

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of #1 Courthouse Plaza thereof on Saturday, November 15, 2008 at 8:30 a.m.

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

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

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*** PUBLIC COMMENT**

Robert Atkins spoke about the need to clean up the property located on North 8th Road at Lexington in the Bluemont neighborhood.

Sean Gilley, representing Boy Scout Troop 167, spoke about the County's Green Building Program.

John Swallow spoke about commendation forms for the public safety departments.

Samantha Rollin spoke about taking the vegetarian pledge which would be eating vegetarian one day a week.

Jim Hurysz spoke about increased traffic in Fairlington.

Lou Gatti spoke about the taxicab ordinance.

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*** CONSENT ITEMS (ITEMS 1-29) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, NOVEMBER 15, 2008, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, NOVEMBER 18, 2008, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).**

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the County Board approved all consent items except for items #2, #7, #8, and #25 which were pulled from the consent agenda and scheduled for hearing at the November 18, 2008 County Board Recessed Meeting.

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SITE PLANS/AMENDMENTS/REVIEWS

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- 1. SP #11 SITE PLAN AMENDMENT: VNO 220 S. 20TH STREET LLC, AMEND CONDITION #64 TO CONVERT RETAIL SPACE TO TEMPORARY LEASING SPACE; 220 S. 20TH ST., 2001, 2221 S. CLARK ST., 2100, 2200 CRYSTAL DRIVE, 223 S. 23RDST., 2101, 2111 JEFFERSON DAVIS HIGHWAY (RPC #34-020-024, -023, -003, -020, -018, -017, -256, -255).**

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 #11 on file in the Office of the Zoning Administrator for an

amendment to a special exception for a site plan to temporarily covert approximately 1,563 square feet of ground floor retail to a leasing office for the parcel of real property known as 220 S. 20th Street (Crystal Plaza 2) (RPC #34-020-024), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions and the following revised condition #64:

64. Retail Elements

The developer agrees to market a minimum of 29,010 square feet of retail space located as shown on the plans dated August 25, 2006 to uses consistent with the approved Retail Action Plan, dated January 2001 and the following:

1. Retail space approved as part of the "Crystal City Retail" site plan amendment approved by the County Board on May 19, 2001 shall be subject to the retail attraction and marketing plan required in Condition 61 of that approval.
2. The developer may lease the remainder of the retail space associated with this project, including retail adjacent to 20th street South and any Crystal City Underground retail space for "personal or business services" as listed in the Retail Action Plan, but is encouraged to lease this space for "Entertainment and Main Street Retail" businesses.
3. Each new separate retail space shall have direct access to the building's service corridor.
4. The developer shall build out new retail space to include the rough-in of utilities, i.e., sprinkler heads, plumbing, electrical wiring, and stubs for extensions.

The developer agrees to submit an application for administrative change for any proposal for retail uses or parking not clearly consistent with the above. Any change in the use of the retail space from retail to office or other non-retail use shall require a site plan amendment.

The developer agrees that the 1,563 square feet of ground floor retail space located in 220 S. 20th Street, Crystal Plaza 2, may be used for temporary operation of a residential leasing office until thirty (30) days after a certificate of occupancy for any portion of the second floor is issued, at which time the leasing office shall operate from its permanent location on the second floor and the 1,563 square feet of ground floor retail space shall revert to retail use. The developer agrees that the 1,563 square feet ground floor retail space shall not be used for anything other than a retail use at any time that is thirty (30) days or more after a certificate of occupancy is issued for any space on the second floor.

[Board Report #1](#)

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2. **SP #106 SITE PLAN REVIEW FOR OUTDOOR RESTAURANT/RETAIL SEATING PLAN AND OUTDOOR MUSIC; 2756, 2762, 2766, 2768, 2770, 2772, 2774, 2780 S. QUINCY ST., 4013, 4014, 4015, 4017, 4019, 4021, 4025, 4028, 4029, 4031, 4039, 4043, 4044, 4047, 4052, 4053 CAMPBELL AVE. (FORMERLY SOUTH 28TH STREET), 2772 S. ARLINGTON MILL DRIVE (RPC #29-020-003, -004, -005, -006, -007, -008, -009, -010, -011, -012, -013, -014, -015, -016, -017, -018, -019, -020, -021, -022, -023, -024; 29-019-024).**

This item was removed from the consent agenda and will be heard at the November 18, 2008 County Board Recessed Meeting.

[Board Report #2](#)

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3. CLARENDON LIVE ENTERTAINMENT

- A. SP #194 Site Plan Review (Carry-Over): live entertainment and dancing; 3100 Clarendon Blvd. (SoBe Seafood Co. and Mr. Days, RPC #19-002-007).
- B. U-2886-96-3 And U-2861-95-1 Use Permit Review (Carry-Over): WOW Enterprises, Inc., review live

entertainment, outdoor seating; 2854 Wilson Blvd. (Whitlow's on Wilson, RPC #18-010-008).

- C. U-2873-95-2 Use Permit Review (Carry-Over): live entertainment; 1101 N. Highland St. (Clarendon Grill, RPC #18-013-010).
- D. U-2984-00-1 Use Permit Review (Carry-Over): live entertainment; 3185 Wilson Blvd. (Clarendon Ballroom, RPC #15-075-003).
- E. U-3046-02-1 Use Permit Review (Carry-Over): live entertainment and dancing; 2901 Wilson Blvd. (Boulevard Woodgrill, RPC #15-066-019).
- F. U-3050-02-1 Use Permit Review (Carry-Over): live entertainment; 2933 Wilson Blvd. (Mexicali Blues, RPC #15-066-019).
- G. U-3114-04-1 Use Permit Review (Carry-Over): live entertainment; 3207 Washington Blvd. (O'Sullivan's formerly Molly Malone's, RPC #15-078-001).
- H. U-3134-05-2 Use Permit Review (Carry-Over): RTM Investment Group LP, live entertainment; 1041 N. Highland St. (Eleventh Street Lounge, RPC#18-026-004).
- I. U-3125-05-1 Use Permit Review (Carry-Over): live entertainment; 2915 Wilson Blvd. (Rira Clarendon, RPC #15-066-002).
- J. SP #362 Site Plan Review (Carry-Over): live entertainment; outdoor menu box; 2900 Wilson Blvd. (La Tasca, RPC #18-011-008).

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

BE IT ORDAINED that, pursuant to application SP #194 on file in the Office of the Zoning Administrator for a review of an amendment to a special exception for a site plan for live entertainment and dancing for the parcel of real property known as 3100 Clarendon Boulevard (Sobe Seafood Co. and Mr. Days) (RPC #19-002-007), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, and the following four (4) new conditions, with an administrative review in one (1) year (November 2009) and a review by the County Board in two (2) years (November 2010):

1. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
2. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
3. The applicant agrees to participate in the established Neighborhood Advisory Group consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.
4. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.

BE IT ORDAINED that, pursuant to applications U-2886-96-3 and U-2861-95-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for live entertainment and outdoor seating for the parcel of real property known as 2854 Wilson Boulevard (Whitlow's on Wilson) (RPC #18-010-008), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, and the following four (4) new conditions, with an administrative review in one (1) year (November 2009) and a review by the County Board in two (2) years (November 2010):

1. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
2. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
3. The applicant agrees to participate in the established Neighborhood Advisory Group consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.
4. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.

