1 on file in the Office of the Zoning Administrator for a use permit renewal for an outdoor café in the public right-of-way for the parcel of real property located at 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 all previous conditions, with a County Board review in one (1) year (October 2013).

[Board Report #8](#)

0000000000

9. U-3345-12-1 USE PERMIT FOR A DORMITORY FOR SUSAN'S PLACE, LOCATED AT 3704 2ND ST. S. (RPC# 23-009-027)

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject use permit request for a dormitory for one (1) month to the November 17, 2012 County Board meeting.

[Board Report #9](#)

0000000000

10. U-3346-12-2 USE PERMIT FOR LIVE ENTERTAINMENT AND DANCING AT LIBERTY TAVERN; LOCATED AT 3195 WILSON BLVD. (RPC# 15-075-004).

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-3346-12-2 on file in the Office of the Zoning Administrator for a use permit for the parcel of real property located at 3195 Wilson Blvd. (RPC# 15-075-004), 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 November 2013.

Conditions:

1. The applicant agrees that live entertainment is permitted only from 11:00 a.m. to 9:00 p.m. on Sundays through Thursdays, and only from 11:00 a.m. to 1:00 a.m. on Fridays and Saturdays.
2. The applicant agrees to comply with all applicable laws, including, by way of illustration and not limitation, all applicable requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board (ABC).
3. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or deejays whose primary purpose is to serve a dancing crowd. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.

4. The applicant agrees to comply with the Arlington County noise ordinance and further agrees that the restaurant's windows and doors shall remain closed during the times of live entertainment except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment.
5. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
6. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
7. The applicant agrees to post sign signs in windows telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
8. The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
9. The applicant agrees to make customers aware of proximity to Metro, available parking and any special parking arrangements through postings in the restaurant and on their website.
10. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.
11. The applicant agrees to participate in the established Clarendon Live Entertainment Neighborhood Advisory Group, consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Fire Marshal, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses. One (1) of the quarterly meetings will consist of an educational seminar to review requirements and regulations of various departments, codes, and policies. The applicant agrees to have a representative with management authority in the restaurant attend all such meetings.
12. The applicant agrees to designate and make available a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Civic Association, and the Clarendon Alliance. The applicant further agrees to submit such contact information as described above to any future homeowners or condominium association, or rental management office associated with The Waverly residential development (SP #392) at 1200 Irving Street, within six (6) months of the building opening.
13. The applicant agrees that the use permit for live entertainment shall be reviewed by the County Manager or her designee upon any change of tenancy of the subject space currently occupied by Liberty Tavern (3195 Wilson Boulevard). The applicant also agrees to notify the County Manager or designee in writing before a change of tenancy of the subject space.

[Board Report #10](#)

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

0000000000

VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

0000000000

11. CENTRAL PLACE VACATIONS FOR THE RESIDENTIAL PHASE

- A. Enactment of an Ordinance to Vacate Two Portions of the North Lynn Street Right-of-Way, such Portions Located along the Western Side of North Lynn Street, between Wilson Boulevard and 19th Street North, and Abutting the Eastern Boundary of Parcel R, Central Place, Rosslyn (RPC# 16-038-015), with Conditions (Attachment 1); and

- B. Enactment of an Ordinance to Vacate Two Portions of An Easement for Public Street and Utilities Purposes: 1) One Portion Running North to South, Parallel to and on the Eastern Side of North Moore Street; and 2) a Second Portion Running North to South, Parallel to and on the Western Side of North Lynn Street; Both within Parcel R, Central Place, Rosslyn (RPC# 16-038-015), with Conditions (Attachment 2); and

- C. Enactment of an Ordinance to Vacate an Easement for Public Street and Utilities Purposes Running North to South, Parallel to and on the Eastern Side of North Moore Street, within Parcel R, Rosslyn (RPC# 16-038-015), with Conditions (Attachment 3); and

- D. Enactment of an Ordinance to Vacate an Easement for Public Street and Utilities Purposes Running North to South, Parallel to and on the Eastern Side of North Moore Street, within Parcel R, Central Place; and a 10' Storm Sewer Easement in the Southeastern Portion of, and within, Parcel R, Central Place, Rosslyn (RPC# 16-038-015), with Conditions (Attachment 4); and

