

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, February 12, 2011 at 8:30 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

Mike Nardolilli commended staff for making the East Falls Church plan even more community friendly than before.

Jenny Menna requested that the County develop a comprehensive lighting ordinance and defer immediately all use permits with lighting around residential areas until such an ordinance is implemented.

Natalie Roy, President of the Lyon Park Civic Association (LPCA), asked for the deferral of the County's implementation of any changes to the current parking on N. Edgewood Street.

Robert Atkins remarked that Arlington County was in violation of a recent determination of the state's Attorney General which states that grants cannot be given to non-profits.

Audrey Clement thanked the County Board for their actions regarding the I-95/395 Hot Lanes issue.

Jim Hurysz asked the County to address the potholes found on S. 36th Street. He also voiced his concerns regarding the East Falls Church plan.

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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 \$16,557,321 in Affordable Housing Investment Fund as of February 9, 2011.

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, FEBRUARY 12, 2011, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, FEBRUARY 15, 2011, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).

On a motion by JAY FISETTE, Member, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Vice Chairman - Aye, CHRISTOPHER ZIMMERMAN, Chairman - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board approved the County Manager's recommendation for consent items #1 through #5, #7 through #10, items #12 through #15, items #17 through #19, item #21 and #23, items #25 and #26. Requests for full hearing were submitted for items #6, #11, #16, #20, #22 and #24, and these items are scheduled for hearing at the January 25, 2011 County Board recessed meeting.

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SITE PLANS/AMENDMENTS/REVIEW

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1. SP #18 SITE PLAN AMENDMENT 1812 HOLDINGS, LLC FOR ADDITION OF A NEW CONDITION #98 REGARDING THE TIMING OF THE SCHEDULE AND ALLOCATION RELATED TO THE PUBLIC BENEFITS PLANS, MODIFICATION OF CONDITIONS #50 AND #97 REGARDING TEMPORARY CONSTRUCTIONS SIGNS, AND MODIFICATION OF CONDITION #65 REGARDING TIMING OF PUBLIC ART PROPOSAL LOCATED AT 1812 AND 1850 NORTH MOORE STREET (RPC: 16-037-004, AND 16-037-005).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance to approve a site plan amendment subject to all previously approved conditions, new Condition #98 regarding timing of public benefits package, amended Conditions #65, for timing of public art, and #97, regarding interim substation treatment. A request for additional temporary sign area was withdrawn by the applicant.

WHEREAS, an application for a Site Plan Amendment dated December 13, 2010 for Site Plan # 18, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report provided to the County Board for its February 12, 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 February 12, 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
- 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 December 13, 2010 for Site Plan # 18, for a Site Plan Amendment for modifications to Conditions #65, and 97, and the creation of a new Condition #98 regarding public benefits plans, public art, and interim treatment of substation, the Site Plan as last approved on December 15, 2007 for the parcel of real property known as 1812 and 1850 North Moore Street (RPC: 16-037-004, and 16-037-005) approval is granted for the amendment and the parcel so described shall be used according to the December 15, 2007 site plan as amended by the Revised Site Plan Application, subject to all previously approved conditions, conditions 65 and 97 as amended below, and new condition 98, as set forth below:

Modified Conditions:

Public art

- 65. A. The developer agrees to commission a professional artist to create public art for a minimum cost of \$750,000, inclusive of artist fees, fabrication, installation, transportation, artist travel/expenses but

- exclusive of art consultant fees, fees for coordinating with artist or with other design professionals on the project (architect, landscape architect, engineer, etc.), and other in-house costs or fees. The public art shall respond to the themes and priorities discussed in the Public Art Master Plan (adopted December 2004) in support of the goals of the Public Art Policy (adopted September 2000). The developer also agrees to take into account driver and pedestrian safety and energy efficiency when designing the public art. The developer agrees that, if the commission is made more than 12 months after site plan approval, the minimum commission amount will be adjusted based on the percentage change in the Consumer Price Index-Urban (CPI-U) between the date of site plan approval and the first day of the month in which the contribution is made.
- B. The developer agrees to obtain the approval of the County Manager for the process to be followed in the selection of artist, art proposal development, maintenance plan, placement and design of informational signage. The County Manager's approval will be given only if the process is in accordance with Public Art Program signage specifications, and the developer agrees to implement that approved process. The developer agrees to notify the County Manager when the artist selection process is about to begin. The County Manager at his option may, within 15 business days following receipt of this notification, request that a panel process be undertaken and designate panel members to be included or artists to be considered. If requested, the developer agrees to use a panel to select the artist and the art. The panel used by the developer will consist of at least three persons, up to two of whom may be professional artists or arts professionals, as defined by the County. The panel should include representatives from the developer's project team, including architect, landscape architect and other design professionals. The developer agrees to include in its panel those persons designated by the County Manager and to compensate them at a reasonable hourly rate agreed to by that individual.
- C. The selection panel will consider at least three different artists for the commission, including any named by the County Manager as set forth in this condition. The developer agrees that artists who are currently under contract in the County will not be eligible for commissions for public art within four years after the time of signing a contract or otherwise being initially engaged to create public art. The developer agrees to present its or the panel's choice of artist to, and obtain approval of this choice from, the Arlington Commission for the Arts/Public Art Committee (ACA/PAC), prior to issuance of the Clearing and Grading Permit. The developer further agrees to present the art proposal to, and obtain approval from, the ACA/PAC, and resubmit to the County Manager the art proposal to reflect any revisions made in response to any recommendations made by the ACA/PAC, prior to issuance of the ~~Footing to Grade~~ Final Building Permit. The art proposal shall consist of visual and written representations of the public art and its proposed location within the site, list of materials, proposed maintenance plan, and an itemized budget. ~~The developer further agrees to resubmit the art proposal to reflect any revisions made in response to any recommendations made by ACA/PAC to the County Manager prior to issuance of the Final Building Permit.~~ The public art shall be installed prior to the issuance of the Certificate of Occupancy for any space on the top floor of the building.
- D. In order to prevent the public art from conflicting with other elements of the site plan, the developer also agrees to represent the public art on the landscape plan, building elevation or other plan that represents the site of the art, in the normal course of submission of such plans as provided for in these site plan conditions. The plan(s) on which the art is represented will be determined based upon the art's chosen location within the site plan.
- E. The developer may choose to make a contribution of \$750,000 to the Public Art Fund to fund County-initiated public art projects in the Rosslyn Metro/or other specified area in lieu of commissioning public art through the process set forth above. Such contribution shall be made to the Public Art Fund prior to issuance of the first above grade building permit. If the contribution is made more than 12 months after site plan approval, the contribution amount will be adjusted based on the percentage change in the Consumer Price Index- Urban (CPI-U) between the date of site plan approval and the first day of the month in which the contribution is made.

