

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, April 28, 2009 at 3:00 p.m.

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

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

* arrived at 3:03 p.m.

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COUNTY BOARD BUSINESS AND REPORTS

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I. COUNTY BOARD REPORTS

The Chairman announced the Notable Tree Program and welcomed guests from the Arlington County Beautification Committee to present this year's awards. This dedicated group of volunteers work to enhance the appearance and environmental sustainability of Arlington. The committee has also worked with the Department of Parks, Recreation and Cultural Resources to manage Arlington's Notable Tree Program since 1987. The Chairman invited Ms. Lola Rogers to the podium to present the 2009 Notable Tree Awards. 2009 award winners: Arlington Presbyterian Church, Dominion Hills Recreation Association, Wendy Zenker, Liza Hodskins, Debbie Sheetz, Len and Patty Campbell, Charise White, Fairlington Glen, Maril Olson, Russell Thrall, Michelle Stefanick, Black Oak Cluster Civic Association, Jeffery Marcoe, Rock Spring Congregational Church, Brian Madden, Our Lady Queen of Peace Church, Barbara Giesler, James Hartley, Jeanne Franklin, and Richard and Annabelle Nelson

The Chairman announced that April 30, 2009 is Arbor Day.

The Chairman announced that April is Child Abuse Prevention Month.

The Chairman announced that April 12 through 18 was National Public Safety Telecommunications Week.

The Chairman announced that March 27th was the kick-off for the Yorktown High School Fast Pitch Softball Team fundraising project. The team raised funds for breast cancer awareness and research. Funds raised will be donated to the Susan McGowan Breast Health Fund and the Susan G. Komen Fund.

The Chairman announced that Garnet Robins-Baughman and the Homes by Garnet Team at Keller Williams have an initiative to benefit Doorways for Women and Families. When an individual buys a new home with them, they will donate 1% of the purchase price to Doorways for Women and Families. The initiative will take place from May 22 thru May 31, 2009.

The Chairman announced that Arlington signed a Friendship Agreement with the Ukraine city of Ivan-Frankivsk on April 22, 2009.

The Chairman announced that the County Board recognized county government volunteers at the Annual Volunteer Appreciation Reception. Those wanting to get more actively involved in the community should visit www.arlingtonva.us and select Topics: Community & Citizen Participation.

Mr. Tejada announced the Army Community Covenant which was designed to strengthen the ties between Arlingtonians and military families. Mr. Tejada welcomed the Garrison Commander of the Fort Myer military community, Col. Laura Richardson. Col. Richardson presented the Covenant to the County Board.

Mr. Tejada announced the “All Hands Food and Clothing Drive” on March 28, 2009 sponsored by the Arlington Community Volunteer Network. Individuals interested in joining the Arlington Community Volunteer Network should call 703-228-1760 or visit their website www.arlingtonva.us/cvn.

Mr. Fisette announced National Peace Officers Day Memorial Day on May 15. One of the preceding events is the 9th Annual Police Unity Tour of Virginia from May 10-12. Riders in the Tour bike approximately 250 miles across Virginia. The following are Arlington Police Officers that will participate in the event: Corporal Eric Bonetti and Corporal Thomas Jessup. For more information visit www.policeunitytour.org.

Mr. Zimmerman announced the Economic Development Strategic Plan “Arlington’s Framework for Prosperity” presented by the Arlington Economic Development Commission (EDC) members Jerry Norris and Bryant Monroe.

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the County Board expressed its appreciation for the work of the Economic Development Commission, in partnership with the Department of Economic Development, dedicated to the preservation and enhancement of an economically competitive and sustainable community, most recently evidenced by the Commission’s “Framework for Prosperity.” The Board took the following actions:

1. Accepted the “Framework for Prosperity”; and
2. Referred the “Framework for Prosperity” to the County Manager and directed him to review the document, develop recommendations, and propose options for implementation, as may be appropriate; and,
3. Requested that the Economic Development Commission continue to provide analysis and advice to the County Board on key topics identified by the Commission in the “Framework”.

[Board Report - Economic Development Strategic Plan](#)

[Arlington’s Framework for Prosperity](#)

Ms. Hynes announced Arlington’s new retail promotion campaign, “Shop Local: Shop Arlington” created by the Department of Economic Development. For more information visit ShopArlington.org.

Mr. Fisette introduced a report before the Board to apply for state funds to assist in the relocation of the Defense Advanced Research Agency (DARPA) from Virginia Square to Ballston.

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

1. Authorized the County Manager to submit a grant application to the Virginia National Defense Industrial Authority to request funds which will be used to assist in the relocation of the Defense Advanced Research Agency (DARPA) from Virginia Square to Ballston.
2. Contingent upon grant award, appropriated in FY 2010 up to \$10,000,000 in grant revenue to the Department of Economic Development for the costs associated with the project.
3. Authorized the County Manager to execute the grant agreement subject to County Attorney review.

[Board Report - Virginia National Defense Industrial Authority](#)

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II. [APPOINTMENTS](#)

Ms. Hynes introduced a report before the Board to expand the membership of the Arlington Commission on Long-Term Care Residences membership to up to 15 voting members.

On motion by MARY HUGHES HYNES, Member, seconded by BARBARA A. FAVOLA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board amended the Arlington Commission on Long-Term Care Residences charter as follows to expand membership to a maximum of 15 voting members:

CHARTER
Arlington Commission on Long-term Care Residences

I. CHARGE

The charge to the Arlington Commission on Long-Term Care Residences (ACLTCR) is to:

- A. enhance the quality of care and quality of life in long-term care residences in Arlington County;
- B. advise public officials about long-term care needs in Arlington County;
- C. support access, availability, and affordability in long-term care residences in Arlington County.

For purposes of the ACLTCR, the term long-term care residences includes, but is not limited to, nursing and rehabilitation centers, continuing care retirement communities, assisted living residences, and independent senior housing. It does not include group homes or ICF/MR facilities.

The Arlington Commission on Long-term Care Residences (ACLTCR) has the responsibility to observe and monitor practices and trends in long-term care residences in Arlington County, to apprise the County Board, to encourage or recommend positions as appropriate, and to otherwise perform its duties and responsibilities consistent with County rules and regulations.

This Charter provides a foundation for ACLTCR action against which its initiatives might be assessed and modified as appropriate. It outlines a broad course of action, which should be assessed periodically and modified as needed. This Charter should be considered dynamic and sufficiently flexible to meet new, unanticipated issues.

II. COMMISSION GOALS & OBJECTIVES

The ACLTCR will pursue the goals and objectives identified below

- A. Assess the quality of care and quality of life in long-term care residences in Arlington County
 - 1. Monitor the development, operation, and assessment of care and services provided in Arlington County long-term care residences, including:
 - a. Receive from residences periodic inspection reports conducted by the state licensing agencies.
 - b. Review Ombudsman program facility complaint records.
 - c. Perform site visits for fact-finding, discussion or other non-regulatory purposes, to include monitoring sufficiency and appropriateness of staffing levels.
 - 2. Identify strengths and problems in residences and report to appropriate agencies/officials.
- B. Educate public officials and the community about long-term care needs in Arlington County
 - 1. Inform the County Board about long-term care issues in Arlington County and suggest actions as appropriate through written reports and by inviting the Board liaison to meet with the ACLTCR periodically.
 - 2. Inform officials at the local, regional, state and federal levels, as appropriate.
 - 3. Educate the community on the needs of residents, long-term care options and other matters affecting long-term care residences.
 - 4. Encourage development of long-term care residences to meet identified needs. This will require coordination with other County commissions, including Planning Commission, Housing Commission, and Commission on Aging.
 - 5. Seek volunteers to serve (or contribute) on long-term care advisory/volunteer bodies.