- E. Enactment of an Ordinance to Vacate an Easement for Public Street and Utilities Purposes Running North to South, Parallel to and on the Eastern Side of North Moore Street, within Parcel R, Central Place, Rosslyn (RPC# 16-038-015), with Conditions (Attachment 5); and

- F. Enactment of an Ordinance to Vacate an Easement for Public Park Purposes within the Northern Portion of Parcel R, Central Place, such Portion being bounded by North Moore Street to the West, 19th Street North to the North, North Lynn Street to the East and the remainder of Parcel R to the South, Rosslyn (RPC# 16-038-015), with Conditions (Attachment 6); and

- G. Enactment of an Ordinance to Vacate an Easement for Public Park Purposes on Portions of Parcel R and a Portion of Parcel M, Central Place, such Portions being bounded by North Moore Street to the West and North Lynn Street to the East, Rosslyn (RPC# 16-038-015 and 16-038-016) (Attachment 7).

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

1. Enacted the attached Ordinance to Vacate Two Portions of the North Lynn Street Right-of-Way, such Portions Located along the Western Side of North Lynn Street, between Wilson Boulevard and 19th Street North, and Abutting the Eastern Boundary of Parcel R, Central Place, Rosslyn (RPC# 16-038-015), with Conditions (Attachment 1); and
2. Enacted the attached Ordinance to Vacate Two Portions of An Easement for Public Street and Utilities Purposes: 1) One Portion Running North to South, Parallel to and on the Eastern Side of North Moore Street; and 2) a Second Portion Running North to South, Parallel to and on the Western Side of North Lynn Street; Both within Parcel R, Central Place, Rosslyn (RPC# 16-038-015), with Conditions (Attachment 2); and
3. Enacted the attached Ordinance to Vacate an Easement for Public Street and Utilities Purposes Running North to South, Parallel to and on the Eastern Side of North Moore Street, within Parcel R, Rosslyn (RPC# 16-038-015), with Conditions (Attachment 3); and
4. Enacted the attached Ordinance to Vacate an Easement for Public Street and Utilities Purposes Running North to South, Parallel to and on the Eastern Side of North Moore Street, within Parcel R, Central Place; and a 10' Storm Sewer Easement in the Southeastern Portion of, and within, Parcel R, Central Place, Rosslyn (RPC# 16-038-015), with Conditions (Attachment 4); and
5. Enacted the attached Ordinance to Vacate an Easement for Public Street and Utilities Purposes Running North to South, Parallel to and on the Eastern Side of North Moore Street, within Parcel R, Central Place, Rosslyn (RPC# 16-038-015), with Conditions (Attachment 5); and
6. Enacted the attached Ordinance to Vacate an Easement for Public Park Purposes within the Northern Portion of Parcel R, Central Place, such Portion being bounded by North Moore Street to the West, 19th Street North to the North, North Lynn Street to the East and the remainder of Parcel R to the South, Rosslyn (RPC# 16-038-015), with Conditions (Attachment 6); and
7. Enacted the attached Ordinance to Vacate an Easement for Public Park Purposes on Portions of Parcel R and a Portion of Parcel M, Central Place, such Portions being bounded by North Moore Street to the West and North Lynn Street to the East, Rosslyn (RPC Nos. 16-038-015 and 16-038-016), with Conditions (Attachment 7); and
8. Authorized the Real Estate Bureau Chief, Department of Environmental Services, to execute, on behalf of the County Board, all Deeds of Vacation and other documents necessary to effectuate the Ordinances of Vacation set forth in Attachments 1 through 7 hereto, subject to approval as to form by the County Attorney.

[Clerk's note: as set forth in the document entitled "Addendum-10-20-12-B-Central Place Vacations Residential" attached for the public record to these minutes.]