BE IT ORDAINED that, pursuant to application U-2873-95-2 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for live entertainment for the parcel of real property known as 1101 N. Highland Street (Clarendon Grill) (RPC #18-013-010), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, and the following four (4) new conditions, with an administrative review in one (1) year (November 2009) and a review by the County Board in two (2) years (November 2010):

1. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
2. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
3. The applicant agrees to participate in the established Neighborhood Advisory Group consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.
4. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.

BE IT ORDAINED that, pursuant to application U-2984-00-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for live entertainment for the parcel of real property known as 3185 Wilson Boulevard (Clarendon Ballroom) (RPC #15-075-003), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, and the following four (4) new conditions, with an administrative review in one (1) year (November 2009) and a review by the County Board in two (2) years (November 2010):

1. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
2. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
3. The applicant agrees to participate in the established Neighborhood Advisory Group consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.
4. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.

BE IT ORDAINED that, pursuant to application U-3046-02-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for live entertainment and dancing for the parcel of real property known as 2901 Wilson Boulevard (Boulevard Woodgrill) (RPC #15-066-019), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, and the following four (4) new conditions, with an administrative review in one (1) year (November 2009) and a review by the County Board in two (2) years (November 2010):

1. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
2. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
3. The applicant agrees to participate in the established Neighborhood Advisory Group consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.
4. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.

BE IT ORDAINED that, pursuant to application U-3050-02-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for live entertainment for the parcel of real property known as 2933 Wilson Boulevard (Mexicali Blues) (RPC #15-066-019), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, and the following four (4) new conditions, with an administrative review in one (1) year (November 2009) and a review by the County Board in two (2) years (November 2010):

1. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
2. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
3. The applicant agrees to participate in the established Neighborhood Advisory Group consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.
4. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.

BE IT ORDAINED that, pursuant to application U-3114-04-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for live entertainment for the parcel of real property known as 3207 Washington Boulevard (O'Sullivan's formerly known as Molly Malone's) (RPC #15-078-001), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, the following one (1) revised condition #2, and four (4) new conditions, with an administrative review in one (1) year (November 2009) and a review by the County Board in two (2) years (November 2010):

2. The applicant agrees to limit the live entertainment to 6:00 p.m. to 1:30 a.m. Monday through Saturday, and 2 p.m. to 1:30 a.m. Sunday.
8. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
9. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.

10. The applicant agrees to participate in the established Neighborhood Advisory Group consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.

11. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.

BE IT ORDAINED that, pursuant to application U-3134-05-2 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for live entertainment for the parcel of real property known as 1041 N. Highland Street (Eleventh Street Lounge) (RPC #18-026-004), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, and the following four (4) new conditions, with an administrative review in one (1) year (November 2009) and a review by the County Board in two (2) years (November 2010):

1. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.

2. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.

3. The applicant agrees to participate in the established Neighborhood Advisory Group consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.

4. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.

BE IT ORDAINED that, pursuant to application U-3125-05-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for live entertainment for the parcel of real property known as 2915 Wilson Boulevard (Rira Clarendon) (RPC #15-066-002), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to all previously approved conditions, and the following four (4) new conditions, with an administrative review in one (1) year (November 2009) and a review by the County Board in two (2) years (November 2010):

1. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.

2. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.

3. The applicant agrees to participate in the established Neighborhood Advisory Group consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.

4. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.

BE IT ORDAINED that, pursuant to application SP #362 on file in the Office of the Zoning Administrator for a review of an amendment to a special exception for a site plan for live entertainment and an outdoor menu box for the parcel of real property known as 2900 Wilson Boulevard (La Tasca) (RPC #18-011-008), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, and the following four (4) new conditions, with an administrative review in one (1) year (November 2009) and a review by the County Board in two (2) years (November 2010):

1. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
2. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
3. The applicant agrees to participate in the established Neighborhood Advisory Group consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.
4. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website.

[Board Report #3](#)

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4. **SP #331 SITE PLAN AMENDMENT: PPF OFF 950 N. GLEBE LLC, ROOF TOP SIGN; 950 N. GLEBE ROAD 801, 851, 901 N. GLEBE ROAD (RPC #14-053-057, 14-051-356, -357, -358).**

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 #331 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for a rooftop sign for the parcel of real property known as 950 North Glebe Road (RPC #14-053-057, 14-051-356, -357, -358), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, and the following three (3) new conditions:

73. The applicant agrees to limit the rooftop sign to one tenant identification sign for Solers, Inc., on the eastern corner of the south façade at a height of 120', at the location and design as shown on the drawings submitted to the County from Metro Sign and Design, dated 12/17/2007, revised 6/4/2008. The total area for the rooftop sign lettering and logo shall be limited to no more than 40 square feet. The Zoning Administrator may approve a change to the wording of this rooftop sign, however may not approve a change in the sign area, location, illumination, or structure of the sign.
74. The applicant agrees that the rooftop sign shall be illuminated only as shown on the drawing dated 12/17/2007, revised 6/4/2008, and the sign shall not be illuminated between the hours of 11 p.m. and 6 a.m., seven days per week. The applicant further agrees that if the County Manager finds that the rooftop lighting has an adverse effect on the surrounding area, it will immediately carry out any recommendation by the County Manager to reduce the hours of operation.
75. The applicant agrees that the rooftop sign will include dimmable lighting that will allow the applicant to adjust the rooftop sign's lighting intensity by 50%. The applicant further agrees that if the County Manager finds that the intensity of the rooftop sign's lighting has an adverse effect on the surrounding area, the applicant will, within 24 hours notice from the County Manager, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.

[Board Report #4](#)

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5. **SP #346 SITE PLAN AMENDMENT (CARRY-OVER): W2500 POTOMAC YARD E-WEST LLC, COMPREHENSIVE SIGN PLAN; 3500, 3550 S. CLARK ST. (RPC #34-027-046).**

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

BE IT ORDAINED that, pursuant to application SP #346 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for a comprehensive sign plan for the parcel of real property known as 3500, 3550 S. Clark Street (RPC #34-027-046), approval is granted and the parcel so described shall be used

according to the approval requested by the application, subject to all previously approved conditions, the following one (1) revised condition #46, and the following one (1) new condition #79, and with a County Board review in ten (10) years (November 2018):

46. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs except the two freestanding signs approved by the County Board on October 18, 2008, and the banner signs above 35', but placed no higher than 47' above finished grade, approved on November 15, 2008 for Land Bay E_West, shall be consistent with the guidelines contained in the *Sign Guidelines for Site Plan Buildings* and with Section 34 of the Zoning Ordinance. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The comprehensive sign plan shall be approved before the issuance of the first Certificate of Occupancy. All proposed rooftop signs, defined as all signs that are 35 feet or more above the ground, shall require a site plan approval or amendment.
79. The developer agrees that the project signs, including building identification, directional, retail, and rooftop signs, shall be consistent with the comprehensive sign plan titled, "Comprehensive Sign Plan Land Bay E-West" dated November 5, 2008, as approved by the County Board on November 15, 2008.