6. Review, evaluate, and comment on development proposals for retirement and long-term care residences in Arlington.

7. Maintain ongoing liaison with other public bodies, such as the Commission on Aging and the Disability Advisory Commission, and collaborate with other Arlington County boards and commissions to address long-term care residence needs.

C. Promote access, availability and affordability in long-term care residences in Arlington County

1. Promote positive relationships among residents, families, long-term care residences, ombudsmen, and the broader community through resident councils, family councils, and community advisory councils.

a. Consider optimal ways to integrate the community with long-term care residences.

b. Appoint two members to each of the current and future Community Advisory Councils.

c. Develop a prototype agenda and set of expectations for advisory bodies that are linked to the ACLTCR.

d. Investigate models for community advisory councils and other advisory bodies for long-term care residences and promote adoption and implementation of such bodies in Arlington long-term care residences.

2. Monitor and comment on proposed policy and legislation (federal, state, regional and local), which might affect long-term care residences, its clients and their families.

3. Receive periodic briefings from County staff on supply of and demand for long-term care residences, demographic changes in the County populations, and other factor affecting long-term care.

D. Develop a process and procedures for intervention to ensure long-term care residences abide by stated commitments to Arlington County, residents, and the community.

1. Sponsor or convene educational/training programs in collaboration with long-term care residences, County agencies/advisory bodies, community organizations, or other stakeholders.

2. Report to appropriate agencies those residences for which substantial concerns exist about the quality of care.

3. Recommend actions County officials and/or staff might take to alleviate the problems.

4. Report to the County Board as necessary.

III. COMMISSION PROCEDURES

A. Membership

1. The ACLTCR will be comprised of a minimum of nine (9) and a maximum of fifteen (15) voting members.

2. Each member shall be appointed by the County Board for a term of three years.

3. Commissioners may be reappointed to a second consecutive term. Commissioners may not serve a third consecutive term. After a one-year absence from the ACLTCR, a person may be appointed to a new term of three years, with the possibility of a second consecutive term.

4. Membership shall be consistent with Arlington County requirements for other Commissions, as noted in the Arlington County Advisory Group Handbook

5. Ex-officio members will include: (a) a representative from the Commission on Aging (CoA) and (b) a representative from the Northern Virginia Long-term Care Ombudsman program. The CoA and the Ombudsman program will each nominate annually a representative to serve

in this capacity.

B. Officers of the Commission

1. The ACLTCR will elect from among its members a Chair and Vice-Chair.
2. Terms of office:
 - a. The term of the Chair is for one year. A Chair may be re-elected to two (2) subsequent terms. The Chair will follow the Roles and Responsibilities for Advisory Group Chairmen as stated in the Arlington County Advisory Group Handbook.
 - b. The term of the Vice Chair is for one year. A Vice Chair may be re-elected to two (2) subsequent terms. The Vice Chair will follow the Roles and Responsibilities for Advisory Group Members as stated in the Arlington County Advisory Group Handbook.

C. By-laws

1. The initial ACLTCR will develop by-laws to govern the operation of the group.
2. The by-laws may be revised or amended by a majority vote of all members of the commission.

D. Frequency of Meetings

1. The ACLTCR will meet monthly, unless otherwise decided by a majority of voting members.
2. The Chair may call special meetings as necessary.

[Board Report - Arlington Commission on Long-Term Care Residences Membership](#)

On motion by BARBARA A. FAVOLA, Chairman, and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board made the following appointments:

Emergency Medical Services Council

Reappoint Jean Mostrom and designate as a Civic Federation representative

Environment and Energy Conservation Commission

Appoint Scott Sklar
Bree Raum

Fire Trial Board

Reappoint Sarah Higginbotham

Fiscal Affairs Advisory Commission

Appoint Sarah A. Godlewski

Commission on Long Term Care Residences

Appoint Margaret Johnston
Reappoint Diane Mehlinger

Park and Recreation Commission

Reappoint Chris Hulett

Commission on the Status of Women

Appoint Atima Omara-Alwala

Sesquicentennial of the American Civil War Committee

Appoint Sandra Green

Craig Syphax

Citizens Advisory Commission on Housing

Appoint Holly Bray
William Rafael Gil

Sports Commission

Appoint Craig Esherick
Ben Danforth
Victoria Cieplak

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III. REGIONAL REPORTS

Mr. Fisette announced that at his Council of Governments (COG) Board meeting, COG took on the responsibility of collating and collecting information regarding the Stimulus Bill. Additionally, COG will convene government officials and stakeholders to identify common interests concerning the Stimulus Bill. The COG Board also approved the creation of the COG Climate, Energy and Environment Policy Committee tasked with guiding implementation of recommendations in the Climate Change Report put out by COG earlier in the year. The COG Board adopted a resolution supporting a regional plastic bag environmental impact study. The study will take place over the next three months. A report will be prepared regarding: (1) best practices developed elsewhere, (2) analysis of data in the region, and (3) options for regional actions. Finally, COG Board Chair Penny Gross sent a letter to Congressman Connelly, Congressman Sarbanes, and Congressman Wolf expressing the support of COG for the new proposed Telework Improvements Act in an effort to reduce congestion and improve air quality.

Ms. Hynes announced that at the COG Aviation Policy Committee last month the Committee prepared a letter to be signed by Chairman Gross related to slots at National Airport. Ms. Hynes learned that when planning was done for parking at National Airport spaces were created based upon the slot perimeter rule and changing that rule in a significant manner could have a negative impact on Arlington. Ms. Hynes suggested that the Board may want to reiterate Arlington's position relative to the slot rule to Senator Warner.

Mr. Zimmerman announced a regional application for Stimulus Bill funds for a transit project that would use the regions existing infrastructure more efficiently and deliver greater transit service through bus. Last week, the WMATA Board endorsed this effort.

Mr. Zimmerman announced that the Metro budget is coming down to the wire. The Metro Board is meeting on Thursday to finalize the budget that will then be sent out to the jurisdictions. The budget will ultimately be adopted in June. Hearings regarding the budget have been held around the region.

Mr. Zimmerman announced that there will be a forum on Thursday night at 7:00 p.m. regarding Arlington transit at the Arlington Career Center. Staff will be discussing changes to the ART service.

Mr. Tejada announced that at the Council of Governments Human Service and Public Safety Policy Committee meeting an official report was presented on the 2009 Point In Time Homelessness and Immigration for the Washington Metro Region. Mr. Tejada reports that this is an imperfect tool but it gives individuals a good idea of the regions climate. 2009 saw a 24.6% increase in homeless population. Employment figures show that 23% of homeless single adults are employed and 43% of homeless adults with families are employed in the Washington Metropolitan Region.

Mr. Tejada announced that on Thursday, April 30 the Washington Metropolitan Council of Governments will hold a press conference to kick-off the U.S. 2010 census.

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IV. COUNTY MANAGER REPORT

The County Manager reported on the swine flu. Information regarding the swine flue can be found on the County's website. Dr. Ruben Varghese, Public Health Director, gave the Board a brief status report on the

swine flu in the Nation and in Arlington County.

The County Manager, with the assistance of Cynthia Richmond, reported on Arlington's Economic Indicators. The County Manager provided the Board with a preliminary draft of the economic indicators.

[Preliminary Draft Arlington Economic Indicators](#)

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

On motion by BARBARA A. FAVOLA, Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board met in a closed meeting from 5:07 p.m. to 6:34 p.m., as authorized by §§2.2-3711.A.3 and 7 of the Virginia Code, for the purposes of discussing one matter involving the acquisition of real property for public purposes where public discussion would adversely effect the County's bargaining position, and two matters requiring consultation with the County Attorney concerning the County Board's responsibilities under State law and the service agreements with the business improvement service districts in Rosslyn and Crystal City, and the claim of Sigal Construction Company.