[Board Report #11](#)

[Addendum-10-20-12-B-Central Place Vacations Residential](#)

0000000000

12. CENTRAL PLACE ENCROACHMENTS

- A. Enactment of an Ordinance to Permit the Encroachment within the N. Moore Street Right-of-Way of Below Grade Portions of: a) Building Structure; b) Parking Structure; and c) Storage Structure, such Portions abutting the Western Boundary of Parcel R, Central Place, Rosslyn (RPC# 16-038-015), with Conditions; and

- B. Enactment of an Ordinance to Permit the Encroachment within the N. Lynn Street Right-of-Way of: a) Portions of Above Grade Parking Structure; and b) Three Underground Grease Trap Vaults; the Encroachment Area for such Structures abutting the Eastern Boundary of Parcel R, Central Place, Rosslyn (RPC# 16-038-015), with Conditions.

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

1. Enacted the attached Ordinance to Permit the Encroachment within the N. Moore Street Right-of-Way of Below Grade Portions of: a) Building Structure; b) Parking Structure; and c) Storage Structure, such Portions abutting the Western Boundary of Parcel R, Central Place, Rosslyn (RPC# 16-038-015), with Conditions ("Attachment 1"); and
2. Enacted the attached Ordinance to Permit the Encroachment within the N. Lynn Street Right-of-Way of: a) Portions of Above Grade Parking Structure; and b) Three Underground Grease Trap Vaults; the Encroachment Area for such Structures abutting the Eastern Boundary of Parcel R, Central Place, Rosslyn (RPC# 16-038-015), with Conditions ("Attachment 2").

[Clerk's note: as set forth in the document entitled "Addendum-10-20-12-C-Central Place Encroachments Residential" attached for the public record to these minutes.]

[Board Report #12](#)

[Addendum-10-20-12-C-Central Place Encroachments Residential](#)

0000000000

- 13. APPROVAL OF, AND AUTHORIZATION TO ACCEPT, A DEED OF EASEMENT FOR A 10-FOOT-WIDE PUBLIC STORM SEWER EASEMENT ON LOT 42, SECTION 1, WESTMORE GARDENS, LOCATED AT 3112 N. TRINIDAD ST. (RPC #01-006-033).**

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

1. Approved the attached Deed of Easement from Sunnyside Development, LLC to the County Board of Arlington County, Virginia granting to the County a permanent public storm sewer easement within a portion of the property located at 3112 N. Trinidad Street, RPC # 01-006-033; and
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept, on behalf of the County Board, the Deed of Easement attached hereto as Exhibit A and all associated documents, subject to approval of the Deed of Easement as to form by the County Attorney.

[Clerk's note: as set forth in the document entitled "Addendum-10-20-12-D-Westmore Gardens" attached for the public record to these minutes.]

[Board Report #13](#)

Addendum-10-20-12-D-Westmore Gardens

0000000000

- 14. APPROVAL OF A THIRD AMENDMENT TO AMENDED AND RESTATED OFFICE BUILDING DEED OF LEASE BETWEEN VNO COURTHOUSE I LLC, AS LANDLORD, AND THE COUNTY**

BOARD OF ARLINGTON COUNTY, VIRGINIA, AS TENANT, FOR A PORTION OF THE TENTH FLOOR OF THE OFFICE BUILDING AT 2100-2200 CLARENDON BOULEVARD, ARLINGTON, VIRGINIA 22201 (RPC # 18-004-065).

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

1. Approved the Third Amendment to Amended and Restated Office Building Deed of Lease between VNO Courthouse I LLC, as Landlord, and the County Board of Arlington County, Virginia, as Tenant (Exhibit A), for a portion of the tenth floor, known as suite 1000, of the office building at 2100-2200 Clarendon Boulevard, Arlington, Virginia 22201 (RPC # 18-004-065); [Clerk’s note: as set forth in the document entitled “Addendum-10-20-12-E-VNO Courthouse 3rd Lease Amendment” attached for the public record to these minutes.] and,
2. Authorized the Real Estate Bureau Chief, or his designee, to execute on behalf of the County Board of Arlington County, Virginia, the attached Third Amendment to the Amended and Restated Office Building Deed of Lease, subject to approval as to form by the County Attorney.

