

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, July 9, 2011 at 8:33 a.m.

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

ALSO PRESENT: BARBARA M. DONNELLAN, County Manager
STEPHEN MacISAAC, County Attorney
ILENE MUHLBERG, Deputy Clerk

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PUBLIC COMMENT

Myla Riggs encouraged the completion of Long Bridge Park and the use of universal design features for accessibility.

Robert Atkins voiced general concerns regarding Arlington County.

Mark Downey requested that property owners' names be withheld from display on Real Estate Assessment records available on the County's website, or that an option for doing so be available to owners.

Audrey Clement spoke about redevelopment along the Columbia Pike corridor and the loss of affordable housing.

Steve Hornstein thanked Arlington County staff for its assistance during the last three years with his management of mental illness. He also asked for a no-smoking ban at the Clarendon House.

Shelley Wade reiterated her request for full restoration of library hours.

Jim Hurysz commented on the discussion held during the Columbia Pike charrette and the lack of representation by the Latino community at the meeting.

Jackie Verrechia spoke about the Arlington Teen Network's study regarding the low levels of volunteerism among teens and the study's recommendations to address this.

William B. Lawson, Jr. presented the County Board with a framed copy of an advertisement from 1927 for Lacy Station.

Matt Wavro shared his concerns regarding the proposed Columbia Pike streetcar and its impact on the area.

Louis Athey asked the County Board for the establishment of an Office of Latino Affairs in the County Manager's Office.

Ruth Rosales encouraged increased recruitment of bilingual and bicultural police officers and the designation of an Arlington County Police Department officer as a liaison to the Latino community.

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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 \$5,135,091 in Affordable Housing Investment Fund as of June 27, 2011.

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CONSENT ITEMS (ITEMS 1-50) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, JULY 9, 2011, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, JULY 12, 2011, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).

Ms. Favola announced her declaration of personal interest pursuant to Section 2.2-3115.G in the use permit amendment requested by Marymount University Budget (Item #17). Ms. Favola is employed by Marymount University; however, under the State and Local Government Conflicts of Interest Act, because she is member of a group who may indirectly benefit from the use permit amendment, she was able to participate in the discussions and votes concerning the use permit, and can do so fairly, objectively, and in the public interest.

On a motion by MARY HYNES, Vice Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board approved the County Manager’s recommendation for consent items #2 through #8, #10 through #19, #21.A. , #22 through #31, and #33 through #50. Requests for full hearing were submitted for items #1, #9, #20, #21.B. and #32, and these items are scheduled for hearing at the July 12, 2011 County Board recessed meeting.

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SITE PLANS/AMENDMENTS/REVIEW

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2. SP #65 SITE PLAN AMENDMENT TO RENEW CONSTRUCTION OF A BASKETBALL COURT ON THE ROOF OF THE CENTURY CENTER LOCATED AT 2450 CRYSTAL DRIVE AND 2461 S. CLARK ST. (RPC# 34-020-034, -035).

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

BE IT ORDAINED that, pursuant to application SP #65 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for construction of an enclosed basketball court on the roof of the Century Center, for the parcel of real property known as 2450 Crystal Drive and 2461 S. Clark Street (RPC# 34-020-034, 035), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions of approval, with an amended condition #27.

Amended condition #27

27. The applicant agrees that approval of this basketball dome shall be contingent upon the execution of a lease agreement between the landlord and a health club tenant, and shall be valid only for the life of this lease. The applicant agrees to pursue an administrative review of the dome prior to the issuance of a certificate of occupancy for the health club. If the dome is not under construction by July 1, 2013, approval shall expire.

Board Report #2

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3. SP #78 SITE PLAN AMENDMENT FOR NEW CINGULAR WIRELESS PCS, LLC PUBLIC UTILITIES/TELECOMMUNICATIONS FACILITY LOCATED AT 1800 JEFFERSON DAVIS

HIGHWAY (SHERATON HOTEL CRYSTAL CITY) (RPC# 36-016-004).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the following ordinance to approve a site plan amendment to SP #78 for a public utilities/telecommunications facility for the Sheraton Hotel Crystal City, subject to the proposed conditions of the ordinance applicable only to this site plan amendment, and with no further scheduled County Board review.

WHEREAS, an application for a Site Plan Amendment dated May 6, 2011, for Site Plan #78 was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report[s] provided to the County Board for its July 9, 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 July 9, 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 May 6, 2011, for Site Plan #78, 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 to allow an additional public utilities/telecommunications facility known as RPC# 36-016-004, at 1800 Jefferson Davis Highway, 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 applicant agrees that the telecommunications facility will be constructed as shown on plans dated February 24, 2011 and approved by the County Board on July 9, 2011. [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-A- SP#78" attached for the public record to these minutes.]
2. The applicant shall identify a community liaison who will be available to address any concerns regarding the facility operation. The name and telephone number of the liaison shall be provided to the Crystal City leaders and the Zoning Administrator.
3. The applicant agrees that the proposed rooftop equipment shelter and related utility connection equipment shall match the exterior appearance and colors of the existing hotel building.
4. The applicant agrees that the antennas shall be removed within ninety (90) days after any cessation of use.

[Board Report #3](#)

[Addendum 7-9-11-A- SP#78](#)

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

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the requested site plan amendment to the September 17, 2011, County Board meeting.

[Board Report #4](#)

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5. **SP#90 SITE PLAN AMENDMENT RENEWAL OF CESC SQUARE, LLC TO EXTEND THE DEVELOPMENT OF 7,100 SQUARE FEET OF ARCADE SPACE FOR OFFICE USE LOCATED AT 1550 CRYSTAL DRIVE (PREVIOUSLY 1725 JEFFERSON DAVIS HIGHWAY) (RPC# 34-020-248).**

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 #90 on file in the Office of the Zoning Administrator for renewal of the subject site plan amendment for the parcel of real property known as 1550 Crystal Drive (previously 1725 Jefferson Davis Highway) (RPC# 34-020-248), approval is granted and the parcel so described shall be used according to the approval requested by the application, with the removal of the previously approved site plan amendment conditions and no further scheduled County Board review.

[Board Report #5](#)

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6. **SP#105 SITE PLAN AMENDMENT TO RENEW LIVE ENTERTAINMENT FOR SINE, LOCATED AT 1301 S. JOYCE ST. (RPC #35-005-031).**

On the consent agenda vote, after a duly advertised public hearing, the Board did not renew the site plan amendment for live entertainment at Sine due to lapse of use.

[Board Report #6](#)

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7. **SP #167 SITE PLAN AMENDMENT REVIEW TO CONVERT APPROXIMATELY 11,000 SQUARE FEET OF FIRST FLOOR OFFICE FOR A DAYCARE USE LOCATED AT 2451 CRYSTAL DRIVE (BRIGHT HORIZONS AT CRYSTAL CITY) (RPC# 34-020-243).**

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 #167 on file in the Office of the Zoning Administrator for renewal of the site plan amendment for the parcel of real property known as 2451 Crystal Drive (Bright

Horizons at Crystal City) (RPC# 34-020-243), 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 scheduled County Board review in five (5) years (July 2016).