Dominion Virginia Power Substation Improvements

97. The developer agrees to clad the substation as generally shown on the plans and renderings presented to the County Board on December 15, 2007, and to incorporate a public art component pursuant to Condition #65 in addition to or in lieu of the cladding provided the purposes of the cladding are achieved. In the

event the developer elects to make a contribution to the Public Art Fund in accordance with Condition #65, then the developer shall nonetheless be obligated to complete the foregoing cladding of the substation, and shall ensure that the County is provided reasonable access to the substation site in order to implement a County initiated public art project

As an interim measure, the developer agrees to install a temporary treatment to clad the substation, as generally shown on the plans entitled "1812 North Moore Substation Concepts," prepared by Graham Hanson Design, and dated October 21, 2010. Total temporary sign area shall not exceed 708 square feet, and no permits for temporary signs on the exterior of the substation will be issued until all temporary signs mounted on construction fencing is are removed. The temporary treatment may remain in place until work commences on the final cladding of the substation or if construction activity necessitates the removal of all or part of the temporary treatment. No permits for temporary signs located on the Dominion Power Substation shall be issued until ~~the interim treatment is installed and~~ a plan for such signs is reviewed and approved by the Zoning Administrator consistent with Condition #50. [Clerk's note: as set forth in the document entitled "Addendum 2-12-11-A-SP #18" attached for the public record to these minutes.]

New Condition:

98. Timing of Review of Public Benefit Plans

- A. This condition clarifies the timing and plan details set forth in Conditions #84, 85 and 86 for 1) submission of the plans described in Conditions #84 detailing the proposed improvements to North Moore Street, #85 detailing the proposed improvements to the Rosslyn Metro Station and Fort Myer Drive, and #86 the design and construction of a Transit Store (collectively "public benefits" or "public benefits improvements" or "public benefits plans"), including the 180-day timeframe and the optional additional 120 days for the transit store; 2) obtaining the County Manager's decision on the public benefits plans; 3) extending the timing; and 4) the level of detail required to be included in the public benefits plans. The developer agrees that to the extent the requirements set forth in this Condition #98 vary from or are contrary to those set forth in Conditions #84, 85 and/or 86, the requirements of this Condition #98 will govern. All other aspects of Condition #84, 85, and 86, including, but not limited to, the aggregate total dollar values associated with the public benefits plans, shall remain in effect. Nothing in this Condition #98 or Conditions #84, 85 and/or 86, except as expressly stated in Condition #98.A.8).a), b). and C.2)., shall prevent the issuance of permits and inspections that would otherwise have been issued for the construction and occupancy of all of the improvements associated with SP #18. To the extent that the County requires the inclusion of the public benefit improvements on any plans required for the issuance of building or occupancy permits (except as required for tenant occupancy pursuant to Paragraphs 8.a) and 8.b).), the level of design detail required to be shown for those improvements shall be the level approved at such time when the public benefits are required to be shown on permitted plans. The developer agrees that the timing be modified to include the following requirements:
- 1). The developer agrees that dates for scheduled approvals of public benefits plans by the County and WMATA as set forth in Conditions #84, 85 and 86 will no longer apply.
 - 2). Schematic Design Drawing Submission. By July 28, 2011, the developer agrees to submit to the County Manager schematic drawings (approximately 25-30% Construction Drawings consistent with industry standards, as defined in AIA Document B151 (copyright 1997), hereinafter defined as "Schematic Design Drawings") and pricing estimates for the improvements shown on the Schematic Design Drawings, that are consistent with the scope and guidance provided by Arlington County in its regular discussions with WMATA and the developer referred to in Paragraph B. below. Product data for items or elements that have been agreed upon and documented in the meetings described in Paragraph B. below shall be included on the Schematic Design Drawings. The developer agrees that the County Manager may make a one-time request in writing to the developer for a progress set of drawings with pricing estimates, which request must be made on or before April 28, 2011. The developer agrees to provide such drawings and pricing estimates within 21 calendar days of receipt of the County's request.
 - 3). Schematic Design Drawings Approval

- a). The developer agrees that the County Manager has 10 business days from receipt of the Schematic Design Drawings to confirm if the scope is consistent with the meeting minutes provided pursuant to Paragraph B below, and if the quality is consistent with industry standards, and to inform the developer in writing of specific deficiencies. In the absence of said written notice of deficiencies, the scope and quality of the Schematic Design Drawings shall be deemed acceptable. If written notice of deficiencies is given, the developer shall correct the Schematic Design Drawings and resubmit such Drawings to the County Manager and the time deadlines shall be adjusted accordingly pursuant to Paragraph C.1). below.
 - b). If the County Manager has not determined there is a deficiency in the drawings as to scope and quality, then the Manager will proceed to review the drawings. In the event that the developer receives in writing from County Manager approval of the Schematic Design Drawings by September 14, 2011, or such extended deadline as may apply, the developer shall proceed to the requirements set forth in Paragraph A.4). below. The developer agrees that, as part of the approval of the Schematic Design Drawings, the County Manager may make comments, not affecting scope and/or quality, which the developer will address in the submittal for Design Development Drawings. Such comments shall not prevent the approval of the Schematic Design Drawings.
 - c). In the event that the developer does not receive approval in writing from the County Manager of the Schematic Design Drawings by September 14, 2011, or the date to which the deadline has been extended, the developer, at its sole discretion, may extend the deadline as set forth in Paragraph D. below or implement the option of making a cash contribution as set forth in Paragraph E. below.
- 4). Design Development Drawings Submission. By November 14, 2011, the developer agrees to submit to the County Manager design development drawings (approximately 65-70% Construction Drawings consistent with industry standards, as defined in AIA Document B151 (copyright 1997), hereinafter defined as "Design Development Drawings") and pricing estimates for the improvements shown on the Design Development Drawings, which are based upon the Schematic Design Drawings approved by September 14, 2011, or such extended deadline as may apply under this condition, together with any County comments thereon, and are consistent with the scope and guidance provided by Arlington County in its regular discussions with WMATA and the developer referred to in Paragraph B. below. Product data for items or elements that have been agreed upon and documented in the meetings described in Paragraph B. below shall be included on the Design Development Drawings.
 - 5). Design Development Drawings Approval
 - a). The developer agrees that the County Manager has 10 business days from receipt of the Design Development Drawings to confirm if the scope is consistent with the meeting minutes provided pursuant to Paragraph B. below, and if the quality is consistent with industry standards, and to inform the developer in writing of specific deficiencies. In the absence of said written notice of deficiencies, the scope and quality of the Design Development Drawings shall be deemed acceptable. If written notice of deficiencies is given, the developer shall correct the Design Development Drawings and resubmit such Drawings to the County Manager and time deadlines shall be adjusted accordingly pursuant to Paragraph C.1). below.
 - b). If the County Manager has not determined that there is a deficiency in the drawings, then the County Manager will proceed to review the drawings, and in the event that the developer receives in writing from the County Manager approval of the Design Development Drawings by January 14, 2012, or such extended deadline as may apply, the developer shall proceed to the requirements set forth in Paragraph A.6). below. The developer agrees that, as part of the approval of the Design Development Drawings, the County Manager may make comments, not affecting

scope and/or quality, which the developer will address, in the submittal for Building Permit Plans. Such comments shall not prevent the approval of the Design Development Drawings.