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

Member & Vote

- Ms. Favola - Aye
- Mr. Fisetete - Aye
- Ms. Hynes - Aye
- Mr. Tejada - 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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COUNTY BOARD RECESSED MEETING

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THE FOLLOWING ITEMS TO BE HEARD BEGINNING AT 6:30 P.M.

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CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, APRIL 25, 2009)

Ms. Favola announced her declaration of personal interest pursuant to Section 2.2-3115.G in the use permits applied for by the James G. Davis Construction Corporation for accessory parking at the Mt. Salvation Baptist Church and the St. Peter's Episcopal Church (Items #17.A. & B.). The parking is for construction workers to park their personal vehicles while working on a project at Marymount University. Ms. Favola is employed by the University; however, under the State and Local Government Conflicts of Interest Act, because she is a member of a group who are all affected by the approval of the use permits, she was able to participate in the discussions and votes concerning the use permits, and can do so fairly, objectively, and in the public interest.

On motion by BARBARA A. FAVOLA, Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member

- Aye, the Board approved the County Manager's recommendation for all consent items in block except #2, #4, #5, #6.A., #8, #9, #10, #26, #36, and #37

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SITE PLANS/AMENDMENTS/REVIEWS

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1. SP #108 SITE PLAN AMENDMENT TO MODIFY THE COMPACT PARKING RATIO, FOR PROPERTY KNOWN AS THE AMELIA AND LOCATED AT 816 N. OAKLAND ST. (RPC #14-041-187).

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

BE IT ORDAINED that, pursuant to application SP #108 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to modify the compact parking ratio for the parcel of real property known as 816 N. Oakland Street (The Amelia) (RPC #14-041-187), approval is granted and the parcel so described shall be used according to the approval requested by the application.

[Board Report #1](#)

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2. SP #218 SITE PLAN AMENDMENT: LPC COMMERCIAL SERVICES, INC., MODIFY CONDITION #33 REGARDING CONSTRUCTION PHOTOGRAPHS AND SITE COMPLETION PHOTOGRAPHS; 4501 N. FAIRFAX DR. AND 1005 N. GLEBE RD. (RPC# 14-016-018 AND -019).

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

BE IT ORDAINED that, pursuant to application SP #218 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to modify condition #33 regarding construction photographs and site completion photographs for the parcel of real property known as 4501 N. Fairfax Drive and 1005 N. Glebe Road (RPC #14-016-018 and -019), 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 #33:

33. The developer agrees to produce a photographic record of Phase II development starting with a record of the site as it appears before demolition is begun, including photographic records during construction, and ending with a photographic record of the development as it appears after completion of construction. These photographs shall comply with the following specifications:

All photographic records shall be taken using black and white film. Submission of negatives and a photo contact sheet shall be the minimum acceptable standard; 8 inch by 10 inch prints are preferred. Color slides may be submitted in addition to black and white photographs and negatives. The photographic record shall include the following:

Before Clearing, Grading and Demolition - Views of the north, south, east, and west facades of buildings to be demolished, as location permits, as well as at least one (1) photograph of the site before any clearing or grading including the existing physical relationship with adjacent buildings and streets.

Site Clearance - Views of the cleared site facing north, south, east, and west, as location permits, with adjacent buildings and streets included.

Construction Phase (shall be submitted before issuance of the shell and core certificate of occupancy permit) - At a minimum, views of the site during

excavation, completion of the first floor above grade, topping out, and during the exterior cladding phase.

Site Completion - North, south, east, and west facades of completed building or buildings, as well as at least one (1) view of the completed project in context with adjacent buildings and streets.

The photographic record of the site as it appears before demolition shall be delivered to the Zoning Administrator prior to issuance of a clearing, grading or demolition permit. The remaining records shall be delivered to the Zoning Administrator before issuance of a master certificate of occupancy for placement in the County archives. If the "Fast Track" Permit Process (as defined in the brochure "The Fast Track Permit Process" published by Arlington County, May, 1990, and available from the Arlington County Inspection Services Division) is selected by the developer, the site clearance and construction phase photographs shall be submitted before issuance of the footing to grade structure permit, the construction phase photographs showing any construction to grade shall be submitted before the final building permit, and the construction phase photographs showing all construction above grade and the site completion photographs shall be submitted before issuance of the master certificate of occupancy. The requirement for submission of the Site Clearance and Construction Phase photographs shall be satisfied with the acceptance of the Site Completion photographs by the Zoning Administrator.

[Board Report #2](#)

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- 3. **SP #231 SITE PLAN AMENDMENT TO REVISE CONDITION #84 ALLOWING MODIFICATION OF THE TIMING AND REQUIREMENTS FOR THE GARAGE CLOSURE AND BICYCLE STORAGE FACILITY LOCATED AT 1401 NORTH ADAMS STREET (RPC: 18-005-042, -053).**

On block vote, the County Board deferred the site plan amendment request to revise Condition #84 to modify the timing and requirements for the garage closure and bicycle storage facility for two (2) months to the June 13, 2009 County Board meeting.

[Board Report #3](#)

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- 4. **SP #269 SITE PLAN AMENDMENT: CARIBBEAN BREEZE, LIVE ENTERTAINMENT AND DANCING; 4100 N. FAIRFAX DRIVE, (RPC #14-046-025).**

On motion by BARBARA A. FAVOLA, Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which there were no speakers, the Board deferred the site plan amendment request for live entertainment and dancing to the May 16, 2009 County Board meeting.

[Board Report #4](#)

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- 5. **SP #328 SITE PLAN AMENDMENT, NEW TOWER TRUST COMPANY MULTI EMPLOYER TRUST, TEMPORARY CONVERSION OF APPROXIMATELY 2,430 SQUARE FEET FROM RETAIL TO A COMMERCIAL USE LIMITED TO INSTITUTION OF AN EDUCATIONAL NATURE; 1515 N. COURTHOUSE ROAD (RPC# 17-012-021).**

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which there were no speakers, the

Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application SP #328 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for temporary conversion of approximately 2,430 square feet from retail to commercial use limited to an institution of educational nature for a period of five (5) years (April 2014) for the parcel of real property known as 1515 N. Courthouse Road (RPC #17-012-021), 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 new conditions #54 and #55:

54. The developer agrees that the temporary conversion of approximately 2,430 square feet of retail space (as shown on the floor plan dated February 13, 2009) to use by an institution of an educational nature shall not continue beyond five (5) years from the April 25, 2009 County Board meeting, and that on or before April 25, 2014 the 2,430 square feet of space shall revert to retail use, without further action by the County Board.
55. The applicant agrees that the portion of the retail storefront of the space (2,430 square feet) that is located between three and eight feet from existing grade, shall be at least 80 percent transparent, with a final window design plan to be approved by the County Manager or his designee as consistent with this condition, prior to the issuance of a building permit. The purpose of this condition is to allow pedestrians to view the activity within the space and to allow persons within the space to view activity on the sidewalk and street. "Transparency" shall mean using glass or other transparent exterior material offering a view into an area of the space where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, or the like.

[Board Report #5](#)

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6. POTOMAC YARDS

- A. [SP #346 Site Plan Amendment to modify conditions #69.b. regarding the timing of final Design Review by U.S. Green Building Council and #34 to eliminate the requirement to provide parking garage doors at 2800 and 2850 S. Potomac Ave. \(Land Bay B\) \(RPC # 34-027-066\)](#)

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a duly advertised public hearing, at which there were no speakers, 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 to modify conditions #69.b. regarding the timing of final Design Review by the U.S. Green Building Council and #34 to eliminate the requirement to provide parking garage doors for the parcel of real property known as 2800 and 2850 S. Potomac Avenue (Potomac Yard, Land Bay B) (RPC #34-027-066), 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 conditions #34 and #69.b.:

Façade Treatment of Buildings

34. The developer agrees that the design of the facade treatment for the buildings and the materials to be used on the facades shall be as specified and shown on the submitted drawings identified in Condition #1 and as presented to the County Board and made a part of the public record on the County Board date identified in Condition #1, including all renderings, drawings, and presentation boards presented during public hearings. The developer agrees to submit colored drawings and renderings which label the materials and colors for each elevation of the building, including interior elevations (e.g. elevations adjacent to interior courtyards, plazas and access drives), and material samples, for review by the County Manager for consistency with this site plan approval prior to the issuance of the Footing to Grade Permit. The developer further agrees to obtain the approval of the County Manager of the façade treatment as being consistent with the County Board approval before the issuance of the Final Building Permit. The façade treatment for the buildings shall provide details

of the wall design located above the outdoor deck on 29th Street South at the terminus of North Park Plaza, including, but not limited to, the dimensions, height, materials and color of materials to be used on the wall_design. The final color to be used on the transition metal tower element shall be reviewed and approved by the County Manager prior to the issuance of the first Certificate of Occupancy for the site plan.