Minor changes to the approved signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of the sign to meet field conditions (less than 1 foot in any direction); or (ii) either a minor change in the area of the sign (less than 5%) or the total sign area does not exceed 932 square feet. All other changes to the approved signs will require site plan approval or amendment.

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

- a. Minor modifications to this approval of signs shall be subject to review and approval by the Zoning Administrator prior to the issuance of all sign permits to determine that they are consistent with the purpose and intent of the approval.
- b. The retail tenant signs shall conform to the standards of Section 34 of the Zoning Ordinance, except to the extent those ordinance standards are modified by it, the adopted comprehensive sign plan titled, "Comprehensive Sign Plan Land Bay E-West" dated November 5, 2008, and the following criteria, in which case the signs shall conform to the adopted comprehensive sign plan:
 - 1) For each space occupied by a tenant, the tenant is permitted up to three (3) retail signs along South Clark Street, which may consist of a combination of awning, façade, and blade signs. Additional retail tenant signs are permitted in the form of banners along Route 1, entrance window signs, or retail signs located in the interior plaza area between the two (2) buildings of Land Bay E-West, and along South Glebe Road, so long as the maximum total sign area does not exceed one (1) square foot per linear foot of the tenant's frontage, and so long as the number and general location of signs are consistent with what is shown on the Comprehensive Sign Plan Land Bay E-West, dated November 5, 2008.
 - 2) The applicant agrees that the banners will be limited to seven (7) retail banners, and five (5) decorative banners, with a total of twelve (12) total banners. Eleven (11) of those banners will be placed along Route 1, and one (1) retail banner will be placed on South 35th Street, as depicted on the Comprehensive Sign Plan Land Bay E-West, dated November 5, 2008. The applicant agrees that the number of retail banners permitted on Land Bay E-West is limited to seven (7), and that the number of decorative banners is five (5), and that at no time will additional retail or decorative banners be approved for Land Bay E-West.
 - 3) The colors and materials of retail tenant signs shall harmonize with and complement the exterior materials and design of the individual retail storefronts and be consistently treated so as to present a unified design approach for the individual retail unit.
 - 4) Retail signs shall be illuminated only during the hours of operation of the corresponding retail establishment.
 - 5) Maintenance of the banners shall be the sole responsibility of the applicant. The banners shall be maintained in good condition.
- c. The developer agrees that the twelve (12), twenty-one square foot (21' sq. ft.) decorative and retail

banner signs located along U.S. Route 1 and South 35th Street, and the freestanding directory sign located along South Clark Street in the internal plaza area, have been approved in order to encourage economic development of new retail areas, and that they will be reviewed in ten (10) years to determine if the banner signs and freestanding signs should be permitted after November 2018, when the retail area is established. The developer agrees that such a review may include a determination that the banner signs and freestanding signs shall be permanently removed at that time, and the developer agrees to remove the signs within twenty-one days after such a determination.

- d. The applicant agrees that the two (2) major tenant rooftop signs shall not be illuminated between the hours of 12:00 a.m. and 5:00 a.m., seven days per week. The applicant agrees that the two (2) major tenant rooftop signs will include dimmable lighting that will allow the applicant to adjust the rooftop sign's lighting intensity by 50%. The applicant further agrees that if the County Manager finds that the intensity of the rooftop sign's lighting has an adverse effect on the surrounding area, the applicant will, within 24 hours notice from the County Manager, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.

[Board Report #5](#)

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- 6. **SP #382 SITE PLAN AMENDMENT (CARRY-OVER): NATIONAL SCIENCE TEACHERS ASSOCIATION, AMEND CONDITIONS #38, 40, 49, 63, 74 RE TIMING OF GARAGE CLEARANCE MODIFICATION, SIZE OF EXERCISE FACILITY AND EXCLUSION OF FITNESS CENTER FROM DENSITY CALCULATIONS, MODIFICATION OF APPROVED PARKING, REMOVAL OF SURFACE PARKING LOT, REDUCTION IN SITE AREA AND ASSOCIATED MODIFICATION FOR AN INCREASE IN DENSITY (FAR) AND RELATED CONDITIONS; 1801, 1805 CLARENDON BLVD., 1836,1840 WILSON BLVD. (RPC #17-011-019, -021, -023).**

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 #382 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to amend conditions regarding timing of garage clearance modification, size of exercise facility and exclusion of fitness center from density calculations, modification of approved parking, removal of surface parking lot, reduction in site area and associated modification for an increase in density (FAR) and related conditions for the parcel of real property known as 1801, 1805 Clarendon Boulevard, 1836, 1840 Wilson Boulevard (RPC #17-011-019, -021, -023), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, the following one (1) revised condition #40, the following four (4) deleted conditions #49, #63, #68 and #74, and the following three (3) new conditions #81, #82 and #83, and increase in density (FAR):

- 40. For both buildings, the developer agrees to provide, at no charge to the user, secure bicycle storage facilities in locations convenient to office, residential and retail areas on the following basis at a minimum:

Office Bicycle Storage Facilities:

One (1) employee bicycle parking space for every 7,500 square feet, or portion thereof, of office floor area and one (1) additional such visitor space for every 20,000 square feet, or portion thereof, of office floor area.

Employee bicycle parking facilities shall be highly visible to the intended users and protected from rain and snow within a structure shown on the site plan. The facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians or any required fire egress. The facilities for office users parking must meet the acceptable standards for Class I storage space as contained in the Arlington Bicycle Transportation Plan, dated April 1994 with Amendments through March 2003, and be highly visible from an elevator entrance, a full-time parking attendant, a full-time security guard or a visitor/customer entrance. Visitor parking must be located at exterior locations within 50 feet of the primary building entrance. Any bicycle parking racks used on the site must conform to the Arlington County Standard or be approved by the Bicycle and Pedestrian Program Manager. Drawings showing that these requirements have been met shall be approved by the Bicycle and Pedestrian Program Manager before the issuance of the Footing to Grade Structure Permit.

In addition, the developer agrees that for every 50,000 square feet or fraction thereof of office Gross Floor Area (GFA), one (1) shower per gender shall be installed, up to a maximum of three (3) showers per gender.

Also, a minimum of one (1) clothes storage locker per gender shall be installed for every required employee bicycle parking space. Bicycle clothing lockers shall be a minimum size of 12" wide, 18" deep, and 36" high, and shall be available for use on an overnight basis. The lockers shall be installed adjacent to the showers in a safe and secured area and both showers and lockers shall be accessible to all tenants of the building. The location, layout and security of the showers and lockers shall be reviewed by the Arlington County Police Department before issuance of the Footing to Grade Structure Permit. The developer agrees that an exercise/health facility containing a maximum of 1,500 square feet shall not count as density (FAR) but shall count as GFA if this facility meets all of the following criteria: 1). The facility shall be located in the interior of the building and shall not add to the bulk or height of the project; 2). Showers and clothes lockers shall be provided as required above; 3). The lockers shall be installed adjacent to the showers in a safe and secured area within the exercise facility and both showers and lockers shall be accessible to all tenants of the project; 4). The exercise facility shall be open only to tenants of the project and shall not accept or solicit memberships from outside of the project. The exercise facility, including the showers and lockers, shall be open during normal working hours.