- c). In the event that the developer does not receive approval in writing from the County Manager of the Design Development Drawings by January 14, 2012, or the date to which the deadline has been extended, the developer, at its sole discretion, may extend the deadline as set forth in Paragraph D. below or implement the option of making a cash contribution as set forth in Paragraph E. below.
- 6). Building Permit Plans Submission. By April 14, 2012, the developer agrees to submit for building permits and for any permits/approvals required by WMATA/third parties other than the County to construct the public benefits (100% Construction Drawings consistent with industry standards, hereinafter defined as "Building Permit Plans"), which shall include the final pricing for the public benefits.
 - 7). Issuance of Building Permits by County and Issuance of Permits/Approvals by WMATA/Third Parties
 - a). Issuance of Building Permits by County. The public improvements that are within the scope of approval of a building permit by the County are hereinafter defined as "County Public Benefit Improvements." Relative to those improvements:
 - (i). The developer agrees that, if the County issues all required Building Permits necessary for the developer to construct the County Public Benefit Improvements by July 1, 2012, or such extended date as may apply under this condition, then the developer shall proceed with construction of those improvements.
 - (ii). The developer agrees that, if the developer has submitted Building Permit Plans that meet all code requirements and that are of sufficient quality to be approved, and the County does not issue all building permits necessary for the developer to construct the County Public Benefit Improvements, by July 1, 2012, or such extended date as may apply under this condition, then the developer, at its sole discretion, may extend the deadline as set forth in Paragraph D. below or implement the option of making a cash contribution as set forth in Paragraph E. below in the amount of the value less soft costs of the County Public Benefit Improvements as for which Building Permits have not been issued.
 - b). Issuance of Permits/Approvals by WMATA/Third Parties. The public benefit improvements that are within the scope of approval (permit or otherwise) by WMATA and/or third parties other than the County are hereinafter defined as "WMATA Public Benefit Improvements." Relative to those improvements:
 - (i). In the event that WMATA issues all approvals and permits necessary for the developer to construct the WMATA Public Benefit Improvements by July 1, 2012 (the "WMATA Deadline"), the developer shall proceed with construction of those improvements.
 - (ii). In the event that WMATA does not issue all approvals and permits necessary for the developer to construct the WMATA Public Benefit Improvements by the WMATA Deadline, the developer, at its sole discretion may extend the deadline as set forth in Paragraph D. below or implement the option of making a cash contribution as set forth in Paragraph E. below in the amount of the value less soft costs of the WMATA Public Benefit Improvements for which approvals and/or permits have not been issued by WMATA/Third Parties.

8.) Completion of Construction

- a). County Public Benefit Improvements. The developer agrees that the County Public Benefit Improvements shall be constructed and completed prior to issuance of the first Certificate of Occupancy for tenant occupancy of the top floor of the building tower. However, if the July 1, 2012 deadline detailed in Paragraph A.7).(i). above is extended by the developer to August 1, 2012 or later, thereby extending the date of completion of the County Public Benefit Improvements, the County Manager may administratively approve an extension of the deadline for the completion of said Improvements from prior to the issuance of the first Certificate of Occupancy for tenant occupancy of the top floor of the office tower to prior to the first Certificate of Occupancy for office tenant occupancy for the last floor of the building tower, if the County Manager finds evidence that the developer is (1) diligently pursuing the work and (2) the developer has provided reasonable assurances that the work will be completed in accordance with the site plan approval. Any extension for completion of construction of the public benefit improvements beyond the date of the first Certificate of Occupancy for office tenant occupancy for any floor of the office tower shall require site plan amendment approval by the County Board.
- b). WMATA Public Benefit Improvements. The developer agrees that the WMATA Public Benefit Improvements shall be constructed and completed prior to the issuance of the first Certificate of Occupancy for office tenant occupancy for the last floor of the office tower. In the event that the WMATA Public Benefit Improvements are not completed prior to the issuance of the first Certificate of Occupancy for office tenant occupancy for the last floor of the office tower, the developer agrees to enter into an escrow agreement with the County in a form reasonably approved by the County Attorney, hereinafter referred to as "WMATA Improvements Escrow," in the amount of the value less soft costs of the unbuilt WMATA Public Benefit Improvements. Such Escrow shall not be released until the County inspects the WMATA Public Benefit Improvements and deems said Improvements to be completed in accordance with the provisions of this Condition #98. Upon entering into the WMATA Improvements Escrow, the developer may proceed with complete occupancy of the building and seek issuance of a Master Certificate of Occupancy for the entire project, except for the WMATA Public Benefit Improvements, which completion shall be subject to the terms of the WMATA Improvements Escrow.

B. The developer agrees to meet with the County and/or WMATA on a regular basis in order to advance and discuss the plans in a manner consistent with meeting the above-referenced deadlines. The County shall be responsible for preparing meeting minutes that are distributed to attendees prior to the next meeting. The developer agrees to prepare, and provide to the County within three (3) business days of each meeting, a summary of the scope of the public benefit improvements. The County will review the scope summaries from the developer and incorporate them into the meeting minutes. In addition, the meeting minutes shall, at least once a month, document any extensions to deadlines granted pursuant to Paragraphs C.1). or D.

C. Developer Deadlines and Extensions

- 1). In the event that the developer does not meet the deadlines set forth in Paragraphs A.2)., A.4). or A.6). (the "Developer Deadlines"), the deadlines set forth in Paragraphs A.3)., A.5). and A.7). (the "County Deadlines") shall automatically be extended by one day for each day that passes between the Developer Deadlines and the actual submission dates of the plan by the developer to the County Manager. Any such extensions shall be documented in the meeting minutes described in Paragraph B. above.
- 2). If the County Manager finds that the developer is not pursuing required plan preparation and submission and completion of construction, or if any required plan submission is so deficient as not to be a good faith submission, the County Manager may elect to move the required completion of construction dates set forth in Paragraphs 8).a). and 8).b). to prior to the first Certificate of Occupancy for tenant occupancy of any floor of the office tower. Such change to the condition shall be effective upon written notice from the County Manager to the developer.