[Board Report #14](#)

[Addendum-10-20-12-E-VNO Courthouse 3rd Lease Amendment](#)

0000000000

CAPITAL PROJECTS

0000000000

16. AWARD OF CONTRACTS FOR THE CONSTRUCTION OF LAST MILE FIBER OPTIC NETWORK TERMINATIONS TO FOUR (4) CONTRACTORS AND AWARD OF CONTRACTS FOR MAINTENANCE AND EMERGENCY RESTORATION SERVICES OF THE COUNTY’S ENTIRE FIBER OPTIC NETWORK FOR A FIVE (5) YEAR PERIOD TO TWO (2) CONTRACTORS, BOTH AS PART OF CONNECTARLINGTON - INVITATION TO BID NUMBER 702-12.

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

1. Approved the award of the construction Contracts Numbered 702-12-1, 2, 3, 4, in an amount not to exceed \$5,370,000 in total for all the Contracts, to Jones Utilities Construction, Inc., KCI Convergent Technologies, Inc., N to N Fiber, Inc., and Southern Maryland Cable, Inc.
2. Approved the award of maintenance and emergency restoration services Contracts Numbered 702-12-5, 6, to KCI Convergent Technologies, Inc., as the primary contractor, and to N to N Fiber, Inc. as the secondary contractor.
3. Authorized the Purchasing Agent to execute the Contract Documents subject to review of such documents by the County Attorney.

[Board Report #16](#)

0000000000

17. AWARD OF CONTRACT TO SG CONSTRUCTION SERVICES, LLC UNDER THE TERMS OF JOB ORDER CONTRACT 424-10-1 FOR THE CHILLER AND MISCELLANEOUS COOLING EQUIPMENT REPLACEMENT AT CENTRAL LIBRARY.

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

- 1. Approved the Award of contract for the replacement of the Chillers and Miscellaneous Equipment at Central Library to SG Construction Services, LLC in the amount \$797,826.25 and approve an allocation not to exceed \$80,000.00 as contingency for a total Contract Authorization of \$877,826.25.
- 2. Authorized the Purchasing Agent to execute the Contract Documents, subject to review of such documents by the County Attorney.

[Board Report #17](#)

0000000000

APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

0000000000

19. PRIORITIES FOR FISCAL YEARS 2014 - 2019 CONGESTION MITIGATION AND AIR QUALITY (CMAQ) AND REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) FUNDING.

On the consent agenda vote, after a duly advertised public hearing, the Board endorsed the priorities for Fiscal Years 2014 - 2019 Congestion Mitigation and Air Quality and Regional Surface Transportation Program funding as shown in Table 1 and Table 2. [Clerk’s note: as set forth in the document entitled “Addendum-10-20-12-F-CMAQ and RSTP Funding” attached for the public record to these minutes. Table 2 was not included in the report.]

[Board Report #19](#)

[Addendum-10-20-12-F-CMAQ and RSTP Funding](#)

0000000000

20. ACCEPTANCE AND APPROPRIATION OF A FISCAL YEAR 2012 URBAN AREAS SECURITY INITIATIVE (UASI) SUB-GRANT - LICENSE PLATE RECOGNITION PROJECT.

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

- 1. Authorized the County Manager or her designee to accept \$1,200,000 in non-competitive grant funds from the Government of the District of Columbia, Homeland Security and Emergency Management Agency.

2. Appropriated \$1,200,000 in grant fund revenue from the District of Columbia, Homeland Security and Emergency Management Agency (794.374900.31202) to the Police Department (794.31202) for administering the Fiscal Year (FY) 2012 Urban Areas Security Initiative sub-grant including personnel, consultants, equipment and supply expenses.
3. Authorized a 1.0 FTE temporary grant funded position in the Police Department to provide needed staffing to administer the grant program.

[Board Report #20](#)

0000000000

21. ACCEPTANCE AND APPROPRIATION OF AN URBAN AREA SECURITY INITIATIVE GRANT FOR CONDUCTING EMERGENCY PREPAREDNESS TRAINING AND PLANNING ACTIVITIES.