The developer agrees that all retail storefronts along public rights-of-way are required to have an overall minimum transparency of 50% as measured from floor to ceiling. In addition, the portion of the retail storefront that is located between three and eight feet from grade is required to be at least 80% transparent or as a percentage of transparency shown in the drawings dated November 28, 2007 and as approved and made a part of the public record on December 15, 2007. The purpose of this condition is to allow pedestrians to view the activity within the retail establishment and to allow patrons and employees of the retail establishments to view the activity on the sidewalk and street. "Transparency" shall mean using glass or other transparent exterior material offering a view into an area of the retail establishment where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like. Provided that the exterior material is glass or other transparent material, a tenant may apply to the County Board for a site plan amendment to grant an exception to this condition for a specified duration.

LEED Credits and Sustainable Design Elements

69. a. The developer agrees to contract with 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 system for LEED certification. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for at least a LEED Certified rating as outlined by the U.S. Green Building Council's LEED for New Construction (LEED-NC) rating system. Further, the developer agrees to register the project with the USGBC and submit the necessary fees and documentation for the full USGBC LEED review and certification. In addition, the developer agrees to implement a green hotel management program as part of its housekeeping services. Documentation describing the program shall be submitted to the County Manager prior to the issuance of the Certificate of Occupancy for hotel occupancy. For the commercial lighting areas of the hotel projects (lobbies, corridors, stairwells, common rooms, fitness rooms, office, etc.), the developer agrees to incorporate interior lighting in order to maximize energy efficiency. Strategies may include, but are not limited to, daylighting, efficient fixtures, bulbs, motion and light sensors, interior design (paint color), etc). The US Green Building Council's LEED for Commercial Interiors (LEED-CI) credit for *Optimizing energy Performance: Lighting Power* should be used as a goal. Fifty (50) percent of the light bulbs in hotel guest rooms shall be energy efficient, and the energy efficient bulbs shall be fluorescent or compact fluorescent. The developer shall submit to, and obtain approval of, the County Manager, or his designee, the lighting strategies used including a listing of lighting fixtures, bulbs, and components prior to issuance of the Core and Shell Certificate of Occupancy.
- b. 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:
- 1) Clearing, Grading & Demolition Permit
 - 2) Excavation, Sheeting and Shoring Permit
 - 3) Footing to Grade Permit
 - 4) Final Building Permit
 - 5) Shell and Core Certificate of Occupancy (prior to issuance of the Shell and Core Certificate of Occupancy, the applicant shall have submitted and received final Design Review for the LEED components from the US Green Building Council. The results of the final LEED Design Review must be submitted to the County Manager or his designee prior to issuance of the Shell and Core Certificate of Occupancy.)
 - 6) Partial Certificate of Occupancy for occupancy for guest use.
 - 7) Master Certificate of Occupancy

- c. Prior to the issuance of the of the first Certificate of Occupancy for hotel and/or retail occupancy of the building, the developer agrees to provide the County Manager documentation of a submission to the U.S. Green Building Council for at least the LEED Certified rating for New Construction (LEED-NC). Prior to the issuance of the Master Certificate of Occupancy, the developer agrees to provide the County Manager documentation that the project received at least the LEED Certified rating under the U.S. Green Building Council's LEED for New Construction (LEED-NC) rating system. Pursuant to Condition #57 above, if the developer requests to extend the timeframe for obtaining the Master Certificate of Occupancy, then the extension request shall include documentation that it made a submission to the U.S. Green Building Council (USGBC) for at least the Certified rating for New Construction (LEED-NC). The County Manager or his designee may approve such extension if he finds that the developer is diligently continuing completion of the project and/or is awaiting certification from the USGBC for at least the Certified rating for LEED-NC.

If the developer fails to receive at least LEED Certification from the U.S. Green Building Council (USGBC) by the timeframe identified above, then the developer agrees to make a contribution to the County's Green Building Fund of \$13,200 (\$0.03 X 440,000 square feet). The payment shall be made to the Department of Environmental Services and evidence of compliance with this condition shall be provided to the Zoning Administrator in the form of a letter at the time of payment.

Furthermore, the developer agrees to permit the County Manager or his designee 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 A](#)

- B. SP #346 Site Plan Amendment to revise condition #1 allowing extension of time to submit building permit for two land bays and park concept design plan. Property is located at Jefferson Davis Highway, 3400 Potomac Ave., and Crystal Drive (Land Bays D-East, D-West, and Center Park North, RPC# 34-027-045, -059 and 34-027-062, -070).

On block vote, the County Board deferred consideration of the subject site plan amendment request to the July 11, 2009, County Board meeting.

[Board Report #6 B](#)

- C. SP #346 Site Plan Amendment: live entertainment and dancing for McGinty's Public House, 3650 S. Glebe Road (Land Bay F, RPC: 34-027-322).

On block 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 live entertainment and dancing for the parcel of real property known as 3650 S. Glebe Road (McGinty's Public House) (The Eclipse at Potomac Yard) (RPC #34-027-322), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the following conditions, and with a County Board review in one (1) year (April 2010):

1. The applicant agrees that live entertainment will be limited to seven (7) days a week, from 5 p.m. to 1:30 a.m., with additional hours on Sunday from 11 a.m. to 3 p.m.
2. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal's Office, the Police Department, Community Code Enforcement Office and the Alcohol Beverage Control Board.
3. The applicant agrees that live entertainment shall meet the noise limits established in the County Noise Ordinance.
4. The applicant agrees to ensure that all windows and doors shall remain closed when live entertainment is being offered. The applicant agrees that no live entertainment shall be permitted outdoors, and further

agrees to ensure that live entertainment performances inside the restaurant will not be broadcast to the exterior of the restaurant over the restaurant's audio system.

5. No customer dancing shall occur without the applicant first obtaining approval of a dance hall permit.
6. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Eclipse Condominium Building.
7. The restaurant live entertainment use shall terminate upon the termination of the current tenant lease or upon vacation of the current tenant from the subject site and shall not transfer to any other tenant without subsequent approval by the County Board of a new site plan amendment request.

[Board Report #6 C](#)

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7. SP #371 SITE PLAN AMENDMENT 1800 WILSON BOULEVARD, LLC, RESTAURANT OUTDOOR SEATING; 1800 WILSON BLVD. (RPC #17-010-038, -040 THROUGH -194).

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

BE IT ORDAINED that, pursuant to application SP #371 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan for restaurant outdoor seating for the parcel of real property known as 1800 Wilson Boulevard (Café Assorti) (RPC #17-010-038, -040 through -194), 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) modified condition #68, the following four (4) new conditions #1 through #4, and with a County Board review in one (1) year (April 2010):

Modified Condition:

68. Outdoor cafes shall be permitted in the public right-of-way or within public easements along Wilson Boulevard and the area of the future North Quinn Street extension, including the plaza at the corner of Wilson Boulevard and the future North Quinn Street, in accordance with the applicable provisions of the Zoning Ordinance, with a maximum seating area and all other applicable requirements as set forth in the Zoning Ordinance and as determined by the Zoning Administrator. A minimum of 6 feet of clear sidewalk width must be maintained along Wilson Boulevard and the future North Quinn Street extension. Plans for all outdoor cafes shall be subject to prior administrative approval by the Zoning Administrator for consistency with County ordinances, regulations and policies. Any outdoor café shall be administratively reviewed one year following its approval to evaluate it after a season of operation. At that time, the Zoning Administrator may review the approval, impose conditions on the operation of the outdoor café, or revoke the prior approval.