Retail Bicycle Storage Facilities:

Two (2) retail visitor/customer bicycle parking spaces for every 10,000 square feet, or portion thereof, of the first 50,000 square feet of retail floor area; one (1) additional retail visitor/customer space for every 12,500 square feet, or portion thereof, of additional retail floor area; and one (1) additional retail employee space for every 25,000 square feet, or portion thereof, of retail floor area. The retail visitor/customer bicycle spaces shall be installed at exterior locations that are convenient to the retail visitors/customers, and such locations shall be reviewed by the Bicycle and Pedestrian Program Manager. The developer agrees to obtain approval of the location, design and details of the retail visitor/customer bicycle spaces as part of the final site development and landscape plan. Facilities for retail visitors/customers must meet the County standards for bicycle racks, and be located within 50 feet of retail visitor/customer entrances or the closest retail vehicle parking spaces.

49. Deleted and replaced by Condition #82

63. Deleted and replaced by Condition #82

68. Deleted and replaced by Condition #83

74. Deleted and replaced by Condition #81

81. Surface Parking Lot (New Condition – Replaces Condition #74)

The developer agrees that the density attributable to the temporary surface parking lot supported the approval of the existing development as shown on the drawings dated August 12, 2005 and June 10, 2008, and as presented to the County Board and made part of the public record on November 16, 2005 and July 19, 2008. The developer also agrees to facilitate efforts of the adjacent landowner to acquire at fair market value the temporary parking lot, to incorporate it into the adjacent landowner's site, and to include it in a site plan application that includes the adjacent landowner's site.

- a. The developer also agrees that the temporary surface parking lot (defined as approximately 6,982 square feet of land as shown on the exhibit entitled "Conceptual Temporary Planting Exhibit" dated October 10, 2008 (the "Surface Lot") lot shall continue to be governed by SP #382 until the date of County Board approval of a site plan for the adjacent property that incorporates the Surface Lot ("Future Site Plan"). The developer agrees to maintain the Surface Lot in accordance with these conditions until the Surface Lot is incorporated into the approved Future Site Plan or until the Triggering Event described in #81.b. On the date of County Board approval of the Future Site Plan, the Surface Lot site area shall no longer be governed by SP #382, shall no longer be used to calculate density for buildings in that site plan, and shall instead be governed by the Future Site Plan for the area immediately west of SP #382. The developer further agrees that the additional density approved on November 15, 2008 may not be used unless and until the Future Site Plan as defined above is approved by the County Board, at which time the additional FAR approved by the County Board becomes effective without any future action needed by the County Board.
- b. In the event that the Surface Lot is not incorporated into the Future Site Plan prior to the issuance of the Certificate of Occupancy of the retail space, or the issuance of the Certificate of Occupancy for any space located on the 6th floor, or by November 15, 2016, whichever occurs first ("Triggering Event"), the developer agrees to submit an application for administrative approval to remove the 16 surface parking spaces ("Surface Spaces") and landscape with appropriate groundcover plantings in the area of the Surface Lot, as generally shown on the exhibit entitled "Conceptual Temporary Planting Exhibit" dated October 10, 2008. The

developer further agrees to diligently pursue approval of such administrative change request and complete implementation of it within 90 days after the administrative change request's submission, provided, however, that if the Zoning Administrator takes more than 30 days to approve the request (which 30 days begins only after the developer has submitted a complete application that is approvable), then the time for compliance will be extended by each day above 30. The developer agrees to coordinate with the DPRCR Urban Forester to determine an appropriate and acceptable season in which to conduct planting, and if necessary, apply for an administrative change request, and implement the planting. Planting is to occur during a season so as to best ensure the viability of the plantings. The developer may utilize this area for educational outreach associated with the National Science Teachers Association. After removal of the Surface Spaces, the developer may continue to try to sell the Surface Lot.

82. Public Parking (New Condition – Replaces Conditions #63 and #49)

A. Parking Management Plan

1. The developer agrees to submit to the Zoning Administrator a parking management plan which outlines how parking for retail tenants' employees and customers for retail will be provided, where the parking will be located (including the temporary surface parking lot if not incorporated into the Future Site Plan) and how retail employees and customers will be directed to the parking spaces. The parking management plan shall be submitted to the Zoning Administrator, and reviewed and approved by the County Manager for consistency with this approval, prior to the issuance of the first Certificate of Occupancy.

B. Retail Parking

1. From the hours of 8:00 a.m. to 7:00 p.m., the developer agrees to make 37 parking spaces (the "Retail Parking") on the surface lot and first level of parking garage available for use exclusively by retail tenants' employees and customers free of charge. At any time, the developer, at its discretion, may implement a paid parking system for visitors with a validation program to allow free use of such spaces for retail customers and employees from 8:00 a.m. to 7:00 p.m.
2. In the event that the Surface Spaces are removed, as detailed in Condition #81.a. or b., the developer agrees to provide 37 Retail Parking spaces on the first level of the parking garage from 8:00 a.m. to 7:00 p.m. free of charge. At any time, the developer may implement a paid parking system for visitors with a validation program to allow free use of such spaces for retail customers and employees from 8:00 a.m. to 7:00 p.m.
3. From 7:00 p.m. to 8:00 a.m., the 37 Retail Spaces will no longer be reserved for use exclusively by retail tenants' employees and customers. The 37 spaces become part of the publicly accessible Overnight Parking spaces (as defined in #82.C.1) or Modified Overnight Parking spaces (as defined in #82.C.2).

C. Overnight Parking

1. The developer agrees to make 85 spaces (the "Overnight Parking") available on the first level of the parking garage and the surface lot available to the public free of charge for parking weekday evenings from 7:00 p.m. to 8:00 a.m. the next morning, 24 hours on weekends and all legal holidays (defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving and Christmas).

Anyone from the public, including, but not limited to, conference room users, neighborhood residents, and retail users, shall have access to the Overnight Parking spaces, as defined above. This shall not preclude office employees who are parked on the first level of the garage during business hours to remain on the first level after 7:00 p.m.

2. In the event that the Surface Lot is incorporated in the Future Site Plan as described in Condition #81.a, the developer agrees to make all spaces on the first level of the parking garage (71 spaces) (the "Modified Overnight Parking") available to the public free of charge for parking weekday evenings from 7:00 p.m. to 8:00 a.m. the next morning, 24 hours on weekends and all legal holidays (defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving and Christmas).

Anyone from the public, including, but not limited to, conference room users, neighborhood residents, and retail users, shall have access to the Modified Overnight Parking spaces, as defined above. This shall not preclude office employees who are parked on the first level of the garage

during business hours to remain on the first level after 7:00 p.m.

3. In the event that the Surface Lot has not been incorporated into the Future Site Plan as of the Triggering Event as defined in Condition 81.b above, the developer agrees to submit a administrative change request, and diligently pursue approval of such request, for an alternative parking plan to make 85 spaces available to the public free of charge for parking weekday evenings from 7:00 p.m. to 8:00 a.m. the next morning, 24 hours on weekends and all legal holidays (defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving and Christmas). In the event the Surface Lot is incorporated into the Future Site Plan after the Triggering Event, the developer agrees that the requirements under Condition #82.C.2 are in effect.