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

1. Authorized the County Manager or her designee to execute a grant agreement to accept \$103,000 in federal Urban Area Security Initiative funds.
2. Appropriated \$103,000 in federal Urban Area Security Initiative funds (101.374904) to the Department of Human Services (101.55102) for Fiscal Year 2013 to conduct emergency preparedness training and planning activities.

[Board Report #21](#)

0000000000

22. ACCEPTANCE AND APPROPRIATION OF A U.S. HEALTH AND HUMAN SERVICES GRANT AWARD FOR INTEGRATED PRIMARY CARE SERVICES.

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

1. Authorized the County Manager or her designee to execute a grant agreement to accept funds from the U.S. Department of Health and Human Services for FY2013 – FY2017.
2. Appropriated \$232,000 in U.S. Department of Health and Human Services grant funds (101.374200) to the Department of Human Services (101.52111) in FY2013 for the provision of integrated primary medical care services at Arlington and Alexandria behavioral healthcare centers.
3. Approved the creation of a 1.0 FTE grant-funded Project Assistant to assist with data collection and program evaluation.
4. Approved the creation of 1.0 FTE grant-funded Peer Health Navigator to provide patient support and wellness activities.

[Board Report #22](#)

0000000000

OTHER

0000000000

24. CORRECTION TO THE ORDINANCE ADOPTED BY THE COUNTY BOARD ON APRIL 21, 2012, REGARDING THE FISCAL YEAR 2013 HOUSEHOLD SOLID WASTE RATE, AND CORRECTION TO THE ORDINANCE ADOPTED BY THE COUNTY BOARD ON JUNE 16, 2012 REGARDING THE COURTHOUSE MAINTENANCE FUND.

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

- 1. Adopted a correction to the ordinance setting forth the Fiscal Year (FY) 2013 Household Solid Waste Rate adopted by the County Board on April 21, 2012, to rectify a typographical error.
- 2. Adopted a correction to the ordinance setting forth an amendment to the courthouse maintenance fund adopted by the County Board on June 16, 2012, to correct a typographical error.

Attachment A

The Household Solid Waste Rate as adopted on April 21, 2012 should read as follows (text to be deleted is shown in strikethrough, text to be added is shown in underline)

* * *

AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 10 (GARBAGE, REFUSE AND WEEDS) OF ARLINGTON COUNTY CODE RELATING TO A DECREASE IN HOUSEHOLD SOLID WASTE RATE, EFFECTIVE JULY 1, 2012.

- I. **BE IT ORDAINED** that Chapter 10, Article 1 of the Arlington County Code is amended, reenacted, and recodified as follows, effective July 1, 2012:

* * *

§ 10-8. Refuse Collection and Disposal Charges; Relief from Such Charges.

- A. **There is hereby imposed for each ~~single~~ one-family residential dwelling, each unit of a ~~duplex~~ two-family residential dwelling, and each participating town house residential dwelling an annual charge of two hundred ninety-three dollars and ninety-two cents (\$293.92) billed quarterly, beginning with the quarter of July 1, 2012, through September 30, 2012, for refuse, including recycling collection and disposal by Arlington County. This annual charge shall be assessed whether or not the dwelling is occupied.**

* * *

- II. The remaining sections and subsections of Chapter 10 of the Code of Arlington County, Virginia not amended hereby shall remain in effect as previously enacted.

* * *

Attachment B

The courthouse maintenance fee as adopted on June 16, 2012 should read as follows (text to be deleted is shown in strikethrough, text to be added is shown in underline)

AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 27 (MISCELLANEOUS ORDINANCES) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA, RELATING TO COURTHOUSE MAINTENANCE FEE FOR CIVIL ACTIONS FILED IN CIRCUIT AND DISTRICTS COURTS.

I. **BE IT ORDAINED** by the County Board of Arlington County, Virginia, that Chapter 27, Section 27-18, of the Code of Arlington County, Virginia, is amended, reenacted and recodified as follows, effective July 1, ~~2011~~ 2012:

* * *

§ 27-18. Establishment of courthouse maintenance fund.

A. The clerks of the Circuit and District Courts of Arlington County shall collect, as part of the fees taxed as costs in each civil action filed, and in each criminal or traffic case and in addition to any other costs, a sum of two dollars (\$2.00).