[Board Report #7](#)

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8. SP# 358 SITE PLAN AMENDMENT TO ALLOW FOOD DELIVERY SERVICE AT 3900 FAIRFAX DRIVE (RPC# 14-043-031).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the attached ordinance to approve a site plan amendment to SP# 358 to allow food delivery service, subject to the conditions of the ordinance applicable only to this site plan amendment, with a County Board review in one (1) year (July 2012).

WHEREAS, an application for a Site Plan Amendment dated April 28, 2011 for Site Plan #358, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report[s] provided to the County Board for its July 9, 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[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on July 9, 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 Virginia Square Sector Plan, and with the uses permitted and use regulations of the RA-H-3.2 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 April 28, 2011 for Site Plan #358, for a Site Plan Amendment for food delivery service use, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 of the site plan (which drawings, etc. are hereafter collectively referred to as "Revised Site Plan Application,") for the parcels of real property known as RPC# 14-043-031 and 3900 Fairfax Drive, approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to all previously approved conditions (numbers 1 through 67) with new condition numbers 68 through 74 as follows:

New Conditions (applicable to the food delivery service use only):

68. The applicant (applicant shall mean the applicant, owner and all successors and assigns) agrees that the hours of operation of the food delivery service (using an automobile) shall be limited to 10:00 a.m. to 1:30 a.m. Monday through Sunday.
69. The applicant agrees to develop and implement a delivery and driver safety plan and to obtain the County Manager's approval of such a plan before any food delivery service can begin. The plan shall include at a minimum: identification of a driver safety course, completion of which will be required of all drivers employed by the applicant before they begin delivery service; a routing plan including maps

for delivery vehicles, which will show entry and exit routes from the site; and an outline of the contents of the course. The applicant understands and acknowledges that the County Board has found the exception for this use to be justified only because the applicant has represented that the use will make deliveries by vehicles using only the commercial frontages and streets to the maximum extent possible.

70. The applicant agrees that the maximum number of delivery automobiles that may be used in the business at any one time is eight (8) vehicles.
71. The applicant agrees that pizza delivery vehicles may use a maximum of three (3) parking spaces within the covered (garage) surface spaces located on the first floor level of the building. These spaces shall be signed for use by pizza delivery vehicles only during the pizza establishment's hours of operation. The remaining seventeen (17) surface parking spaces shall be reserved for retail/commercial visitors and patrons only and shall be signed accordingly. The applicant agrees to submit an annual report to the County Manager beginning one year from the approval date of the site plan amendment (July 9, 2011), and occurring each year thereafter as long as the subject delivery use occupies the space, to monitor the parking usage/demand of the covered (garage) surface spaces located on the first floor level of the building. The annual report may be performed by the Applicant and will include an occupancy count of the covered surface parking area only, with counts taken at 12:00 p.m. and 8:00 p.m., for 7 consecutive days. The County Manager has the discretion, based on findings of the annual reports, showing at least 85% average occupancy of the 17 parking spaces for retail/commercial visitors and patrons, to reduce or eliminate the amount of parking spaces available for the delivery vehicles in the covered (garage) surface spaces located on the first level of the building. If it is determined by the County Manager that these three parking spaces in the covered (garage) surface spaces located on the first floor level of the building need to, in whole or part, be reallocated for use by retail/commercial visitors, the delivery vehicles would be permitted to park in the retail employee parking area within the underground portion of the garage.
72. The applicant agrees that the delivery vehicles will not be parked on the street.
73. The applicant agrees not to distribute flyers in quantity to any apartment buildings.
74. The applicant agrees to identify an on-site liaison who shall be available during all hours of operation to receive and respond to community concerns. The name and telephone number of the liaison shall be sent to the President of the Ballston-Virginia Square Civic Association and the Zoning Administrator.

[Board Report #8](#)

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10. SP #405 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN, AND TO MODIFY CONDITION #76 REGARDING THE TIMING OF TURNOVER OF THE PARK TO THE COUNTY AND THE HISTORIC MARKER, FOR PARADIGM, LOCATED AT 4400 AND 4401 4TH ST. N. (BUCKINGHAM VILLAGE 1) (RPC# 20-024-241 THROUGH -246).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the attached ordinance approving a site plan amendment for a comprehensive sign plan, and modifying the timing of the required turnover of the public park and installation of the historic marker, with a modification of Zoning Ordinance regulations for signs, subject to the conditions of the ordinance. [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-B- SP#405" attached for the public record to these minutes.]

[Board Report #10](#)

[Addendum 7-9-11-B- SP#405](#)

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- 11. THE REQUEST FOR THIS ITEM HAS BEEN WITHDRAWN. SP# 415 SITE PLAN TO CONSTRUCT SEMI-DETACHED DWELLING UNITS (2 UNITS); LOCATED AT 4210 WASHINGTON BLVD. (RPC# 14-023-010).**

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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- 12. U-2640-89-3 USE PERMIT REVIEW FOR LIVE ENTERTAINMENT AND DANCING; 501 N. RANDOLPH ST. (TUTTO BENE, RPC# 14-060-001).**

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-2640-89-3 on file in the Office of the Zoning Administrator for renewal of the use permit for the parcel of real property known as 501 N. Randolph St. (Tutto Bene, RPC# 14-060-001), 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 #12](#)

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

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

BE IT ORDAINED that, pursuant to application U-2823-94-4 on file in the Office of the Zoning Administrator for renewal of the use permit for the parcel of real property known as 2400 N. Wakefield St. (Sprint PCS/Lee Pumping Station) (RPC# 05-005-072), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions, and with a review by the County Board in February 2013.

[Board Report #13](#)

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- 14. U-2985-00-1 USE PERMIT REVIEW FOR EDUCATIONAL PROGRAM AND PARKING AT THE THURGOOD MARSHALL BUILDING; LOCATED AT 2847 WILSON BLVD. (RPC# 15-065-019).**

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

BE IT ORDAINED that, pursuant to application U-2985-00-1 on file in the Office of the Zoning Administrator for renewal of the use permit for the parcel of real property known as 2847 Wilson Blvd. (RPC# 15-065-019) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the new Condition #14 of the staff report, with no further scheduled County Board review.

Modified Condition #14:

- 14. ~~Arlington Public Schools (APS) agrees to provide (through a contractor or otherwise) attended public parking~~ allow a managed parking use in the evenings and on weekends and school holidays on the portion of the existing parking lot zoned "C-3." ~~If, after diligent efforts, the Arlington Public Schools is unable to enter into a contract for attended parking in which the cost to APS does not exceed the parking revenues, the parking shall be determined through administrative review to be not economically feasible, as noted below.~~ The ~~public parking~~ managed parking use will be provided only when Schools is not having a function in the building. The details of ~~the public parking~~ any managed parking arrangement shall be incorporated in a signed Memorandum of Understanding (MOU) between the Superintendent and the County Manager. A copy of the MOU shall be provided to the Zoning Administrator, the Clarendon Alliance, and the Presidents of the Lyon Village and Clarendon Courthouse Civic Associations. ~~This condition shall be reviewed administratively six months after approval. Such review shall consider, but not be limited to, the impact on local neighbors and the continuing economic feasibility of offering parking on this site. If staff finds that there are substantial negative impacts from the parking, or that providing such parking is not economically feasible, or other good reason, then the condition shall be brought to the County Board for review, and the County Board shall take whatever action it deems appropriate, including amending or withdrawing the condition pursuant to the use permit process.~~

Board Report #14

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15. U-3043-02-1 USE PERMIT REVIEW OF ANTIQUES AND COLLECTIBLES MARKET; 2000 BLOCK OF N. 15TH ST.