Anyone from the public, including, but not limited to, conference room users, neighborhood residents, and retail users, shall have access to the 85 parking spaces. This shall not preclude office employees who are parked in any of the 85 spaces of the garage during business hours to remain on the first level after 7:00 p.m.

LEED™ Credits and Sustainable Design Elements (New Condition – Replaces Conditions #68)

83. The developer agrees to hire a LEED™ certified consultant as a member of the design and construction team. The consultant shall work with the team to incorporate sustainable design elements and innovative technologies into the project so that numerous building components may earn the developer points under the U.S. Green Building Council's (USGBC) system for LEED™ certification. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for seven (7) LEED™ Prerequisites and include at least 32 LEED™ credits (or the minimum required for LEED™ Silver for Core and Shell projects).

The developer further agrees to submit, to the Department of Environmental Services (DES) and to the Zoning Office, a report prepared by the LEED™ consultant and documentation upon request to substantiate the report. Such reports will be submitted prior to issuance of the following permits or certificates of occupancy for construction of the project and will summarize the efforts to date of the inclusion of the sustainable elements within the project:

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

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

Within ninety (90) days after the issuance of the first certificate of occupancy for any part of the last floor, the developer agrees to provide a certification by a LEED™-accredited professional. The certification shall state that all of the Green Elements, as set forth in the reporting mechanisms and including all of the LEED™ Prerequisites, have been incorporated into the project and that, in the professional's opinion, the project will qualify for a LEED™ Score of 32 points or higher (or as defined by the USGBC as a Silver Certified Level for Core and Shell projects). The developer also agrees to submit all appropriate documentation to the USGBC for review and evaluation for LEED™ certification.

Prior to the issuance of the first certificate of occupancy, the developer agrees to provide to the County financial security (in the form of a bond or letter of credit or other form approved by the County Attorney) in the amount of \$120,360 guaranteeing that, within eighteen (18) months from the date of the issuance of the first certificate of occupancy for any part of the last floor, the developer will have received its "Silver Certified" certification from the USGBC. Should the developer miss up to three (3) points, at the end of the eighteen month period, the developer shall automatically forfeit seventy-five percent (75%) of the security, which shall be immediately paid to the County. The developer agrees that the County may take any amounts due under the condition out of the financial security as deposited with the County. Should the developer miss four (4) or more points, at the end of the eighteen month period, the developer shall automatically forfeit 100 percent (100%) of the security, which shall be immediately paid to the County.

The developer agrees to permit the County Manager to access the USGBC records for the project and to provide the County Manager with such authorization as may be necessary to allow such access.

[Board Report #6](#)

[Board Report #6-Supplemental](#)

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7. **SP #392 SITE PLAN AMENDMENT: ZOM CLARENDON, LP, AMEND CONDITION #33 TO ALLOW ISSUANCE OF A BUILDING PERMIT PRIOR TO SUBMISSION OF ELEVATION PLAT; 1126, 1128, 1200, 1228 N. IRVING ST., 3217, 3225 WASHINGTON BLVD. (RPC #15-078-003, -004, -005, -013, -014, -015, -016, -017, -018, -023).**

This item was removed from the consent agenda and will be heard at the November 18, 2008 County Board Recessed Meeting.

[Board Report #7](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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8. **U-1146-54-2 USE PERMIT AMENDMENT: ARLINGTON FOREST CLUB, INC., CLUB HOUSE ADDITION TO EXISTING POOL BATH HOUSE, PARKING REDUCTION; 411 N. JEFFERSON ST. (RPC #13-043-018, -019, -050).**

This item was removed from the consent agenda and will be heard at the November 18, 2008 County Board Recessed Meeting.

[Board Report #8](#)

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9. **U-2823-94-4 USE PERMIT AMENDMENT (CARRY-OVER): CRICKET COMMUNICATIONS, INC., COLLOCATE UP TO 6 ANTENNAS AND AN EQUIPMENT CABINET ON EXISTING WATER TANK; 2400 N. WAKEFIELD ST. (RPC #05-005-072).**

On consent agenda vote, after a duly advertised public hearing, the Board deferred the request to collocate up to six (6) antennas and three (3) equipment cabinets on the existing water tank to the December 13, 2008, County Board Meeting.

[Board Report #9](#)

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10. **U-2914-97-5 USE PERMIT REVIEW (CARRY-OVER): ELEMENTARY SCHOOL; 5700 LEE HIGHWAY (RIVENDELL SCHOOL, RPC 10-002-001, -007).**

On consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the use permit review to the December 13, 2008, County Board meeting.

[Board Report #10](#)

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11. U-3090-04-1 USE PERMIT REVIEW (CARRY-OVER): ADAGIO BALLET INC., PRIVATE BALLET SCHOOL; 5001 LEE HIGHWAY (RPC #08-001-088).

On consent agenda vote, after a duly advertised public hearing, the Board deferred the request to renew a use permit for a private ballet school to the December 13, 2008, County Board Meeting.

[Board Report #11](#)

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12. U-3137-05-1 USE PERMIT REVIEW: PIZZA DELIVERY; 2626 N. PERSHING DRIVE (VOCELLI, RPC #18-056-004).

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

BE IT ORDAINED that, pursuant to application U-3137-05-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for food delivery service for the parcel of real property known as 2626 N. Pershing Drive (Vocelli Pizza) (RPC #18-056-004), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject all previously approved conditions, with an administrative review in one (1) year, and with a County Board review in three (3) years (November 2011).

[Board Report #12](#)

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13. U-3207-08-1 USE PERMIT: HARPAL SINGH PHOUL, GULSHAN K. PHOUL, BED AND BREAKFAST; 1407 N. GLEBE ROAD (RPC #07-042-006).

On consent agenda vote, after a duly advertised public hearing, the Board deferred the subject use permit request for a bed and breakfast to the December 13, 2008, County Board Meeting

[Board Report #13](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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14. APPROVAL OF A UTILITIES EASEMENT AGREEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA AND VIRGINIA ELECTRIC AND POWER COMPANY FOR THE INSTALLATION AND MAINTENANCE OF AN UNDERGROUND ELECTRIC LINE AND THE MAINTENANCE OF AN EXISTING ABOVE GRADE TRANSFORMER, TO PROVIDE SERVICE TO THE FAIRLINGTON COMMUNITY CENTER, 3308 SOUTH STAFFORD STREET, ARLINGTON, VIRGINIA (RPC 30012001).

On consent agenda vote, after a duly advertised public hearing, the Board approved the utilities easement agreement, attached to the County Manager's October 17, 2008 report, between the County Board of Arlington County, Virginia and Virginia Electric and Power Company for the installation and maintenance of an underground electric line and the maintenance of an existing above grade transformer, to provide service to the Fairlington Community Center, 3308 South Stafford Street, Arlington, Virginia (RPC 30012001); and authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his designee, to execute the utilities easement agreement, on behalf of the County Board, subject to approval as to form by the County Attorney. Ordinances, Plans and Policies.