B. The collected fees shall be transferred to the Treasurer who shall place them into a courthouse maintenance fund kept by the Treasurer.

C. The County Board or its designee may use money from the fund for any purpose allowed by State law relating to the County Courthouse, including, but not limited to, the construction, renovation or maintenance of the Courthouse, Jail or any Courthouse-related facility and the payment of increases in the cost of heating, cooling and electricity.

* * *

II. The remaining sections and subsections of Chapter 27 of the Code of Arlington County, Virginia, not amended hereby shall remain in effect as previously enacted.

* * *

[Board Report #24](#)

0000000000

25. RESOLUTION ENDORSING THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY'S TRANSACTION 2040 TRANSPORTATION PLAN.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the attached resolution endorsing the Northern Virginia Transportation Authority's TransAction 2040 transportation plan.

Resolution Endorsing the Northern Virginia Transportation Authority's TransAction 2040 Long Range Transportation Plan

WHEREAS, the 2002 Virginia General Assembly passed the Northern Virginia Transportation Authority (NVTA) Act and created the NVTA; and

WHEREAS, the Virginia General Assembly granted the NVTA the power and function of preparing a long range transportation plan for Northern Virginia; and

WHEREAS, Arlington is a member of the NVTA; and

WHEREAS, Arlington has assisted the NVTA in preparing a draft update of the Northern Virginia region long range transportation plan (TransAction 2040), and NVTA has asked member jurisdictions to endorse the plan; and

WHEREAS, the TransAction 2040 plan adheres to the vision of the Northern Virginia 2020 Transportation Plan that was endorsed by Arlington in 1999, that states:

"In the 21st Century, Northern Virginia will develop and sustain a multimodal transportation system that supports our economy and quality of life. It will be fiscally sustainable, promote areas of concentrated growth, manage both demand and capacity, and employ the best technology, joining rail, roadway, bus, air, water, pedestrian, and bicycle facilities into an interconnected network."

WHEREAS, the TransAction 2040 plan is a comprehensive study that identifies multimodal transportation solutions that provide safe, efficient, and economical choices for travel and transport of goods, and which also support expansion of the local economy; and,

WHEREAS, without further investments than are currently funded, the transportation system of Northern Virginia will seriously degrade; and

WHEREAS, Arlington agrees that the long range transportation plan that is outlined in the TransAction 2040 plan will improve multimodal mobility; and,

WHEREAS, Arlington agrees that, in general, future funding opportunities should reflect the priorities established in the TransAction 2040 plan.

NOW, THEREFORE, BE IT RESOLVED that the County Board of Arlington, Virginia does hereby endorse the TransAction 2040 plan, and that this resolution should be forwarded to the NVTA to be appended to the TransAction 2040 plan; and

BE IT FURTHER RESOLVED that in general the TransAction 2040 plan provides a balance of future investment in highway and transit projects, and retaining this balance should be a goal as the TransAction 2040 plan is implemented; and

BE IT FURTHER RESOLVED that endorsement of the overall TransAction 2040 plan by the Arlington County Board does not constitute endorsement of every individual project within the plan, and that Arlington reiterates its opposition to the I-66 Spot Improvement projects proposed by VDOT and contained within the CLRP; and

BE IT FURTHER RESOLVED that the Arlington County Board recommends the TransAction 2040 plan be considered by the General Assembly of the Commonwealth of the Virginia to be indicative of the tremendous need for additional transportation funding in Northern Virginia, and that the General Assembly consider ways in which additional transportation revenue can be generated.

[Board Report #25](#)

oooo0ooooo

26. MINUTES

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

September 15, 2012

Regular Meeting

September 18, 2012

Recessed Meeting

[Item #26-Minutes \(Regular Meeting-09-15-2012\)](#)

[Item#26-Minutes \(Recessed Meeting-09-18-2012\)](#)

ooooo0ooooo

ADJOURNMENT

Without objection, at 9:02 a.m., the Board recessed until the October 23, 2012 Recessed Meeting.

MARY HYNES, Chair

ATTEST:

HOPE L. HALLECK, Clerk
Approved: November 17, 2012