- D. In the event that the County does not meet the County Deadlines and/or WMATA does not meet the WMATA Deadline, the developer, at its sole discretion, may extend any of the County Deadlines or WMATA Deadline. Any such extensions shall be documented in the meeting minutes described in Paragraph B. above.
- E. In the event that the County does not meet the County Deadlines and/or WMATA does not meet the WMATA Deadline, including, if applicable, any extensions as described in Paragraphs C.1). or D. above, the developer has the option, at its sole discretion, of providing a cash contribution in the amount of \$3,982,000, less any soft costs expended up to that date, in lieu of constructing the improvements set forth in Conditions #84, 85 and 86 and this Condition #98. In the event that the developer elects to make such a contribution, the developer shall provide the County Manager with written notice of this election. In the event that the developer constructs any County Public Benefit Improvements and not the WMATA Public Benefit Improvements or vice versa, the cash contribution shall be \$3,982,000 less the value of the constructed improvements and less the value of all soft costs expended up to the date of the cash contribution. The developer agrees to provide the County with detailed documentation of the expenses, including invoices, and evidence of all payments of soft costs that are to be deducted from the cash contribution amount.
- F. The individual dollar amounts listed in Condition #84, 85 and 86 may be modified as mutually agreed upon by the developer and County so long as the total costs of all public benefit improvements specified in Condition #84, 85 and 86 does not exceed \$3,982,000.

[Board Report #1](#)

[Addendum 1-22-11-A-SP #6](#)

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2. SP #25 SITE PLAN AMENDMENT TO MODIFY CONDITION #59 REGARDING USE OF A RETAIL AREA WITHIN THE WATERVIEW OFFICE BUILDING LOCATED AT 1919 N. LYNN ST.(RPC: 16-018-010).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance to approve a site plan amendment for a revision to Condition #59 regarding the use of a retail area within the Waterview office building, subject to revised Condition #59 and all previously approved conditions.

Site Plan Amendment Ordinance

WHEREAS, an application for a Site Plan Amendment dated December 9, 2010 for Site Plan #25, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report(s) provided to the County Board for its February 12, 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 February 12, 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 the Rosslyn Station Area Plan Addendum, and with the uses permitted and use regulations of the C-O Rosslyn 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, as originally requested by an application dated December 9, 2010 for Site Plan #25, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 below (which drawings, etc. are hereafter collectively referred to as "Revised Site Plan Application"), for the parcel of real property known as RPC: 16-018-010 and 1919 North Lynn Street, approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to the following conditions:

All previously approved conditions (numbers 1 through 73) with condition #59 amended as follows:

59. The developer agrees to provide, subject to the following sentence, the 412 square foot retail space along N. Lynn Street, as shown on the plans dated February 15, 2002, for permanent use to house three (3) surface elevators to the tunnel to ~~a second~~ an additional Rosslyn Metrorail station entrance. ~~The construction of the office building and this 412 square foot space shall allow for the future construction of the shaft from the first floor down through the B-1 and B-2 levels of the garages without interference from major building systems. The construction of the space shall include knock-out panels at the first floor, B-1 and B-2 floor slabs, directly under the cabs as located on the architectural plans dated February 15, 2002. Knock out panels shall also be constructed in the exterior wall of the B-1 and B-2 levels of the building directly under the lobby space of the 412 square foot area, for future connection to the Metrorail tunnel to be located within N. Lynn Street.~~

~~The County shall be responsible for adopting an amendment to the Transit Master Plan to include the anticipated Rosslyn Metrorail Station and to include the project in the County Capital Improvement Plan for FY 2002-2007; securing all necessary easements from adjacent property owners and agreements with WMATA, VDOT and other involved parties, necessary to enable such construction; and, all other details of the construction.~~

~~If, at the issuance of the First Tenant Certificate of Occupancy, the County Board has not determined a date for the establishment of a northern entrance to the Rosslyn Metrorail station, then the developer shall have the right to lease such space for retail use. Thereafter, Such space will be made available if the County Board ~~must give~~ gives the developer ~~three (3)~~ seven (7) years prior written notice that it intends to commence use, including construction of this space as a Metrorail station entrance, so that the developer may provide the tenant with notice of lease termination.~~

[Board Report #2](#)

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3. SP #56 SITE PLAN AMENDMENT TO RECONFIGURE THE SERVICE DRIVE; LOCATED AT 1999 JEFFERSON DAVIS HIGHWAY AND 1800, 1851 AND 1901 S. BELL STREET (RPC: 34-026-035 & -037).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance to approve the site plan amendment request to reconfigure the service drive subject to new Conditions #1 through 11:

WHEREAS, an application for a Site Plan Amendment dated May 21, 2010 for Site Plan #56, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report provided to the County Board for its February 12, 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 Reports; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on February 12, 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
- 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 May 21, 2010 for Site Plan #56, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 below (which drawings, etc. are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for service drive reconfiguration, for the parcel of real property known as RPC: 34-026-035 & -037 located at 1999 Jefferson Davis Highway and 1800, 1851, and 1901 S. Bell Street, approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to the following conditions:

1. The developer shall construct and maintain the improvements at the South Bell Street and 20th Street South corner of the property as depicted on the plans dated January 31, 2011. These improvements shall be shown on engineering plans and construction drawings to be submitted for review and approval by DES and the Zoning Administrator, respectively. The following Conditions applicable to this site plan amendment approval of February 12, 2011 (#2 through #11) must be met by the developer before issuance of the first Building Permit, unless otherwise specified, and are valid throughout the duration of construction of the aforementioned improvements. [Clerk's note: as set forth in the document entitled "Addendum 2-12-11-B-SP #56" attached for the public record to these minutes.]

Plan for Temporary Circulation During Construction

2. The developer agrees to develop and implement a plan for temporary pedestrian and vehicular circulation during construction of sidewalk and right-of-way improvements at the South Bell Street and 20th Street South corner of the property. To the extent necessary for the improvements this plan shall identify temporary sidewalks, interim lighting, fencing around the site, construction vehicle routes, and any other feature necessary to ensure safe pedestrian and vehicular travel around the site during construction. Exceptions may be made only during an emergency as defined below, during actual demolition, and for such limited periods as are unavoidable for utility upgrades. The developer agrees to submit this plan to, and obtain approval of the plan from, the County Manager as meeting these standards, before the issuance of the first Building Permit. The developer agrees to provide a copy of the approved plan to all abutting property owners. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

The developer agrees, during the hours of construction, to provide "flagmen" to assist in the direction of traffic along or around a street any time that any driving lane of such a street is partially or fully blocked due to temporary construction activities. In addition, the developer agrees to notify all abutting property owners in writing (or, by mutual agreement, by e-mail) at least seven calendar days in advance of any street closure, except in the case of an emergency, of more than one hour duration on any street. "Emergency" street closures may include, but not be limited to, those relating to rupture or potential rupture of a water or gas main, insecure building façade, or similar unforeseeable public danger. "Emergency" street closures shall not include closures for

setting up or dismantling of a crane, exterior building construction, materials deliveries, or utilities work, or similar situations.