New Conditions (applicable to outdoor seating at the plaza at the corner of Wilson Blvd. and the future N. Quinn St. extension only):

1. The outdoor seating area is permitted on the plaza on Wilson Boulevard as shown on the plans entitled "Exterior Seating" dated February 17, 2009. The seating area shall leave a minimum of six (6) feet of clearance width along all sidewalks for pedestrians. The outdoor seating shall be limited to a maximum of 18 tables with a maximum total seating capacity of 56 seats.
2. The applicant agrees that any use of umbrellas in the outdoor seating area shall not contain any signs or interfere with pedestrian movement along the sidewalk. No outdoor fixtures shall display any sign messages unless a sign permit has been approved by the Zoning Office.
3. The applicant agrees that all tables, chairs, and barriers shall be located at least one (1) foot from the outer circumference of the public artwork at the plaza. All umbrellas, when extended, must be at least three (3) feet away from the outer circumference of the public art. The applicant agrees at that if the County Manager

finds that any portion of the outdoor seating has an adverse impact on the public art at the plaza, the applicant shall immediately, upon receipt of notice from the County Manager, carry out any recommendation to reconfigure or reduce the outdoor seating.

4. The proposed plaza outdoor seating is subject to review and modification as requested by the County at the time of the construction of North Quinn Street and/or the adjacent property, 1716 Wilson Boulevard. The applicant agrees to submit a modified plan for the plaza outdoor seating within 60 days of receiving notification of construction from the developer of the adjacent property at 1716 Wilson Boulevard or a letter from Arlington County for the construction of the North Quinn Street road extension.

[Board Report #7](#)

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8. [**SP #387 SITE PLAN AMENDMENT: GLEBE ROAD RESIDENTIAL, LLC, AMEND CONDITION #11 REGARDING TIMING OF CONSTRUCTION ACTIVITY: 2400 S. 24TH ROAD, 2485 S. GLEBE ROAD \(RPC #32-024-003\).**](#)

On motion by BARBARA A. FAVOLA, Chairman, seconded by MARY HUGHES HYNES, Member and carried by a vote of 4 to 1, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, J. WALTER TEJADA, Member - No, after a duly advertised public hearing, at which there were no speakers, the Board approved the following ordinance with the understanding that the noise permit exception will be granted on a weekly basis with monitoring by staff:

BE IT ORDAINED that, pursuant to application SP #387 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to amend condition #11 regarding timing of construction activity for the parcel of real property known as 2400 S. 24th Road, 2485 S. Glebe Road (RPC #32-024-003), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to the understanding that the noise permit exception will be granted on a weekly basis with monitoring by staff, all previously approved conditions, and the following revised condition #11:

11. The developer agrees to comply with the following before issuance of the Clearing, Grading, and Demolition Permit and to remain in compliance with this condition until the Master Certificate of Occupancy is issued.
 - a. The developer agrees to identify a person who will serve as a liaison to the community throughout the duration of construction. This individual or his designee shall be on the construction site throughout the hours of construction, including weekends. The name and telephone number of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site, and to the Zoning Administrator, and shall be posted at the entrance of the project.
 - b. Before commencing any clearing or grading of the site, the developer shall hold a meeting with those whose property abuts the project to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The developer agrees to provide documentation to the Zoning Administrator of the date, location, and attendance of the meeting before a Clearing, Grading and Demolition Permit is issued. Copies of the plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation shall be posted in the construction trailer and given to each subcontractor and construction vehicle operator before they commence work on the project.
 - c. Throughout the duration of the project, the developer agrees to advise abutting property owners in writing of the general timing of utility work in abutting streets or on-site that may affect their services or access to their property.
 - d. At the end of each work day during construction of the project, the developer agrees to ensure that any streets used for hauling construction materials and entrance to the

construction site are free of mud, dirt, trash, allaying dust, and debris and that all streets and sidewalks adjacent to the construction site are free of trash and debris.

- e. The developer agrees that construction activity, except for construction worker arrival to the construction site and indoor construction activity, will commence no earlier than 7:00 a.m. and end by 6:30 p.m. on weekdays; and will commence no earlier than 10:00 a.m. and end by 6:30 p.m. on Saturdays, Sundays, and holidays. "Holidays" are 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. Indoor construction activity is defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors shall end at midnight each day, and any such activity that occurs after 6:30 p.m. the stated time on each day shall not annoy or disturb reasonable persons of normal sensitivities. The developer agrees to place a minimum of one sign per street front indicating the permissible hours of construction around the construction site, to place one additional sign within the construction trailer containing the same information, and to provide a written copy of the permissible hours of construction to all subcontractors.

For the purpose of constructing dry utility improvements and streetscape improvements associated with the dry utility construction immediately adjacent to South Glebe Road, as generally depicted on the plan submitted by the applicant titled "Dry Utility Construction Plan" dated March 16, 2009, staging and construction is temporarily permitted during the evening and nighttime hours, resulting in temporary allowable construction time of 24 hours, seven (7) days a week, for a limited time period of six (6) consecutive weeks. The six (6) consecutive week period begins with the start date identified in the Virginia Department of Transportation (VDOT) permit. A copy of the issued VDOT permit shall be furnished to the Zoning Administrator as soon as is practicable. In the event of delays in construction beyond the developer's control, the Zoning Administrator may extend this period of time for the dry utility work, one (1) time only, to be completed for the amount of days for which construction was lost, plus one (1) additional day. Delays in construction beyond the developer's control include but are not limited to: inclement weather delays, additional repairs, which may be required by VDOT related to the dry utility construction work, and/or an emergency situation. "Emergency" may include, but is not limited to, those situations relating to a rupture or potential rupture of a water or gas main, or similar unforeseeable public danger.

- f. Storage of construction materials, and vehicles shall occur on the site or an approved off-site location, or as approved by the County Manager of his designee.

[Board Report #8](#)

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9. [**SP #401 SITE PLAN AMENDMENT TO REVISE CONDITIONS #6, 19, 21, 36, AND 45 AND OTHER MODIFICATIONS AS NECESSARY TO ACHIEVE THE PROPOSED DEVELOPMENT PLAN. THE PROPERTY IS LOCATED AT 800-900 N. GLEBE ROAD \(RPC #14-053-058, -059, -060, -061, AND -062.\)**](#)

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

BE IT ORDAINED that, pursuant to application SP #401 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to revise conditions #6, #19, #21, #36, and #45 and other modifications as necessary to achieve the proposed development plan for the parcel of real property known as 800-900 N. Glebe Road (RPC #14-053-058, -059, -060, -061, and -062), 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 conditions #6, #19, #21, #36, and #45:

Plan for Temporary Circulation Through Construction

6.