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-3043-02-1 on file in the Office of the Zoning Administrator for renewal of the use permit for the parcel of real property known as 2000 Block of N. 15th Street, approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, with an administrative review in three (3) months (October 2011), and with a County Board review in five years (July 2016).

Board Report #15

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16. U-3176-07-1 USE PERMIT REVIEW TO RENEW A CHILDCARE CENTER FOR KESHET CHILD DEVELOPMENT CENTER LOCATED AT 758 23RD ST. S. (RPC# 36-039-013).

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-3176-07-1 on file in the Office of the Zoning Administrator for renewal of the use permit for a childcare center for the parcel of real property known as 758 23rd St. S. (RPC# 36-039-013), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, and with a County Board review in five (5) years (July 2016).

[Board Report #16](#)

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17. U-3200-08-4 USE PERMIT REVIEW FOR 35 SECONDARY PARKING SPACES TO BE USED BY MARYMOUNT UNIVERSITY STAFF AT 4102 N. OLD GLEBE ROAD (WALKER CHAPEL UNITED METHODIST CHURCH) (RPC# 03-066-001).

On the consent agenda vote, after a duly advertised public hearing, the Board discontinued the subject use permit for secondary parking located at 4102 N. Old Glebe Road.

[Board Report #17](#)

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18. U-3205-08-1 USE PERMIT RENEWAL FOR RESTAURANT LIVE ENTERTAINMENT AT THE EL MANANTIAL RESTAURANT; LOCATED AT 2618 NORTH PERSHING DRIVE (RPC #18-056-005).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the request for an amendment to the use permit for live entertainment at the El Manantial Restaurant, to the September 17, 2011, County Board meeting.

[Board Report #18](#)

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

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

BE IT ORDAINED that, pursuant to application U-3222-09-3 on file in the Office of the Zoning Administrator for renewal of the use permit for a childcare center for the parcel of real property known as 1601 Wilson Boulevard (RPC# 16-032-001), 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 an administrative review in six (6) months (January 2012) and no further scheduled County Board review.

[Board Report #19](#)

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21. OUTDOOR CAFÉS AT 1025 N. FILLMORE ST. (RPC# 18-024-020)

- A. U-3258-10-1 Use Permit to renew an outdoor cafe in the public right-of-way; located at 1025 N. Fillmore St. (American Flatbread) (RPC# 18-024-020).

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

BE IT ORDAINED that, pursuant to application U-3258-10-1 on file in the Office of the Zoning Administrator for renewal of the use permit for an outdoor café in the public right-of-way, for the parcel of real property known as 1025 N. Fillmore St. (American Flatbread) (RPC# 18-024-020), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previous conditions of approval, with a County Board review in two (2) months (September 2011).

[Board Report # 21 A \(Revised Report- Revised Recommendation\)](#)

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

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

BE IT ORDAINED that, pursuant to application U-3259-10-1 on file in the Office of the Zoning Administrator for renewal of the use permit for a family daycare home, for the parcel of real property known as 1243 South Forest Drive (RPC# 28-014-003), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, with a County Board review in three (3) years (July 2014).

[Board Report #22](#)

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

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

BE IT ORDAINED that, pursuant to application U-3260-10-1 on file in the Office of the Zoning Administrator for renewal of the use permit for a family daycare home, for the parcel of real property known as 3519 18th St. S. (RPC# 26-015-002), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, with a County Board review in three (3) years (July 2014).

[Board Report #23](#)

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24. U-3300-11-4 USE PERMIT FOR A RESTAURANT OPERATING LIVE ENTERTAINMENT; LOCATED AT 3111 COLUMBIA PIKE (RPC# 25-012-044).

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-3300-11-4 on file in the Office of the Zoning Administrator for a use permit for live entertainment at Padrino's, for the parcel of real property known as 3111 Columbia Pike (RPC# 25-012-044), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the conditions of the staff report, with a County Board review in one (1) year (July 2012).

[Board Report #24](#)

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25. U-3301-11-1 USE PERMIT FOR A HEALTH CLUB (YOGA STUDIO) WITH A MODIFICATION TO PARKING REQUIREMENTS LOCATED AT 6025 WILSON BLVD. (LITTLE RIVER YOGA) (RPC# 12-024-001).

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-3301-11-4 on file in the Office of the Zoning Administrator for a use permit for a health club (yoga studio) with a modification to parking requirements, for the parcel of real property known as 6025 Wilson Blvd. (Little River Yoga) (RPC# 12-024-001), 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, and with a County Board review in one (1) year (July 2012).

[Board Report #25](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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26. APPROVAL AND AUTHORIZATION TO ACCEPT ON BEHALF OF THE COUNTY BOARD A DEED OF EASEMENT FOR STORM WATER MANAGEMENT MAINTENANCE AND ACCESS ON PROPERTY LOCATED AT 1800 26TH ST. S. (RPC# 38-006-073).

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

1. Approved the Deed of Easement for storm water maintenance and access on property located at 1800 26th Street South, Arlington, Virginia (RPC #38-006-073), attached to this report as "Attachment 1"; and [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-C- RPC# 38-006-073" attached for the public record to these minutes.]
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept and execute, on behalf of the County Board, the Deed of Easement and all associated documents, subject to approval of the Deed by the County Attorney.

[Board Report #26](#)

[Addendum 7-9-11-C- RPC# 38-006-073](#)

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27. APPROVAL AND AUTHORIZATION TO ACCEPT A DEED OF EASEMENT FOR PUBLIC SIDEWALK, UTILITIES, AND DRAINAGE PURPOSES FOR A DEPARTMENT OF ENVIRONMENTAL SERVICES STREET IMPROVEMENT PROJECT ON PROPERTY LOCATED AT 1910 S. JOYCE ST. (RPC# 36-006-011).

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

1. Approved the attached Deed of Easement for Public Sidewalk Utilities and Drainage Purposes on the property located at 1910 South Joyce Street, Arlington, Virginia (RPC # 36-006-011); [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-D- RPC# 36-006-011" attached for the public record to these minutes.]
2. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept, on behalf of the County Board, the attached Deed of Easement, subject to approval as to form by the County Attorney.