Where county street lighting has been removed or disconnected due to construction and not yet replaced or reconnected, the developer agrees to maintain lighting around the perimeter of the site between the start of construction and completion of the project. The lighting shall be designed to illuminate the temporary pedestrian walkways and roads around the perimeter of the site. The developer may do this by means of overhead lights (e.g. "cobra head" lights) that meet the lighting standards for Arlington County streets, or by stringing lamps of the kind used in "used car" lots or similar along sidewalks and streets along the perimeter of the site. If lighting is accomplished by the latter, such lighting shall be with 75 watt bulbs (or approximate equivalent) placed no more than 25 feet apart and 6 to 10 feet high. Lighting shall be turned on between dusk and dawn 7 days a week. Any high-intensity overhead lighting, such as lighting placed on construction cranes, shall be used only during construction hours (except lower levels after hours for safety and security reasons), and shall be placed so as not to directly illuminate residential dwellings or be a nuisance to neighboring property owners. For purposes of this condition, "completion of the project" shall mean the time when the County standard lighting fixtures are in place and operational around the perimeter of the site.

The developer agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period. Whenever a significant portion of an adjacent road surface is disturbed for reasons relating to the construction, including utility work, the developer agrees to repair promptly the disturbed portion(s) of pavement with hot patching to return the road surface to a clean, smooth condition. The developer agrees to insure that the road surface is promptly repaired regardless of whether the excavation work or other damage to the road surface was done by the developer, the developer's contractors, or private utility companies. The developer agrees to make reasonable efforts to schedule construction work so that digging in the street surfaces will not occur during the winter months. However, if the road surface is disturbed during the winter months, the developer may temporarily restore the road surface using cold patching and then hot patch the disturbed surface at the earliest opportunity when weather conditions permit. If cold patching is used, it shall be properly maintained and resurfaced as necessary to maintain a clean, smooth road condition. The term "significant portion of a road" is understood to include, but not be limited to, a cut in the road surface that exceeds 10 feet in length or 100 square feet in size. This condition is in addition to any other conditions in this site plan and any County requirements relating to reconstruction and repaving of streets at the completion of construction.

Compliance with Federal, State and Local Laws

3. The developer agrees to comply with all federal, state and local laws and regulations not modified by the County Board's action on this plan and to obtain all necessary permits. In addition, the developer agrees to comply with all of the agreed-upon conditions approved by the County Board as a part of this site plan amendment approval of February 12, 2011. The developer specifically agrees that the County has the authority to take such actions as may be necessary, to include the issuance of a stop work order for the entire project, when the developer is not in compliance with the agreed-upon conditions. Further, temporary Certificates of Occupancy will not be issued without approval by the Zoning Administrator.

Utility Company Contacts

4. The developer agrees to contact all utility companies, including the electric, telephone and cable television companies, and offer them access to the site at the time of utility installation to install their underground cables. In order to comply with this condition the developer agrees to submit to the Zoning Administrator copies of letters from the developer to the utility companies offering them access as stated above for the sidewalk and right-of-way improvements at the South Bell Street and 20th Street South corner of the property approved by the County Board on February 12, 2011.

Final site engineering plan approval by DES

5. The developer agrees to submit final site engineering plans to the Department of Environmental Services. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. The first Building Permit shall not be issued until final site engineering plans have been

approved by the Department of Environmental Services, as consistent with all requirements of the site plan amendment of February 12, 2011 and all County laws.

Pavement, Curb and Gutter

6. The developer agrees to show on the final engineering plans the existing pavement, curb and gutter along the proposed sidewalk and right-of-way improvements at the South Bell Street and 20th Street South corner of the property in accordance with the then-current Arlington County Standard for concrete curb and gutter and the then-current standards for pavement.

Sidewalk Design and Improvements

7. The developer agrees that the final sidewalk pattern/design and final selection of materials and colors to be used at the South Bell Street and 20th Street South corner of the property shall be as determined by the County Manager on the 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 approval of this minor site plan amendment dated February 12, 2011. The clear pedestrian zone of all public sidewalks shall also be indicated.

The developer further agrees to construct the sidewalk and right-of-way improvements at the South Bell Street and 20th Street South corner of the property prior to the issuance of the first Certificate of Occupancy for occupancy of the outdoor café seating associated with the minor site plan amendment approved by the County Board on February 12, 2011.

Existing Water Main or Fire Hydrant Service

8. The developer agrees that no existing water main or fire hydrant shall be taken out of service or made inaccessible without the prior approval of the Department of Environmental Services. This approval shall be obtained before the issuance of the first Building Permit for the sidewalk and right-of-way improvements approved by the County Board on February 12, 2011.

Replacement of Damaged Existing Curb, Gutter and Sidewalk

9. The developer agrees to remove and replace, according to the Arlington County Department of Environmental Services Construction Standards and Specifications Manual, any existing curb, gutter and sidewalk along the street frontages of this site damaged by the developer, prior to the issuance of the first Certificate of Occupancy for the outdoor café seating.

Public Improvements Bond

10. Upon approval of the final site engineering plan, the developer agrees to submit a performance bond estimate for the construction or installation of all facilities associated with the sidewalk and right-of-way improvements at the South Bell Street and 20th Street South corner of the property (to include street trees and all landscape materials) within the public rights-of-way or easements to the Department of Environmental Services for review and approval. Upon approval of the performance bond estimate by the Department of Environmental Services, the developer agrees to submit to the Department of Environmental Services a performance bond, in the approved amount of the estimate, and an agreement for the construction or installation of all these facilities (to include street trees and all landscape materials) within the public rights-of-way or easements, which shall be executed by the developer in favor of the County before the issuance of the Final Building Permit.
11. Relative to the improvements to the curb radius at 20th Street South and South Bell Street, as shown on the exhibit, entitled Potential Joint Capital Improvement Exhibit dated January 31, 2011 (the "Curb Improvements"), the following shall apply. [Clerk's note: as set forth in the document entitled "Addendum 2-12-11-B-SP #56" attached for the public record to these minutes.]
 - a. The scope of the Curb Improvements is limited to the details shown on the exhibit, entitled Joint Capital Improvement Exhibit, dated January 31, 2011 and shall not be modified at any time during the permit/engineering review and approval process.
 - b. The developer agrees to submit to the County final engineering plans and final pricing for the Curb Improvements at the time of submission of the final engineering plans for the improvements associated with this amendment.