The first paragraph of Condition #6 not printed here and shall continue in effect

[The second paragraph of Condition #6 is revised as follows:]

The plan covering the period during construction shall identify temporary sidewalks, interim lighting, fencing around the site, construction vehicle routes, and any other feature necessary to ensure safe pedestrian and vehicular travel around the site during construction. The developer agrees to maintain a minimum six-foot wide covered sidewalk along the Glebe Road (except during the time frame stated below), Wilson Boulevard, and North Wakefield Street (adjacent to the west block) frontages of the site at all times with a construction entrance on the west side of North Wakefield Street, except that the County Manager may approve temporary, short term closures of the sidewalk for reasons including, but not limited to, the installation of façade elements, construction of utilities and streetscape, and other stages of construction that would pose an imminent danger to pedestrians. The developer agrees to construct and maintain a minimum four-foot wide covered sidewalk along the portion of North Glebe Road north of new Ninth Street North, until 45 days after completion of the slab at grade for Building B. The Zoning Administrator may extend this period of time in the event of delays in construction beyond the developer's control, such as weather. Exceptions may be made only during an emergency as defined below, during actual demolition, and for such limited periods as are unavoidable for utility upgrades. The developer agrees to submit this plan to, and obtain approval of the plan from, the County Manager as meeting these standards, before the issuance of the Clearing, Grading and Demolition Permit. The developer agrees to provide a copy of the approved plan to the appropriate civic associations. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

The remainder of Condition #6 not printed here and shall continue in effect

Pavement, Curb and Gutter Along All Frontages

19. The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site in accordance with the then-current Arlington County Standard for concrete curb and gutter and the then-current standards for pavement and according to the following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project.

a. The developer agrees to construct new curb and gutter along North Wakefield Street, which results in a varying street cross section of approximately 31 feet to 34 feet, as shown on the final engineering plan approved by the County Manager.

The remainder of Condition #19 not printed here and shall continue in effect

Sidewalk Design and Improvements

21.

The first 6 paragraphs of Condition #21 not printed here and shall continue in effect

North Wakefield Street (East Side - South of Ninth Street North) – A minimum 9- foot wide sidewalk measured from the back of curb, including a minimum 5-foot clear sidewalk in addition to pedestrian lighting, and a 4-foot wide planting strip starting at the back of the curb planted with 4 to 4 ½ inch caliper Scarlet Oak street trees, and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches from back of curb.

North Wakefield Street (West Side – North of Jordan Manor Site) – A minimum 5-foot clear sidewalk, plus a 2-foot wide planting strip adjacent to the four northern-most houses starting at the back of the curb planted with sod.

The remainder of Condition #21 not printed here and shall continue in effect

Plat of Excavated Area

- 36. The developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the building's ground floor elevation(s) at the building's lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #1 and #10 above. Spot elevations shall at a minimum consist of two corners and spot elevations from 25 % of the total area to be excavated. The elevations shall be provided prior to the issuance of the footing to grade permit. Additional spot elevations shall be taken from 50% of the total area to be excavated and shall be submitted prior to commencing footing-to-grade construction at that location. Final spot elevations shall be submitted prior to the issuance of any permit for above grade construction.

Wall Check Survey

- 45. The developer agrees to submit one (1) original and three (3) copies of a wall check survey to confirm its consistency with the plans approved by the County Board, as referenced in Conditions #1 and #10 above. The wall check survey shall show the location of the walls at the slab of the P1 level of the garage for each phase of the project, and will be provided prior to the issuance of a permit for above-grade construction for each phase of the project. The developer further agrees that, within thirty (30) days after approval of the wall check survey, to submit to the Zoning Administrator a wall check survey showing the location of the walls and the elevation of the slab, at grade, for each phase of the project.

[Board Report #9](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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- 10. **U-2443-85-1 USE PERMIT AMENDMENT REVIEW: RENEW REPLACEMENT AND ENLARGEMENT OF EXISTING COVERED TENNIS COURTS; 1700 ARMY NAVY DRIVE (ARMY NAVY COUNTRY CLUB, RPC #32-001-006).**

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

BE IT ORDAINED that, pursuant to application U-2443-85-1 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit to renew replacement and enlargement of existing covered tennis courts for the parcel of real property known as 1700 Army Navy Drive (Army Navy Country Club) (RPC #32-001-006), 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, with no further scheduled County Board review.

[Board Report #10](#)

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- 11. **U-2776-93-1 USE PERMIT RENEWAL: LIVE ENTERTAINMENT; 3114 N. 10TH ST. (JAY'S SALOON & GRILLE, RPC # 19-007-005).**

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

BE IT ORDAINED that, pursuant to application U-2776-93-1 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 3114 N.

10th Street (Jay's Saloon & Grille) (RPC #19-007-005), 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, two (2) revised conditions #8 and #10, four (4) new conditions #11 through #14, with an administrative review in seven (7) months (November 2009) and a County Board review in nineteen (19) months (November 2010), consistent with the schedule of other Clarendon restaurant live entertainment use permits:

Revised Conditions:

- 8. The applicant shall designate a responsive neighborhood liaison who shall be available during the hours of the restaurant operation and shall provide the name, address, and telephone number of the liaison to the Lyon Park, Ashton Heights, and Clarendon-Courthouse Civic Associations, the Clarendon Alliance, and the Zoning Administrator.
- 10. The restaurant live entertainment use shall terminate upon the termination of the current tenant lease or upon vacation of the current tenant from the subject site and shall not transfer to any other tenant without subsequent approval by the County Board of a new use permit request.

New conditions:

- 11. 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.
- 12. The applicant agrees that music resulting from the live entertainment shall comply with the limits established in the County Noise Ordinance.
- 13. 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.
- 14. The applicant shall make customers aware of available parking and any special parking arrangements through postings in the restaurant and on their website, if there is a restaurant website.

[Board Report #11](#)

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- 12. U-3079-04-1 USE PERMIT AMENDMENT TO MODIFY THE REQUIRED GROUND FLOOR CLEAR HEIGHT REQUIREMENT FROM 15 FEET TO APPROXIMATELY 12.5 FEET UNDER SECTION 20. "CP-FBC" - COLUMBIA PIKE FORM BASED CODE DISTRICTS, SUBSECTION E.3. OF ARLINGTON COUNTY ZONING ORDINANCE, IN ORDER TO ACCOMMODATE INCLUSION OF EXISTING HISTORIC FACADE. PROPERTY IS LOCATED AT 1028 WALTER REED DRIVE (RPC #32-006-028).**

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

BE IT ORDAINED that, pursuant to application U-3079-04-1 on file in the Office of the Zoning Administrator for a special exception for a use permit to modify the required first floor clear height requirement from 15 feet to approximately 12.5 feet under Section 20. "CP-FBC" – Columbia Pike Form Based Code Districts, Subsection E.3. of the Arlington County Zoning Ordinance, in order to accommodate the inclusion on an existing historic facade for the parcel of real property known as 1028 Walter Reed Drive (RPC #32-006-028), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application.

[Board Report #12](#)

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- 13. U-3085-04-3 USE PERMIT AMENDMENT: SAINT CHARLES CATHOLIC CHURCH AND SCHOOL;**

INCREASE ENROLLMENT OF KINDERGARTEN; 3299 N. FAIRFAX DRIVE, 3304 WASHINGTON BLVD. (RPC #15-088-002, -003, -004).

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

BE IT ORDAINED that, pursuant to application U-3085-04-3 on file in the Office of the Zoning Administrator for a special exception for a use permit to increase enrollment of kindergarten for the parcel of real property known as 3299 N. Fairfax Drive, 3304 Washington Boulevard (RPC #15-088-002, -003, -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, the following revised condition #2, and with a County Board review in one (1) year (April 2010):

- 2. The preschool will operate in the morning from 8 a.m. to 3 p.m., Monday through Friday. Enrollment shall be limited to a maximum of 125 children.

[Board Report #13](#)

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14. U-3092-04-2 USE PERMIT RENEWAL CHILDREN’S ACTIVITY CENTER; 2425, 2499, 2503, 2509 N. HARRISON ST. (RPC #02-073-084).

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

BE IT ORDAINED that, pursuant to application U-3092-04-2 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for children’s tumbling, fitness, and activity center for the parcel of real property known as 2425, 2499, 2503, 2509 North Harrison Street (RPC #02-073-084), 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, with an administrative review in six (6) months (October 2009) and with a County Board review in one (1) year (April 2010).