[Board Report #27](#)

[Addendum 7-9-11-D- RPC# 36-006-011](#)

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28. APPROVAL OF EIGHT DEEDS OF EASEMENT FOR PUBLIC STREET LIGHTING PURPOSES FOR A DEPARTMENT OF ENVIRONMENTAL SERVICES, NEIGHBORHOOD CONSERVATION PROJECT ON PORTIONS OF THE PROPERTIES LOCATED BETWEEN SOUTH GLEBE ROAD AND COLUMBIA PIKE (RPC#S 32-001-PCA, 32-002-PCAI, 32-001-PCA, 32-001-PCE, 32-001-PCD, 32-007-PCC, 32-007-PCB, 32-007-PCA, 32-013-PCA AND 32-014-PCA).

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

1. Approve the Deeds of Easement, attached hereto as Exhibits 1, 2, 4, 6, 7 and 8, between the Unit Owners of Arlington Village and the County Board of Arlington County, Virginia, granting to the County permanent easements for public street lighting purposes on portions of the properties located between South Glebe Road and Columbia Pike along South Barton Street, 16th Street South, and South Edgewood Street, in Arlington County, Virginia, RPC#s 32-001-PCA, RPC# 32-002-PCAI, 32-007-PCC, 32-007-PCA and 32-013-PCA; [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-E- Public Street Lighting" attached for the public record to these minutes.]

2. Approve the Deed of Easement, attached hereto as Exhibit 3, between Fairway Village Condominium Unit Owners and the County Board of Arlington County, Virginia, granting to the County a permanent easement for public street lighting purposes on a portion of the property located between South Glebe Road and Columbia Pike along the easterly side of South Barton Street in Arlington County, Virginia, RPC# 32-001-PCE & RPC# 32-001-PCD; [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-F- Public Street Lighting" attached for the public record to these minutes.]
3. Approve the Deed of Easement attached hereto as Exhibit 5, between the Arlington Village Courtyards Condominium Unit Owners and the County Board of Arlington County, Virginia, granting to the County a permanent easement for public street lighting purposes on a portion of the property located between South Glebe Road and Columbia Pike along the southerly side of 16th Street South in Arlington County, Virginia, RPC# 32-007-PCB; [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-G- Public Street Lighting" attached for the public record to these minutes.]
4. Authorize the Real Estate Bureau Chief, or his designee, to execute on behalf of the County Board, the attached Deeds of Easement, subject to approval as to form of all documents by the County Attorney.

[Board Report #28](#)

[Addendum 7-9-11-E- Public Street Lighting](#)

[Addendum 7-9-11-F- Public Street Lighting](#)

[Addendum 7-9-11-G- Public Street Lighting](#)

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29. **APPROVAL OF AN EXCHANGE AGREEMENT AMONG HEALTH CLUB INVESTORS, LLC, HEALTH CLUB INVESTORS, INC. AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA FOR CONVEYANCE BY THE COUNTY OF OUTLOT A OF THE SUBDIVIDED COUNTY PROPERTIES TO HEALTH CLUB INVESTORS, LLC, HEALTH CLUB INVESTORS, INC., IN EXCHANGE FOR CERTAIN PUBLIC EASEMENTS ON PROPERTY LOCATED AT 3910 WILSON BLVD. (RPC# 14-060-028,14-060-023 AND 14-060-024); AND THEREAFTER TO SUBDIVIDE COUNTY PROPERTIES KNOWN AS PART PARCEL D AND PART PARCEL E, ORIGINAL PROPERTY OF JOHN L. REES, A PORTION OF WHICH IS CURRENTLY USED FOR NORTH QUINCY STREET AT THE INTERSECTION WITH WILSON BOULEVARD.**

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

1. Approved the attached Exchange Agreement, among Health Club Investors, LLC, Health Club Investors, Inc., and the County Board of Arlington County, Virginia ("Exchange Agreement"); [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-H- Health Club Investors Agreement" attached for the public record to these minutes.]
2. Authorized the subdivision of the County properties known as Part Parcel D and Part Parcel E, Original Property of John L. Rees in accordance with the attached plat; and, [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-H- Health Club Investors Agreement" attached for the public record to these minutes.]

3. Authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services to execute the Exchange Agreement and all related documents, necessary to complete the exchange of property interests, including all deeds and other documents necessary to subdivide the Property, on behalf of the County Board, subject to the approval of such documents as to form by the County Attorney.

[Board Report #29](#)

[Addendum 7-9-11-H- Health Club Investors Agreement](#)

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30. ENACTMENT OF AN ORDINANCE TO VACATE A PORTION OF A TEN (10) FOOT STORM SEWER EASEMENT RUNNING TO THE EAST ALONG A PORTION OF THE SOUTHERN BOUNDARY, AND THEN RUNNING THEREAFTER DIAGONALLY TO THE NORTHEAST, ON LOT 75, THOMAS W. DAVIS'S SUBDIVISION OF CRESTON, 4839 LITTLE FALLS ROAD (RPC# 03-041-002).

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

1. Enacted the attached Ordinance to Vacate a portion of a ten (10) foot storm sewer easement running to the east along a portion of the southern boundary, and then running thereafter diagonally to the northeast, on Lot 75, Thomas W. Davis's Subdivision of Creston, 4839 Little Falls Road, (RPC # 03-041-002) (Attachment 1).
2. Authorized the Real Estate Bureau Chief, or his designee, to execute the Deed of Vacation, and all related documents referenced in the above described Ordinance, on behalf of the County Board, subject to approval of such deed, as to form, by the County Attorney.

ORDINANCE TO VACATE A PORTION OF A TEN (10) FOOT STORM SEWER EASEMENT RUNNING TO THE EAST ALONG A PORTION OF THE SOUTHERN BOUNDARY, AND THEN RUNNING THEREAFTER DIAGONALLY TO THE NORTHEAST, ON LOT 75, THOMAS W. DAVIS'S SUBDIVISION OF CRESTON, 4839 LITTLE FALLS ROAD, (RPC # 03-041-002), WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request by Sunnyside Development, LLC ("Owner/Applicant") on file in the offices of the Department of Environmental Services, a 10-foot wide Storm Sewer Easement located on the Property owned by Sunnyside Development, LLC, a Virginia Limited Liability Company, at 4839 Little Falls Road, Arlington, Virginia, (RPC #03-041-002), as shown on a plat attached as Exhibit "A" to the County Manager's Report dated June 17, 2011, entitled "Plat Showing Vacation of a Portion of an Existing 10' Storm Sewer Easement on Lot 75, Thomas W. Davis's Subdivision of Creston, Deed Book 124, Page 261, Arlington County, Virginia," prepared by R.C. Fields, Jr. & Associates, P.C., dated June 2, 2011, is hereby vacated, subject to the following conditions: [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-I- Creston Vacation" attached for the public record to these minutes.]

1. The Owner/Applicant shall prepare and submit to the County, for review and approval all required plats and the Deed of Vacation for the portion of a ten (10) foot storm sewer easement running to the east along a portion of the southern boundary, and then running thereafter diagonally to the northeast at 4839 Little Falls Road as shown on a plat entitled "Plat Showing Vacation of a Portion of an Existing 10' Storm Sewer Easement on Lot 75, Thomas W. Davis's Subdivision of Creston, Deed Book 124, Page 261, Arlington County, Virginia," prepared by R.C. Fields, Jr. & Associates, P.C., dated June 2, 2011, subject to

approval of such plats by the County Manager, or her designee, and approval of the Deed as to form by the County Attorney.