- c. In the event the developer receives in writing from the County approval of the final pricing for the Curb Improvements, the developer agrees to enter into a contract prepared by and with the County for the County to fund and the developer to construct the Curb Improvements in a form that is reasonably acceptable to both the developer and County within 45 days of submission of the final engineering plans for the Curb Improvements.
- d. In the event that the developer enters into a contract with the County as described in Paragraph c. above, the developer agrees to proceed with obtaining the necessary permits for construction and to complete construction of the Curb Improvements prior to the issuance of the Certificate of Occupancy for the outdoor seating associated with this amendment.
- e. In the event that the County and the developer have not entered into a contract as described in Paragraph c. above within 45 calendar days of the submission of the final engineering plans for the Curb Improvements, the developer shall no longer be required to complete the Curb Improvements and this condition shall be of no further effect.

[Board Report #3](#)

[Addendum 2-12-11-B-SP #56](#)

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4. SP #121 SITE PLAN AMENDMENT REVIEW FOR A TEMPORARY PARKING LOT; LOCATED BETWEEN 2611 JEFFERSON DAVIS HIGHWAY (AIRPORT PLAZA II OFFICE BUILDING) AND 2799 JEFFERSON DAVIS HIGHWAY (HYATT REGENCY HOTEL) (RPC: 34-027-025).

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 #121 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for the parcel of real property known as located between 2611 Jefferson Davis Highway (Airport Plaza II Office Building) and 2799 Jefferson Davis Highway (Hyatt Regency Hotel) (RPC: 34-027-025) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions and with a review by the County Board in five (5) years (February 2016).

[Board Report #4](#)

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5. SP #135 SITE PLAN AMENDMENT OF CESC GATEWAY ONE, LLC FOR A DAY CARE USE, ADDITION OF EXTERIOR DOOR INTO DAY CARE SPACE, AND MODIFICATION OF PARKING RATIO AT 1235 S. CLARK ST. (RPC: 34-024-033).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance to approve the site plan amendment request for a day care center, addition of an exterior door into the day care space, and modification of parking ratio, subject to the conditions in the staff report.

WHEREAS, an application for a Site Plan Amendment dated December 20, 2010 for Site Plan #135 was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report[s] provided to the County Board for its February 12, 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 all previous conditions and new or revised conditions; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan

Amendment on February 12, 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.
- 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 requested by an application dated December 20, 2010 for Site Plan #135, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements on file in the office of Zoning Administration (which drawings are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for a day care, addition of exterior door into day care space, and modification of parking ratio, for the parcel of real property known as RPC#: 34-024-033, at 1235 S. Clark Street, approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to the new proposed conditions (Conditions #1- 4) as follows:

Proposed conditions to be applied to the child care center use only:

1. The applicant agrees to meet the requirements of the Child Care Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.
2. The applicant agrees to a maximum capacity of 110 children. However, the Department of Human Services Child Care Office may determine the final number of children (lower than 110) that can be served in the program following any proposed or required renovations and improvements to the site. This number may be modified based on appropriate space ratios.
3. The applicant agrees that pick-up and drop-off will occur in seven (7) of the eleven (11) parking spaces adjacent to the child care center, as shown on the attached plans. [Clerk's note: as set forth in the document entitled "Addendum 2-12-11-C-SP #135" attached for the public record to these minutes.]
4. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this child care center. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator, as well as to the Crystal City HOA, prior to issuance of any building permit.

[Board Report #5](#)

[Addendum 2-12-11-C-SP #135](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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7. **U-2221-79-1 USE PERMIT TO RENEW A PRESCHOOL-KINDERGARTEN/CHILD CARE CENTER FOR ARLINGTON UNITARIAN COOPERATIVE PRESCHOOL, LOCATED AT 4444 ARLINGTON BLVD., (RPC: 23-003-004, AND -031).**

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

BE IT ORDAINED that, pursuant to application U-2221-79-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for the parcel of real property known as 4444 Arlington Blvd., (RPC: 23-003-004, and -031) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions and with no further scheduled County Board review.

[Board Report #7](#)

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8. U-2907-96-1 USE PERMIT REVIEW FOR FAMILY DAY CARE HOME; LOCATED AT 2235 N. CULPEPER ST. (RPC: 08-001-061)

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-2907-96-1 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for the parcel of real property known as 2235 N. Culpeper St. (RPC: 08-001-061) 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 no further scheduled County Board review.

[Board Report #8](#)

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9. U-3192-08-2 USE PERMIT RENEWAL FOR THE ADDITION OF A TODDLER PROGRAM TO AN EXISTING PRESCHOOL, LOCATED AT 4701 ARLINGTON BLVD. (RPC: 20-025-001).

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-3192-08-2 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for the parcel of real property known as 4701 Arlington Blvd. (RPC: 20-025-001) 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 three (3) years (February 2014).

Approved Conditions:

1. The applicant (as used in these conditions, the term "applicant" shall mean the owner, the applicant and all successors and assigns) agrees to comply with the conditions set forth below.
2. The applicant agrees to meet the requirements of the Child Care Ordinance, the Community Code Enforcement Office, the Environmental Health Bureau, and the Fire Marshal's Office, including acquiring the required assembly permit prior to the issuance of a certificate of occupancy.
3. Child Care staff shall make the final determination on the appropriate number of children to be included in the programs, not to exceed 115 children total, and the final determination ensuring the public/teacher ratios for the group.

4. The applicant shall work with Child Care staff to provide appropriate sized groups of children who could occupy the on-site outdoor play space at any given time. The applicant agrees to work closely with the Child Care staff in the development of any changes to the outdoor play space.
5. The applicant agrees that children receiving care shall be escorted from the drop off to and from the building by staff at all times.
6. The applicant agrees that children receiving care shall be escorted from the play area to and from the building by staff at all times.
7. The applicant agrees that the hours of operation are Monday through Friday between 8:30 a.m. and 4 p.m. The school year runs from September through May, followed by a three week summer school in June.

[Board Report #9](#)

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10. U-3224-09-1 USE PERMIT AMENDMENT ETHIOPIAN COMMUNITY DEVELOPMENT COUNCIL, INC., FOR MODIFICATION OF CONDITION #44; LOCATED AT 1036, 1100 AND 1106 S. HIGHLAND ST.(RPC #S 32-007-167, -168 AND -022).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the subject use permit amendment request to the April 16, 2011 County Board meeting.

[Board Report #10](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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12. AUTHORIZATION TO ACCEPT A DEED OF EASEMENTS FOR PUBLIC SANITARY SEWER PURPOSES ON PORTIONS OF PROPERTIES LOCATED AT 1011 AND 1021 ARLINGTON BLVD (RPC #S 17041PCA; 17042PCA; & 17001012) FOR THE POTOMAC INTERCEPTOR PROJECT.