[Board Report #14](#)

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15. ADOPTION OF ZONING ORDINANCE AMENDMENTS TO SECTION 36, SUBSECTION E, ADMINISTRATION AND PROCEDURES, TO RE-AUTHORIZE THE BOARD OF ZONING APPEALS TO GRANT SPECIAL EXCEPTION USE PERMITS TO MODIFY ZONING ORDINANCE PLACEMENT REQUIREMENTS FOR STRUCTURES ON LOTS IN "R-20," "R-10," "R-8," "R-6," "R-5" AND "R2-7" ZONING DISTRICTS WHERE THERE IS NO OPTION IN THE ZONING ORDINANCE TO ALLOW MODIFICATIONS OF REQUIREMENTS BY THE COUNTY BOARD..

On consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance, as set forth in the document entitled "Addendum 11-15-08-A – Section 36." attached for the public record to these minutes, to amend, reenact and recodify Section 36. E of the Arlington County Zoning Ordinance to continue authorization for the Board of Zoning Appeals to grant special exception use permits that modify Zoning Ordinance placement requirements for structures on lots in "R-20," "R-10," "R-8," "R-6," R-5," and "R2-7" zoning districts to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

[Addendum 11-15-08-A – Section 36.](#)

[Board Report #15](#)

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16. AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 65 (MEALS, FOOD AND BEVERAGE TAXATION) OF ARLINGTON COUNTY CODE TO BRINGING ARLINGTON COUNTY CODE IN COMPLIANCE WITH CURRENT REFERENCED COMMONWEALTH OF VIRGINIA STATUTES: (1) AMEND §65-2 (LEVY.-RELATING TO TAXATION OF MANDATORY GRATUITIES AND SERVICE CHARGES); AND (2) §65-3(C) (EXEMPTIONS, LIMITATIONS, AND CREDITS AS IT APPLIES TO TAX CREDITS ON THE SALE AND DELIVERY, OR SERVICE OF MEALS).

On consent agenda vote, after a duly advertised public hearing, the Board adopted the proposed amendments to Chapter 65-2 (Levy) and Chapter 65-3(c) (Exemptions, limitations, and credits) of the Arlington county Code as set forth in the document entitled "Addendum 11-15-08-B – Chapter 65" attached for the public record to these minutes.

[Addendum 11-15-08-B – Chapter 65](#)

[Board Report #16](#)

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CAPITAL PROJECTS

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17. AUTHORIZATION OF ADDITIONAL FUNDING FOR THE ROSSLYN STATION ACCESS IMPROVEMENTS PROJECT PHASE TWO FINAL DESIGN.

On consent agenda vote, the Board authorized additional funding of \$1,194,131 from the following two sources to cover additional design work and to increase the project contingency from \$189,869 to \$500,000 for the Rosslyn Station Access Improvements Project ("RSAIP"): (a) approved the use of \$185,537 remaining grant funds from a federal grant previously executed by the Washington Metropolitan Area Transit Authority ("WMATA") for concept planning for the RSAIP; and (b) approved the use of \$1,008,594 from the County's Transportation Investment Fund established in the County Capital Improvement Program ("CIP") for the RSAIP; and approved the revised project budget shown in Exhibit 1 of the County Manager's October 24, 2008 report and granted authority to the County's Project Officer to make any other adjustments/reallocations of the line items in the approved project budget within the total spending authority of \$5,012,000.

[Board Report #17](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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18. VIRGINIA DEPARTMENT OF HEALTH FUNDS FOR THE AIDS DRUG ASSISTANCE PROGRAM.

On consent agenda vote, the Board appropriated \$50,000 from the Virginia Department of Health (101.364000) to the Department of Human Services (101.55401) for consultant services to assess the current AIDS Drug Assistance Program, provide training for staff, and improve client adherence to prescribed treatment protocols.

[Board Report #18](#)

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19. VIRGINIA DEPARTMENT OF HEALTH CITIES READINESS INITIATIVE AND PANDEMIC INFLUENZA EXERCISE FUNDS.

On consent agenda vote, the Board appropriated \$23,966 from the Virginia Department of Health to the Department of Human Services to purchase pandemic influenza outreach materials and emergency supplies.

[Board Report #19](#)

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20. SUPPLEMENTAL GRANTS FOR THE DEPARTMENT OF HUMAN SERVICES.

On consent agenda vote, the Board appropriated \$8,000 from the Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services to the Department of Human Services for intellectual and developmental disabilities residential service providers.

[Board Report #20](#)

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21. CHILD ADVOCACY CENTER DEVELOPMENT GRANTS.

On consent agenda vote, the Board appropriated \$68,110 from the Commonwealth of Virginia Office of the Secretary of Health and Human Resources to the Department of Human Services for a contract bilingual social worker and state-approved training for Arlington's Child Advocacy Center; and authorized the County Manager or his designee to accept the grant and execute the agreement.

[Board Report #21](#)

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22. FY 2008 URBAN AREA SECURITY INITIATIVE (UASI) SUB-GRANT.

On consent agenda vote, the Board authorized the County Manager to accept \$4,472,000 in non-competitive grant funds from the Government of the District of Columbia, Homeland Security and Emergency Management Agency; and authorized a temporary grant funded position (1.0 FTE) in the Police Department to provide needed staffing to administer the grant program and an additional existing Student Aide position will provide accounting support to the grant and will be covered with grant funds.

[Board Report #22](#)

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REQUESTS TO ADVERTISE

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- 24. REQUEST TO ADVERTISE FOR A PUBLIC HEARING ON AN ORDINANCE AMENDING THE ARLINGTON TRANSIT ("ART") PASSENGER FARE SCHEDULE BY DELETING PAPER TRANSFERS, TO BECOME EFFECTIVE ON JANUARY 4, 2009, OR ON SUCH FUTURE DATE AS DETERMINED BY THE COUNTY BOARD.**

On consent agenda vote, the Board authorized advertisement of a public hearing to be held on December 13, 2008, to amend the Arlington Transit ("ART") passenger fare schedule by deleting paper transfers, to become effective on January 4, 2009, or on such future date as determined by the County Board.

[Board Report #24](#)

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- 25. REQUEST TO ADVERTISE FOR A PUBLIC HEARING ON PROPOSED CHANGES TO REAL ESTATE TAX RELIEF FOR ELDERLY AND DISABLED PERSONS.**

This item was removed from the consent agenda and will be heard at the November 18, 2008 County Board Recessed Meeting.

[Board Report #25](#)

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- 26. AUTHORIZE ADVERTISEMENT OF A PUBLIC HEARING TO BE HELD ON DECEMBER 13, 2008, TO ENACT THE PROPOSED AMENDMENT OF THE ARLINGTON COUNTY COMPREHENSIVE PLAN TO REVISE THE OFFICIAL MAP OF THE COUNTY RECYCLING FACILITIES.**

On consent agenda vote, the Board adopted the resolution as set forth in the document entitled "Addendum 11-15-08-C – Advertisement Plan to Update Recycling Center Map" attached for the public record to these minutes to advertise the proposed amendments to the Comprehensive Plan to update the map showing publicly operated recycling facilities in Arlington County.

[Addendum 11-15-08-C – Advertisement Plan to Update Recycling Center Map](#)

[Board Report #26](#)

[Board Report #26-Attachment](#)

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OTHER

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- 27. APPROVAL OF MEMORIAL PLAQUES.**

On consent agenda vote, the Board approved the dedication of a plaque memorializing Sherwin Landfield and Kathleen Barry, as recommended by the Park and Recreation Commission.