2. The Owner/Applicant shall prepare and submit to the County, for review and approval, to the Department of Environmental services ("DES"), a utility relocation and engineering design plan for the construction, relocation, removal, or replacement of the storm sewer facilities located, in whole or in part, within the portion of the easement vacated by this Ordinance of Vacation and any other storm sewer facilities required by the Director of DES, or his designee, to be replaced after review of the television inspection video of the facilities by DES ("Plan") in compliance with the Arlington County DES Construction Standards and Specifications. The Plan shall be subject to approval by the Director of DES, or his designee.
3. The Applicant shall submit to the Director of DES, or his designee, a bond, letter of credit, or other security, in an amount and in a form as determined by, and acceptable to, the County Manager or her designee, for the construction, relocation, removal, or replacement of the storm sewer facilities pursuant to the approved Plan and the repair, replacement and relocation of the approximately seventy-four feet (74') portion of the existing public storm sewer pipe running along the southern boundary of the property, the necessity for which shall be determined by the Director of DES, or his designee after reviewing the County television inspection video and the Plan.
4. Before the Deed of Vacation is executed on behalf of the County, and delivered to the Owner/Applicant, the Owner/Applicant shall construct the relocated public storm sewer facilities, and such facilities shall be operational as determined solely by the Director of DES, or his designee.
5. The Owner/Applicant shall pay all costs and expenses associated with the design, removal, and construction of the existing and relocated storm sewer facilities, and the acquisition of all permits required for relocation the storm sewer facilities, as determined by the Director of DES, or his designee.
6. The Owner/Applicant shall prepare and submit, to the County, a Deed of Vacation, all required plats, and other documents necessary to satisfy the conditions of this Ordinance of Vacation, subject to the approval of such deeds and documents by the County Manager, or her designee, as to substance, and approved as to form by the County Attorney.
7. The Owner/Applicant shall dedicate to the County Board a storm sewer easement for the relocated public storm sewer facilities, and any portion of the remaining existing storm sewer facilities located outside of the existing storm sewer easement, the location and dimensions of which shall be determined by, and are subject to, the approval of the Director of DES, or his designee. The deed of easement for such storm sewer easement is subject to the approval as to form by the County Attorney. The Real Estate Bureau Chief, Department of Environmental Services, or his designee, is authorized to accept the storm sewer easement on behalf of the County Board.
8. The Owner/Applicant shall record the Deed of Vacation, the Deed of Easement, and all related plats, at the Owner/Applicant's expense.
9. The Owner/Applicant shall pay all fees, including the fees for review, approval, and recording of all required documents associated with this Ordinance of Vacation.
10. The Deed of Vacation shall not be executed on behalf of the County Board until all the requirements of this Ordinance are satisfied.
11. All conditions of the Ordinance of Vacation shall be met by noon on July 8, 2012, or this Ordinance of Vacation shall become null and void without the necessity of any further action by the County Board.

[Board Report #30](#)

[Addendum 7-9-11-I- Creston Vacation](#)

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31. APPROVAL OF A FOURTH AMENDMENT TO 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 (RPC# 31-035-002).

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

1. Approved the attached Fourth 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 7-9-11-J- Lucky Seven Food Mart, Inc." 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 Fourth Amendment, subject to receipt of documents evidencing the Tenant's corporate existence, and approval as to form of the Fourth Amendment by the County Attorney.

[Board Report #31](#)

[Addendum 7-9-11-J- Lucky Seven Food Mart, Inc.](#)

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ORDINANCES, PLANS AND POLICIES

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33. APPROVAL OF THE COUNTY'S AMENDED ANNUAL CONSOLIDATED PLAN FOR FISCAL YEAR (FY) 2012 AND THE AMENDED FY 2012 ANNUAL CONSOLIDATED PLAN FOR THE CITY OF FALLS CHURCH, AND ADOPTION OF THE REVISED COMMUNITY DEVELOPMENT (CD) PROGRAM FOR FY 2012.

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

1. Authorized use of the Budget Stabilization Fund (\$221,088) to lessen the impact of Federal grant reductions on the FY 2012 CD Program.
 - a. Allocated \$85,000 from the Budget Stabilization Fund (101.450002.91102) to the Department of Community Planning, Housing and Development (101.72401) for Shirlington Employment and Education Center (SEEC) currently supported by Community Development Block Grant (CDBG) funds.
 - b. Allocated \$106,088 from the Budget Stabilization Fund (101.450002.91102) to the Department of Human Services (101.51131) for 1 FTE in the Employment and Training Program currently supported by CDBG funds.

- c. Allocated \$30,000 from the Budget Stabilization Fund (101.450002.91102) to Arlington Economic Development (AED) (101.71002) for the Nonprofit Capacity Building Program, currently supported by CDBG funds.
2. Approved the amended FY 2012 Annual Consolidated Plan for Arlington (Attachment 1), which includes the revised Community Development Program for FY 2012 (Attachment 2), and appropriations from the Budget Stabilization Fund. [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-K- AC Consolidated Plan" attached for the public record to these minutes.]
3. Reduced the Community Development Fund (fund 206) appropriation by \$304,799 to reflect Federal revenue reductions to the County in FY 2012.
4. Approved the amended FY 2012 Annual Consolidated Plan for the City of Falls Church (Attachment 3) and the revised allocation of CDBG and HOME funds for the City of Falls Church. [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-L- FC Consolidated Plan" attached for the public record to these minutes.]
5. Authorized the County Manager to submit the amended FY 2012 Annual Consolidated Plan and execute contracts and documents (1) to make grants in FY 2012 as shown in Attachment 2, and (2) as may be required by U.S. Department of Housing and Urban Development (HUD), including CDBG Certifications, and (3) as may be required by Virginia State Department of Social Services (DSS) and the U. S. Department of Health and Human Services (HHS).

[Board Report #33](#)

[Addendum 7-9-11-K- AC Consolidated Plan](#)

[Addendum 7-9-11-L- FC Consolidated Plan](#)

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34. ADOPTION OF EMERGENCY ORDINANCES AND REQUEST TO ADVERTISE PERMANENT AMENDMENTS TO CHAPTER 9.2 OF THE ARLINGTON COUNTY CODE (FOOD AND FOOD HANDLING CODE)

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

1. Adopted on an emergency basis amendments to Chapter 9.2 of the Arlington County Code, attached as Attachment 1, to reduce the licensure and plan review fees for all food establishments from \$285.00 to \$40.00.
2. Advertised a public hearing on September 17, 2011, to consider the permanent adoption of the same amendments to Chapter 9.2 of the Arlington County Code (Attachment 1).

AN EMERGENCY ORDINANCE TO AMEND AND REENACT PORTIONS OF CHAPTER 9.2 (FOOD AND FOOD HANDLING CODE) OF THE ARLINGTON COUNTY CODE TO MODIFY THE LICENSURE AND PLAN REVIEW FEES FOR FOOD ESTABLISHMENTS.