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

1. Authorized the acceptance of the attached Deed of Easements for the acquisition of permanent easements for public sanitary sewer purposes, and a temporary easement and construction agreement on a portion of the properties located at 1011 and 1021 Arlington Blvd (RPC #s 17041PCA; 17042PCA; & 17001012); [Clerk's note: as set forth in the document entitled "Addendum 2-12-11-D-Potomac Interceptor" attached for the public record to these minutes.] and
2. Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his designee, to accept on behalf of the County Board, the Deed of Easements, subject to approval as to form by the County Attorney.

[Board Report #12](#)

[Addendum 2-12-11-D-Potomac Interceptor](#)

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- 13. ENACTMENT OF AN ORDINANCE TO PERMIT THE ENCROACHMENT OF A PAVED EMERGENCY VEHICLE TURN AROUND AND A PORTION OF A PRIVATE PLAYGROUND EACH WITHIN PORTIONS OF THE UNCONSTRUCTED RIGHT-OF-WAY FOR FOUR MILE RUN DRIVE, 914-934 S. BUCHANAN ST.(RPC #23006002, 23006161), WITH CONDITIONS.**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of enactment of the ordinance to the March 12, 2011 Board meeting.

[Board Report #13-Revised Report](#)

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- 14. APPROVAL OF A SECOND AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, AS LANDLORD, AND THE LUCKY SEVEN FOOD MART INC., AS TENANT, FOR REAL PROPERTY AND IMPROVEMENTS KNOWN AS 2406 SHIRLINGTON ROAD, ARLINGTON, VIRGINIA (RPC # 31035002).**

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

1. Approved the attached Second Amendment to Lease Agreement by and between the County Board of Arlington County, Virginia, as Landlord, and the Lucky Seven Food Mart Inc., as Tenant, concerning the extension of the lease term for real property and improvements known as 2406 Shirlington Road, Arlington, Virginia (RPC # 31035002). [Clerk's note: as set forth in the document entitled "Addendum 2-12-11-E-Lucky Seven" attached for the public record to these minutes.]
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the Second Amendment, subject to approval as to form by the County Attorney.

[Board Report #14](#)

[Addendum 2-12-11-E-Lucky Seven](#)

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- 15. APPROVAL OF A DEED OF SUBTERRANEAN UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA AND VIRGINIA ELECTRIC POWER COMPANY FOR INSTALLATION AND MAINTENANCE OF AN UNDERGROUND ELECTRIC DISTRIBUTION LINE ACROSS, PARCEL 15, POTOMAC YARD NORTH, AT LONG BRIDGE PARK, RPC NO. 34024347.**

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

1. Approve the attached Deed of Subterranean Utility Easement and Temporary Construction Easement ("Easement") between the County Board of Arlington County, Virginia and Virginia Electric Power Company ("DVP"), for installation and maintenance of an underground electric

distribution line across Parcel 15, Potomac Yard North, at Long Bridge Park, RPC No. 34024347. [Clerk's note: as set forth in the document entitled "Addendum 2-12-11-F-Long Bridge Park" attached for the public record to these minutes.]

- 2. Authorize the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his designee, to execute the Easement and any related documents, on behalf of the County Board, subject to approval as to form of the deed and documents by the County Attorney.

[Board Report #15](#)

[Addendum 2-12-11-F-Long Bridge Park](#)

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CAPITAL PROJECTS

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17. APPROVAL OF AN AWARD OF CONTRACT FOR THE CONSTRUCTION OF IMPROVEMENTS AT BIG WALNUT PARK LOCATED AT 1915 N. HARRISON ST., INVITATION TO BID NUMBER 24-11.

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

- 1. Approved the award of contract Number 24-11 in the amount of \$288,780.44 to AND Contracting, Inc., and approve an allocation of \$28,900.00 as a contingency for change orders, for a total contract authorization of \$317,680.44.
- 2. In addition, authorize the Purchasing Agent to execute the contract documents and all other documents to implement the above actions, subject to review of such documents by the County Attorney.

[Board Report #17](#)

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18. APPROVAL OF AN AGREEMENT BETWEEN THE COUNTY BOARD AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE DEVELOPMENT, ADMINISTRATION AND CONSTRUCTION OF NEW STREETLIGHTS ALONG COLUMBIA PIKE ON AREAS BETWEEN SOUTH DINWIDDIE AND SOUTH WAYNE STREETS.

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

- 1. Approved the standard project administration agreement (Attachment 1 of the staff report) between the County Board of Arlington, Virginia and the Virginia Department of Transportation ("VDOT") for the construction and administration of new streetlights along three separate sections of Columbia Pike from South Dinwiddie Street to South Wayne Street. [Clerk's note: as set forth in the document entitled "Addendum 2-12-11-G-Columbia Pike Streetlights" attached for the public record to these minutes.]
- 2. Authorized the County Manager or her designee to execute the agreement on behalf of the County Board, subject to approval of the Agreement as to form by the County Attorney.

[Board Report #18](#)

[Addendum 2-12-11-G-Columbia Pike Streetlights](#)

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- 19. APPROVAL OF A STANDARD PROJECT ADMINISTRATION AGREEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE SHARED-USE PATH ALONG THE ROUTE 110 TRAIL BETWEEN THE PENTAGON NORTH PARKING LOT AND MEMORIAL DRIVE.**

On the consent agenda vote, after a duly advertised public hearing, the Board approved the attached Standard Project Administration Agreement between the County Board of Arlington County, Virginia and the Commonwealth of Virginia, Department of Transportation ("VDOT") for construction of improvements to the shared-use path along the Route 110 Trail ("Agreement") and authorized the County Manager, on behalf of the County Board, to execute the Agreement, and all related documents necessary to implement the Agreement, subject to approval of the Agreement as to form by the County Attorney. [Clerk's note: as set forth in the document entitled "Addendum 2-12-11-H-Route 110 Trail" attached for the public record to these minutes.]

[Board Report #19](#)

[Addendum 2-12-11-H-Route 110 Trail](#)

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- 21. APPROVE AN INCREASED CONTRACT AUTHORIZATION OF \$75,000 TO CONTRACT NO. 81-10 WITH RAND CONSTRUCTION CORP. FOR THE CONSTRUCTION OF THE COUNTY'S BACKUP NETWORK OPERATING CENTER (NOC-II) TO ADD INSTALLATION OF THE TECHNOLOGY ELEMENTS TO THE WORK.**

On the consent agenda vote, after a duly advertised public hearing, the Board approved an increase of \$55,000 to Contract 81-10 between the County Board and Rand Construction Corp. to construct NOC-II, and an increase in contingency of \$20,000, for a total contract authorization of \$2,389,859, to provide for the installation of wire, cable and related infrastructure in support of the technology fit-out of the NOC-II.