[Board Report #14](#)

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15. U-3113-04-3 USE PERMIT RENEWAL OF TAE KWON DO STUDIO; 2425, 2499, 2503, 2509 N. HARRISON ST. (RPC #02-073-084).

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

BE IT ORDAINED that, pursuant to application U-3113-04-3 on file in the Office of the Zoning Administrator for renewal of a special exception for a use permit for a martial arts studio for the parcel of real property known as 2425, 2499, 2503, 2509 North Harrison Street (RPC #02-073-084), 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 six (6) months (October 2009) and with a County Board review in one (1) year (April 2010).

[Board Report #15](#)

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16. U-3148-05-1 USE PERMIT AMENDMENT: EXTEND THE TIME PERIOD TO ESTABLISH THE USE FOR THE UNIFIED COMMERCIAL/MIXED USE DEVELOPMENT (UC/MUD) LOCATED AT 2515/2525 LEE HIGHWAY (RPC: 15-007-005, -006).

On block vote, the Board deferred consideration of the subject use permit amendment to the June 13, 2009 County Board meeting.

[Board Report #16](#)

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17. TEMPORARY PARKING USE PERMITS

- A. U-3215-09-1 Use Permit, accessory parking use at a place of worship for temporary construction workers, located at 1961 N. Culpeper St. (RPC #07-006-129).

On block vote, the Board deferred consideration of the subject use permit request to the May 16, 2009, County Board meeting.

[Board Report #17 A](#)

- B. U-3216-09-1 Use Permit, accessory parking use at a place of worship for temporary construction workers, located at 4250 N. Glebe Road (RPC #03-067-067).

On block vote, the Board deferred consideration of the subject use permit request to the May 16, 2009, County Board meeting.

[Board Report #17 B](#)

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18. U-3218-09-1 USE PERMIT, FAMILY DAY CARE HOME; 1201 S. COLUMBUS ST. (RPC# 28-030-062).

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

BE IT ORDAINED that, pursuant to application U-3218-09-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for a family day care home for the parcel of real property known as 1201 S. Columbus Street (RPC #28-030-062), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions, and with a County Board review in one (1) year (April 2010):

1. The applicant agrees to meet the requirements of the Childcare Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.
2. The applicant agrees that children shall be escorted by adults to and from the building at all times including during pickup and drop-off.
3. The applicant agrees that the hours of operation would be Mondays through Saturdays from 6:30 a.m. to 11:30 p.m. for a maximum of nine (9) children.

[Board Report #18](#)

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19. U-3219-09-1 USE PERMIT: LIVE ENTERTAINMENT AND DANCING AT TORTOISE AND HARE BAR, 567 S. 23RD ST. (RPC# 36-018-011).

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

BE IT ORDAINED that, pursuant to application U-3219-09-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for live entertainment and dancing for the parcel of real property known as 567 S. 23rd Street (Tortoise and Hare Bar) (RPC #36-018-011), approval is granted and the parcel so described shall be used according to the use permit approval requested by the application, subject to the following conditions, and with a County Board review in six (6) months (October 2009):

1. The applicant agrees that live entertainment will be limited to Fridays and Saturdays, 6 p.m. to 1:30 a.m.

2. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal's Office, the Police Department, Community Code Enforcement Office and the Alcohol Beverage Control Board.
3. The applicant agrees that live entertainment shall meet the noise limits established in the County Noise Ordinance.
4. The applicant agrees to ensure that all windows and doors shall remain closed when live entertainment is being offered. The applicant agrees that no live entertainment shall be permitted outdoors, and further agrees to ensure that live entertainment performances inside the restaurant will not be broadcast to the exterior of the restaurant over the restaurant's audio system.
5. No customer dancing shall occur without the applicant first obtaining approval of a dance hall permit.
6. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name and telephone number shall be submitted to the Zoning Administrator and the Aurora Highlands Civic Association.
7. The restaurant live entertainment use shall terminate upon the termination of the current tenant lease or upon vacation of the current tenant from the subject site and shall not transfer to any other tenant without subsequent approval by the County Board of a new use permit request.

[Board Report #19](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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20. **ENACTMENT OF AN ORDINANCE TO PERMIT AN ENCROACHMENT OF A SUBSURFACE ELECTRIC VAULT INTO A PORTION OF THE COUNTY RIGHT OF WAY FOR SOUTH GREENBRIER STREET, SUCH PORTION BEING LOCATED ADJACENT TO THE SOUTHWEST CORNER OF PARCEL "A" COLUMBIA VILLAGE, RPC NO. 28004004, WITH CONDITIONS.**

On block vote, after a duly advertised public hearing, the Board enacted the Ordinance, as set forth in the document entitled "Addendum 4-28-09-A – Encroachment Subsurface Electric Vault for South Greenbrier Street" attached for the public record to these minutes, to permit an encroachment of a subsurface electric vault into a portion of the County right of way for South Greenbrier Street such portion being located adjacent to the southwest corner of Parcel "A" Columbia Village, RPC No. 28004004, with conditions; and authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, all documents necessary to effectuate the ordinance, subject to approval of such documents as to form by the County Attorney.

[Addendum 4-28-09-A – Encroachment Subsurface Electric Vault for South Greenbrier Street](#)

[Board Report #20](#)

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21. **APPROVE THE CONVEYANCE OF A PRIVATE SANITARY SEWER EASEMENT AGREEMENT FROM THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA TO LYNDON K. GOODWIN FOR THE INSTALLATION AND MAINTENANCE OF PRIVATE SANITARY SEWER ON A PORTION OF A COUNTY OWNED PROPERTY KNOWN AS PART OF LOT 30, SECTION 2 OF COUNTRY ACRES (RPC #03014005), IN FAIRFAX COUNTY, VIRGINIA.**

On block vote, after a duly advertised public hearing, the Board adopted the Resolution, as set forth in the document

entitled "Addendum 4-28-09-B – Conveyance of Easement Part of Lot 30, Section2 of County Acres" attached for the public record to these minutes, approving the conveyance of an easement for private sanitary sewer purposes from the County Board of Arlington County, Virginia to Lyndon K. Goodwin for the installation and maintenance of private sanitary sewer line across a portion of a County owned property known as Part of Lot 30, Section 2 of Country Acres (RPC #03014005), in Fairfax County, Virginia; and authorized the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his designee, to execute the deed of easement (Exhibit B of the addendum), on behalf of the County Board, subject to approval as to form by the County Attorney.

[Addendum 4-28-09-B – Conveyance of Easement Part of Lot 30, Section2 of County Acres](#)

[Board Report #21](#)

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ORDINANCES, PLANS AND POLICIES

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22. FIRE CODE

- A. An ordinance to amend, reenact, and recodify Chapter 8.0 (Fire Prevention) of Arlington County Code to enact new Chapter 8.1 (Fire Prevention) of Code of Arlington County, and to repeal Chapter 8.0 (Fire Prevention) of Code, concerning the formal adoption of the 2006 Virginia Statewide Fire Prevention Code and more extensive local enforcement and regulations to safeguard life and property from the hazards of fire or explosion and for the safe handling, storage, transportation, sale and use of fireworks, explosives, or blasting agents and hazardous, toxic, flammable and combustible materials such to include, but not be limited to, misdemeanor penalties for violations of the fire code; response cost recovery in certain situations; false or nuisance alarms fees and evacuation drill requirements; hazardous materials transportation; outdoor burning fires and appliances; event headcounts; adoption of national code appendices; operational obstructions and hindrances in commercial and residential units; and key lock box, emergency contact and fire watch requirements.
- B. A resolution to adopt operational permit and fire prevention fee requirements pursuant Chapter 8.1 (Fire Prevention Code) of Arlington County Code to adopt by resolution currently established Chapter 8.0 operational permit, fire prevention and inspection fees schedule.