BE IT ORDAINED that §§ 9.2-3.1 and 9.2-5.1 of the Arlington County Code are amended and reenacted as follows, effective on an emergency basis on the date of adoption of this ordinance for sixty (60) days, after which time the amendments shall expire unless duly reenacted:

* * *

§ 9.2-3.1. Licenses for Food Establishments.

(a) No person shall operate a Food Establishment who does not have a valid License issued to him by the County Manager. Only a person who complies with the requirements of this Chapter may be entitled to receive or retain a License. Licenses are not transferable.

(b) ~~An annual application or annual License renewal fee of two hundred eighty-five dollars (\$285.00)~~ forty dollars (\$40.00) shall be assessed for each licensed Food Establishment, Limited Food Establishment, Limited Service Mobile Food Unit, and Mobile Food Unit. A person who operates a Temporary Food Establishment at a local festival, fair, or other special event and who is not otherwise licensed to operate a Food Establishment, Limited Food Establishment, Limited Service Mobile Food Unit or Mobile Food Unit pursuant to this section shall be assessed an ~~annual application or annual License renewal fee of one hundred dollars (\$100.00)~~ forty dollars (\$40.00). Such fees shall not be applicable to Food Establishments, Limited Food Establishments, Limited Service Mobile Food Units, and Mobile Food Units operated by the Arlington County Public Schools; however, such fees shall apply to private vendors subcontracted by the County to operate Food Establishments, Limited Food Establishments, Limited Service Mobile Food Units, and Mobile Food Units. The annual fees specified above for Food Establishments and Limited Food Establishments shall be based ~~assessed~~ on a calendar year basis and shall be due and payable in the month of December or upon initial application. The annual fees specified above for Mobile Food Units and Limited Service Mobile Food Units shall be due and payable in the month of June or upon initial application. ~~Neither an~~ The application fee nor a License renewal fee shall not be prorated. An additional fee of twenty-five dollars (\$25.00) shall be assessed for Food Establishment, and Limited Food Establishment, Limited Service Mobile Food Unit, and Mobile Food Unit renewal applications received after December 31, and for Mobile Food Unit and Limited Service Mobile Food Unit renewal applications received after June 30, of the then-current calendar year.

(c) Establishments that fail to file the required application for issuance or renewal of their respective licenses will be operating without a valid license and will be subject to immediate closure in accordance with § 9.2-3.8.

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§ 9.2-5.1. Submission of Plans, Specification and other data; Inspection prior to Operation; Fees.

(a) Whenever a Food Establishment is constructed or remodeled or whenever an existing structure is converted to use as a Food Establishment, plans and specifications for such construction, remodeling, or conversion shall be submitted to the County Manager for his review prior to commencement of such construction, remodeling or conversion. The County Manager shall verify that the plans and specifications conform to the requirements of this Chapter and the Food Code. The plans and specifications shall include the intended menu, anticipated volume of food to be stored, prepared, and sold or served, the proposed layout and arrangement of the facilities, plumbing plans, mechanical plans, electrical plans, finish schedules, lighting schedules, and the types, model numbers, locations, dimensions, performance capacities and installation specifications of proposed fixed equipment and facilities. The County Manager may require additional plans or information, as needed, depending on the nature and extent of the proposed construction, remodeling or conversion. The County Manager shall approve the plans and specifications if they meet the requirements of this Chapter and the Food Code. The County Manager's approval of any plans or specifications

shall not constitute a determination that the plans or specifications are free from error. The owner shall have final responsibility for the accuracy and completeness of the plans and specifications, as well as for subsequent construction and installation. No Food Establishment shall be constructed, remodeled or converted except in accordance with plans and specifications approved by the County Manager.

(b) Whenever plans and specifications are required to be submitted and approved, the County Manager shall inspect the Food Establishment prior to it beginning operation in order to determine compliance with the approved plans and specifications and with the requirements contained in this Chapter and the Food Code.

(c) A plan and specification review fee of ~~two hundred dollars (\$200.00)~~ forty dollars (\$40.00) shall be paid by the applicant to the Treasurer of Arlington County upon an applicant's submission of plans or specifications.

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[Board Report #34](#)

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

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the requested rezoning to the September 6, 2011, Planning Commission and September 17, 2011, County Board meetings.

[Board Report #35](#)

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CAPITAL PROJECTS

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- 36. THIS IS A REQUEST TO AUTHORIZE AN INCREASE IN THE CONTRACT AMOUNT FOR CONTRACT NO. 247-10 TO CONTRACTOR JEFFREY STACK, INC. FOR UNANTICIPATED SITE CONDITIONS WITH RELATED CHANGES IN THE TYPE AND QUANTITY OF MATERIALS NECESSARY FOR THE CONSTRUCTION OF THE PATRICK HENRY DRIVE PHASES I AND II STREET IMPROVEMENTS.**

On the consent agenda vote, after a duly advertised public hearing, the Board authorized an increase of \$105,000.00 to Contract No. 247-10.

[Board Report #36](#)

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- 37. APPROVE THE AWARD OF CONTRACT FOR THE ARLINGTON COUNTY WATER POLLUTION CONTROL PLANT LANDSCAPING IMPROVEMENT PROJECT.**

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

1. Approved the award of Contract No. 77-11 to Hammerhead Construction of Virginia, Inc. (Hammerhead) for the Landscaping Improvement Project at the Water Pollution Control Plant (WPCP) in the amount of \$799,250.
2. Authorized the Purchasing Agent to execute the Contract Documents subject to legal review by the County Attorney.

[Board Report #37](#)

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38. AUTHORIZATION TO PROCURE ADDITIONAL SERVICES UNDER THE CITY OF ALEXANDRIA'S CONTRACT 09-00681 WITH CH2M HILL FOR THE CONTINUATION OF THE STORM SEWER CAPACITY ANALYSIS AND RELATED STORMWATER MANAGEMENT PLANNING SERVICES.

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

1. Approved the procurement of additional services under City of Alexandria Contract 09-00681 with CH2M Hill for continuation of the storm sewer capacity analysis and related stormwater management planning services totaling up to an additional \$400,000.
2. Authorized the Purchasing Agent to execute the required Contract Documents, subject to review and approval of such documents by the County Attorney.

[Board Report #38](#)

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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39. ARLINGTON COMMISSION FOR THE ARTS GRANT RECOMMENDATIONS.

On the consent agenda vote, after a duly advertised public hearing, the Board approved the allocation of \$249,077 for the FY2012 financial support of Arlington arts organizations and artists, as recommended by the Arlington Commission for the Arts.

[Board Report #39](#)

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

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

1. Accepted a one-year grant from the Commonwealth of Virginia's AmeriCorps State Program (101.364900) in the amount of \$80,448;
2. Appropriated that money to the Department of Parks, Recreation and Cultural Resources' (PRCR) FY 2012 operating expenses (101.83024), and reauthorize the 4.8 temporary FTEs associated with the work of the program funded by this grant; and

3. Authorized the County Manager to sign a Letter of Intent to Contract and a contract between the County Board and the Commonwealth of Virginia's Department of Social Services, subject to the approval of the Letter of Intent to Contract and the contract by the County Attorney.