[Board Report #21](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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REQUESTS TO ADVERTISE

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- 23. THIS ITEM HAS BEEN REMOVED. ADVERTISE AMENDMENTS TO CHAPTERS 21, 35 AND 46 (RETIREMENT ORDINANCES) OF THE ARLINGTON COUNTY CODE.**

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OTHER

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25. AUTHORIZATION TO ACCEPT A DEED OF GIFT FROM THE NORTHERN VIRGINIA CONSERVATION TRUST OF PROPERTY KNOWN AS LOTS 72, 73, 74, AND 75, PARCEL 1, OF THE GLENNAN'S SECOND ADDITION TO CLARENDON SUBDIVISION, ARLINGTON COUNTY, VIRGINIA (RPC NOS. 18073014 & 18073028)

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

1. Approved the attached Deed of Gift from The Northern Virginia Conservation Trust to the County Board of Arlington County, Virginia conveying the property known as Lots 72, 73, 74, and 75, Parcel 1, of the Glennan's Second Addition to Clarendon Subdivision, Arlington County, Virginia (RPC Nos. 18073014 & 18073028). [Clerk's note: as set forth in the document entitled "Addendum 2-12-11-I-NVCT" attached for the public record to these minutes.]
2. Authorized the Real Estate Bureau Chief, or his designee, to accept the Deed of Gift and execute all related documents necessary for the acquisition such property, subject to approval as to form of all documents by the County Attorney.

[Board Report #25](#)

[Addendum 2-12-11-I-NVCT](#)

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26. MINUTES

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

January 22, 2011	Regular Meeting
January 25, 2011	Recessed Meeting

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REGULAR HEARING ITEMS

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27. ADOPTION OF THE MASTER TRANSPORTATION PLAN (MTP) STREETS ELEMENT AND AMENDMENT OF THE MTP GOALS AND POLICIES SUMMARY.

Following a duly advertised public hearing at which there were speakers, on a motion by MARY HYNES, Vice Chairman, seconded by JAY FISETTE, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Member - Aye, MARY HYNES, Vice Chairman - Aye, CHRISTOPHER ZIMMERMAN, Chairman - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board adopted an Amendment to the County Comprehensive Plan to add a Streets Element; entitled "Master Transportation Plan Streets Element," dated December 2010 (Revised) with

the specified revisions, to be included in the Amended MTP. In addition, adopt an amendment to the County's Comprehensive Plan's MTP Goals and Policies Summary to add a new Policy number 14 related to utilities in public streets, amended at this meeting as follows, and with Direction to the Manager to come back with an overall look at any edits that might be necessary to provide some consistency over the six year review in the various elements with special attention on the Pedestrian Element relative to what the Board adopted today in the language with the Street Element of the Plan. Staff should bring forward to the Board any changes to earlier elements of this component that would be necessary or advisable to reconcile the final actions with earlier parts. Graphics drawn to scale should be used to illustrate the layout for each proposed typology set forth in the Streets Element of the MTP and be included in the final version of the document. [Clerk's note: as set forth in the document entitled "Addendum 2-12-11- J -MTP Streets Element" attached for the public record to these minutes.]

The Board provided guidance to include the following paragraph from the 1986 Plan to the MTP Goals and Policies Summary:

From time to time, circumstances change, and the plan should represent the current thinking of the County. Between times of comprehensive plan updates, plan amendments are appropriate. Should the objectives of the County change, should the functions of individual facilities change, should the guiding principles in areas such as facility width change, or should the specific facility proposals need to be changed, this plan should be amended. Much as do amendments to the General Land Use Plan, proposed amendments to this plan should follow a process of notification and public hearings by the Planning Commission and County Board. Proposed amendments also should be considered by the County Transportation Commission and in neighborhood conservation areas, by the Neighborhood Conservation Advisory Committee, and be subject to a thorough and open public participation process.

[Board Report #27](#)

[Board Report #27-Supplemental](#)

[Addendum 2-12-11- J -MTP Streets Element](#)

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28. [ARLINGTON MILL](#)

A. **[U-3199-08-2 USE PERMIT AMENDMENT FOR A 122-UNIT, AFFORDABLE RESIDENTIAL PROJECT WITH MODIFICATIONS OF SIGN REGULATIONS LOCATED AT 4975 COLUMBIA PIKE \(RPC: 22-001-004\).](#)**

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

BE IT ORDAINED that, pursuant to application U-3199-08-2 on file in the Office of the Zoning Administrator for renewal of the use permit amendment for the parcel of real property known as 4975 Columbia Pike (RPC: 22-001-004) 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. [Clerk's note: as set forth in the document entitled "Addendum 2-12-11- K – Arlington Mill Residences" attached for the public record to these minutes.]

[Board Report #28 A](#)

[Board Report #28 A-Attachment 1](#)

[Board Report #28 A-Attachment 2](#)

[Board Report #28-Attachment 3](#)

[Board Report #28 Attachment 4 \(Part 1\)](#)

[Board Report #28 A-Attachment 4 \(Part 2\)](#)

[Addendum 2-12-11- K –Arlington Mill Residences](#)

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B. APPROVAL OF A RESUBDIVISION OF COUNTY PROPERTY LOCATED AT 4975 COLUMBIA PIKE, ARLINGTON, VIRGINIA, KNOWN AS THE ARLINGTON MILL PROPERTY, ARLINGTON COUNTY, VIRGINIA (RPC NO. 22001004); AND ADOPTION OF A RESOLUTION BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA APPROVING AN OPTION TO GROUND LEASE PARCEL A, CREATED BY SUCH RESUBDIVISION, BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA AND THE ARLINGTON MILL LIMITED PARTNERSHIP.

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

1. Approved the resubdivision of the County's Arlington Mill property in accordance with the plat attached as "Exhibit A";
2. Adopted the attached Resolution (attached as "Exhibit B") approving an Option to Ground Lease of Parcel A (attached as "Exhibit C"), created by such resubdivision, between the County Board of Arlington County, Virginia and the Arlington Mill Limited Partnership; and
3. Authorized the Real Estate Bureau Chief, or his designee, to execute, on behalf of the County Board, the Option to Ground Lease and all related documents, including, without limitation, deeds or other instruments necessary to resubdivide the Arlington Mill property, subject to approval as to form by the County Attorney.

[Clerk's note: as set forth in the document entitled "Addendum 2-12-11- L –Arlington Mill Resubdivision" attached for the public record to these minutes.]

[Board Report #28 B](#)

[Addendum 2-12-11- L –Arlington Mill Resubdivision](#)

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ADDITIONAL ITEMS

ADJOURNMENT

Without objection, at 1:03 p.m., the Board recessed until the February 15, 2011 Recessed Meeting.

CHRISTOPHER ZIMMERMAN, Chairman

ATTEST:

HOPE L. HALLECK, CLERK
Approved: March 12, 2011