[Board Report #27](#)

[Board Report #27-Attachment](#)

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28. APPROVAL OF 2009 COUNTY BOARD MEETING SCHEDULE.

On consent agenda vote, the Board tentatively adopted the Calendar Year 2009 County Board Meeting Schedule attached to the County Manager’s November 3, 2008 report.

[Board Report #28](#)

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29. MINUTES.

On the consent agenda vote, the Board approved the minutes from the September 16, 2008 Regular Meeting; and October 18, 2008 Recessed Meeting.

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REGULAR HEARING ITEMS

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30. SP #18 SITE PLAN AMENDMENT: 1812 HOLDINGS, LLC, AMEND TIMING OF CONDITIONS #11.E., 36, 45, AND 65 REGARDING CONSTRUCTION HOURS, SUBMISSION OF EXCAVATION PLAT, SUBMISSION OF WALL CHECK PLAT, SUBMISSION OF PUBLIC ART PROPOSAL, APPROVAL OF TEMPORARY CONSTRUCTION SIGNS, MODIFICATION OF APPROVED PARKING GARAGE AND RELATED CONDITIONS. MODIFICATION OF USE REGULATIONS FOR COMPACT PARKING: 1850 N. MOORE ST., 1815 N. FORT MYER DRIVE (RPC #16-037-004, -005).

After a duly advertised public hearing, at which the public spoke, J. WALTER TEJADA, Chairman, made a motion, which was seconded by JAY FISETTE, Member to approve the site plan amendment to modify conditions #11.e., #36, #45, #50, #52, #65, and #79 regarding construction, and expansion of approved parking garages with changes to compact parking ratio, subject to all previously approved conditions, and with a further amendment to condition #11.e. recommended by MARY HUGHES HYNES, Member, during the November 15, 2008 County Board Meeting stating that the developer agrees to provide written notice to civic associations regarding construction activity planned to take place after 6:30 p.m.

J. Walter Tejada, Chairman, then offered an amendment to the motion, which was seconded by CHRISTOPHER ZIMMERMAN, Member, to remove all amendments to modify condition #11.e. and approve only the amendments to modify conditions #36, #45, #50, #52, #65, and #79.

The amended motion on the table presented by J. WALTER TEJADA, Chairman, and seconded by CHRISTOPHER ZIMMERMAN, Member failed by a vote of 2 to 3, the voting record as follows: J. WALTER TEJADA, Chairman – Aye, CHRISTOPHER ZIMMERMAN, Member – Aye, BARBARA A. FAVOLA, Vice Chairman – No, JAY FISETTE, Member – No, MARY HUGHES HYNES, Member – No.

The original motion made by J.WALTER TEJADA, Chairman, seconded by JAY FISETTE, Member, carried by a vote of 3 to 2, the voting record as follows: BARBARA A. FAVOLA, Vice Chairman – Aye, JAY FISETTE, Member – Aye, MARY HUGHES HYNES, Member – Aye, J. WALTER TEJADA, Chairman – No, CHRISTOPHER ZIMMERMAN, Member – No, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #18 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to modify conditions #11.e., #36, #45, #50, #52, #65, and #79 regarding construction, and expansion of approved parking garages with changes to compact parking ratio, subject to all previously approved conditions, for the parcel of real property known as 1850 N. Moore Street, 1815 N. Fort Myer Drive (RPC #16-037-004, -005), 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 modified conditions #11.e, #36, #45, #50, #52, #65, and #79 regarding construction, and expansion of approved parking garage with changes to compact parking ratio as set forth in the document

entitled "Addendum 11-15-08-D – SP #18" attached for the public record to these minutes.

[Addendum 11-15-08-D – SP #18](#)

[Board Report #30](#)

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31. ZONING ORDINANCE AMENDMENT TO SECTION 25B "C-O ROSSLYN" COMMERCIAL OFFICE BUILDING, RETAIL, HOTEL AND MULTIPLE-FAMILY DWELLING DISTRICTS, SUBSECTION E, PROVISION FOR ADDITIONAL DENSITY AND HEIGHT, TO PERMIT THE COUNTY BOARD, THROUGH THE USE OF TRANSFERS OF DEVELOPMENT RIGHTS (TDR), TO GRANT ADDITIONAL DENSITY AND/OR HEIGHT FOR RECEIVING SITES BEYOND THE CURRENT LIMITS OF 10.0 FAR AND 300 FEET FOR PROPERTIES LOCATED IN THE "ROSSLYN COORDINATED REDEVELOPMENT DISTRICT" ON THE GENERAL LAND USE PLAN.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board deferred action to adopt the ordinance attached to the County Manager's November 6, 2008 report to amend, reenact, and recodify Section 25B of the Arlington County Zoning Ordinance indefinitely.

[Board Report #31](#)

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32. FISCAL YEAR (FY) 2008 CLOSE-OUT AND REAPPROPRIATION INTO FY 2009.

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

- 1. Adopted the following revised FY 2008 County government appropriation resolution:

FY 2008 APPROPRIATION RESOLUTION

BE IT RESOLVED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, THAT THE FOLLOWING APPROPRIATIONS ARE HEREBY ADOPTED FOR THE FISCAL YEAR 2008 AND THAT ANY SURPLUS FOR GENERAL COUNTY PURPOSES REMAINING AT THE END OF THE FISCAL YEAR SHALL RETURN TO THE GENERAL FUND OF THE COUNTY.

GENERAL FUND:

COUNTY BOARD.....	912,121
COUNTY MANAGER.....	4,089,436
MANAGEMENT AND FINANCE.....	5,184,184
CIVIL SERVICE COMMISSION.....	713
HUMAN RESOURCES.....	6,914,063
DEPARTMENT OF TECHNOLOGY SERVICES.....	14,007,131
COUNTY ATTORNEY.....	2,326,291
CIRCUIT COURT.....	3,049,155
DISTRICT COURT.....	272,726
JUVENILE AND DOMESTIC RELATIONS COURT.....	5,090,122
COMMONWEALTH'S ATTORNEY.....	3,576,026
SHERIFF.....	35,147,846
COMMISSIONER OF REVENUE.....	4,800,622
TREASURER.....	5,931,498

ELECTORAL BOARD.....	906,140
POLICE.....	53,969,926
EMERGENCY MANAGEMENT.....	7,894,564
FIRE.....	43,948,496
ENVIRONMENTAL SERVICES.....	62,565,708
HUMAN SERVICES.....	101,896,208
LIBRARIES.....	13,062,000
ECONOMIC DEVELOPMENT.....	4,122,736
COMMUNITY PLANNING, HOUSING & DEV.....	15,297,290
PARKS, RECREATION AND CULTURAL RES.....	33,656,140
NON-DEPARTMENTAL.....	45,290,374
DEBT SERVICE.....	47,380,828
REGIONAL CONTRIBUTIONS.....	7,755,108
METRO.....	17,400,000
TOTAL GENERAL GOVERNMENT APPROPRIATION.....	\$546,447,451

OTHER OPERATING FUNDS:

TRAVEL, TOURISM & PROMOTION.....	1,344,069
UTILITIES.....	69,615,560
ROSSLYN BUSINESS IMPROVEMENT DIST.....	2,573,474
CRYSTAL CITY BUSINESS IMPROVEMENT DIST.....	2,220,653
COMMUNITY DEVELOPMENT.....	3,014,824
SECTION 8.....	15,689,253
AUTOMOTIVE EQUIPMENT.....	(283,653)
PRINTING.....	257,660
JAIL INDUSTRIES.....	27,652
BALLSTON GARAGE.....	7,135,634
BALLSTON GARAGE - 8TH LEVEL.....	35,947
TOTAL OTHER OPERATING FUNDS.....	\$101,631,071

GENERAL CAPITAL PROJECTS FUND:

CABLE TV.....	1,381,749
TECHNOLOGY SERVICES.....	13,358,617
ENVIRONMENTAL SERVICES:	
Government Facilities.....	13,790,036
Facilities Maintenance.....	6,950,353
Transportation.....	24,083,828
Environmental Planning.....	1,492,544
ELECTORAL BOARD.....	884,744
PUBLIC SAFETY.....	116,880
HUMAN SERVICES.....	188,593
ECONOMIC DEVELOPMENT.....	554,265
COLUMBIA PIKE REDEVELOPMENT.....	4,019,698
PARKS, RECREATION & CULTURAL RESOURCES.....	8,247,855
COMMUNITY PLANNING, HSG & DEVELOPMENT.....	1,397,295
REGIONAL CONTRIBUTIONS.....	6,239,589
TOTAL GENERAL CAPITAL PROJECTS FUND.....	\$82,706,046

NON-GENERAL FUND CAPITAL FUNDS:

STREET AND HIGHWAY BOND.....	21,622,004
NEIGHBORHOOD CONSERVATION BOND.....	19,325,786
PUBLIC RECREATION FACILITIES BOND.....	49,013,845
FIRE STATION BOND.....	16,084,102
STORMWATER FUND.....	2,881,938
TRANSPORTATION INVESTMENT FUND.....	10,418,820
LIBRARIES BOND.....	7,785,188
TRANSIT FACILITIES BOND.....	22,404,024
GOVERNMENT FACILITY.....	1,271,471
UTILITIES CONSTRUCTION.....	269,402,547
WATER DISTRIBUTION BOND.....	10,444,726
SANITARY SEWER BOND.....	16,000,000
WASTE TREATMENT BOND.....	75,908,000
TRADES CENTER BOND.....	83,515

EMERGENCY COMMUNICATIONS CENTER BOND.....	17,313,052
TOTAL NON-GENERAL FUND CAPITAL.....	539,959,018
TOTAL CAPITAL FUNDS.....	622,665,064

2. Allocated from the FY 2008 General Fund balance \$8,062,821 to establish a Non-Departmental (101.91102) Economic Transition Fund in FY 2009. In addition, allocated and appropriated \$1,238,906 to the Economic Transition Fund from FY 2009 fund balance created by the County Board's September 2008 reduction of General Fund departmental appropriations due to State budget reductions. The resulting total for the Economic Transition Fund is \$9,301,727.

3. Allocated from the FY 2008 General Fund Balance the following:

- a. \$1,856,811 as a reserve for capital and emergency infrastructure and appropriate to capital (fund 313) and increase the General Fund transfer to capital (101.91107). Consistent with prior Board policy this total includes bond premiums and dedicated portions of the Commercial Utility tax;
- b. \$16,827,839 for the FY 2009 budget, already appropriated in April 2008 as part of the FY 2009 adopted budget;
- c. \$1,576,838 to the General Fund Operating Reserve to maintain the reserve at three percent of the General Fund budget as previously approved by the County Board;
- d. \$5,211,505 to the Retiree Health Reserve (for Other Post Employment Benefits (OPEB)) reflecting funding appropriated in the FY 2008 budget and one-time funding from the CY 2008 tax rate increase approved in April 2008, and accrued interest earnings;
- e. \$18,289,702 to affordable housing programs from unexpended FY 2008 Affordable Housing Investment Fund allocations and loan repayments, and appropriate to Non-Departmental (101.91102);
- f. \$1,011,596 to the FreshAIRE program from unexpended FY 2008 appropriations for FreshAIRE, and appropriate to the Department of Environmental Services (101.40002). These funds are derived from revenues (residential utility tax) previously set aside by County Board policy for the FreshAIRE program;
- g. \$2,881,512 to the CPHD Development Fund from FY 2008 revenues in excess of expenditures in the Development Fund programs, and appropriate to the Development Fund (570.72000);
- h. \$3,880,000 as a reserve for FY 2010 retirement expenses, as set aside by the County Board in April 2008 as a result of the CY 2008 tax rate increase.

4. Amended the FY 2009 County Budget by approving the appropriations in Attachment 2 of the County Manager's November 6, 2008 report. This attachment includes an encumbrance carryover of \$811,860 and a net carryover (expense minus revenue) of \$2,985,308 for incomplete projects.

5. Allocated \$17,012,353 from the FY 2008 General Fund Balance to the Schools for unspent expenditure appropriations and revenue increases based on the FY 2008 revenue sharing agreement.

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33. [NEWSEUM](#)

- A. SP #18 AND #89 Site Plan Amendment: Monday Properties Services, LLC, amend conditions #1 (SP #89) and #92 (SP #18) regarding use of the former Newseum space; 1850 N. Moore St., 1815 N. Fort Myer Drive., 1101 Wilson Blvd. (RPC #16-037-004, -005,16-039-002).

[Board Report #33 A](#)

- B. Approval of the deed of lease between 1101 WILSON OWNER, LLC, as Landlord, and The County Board of Arlington County, Virginia, as Tenant, for 53,826 square feet of space in a portion of a building located at 1101 Wilson Boulevard, Arlington, Virginia (RPC # 16-039-002).

On motion by BARBARA A. FAVOLA, Vice Chairman, seconded by JAY FISETTE, Member and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which the public spoke, the Board closed the public hearing portion of this item and deferred action on the item to the November 18, 2008 Recessed Meeting.

[Board Report #33 B](#)

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

On motion by J. WALTER TEJADA, Chairman, seconded by BARBARA A. FAVOLA, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: J. WALTER TEJADA, Chairman - Aye, BARBARA A. FAVOLA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board met in a closed meeting from 12:05 p.m. 1:37 p.m., as authorized by §§2.2-3711.A.3 and 7 of the Virginia Code, for the purposes of discussing three matters involving the acquisition of real property for public purposes where discussion in public would adversely affect the County's negotiating and bargaining position; and two matters requiring consultation with the County Attorney concerning Civil Action number 08-434 now pending in the Arlington Circuit Court, and the requirements of the Zoning Ordinance for operating of dance studios.

On motion by Mr. Tejada, seconded by Ms. Favola and carried by a vote of 5 to 0 by roll call, the voting recorded as follows:

Member & Vote

- Mr. Tejada - Aye
- Ms. Favola - Aye
- Mr. Fisetite - Aye
- Ms. Hynes - Aye
- Mr. Zimmerman - Aye

the Board certified that to the best of each member's knowledge that only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered by the Board.

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ADJOURNMENT

Without objection, at 1:37 p.m. the Board recessed until the November 18, 2008 Recessed Meeting.

J. WALTER TEJADA, Chairman

ATTEST:

HOPE L. HALLECK, Acting Clerk
Approved: January 24, 2009