[Board Report #40](#)

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41. APPROVAL OF REVISED AGREEMENT WITH THE ARLINGTON COMMUNITY FOUNDATION (ACF) TO CONTINUE ACF'S MANAGEMENT OF THE ENDOWMENT FUND FOR THE COUNTY'S SENIOR ADULT PROGRAMS.

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the County Manager to sign the attached Fund Agreement between the County and ACF, which will authorize ACF to continue to manage the endowment fund for leisure-based senior adult programs and initiatives on behalf of the County. [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-L.1.- ACF Fund Agreement" attached for the public record to these minutes.]

[Board Report #41](#)

[Addendum 7-9-11-L.1.- ACF Fund Agreement](#)

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REQUESTS TO ADVERTISE

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42. REQUEST TO ADVERTISE PUBLIC HEARINGS FOR THE PLANNING COMMISSION AND COUNTY BOARD ON A GENERAL LAND USE PLAN AMENDMENT TO MODIFY NOTE 20 TO REVISE THE AMOUNT OF DEVELOPMENT DENSITY TO BE ALLOCATED TO THE MONUMENT VIEW SITE PLAN (SP #400) SITE AREA WITHIN THE "NORTH TRACT SPECIAL PLANNING DISTRICT" WHICH IS AN AREA GENERALLY BORDERED BY SHIRLEY HIGHWAY INTERSTATE 395 ON THE WEST, THE GEORGE WASHINGTON MEMORIAL PARKWAY ON THE NORTH AND EAST, AND THE SOUTHERN EDGE OF 10TH STREET SOUTH.

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the attached resolution authorizing the advertisement of public hearings on the subject General Land Use Plan Amendment by the Planning Commission and the County Board on dates concurrent with future public hearings on the associated Monument View site plan (SP #400) amendment application.

RESOLUTION TO AUTHORIZE ADVERTISEMENT OF PUBLIC HEARINGS TO A DATE CONCURRENT WITH FUTURE PUBLIC HEARINGS BY THE PLANNING COMMISSION AND COUNTY BOARD FOR THE MONUMENT VIEW SITE PLAN AMENDMENT (SP #400) APPLICATION TO CONSIDER AMENDING NOTE 20 ON THE GENERAL LAND USE PLAN TO REVISE THE AMOUNT OF DEVELOPMENT DENSITY DESIGNATED FOR THE PROPERTY THAT IS THE SUBJECT OF THE MONUMENT VIEW SITE WITHIN THE "NORTH TRACT SPECIAL PLANNING DISTRICT".

The County Board of Arlington hereby resolves that the following item shall be advertised for public hearings to dates concurrent with future public hearings by the Planning Commission and County Board for the Monument View site plan amendment application (SP #400) to modify Note 20 on the General Land Use Plan as follows:

- "20. This area was designated as the "North Tract Special Planning District" on April 24, 2004. In accordance with an revised agreement, dated ~~July 16, 2007~~ September 29, 2010, between the County and MR ~~Boundary Channel Monument View~~ Monument View LLC, providing for the exchange of certain property owned by the County and property owned by MR ~~Boundary Channel Monument View~~ Monument View LLC known as the Twin Bridges site, the County Board, pursuant to Section 36.H.5 of the Zoning Ordinance, and in order to facilitate the implementation of the North Tract Master Plan for Park and Recreational Facilities, has designated the property owned by the County and to be transferred to MR Monument View LLC as eligible for up to ~~19,362 square feet of commercial density (15,850 square feet of office and 3,512 square feet of retail) and 352 residential units~~ 145,797 square feet of additional development density over and above its base density."

[Board Report #42](#)

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43. REQUEST TO ADVERTISE AMENDMENT, RE-ENACTMENT, AND RE-CODIFICATION OF ALL CHAPTERS OF THE ARLINGTON COUNTY CODE TO UPDATE AND STANDARDIZE FORMATTING AND STYLING, AND TO CONFORM THE CODE TO PREVIOUSLY APPROVED COUNTY BOARD ACTIONS.

On the consent agenda vote, after a duly advertised public hearing, the Board authorized advertisement of a public hearing on September 17, 2011, to adopt the re-codified County Code to standardize formatting, correct errors and bring the Code into conformance with approved County Board actions.

[Board Report #43](#)

[Board Report #43-Attachment 1 \(Chapters 1-24\)](#)

[Board Report #43-Attachment 2 \(Chapters 25-46\)](#)

[Board Report #43-Attachment 3 \(Chapters 47-67\)](#)

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44. REQUEST TO ADVERTISE AN AMENDMENT TO ARLINGTON COUNTY CODE SECTION 27-7 CONCERNING FEES FOR DISHONORED CHECKS.

On the consent agenda vote, after a duly advertised public hearing, the Board authorized advertising for September 17, 2011, public hearing on Amendment to Arlington County Code Section 27-7 concerning fees for dishonored checks.

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

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

The uttering, publishing or passing of any check, ~~or draft,~~ or order for payment of any sums due to any agency of the Arlington County Government, which is subsequently returned for

insufficient funds or because there is no account or the account has been closed, or because such check, draft, or order was returned because of a stop-payment order placed in bad faith on the check, draft, or order by the drawer, shall be subject to a fifty dollar (\$50.00) fee for each occurrence.

[Board Report #44](#)

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- 45. AUTHORIZE THE COUNTY MANAGER TO EXECUTE THE SERVICES AGREEMENT WITH THE BALLSTON BUSINESS IMPROVEMENT CORPORATION AND APPROVE A REQUEST TO ADVERTISE AN AMENDMENT TO THE BOUNDARY OF THE BALLSTON BUSINESS IMPROVEMENT SERVICE DISTRICT.**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the subject item requests until the September 17, 2011 County Board meeting.

[Board Report #45 \(Revised Report-Revised Recommendation\)](#)

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OTHER

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- 46. AUTHORIZATION TO DONATE THE HISTORIC ARLINGTON LUSTRON HOME TO THE OHIO HISTORICAL SOCIETY (OHS) IN COLUMBUS, OHIO, IN ORDER FOR IT TO BECOME PART OF ITS PERMANENT COLLECTION, AND AUTHORIZATION OF A FINAL DONATION AGREEMENT TO TRANSFER THE PROPERTY TO THE OHS.**

On the consent agenda vote, after a duly advertised public hearing, the Board approved the donation of the Arlington Lustron Home to the Ohio Historical Society in Columbus, Ohio, in order for it to become part of its permanent collection, and authorize the County Manager to sign the final donation agreement to transfer the property to the OHS (Attachment A). [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-M- OHS" attached for the public record to these minutes.]

[Board Report #46](#)

[Addendum 7-9-11-M- OHS](#)

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- 47. AMENDMENTS TO THE COUNTY PURCHASING RESOLUTION TO ESTABLISH PROCEDURES GOVERNING THE USE OF DESIGN-BUILD AND CONSTRUCTION MANAGEMENT APPROACHES FOR CONSTRUCTION CONTRACTING.**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the proposed attached amendments to the Arlington County Purchasing Resolution to be effective upon the date of adoption by the County Board. [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-N- Purchasing Resolution" attached for the public record to these minutes.]

[Board Report #47](#)

[Addendum 7-9-11-N- Purchasing Resolution](#)

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48. SUBSTITUTION OF THE LETTER OF CREDIT SECURING THE COUNTY OF ARLINGTON VARIABLE RATE DEMAND REVENUE BONDS FOR THE BALLSTON PUBLIC PARKING PROJECT (THE "BONDS").

On the consent agenda vote, after a duly advertised public hearing, the Board approved the attached Resolution (Attachment A),

- i. Approving the terms and conditions of the PNC Bank, N.A.'s proposal to provide an alternative letter of credit to secure the Bonds;
- ii. Authorizing the County Manager and the Director of the Department of Management and Finance, or either of them, after legal review and approval by the County Attorney, to accept the proposal from the PNC Bank, N.A., which includes, but is not limited to the Reimbursement, Credit and Security Agreement and the Irrevocable Letter of Credit;
- iii. Authorizing the County Manager, and the Director of the Department of Management and Finance, or either of them, to execute on behalf of the County the Reimbursement, Credit and Security Agreement and such instruments, advancements or certificates necessary or appropriate to carry out the substitution of the existing Letter of Credit.

A RESOLUTION OF THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA AUTHORIZING THE SUBSTITUTION OF THE LETTER OF CREDIT IN CONNECTION WITH THE COUNTY OF ARLINGTON, VIRGINIA VARIABLE RATE DEMAND REVENUE BONDS (BALLSTON PUBLIC PARKING PROJECT)

WHEREAS, the County authorized and previously issued, pursuant to an Indenture of Trust, dated as of August 1, 1984 (the "Indenture"), between U.S. Bank National Association, as successor trustee (the "Trustee") and the County, \$22,300,000 aggregate principal amount of the County's Variable Rate Demand Revenue Bonds Ballston Public Parking (the "Bonds") to various purchasers;

WHEREAS, the Bonds are currently secured by a Letter of Credit (the "BOA Letter of Credit") issued by Bank of America, N.A. which expires on September 22, 2011; and

WHEREAS, the County proposes to replace with BOA Letter of Credit with a irrevocable direct pay letter of credit (the "2011 Letter of Credit") to be issued by PNC Bank, N.A. (the "Bank") pursuant to the terms of a Reimbursement, Credit and Security Agreement (the "Reimbursement Agreement") between the County and the Bank.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA:

1. Approval of the Terms and Conditions of the Bank's Proposal. The terms and conditions contained in the Bank's Proposal presented to the County Board on the date hereof, with such changes in terms and conditions that are in the County's best interests as may be negotiated and approved by the County Manager and the Director of the Department of Management and Finance, either of whom may act, are approved.

2. Authorization of the Alternate Reimbursement Agreement. The County Manager and the Director of the Department of Management and Finance, either of whom may act, are authorized to negotiate and approve the Reimbursement Agreement, containing such provisions as may be approved by the County Manager and the Director of the Department of Management and Finance, or either of them, whose approval shall be evidenced conclusively by the execution and delivery of the Reimbursement Agreement. The execution and delivery of and performance by the County under the Reimbursement Agreement are authorized.

3. Execution of Documents. The Chairman and the Vice Chairman of the County Board, the County Manager and the Director of the Department of Management and Finance, or any of them, are authorized to execute on behalf of the County the Reimbursement Agreement, and, if required, the County Manager and the Clerk of the County Board are authorized and directed to affix or to cause to be affixed the seal of the County to the Reimbursement Agreement and to attest such seal. The Chairman and the Vice Chairman of the County Board, the County Manager and the Director of the Department of Management and Finance or their designees are authorized to execute and deliver on behalf of the County such instruments, documents or certificates, including but not limited to a continuing disclosure agreement, financing statements, amendments to financing statements, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Reimbursement Agreement; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.

4. Disclosure Documents. The County Manager and the Director of the Department of Management and Finance, or either of them, is authorized and directed to prepare, execute, if

required, and deliver an addendum or supplement ("Addendum") to the Placement Memorandum with respect to the Bonds, if deemed necessary or advisable by such officers. The use and distribution of any such Addendum to the Placement Memorandum is authorized and approved. Any such Addendum to the Placement Memorandum shall be published in such publications and distributed in such manner, including by electronic distribution, at such times as the County Manager, or such officers and agents of the County as he may designate, shall determine.

5. Effective Date. This Resolution shall take effect immediately.

[Board Report #48](#)

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49. BUCKINGHAM VILLAGE PARK

- A. Construction agreement between the County Board and Paradigm Development Company (PDC), Buckingham Commons II Associates, LLC, Buckingham Market Apartments, LLC, Buckingham Parcel D Associates, LLC, and Buckingham M.I. Apartments, L.P. for the construction of a public park on County-owned land.

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the County Manager to execute the Construction Agreement between the County Board and PDC, Buckingham Commons II Associates, LLC, Buckingham Market Apartments, LLC, Buckingham Parcel D Associates, LLC, and Buckingham M.I. Apartments, L.P., to obtain bids, enter into a construction contract, and perform construction management of the selected general contractor that may construct the Park Project, subject to the final review and approval of the Construction Agreement by the County Attorney. [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-N.1.- Construction Agreement" attached for the public record to these minutes.]

[Board Report #49.A.](#)

[Addendum 7-9-11-N.1.- Construction Agreement](#)

- B. Name Recommendation for New Public Park at Buckingham Village I.

On the consent agenda vote, after a duly advertised public hearing, the Board named the new public park at Buckingham Village I "Henry Wright Park" as recommended by the Park and Recreation Commission.

[Board Report #49.B.](#)

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50. MINUTES

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

June 11, 2011	Regular Meeting
June 14, 2011	Recessed Meeting

REGULAR HEARING ITEMS

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51. ADOPTION OF THE PHASE 1 HISTORIC RESOURCES INVENTORY (HRI) LIST OF RANKED HISTORIC GARDEN APARTMENTS, SHOPPING CENTERS, AND COMMERCIAL BUILDINGS.

Following a duly advertised public hearing at which there were speakers, on a motion by CHRISTOPHER ZIMMERMAN, Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member - Aye, the Board adopted the Phase 1 Historic Resources Inventory (HRI) list of ranked historic garden apartments, shopping centers, and commercial buildings (Attachment A) with direction to the Manager to move the property at 3401 Fairfax Drive from the demolished list temporarily and to consider moving the property located at 4800 31st St. South from the "important" to the "essential" category, and to bring recommendations on both of these properties back to the Board at a later date. [Clerk's note: as set forth in the document entitled "Addendum 7-9-11-O- HRI" attached for the public record to these minutes.]

[Board Report #51](#)

[Addendum 7-9-11-O- HRI](#)

ADJOURNMENT

Without objection, at 11:13 a.m., the Board recessed until the July 12, 2011 Recessed Meeting.

CHRISTOPHER ZIMMERMAN, Chairman

ATTEST:

ILENE MUHLBERG, Deputy Clerk
Approved: September 17, 2011