On block vote, after a duly advertised public hearing, the Board enacted an ordinance, as set forth in the document entitled "Addendum 4-28-09-C – Repeal of Chapter 8.0 and Establishment of Chapter 8.1" attached for the public record to these minutes, to repeal Chapter 8.0 (Fire Prevention) and to establish Chapter 8.1 (Fire Prevention) of the Code of Arlington County, effective upon adoption; and, adopted by resolution the "Arlington County Fire Prevention Code Fees Schedule," as set forth in the document entitled "Addendum 4-28-09-D – Resolution Arlington County Fires Prevention Code Fees Schedule" attached for the public record to these minutes effective upon adoption.

[Addendum 4-28-09-C – Repeal of Chapter 8.0 and Establishment of Chapter 8.1](#)

[Addendum 4-28-09-D – Resolution Arlington County Fires Prevention Code Fees Schedule](#)

[Board Report #22 A., B.](#)

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CAPITAL PROJECTS

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23. APPROVAL OF A STANDARD PROJECT ADMINISTRATION AGREEMENT BETWEEN THE COUNTY BOARD AND THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE DEVELOPMENT AND ADMINISTRATION OF THE KIRKWOOD ROAD PEDESTRIAN IMPROVEMENTS; AND APPROVAL AND APPROPRIATION OF ADDITIONAL REVENUE SHARING FUNDS FOR THREE PREVIOUSLY APPROVED STANDARD PROJECT ADMINISTRATION

AGREEMENTS: COUNTYWIDE LIGHT EMITTING DIODE (LED) CHANGE-OUT, COLUMBIA PIKE, WAKEFIELD TO FOUR MILE RUN STREETScape IMPROVEMENTS, OLD DOMINION DRIVE PHASE II AND KIRKWOOD ROAD PEDESTRIAN IMPROVEMENTS.

On block vote, the Board took the following actions:

1. Approved the standard project administration agreement, attached to the County Manager's April 6, 2009 report, between the County Board of Arlington, Virginia and the Commonwealth of Virginia, Department of Transportation for the state revenue sharing-funded Kirkwood Road Pedestrian Improvements and authorized the County Manager on behalf of the County Board to execute the agreement, and all related documents necessary to implement the agreement, subject to approval of the agreement as to form by the County Attorney.
2. Approved and appropriated:
 - 1) \$100,000 in state revenue sharing funds for Kirkwood Road Pedestrian Improvements;
 - 2) \$100,000 in additional state revenue sharing funds for the countywide light emitting diode (LED) change-out;
 - 3) \$575,000 in additional state revenue sharing funds for the Columbia Pike - Wakefield St. to Four Mile Run streetscape improvements; and,
 - 4) \$225,000 in additional state revenue sharing funds for the Old Dominion Drive Phase II for a total of \$1,000,000 to be allocated the Department of Environmental Services Capital Account.

The total amount to be received from the State is \$1,000,000 with a County match of \$1,050,000; the overmatch (\$50,000) was provided in the County's Fiscal Years 2008-09 state revenue sharing funding request to ensure that these projects were considered in the top tier.

[Board Report #23](#)

[Board Report #23-Attachment](#)

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24. APPROVE THE AWARD OF CONTRACT FOR THE PROVISION AND INSTALLATION OF TWO PRE-ENGINEERED, PEDESTRIAN BRIDGES AT BARCROFT PARK, 4200 S. FOUR MILE RUN DRIVE. INVITATION TO BID NUMBER 44-09.

On block vote, the Board approved the award of contract No. 44-09 in the amount of \$268,881 to G-W Management Services, LLC and approved an allocation of \$54,879 as a contingency for change orders for a total contract authorization of \$323,760; and authorized the Purchasing Agent to execute the contract documents, subject to review of such documents by the County Attorney.

[Board Report #24](#)

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25. APPROVE THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE NATIONAL CENTER SANITARY SEWER PROJECT, INVITATION TO BID NO. 239-08, PROJECT NO. 06-451-S.

On block vote, the Board approved the award of a contract for the construction of the National Center sanitary sewer project to Bradshaw Construction Corporation in the amount of \$3,248,850, and authorized an allocation of \$324,885 as a contingency for change orders, increased quantities, and stipulated price item; and authorized the Purchasing Agent to execute the contract documents subject to review by the County Attorney.

[Board Report #25](#)

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[APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS](#)

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26. ALLOCATION OF FISCAL YEAR 2009 AFFORDABLE HOUSING INVESTMENT FUND (AHIF)/HOME FUNDS AS A LOAN TO AHC, INC. TO ASSIST WITH THE DEVELOPMENT OF THE JORDAN APARTMENTS IN THE BLUEMONT NEIGHBORHOOD.

On motion by JAY FISETTE, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which there were no speakers, the Board took the following actions:

1. Allocated up to \$5,580,000 in FY 2009 AHIF/HOME funds (101.495130.91102), of which \$2,000,000 will be placed in a County-held contingency account while commitments for other financing sources are obtained, and equity and interest rates are finalized, to AHC Inc. or its designated County-approved ownership affiliate (101.456300.91102), to assist with the construction of The Jordan Apartments. The financing assistance is in the form of a subordinated, residual receipts loan, subject to the terms and conditions outlined in the County Manager's April 13, 2009 report.
2. Approved the addition of an existing \$2,220,000 AHIF loan for The Jordan Apartments to AHC, Inc. or its designated County-approved ownership affiliate, to the up-to-\$5,580,000 AHIF/HOME loan described above in #1 as long-term financing assistance for the development of The Jordan, under the terms and conditions described in the County Manager's April 13, 2009 report.
3. Authorized the County Manager to execute the required documents for a loan for up to \$7,800,000 to AHC, Inc. or its designated County-approved ownership affiliate, and authorized and directed the trustees for the County's Deed of Trust to execute the required loan and subordination documents subject to approval by the County Attorney.
4. Authorized the County Manager, with the concurrence of the County Attorney, to act as the County Board's representative in approving financing or program revisions that are necessary to remove any ambiguity or inconsistency or which improve the County's financial security or financial position, and which changes do not adversely affect the County financially, prior to or after execution of the County's financing documents.

[Board Report #26](#)

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27. APPLICATION FOR FUNDING UNDER THE RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM.

On block vote, the Board authorized the County Manager to apply and accept \$288,679 in non-competitive grant funds under the Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; and contingent upon approval, appropriated \$288,679 in grant fund revenue from the Bureau of Justice Assistance to the Police Department for costs associated with the Recovery Act JAG Program in FY 2009.

[Board Report #27](#)

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30. INCREASE FY 2009 APPROPRIATION FOR THE ROSSLYN BUSINESS IMPROVEMENT DISTRICT (RBID) FUND.

On block vote, the Board appropriated \$18,494 from the Rosslyn Business Improvement District Fund fund balance to the Rosslyn Business Improvement District FY 2009 expenses.

[Board Report #30](#)

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31. FISCAL YEAR 2010 COMMUTER SERVICES/TRANSIT PROGRAM GRANT APPLICATIONS.

On block vote, the Board took the following actions:

1. Adopted the following resolution authorizing the County Manager to execute and file an application to the Virginia Department of Rail and Public Transportation (DRPT) totaling \$1,875,000 from the TDM (Transportation Demand Management)/Commuter Assistance Projects Grant Program:

RESOLUTION

**Request for State Aid
for TDM/Commuter Assistance**

BE IT RESOLVED BY THE County Board of Arlington County, Virginia, that the County Manager is authorized, for and on behalf of Arlington County, to execute and file an application to the Virginia Department of Rail and Public Transportation (DRPT), Commonwealth of Virginia, for a grant of financial assistance in the amount of \$1,500,000 for the fiscal year commencing July 1, 2009, to defray costs borne by Arlington County for ongoing implementation of the County's TDM/Commuter Assistance program (Arlington County Commuter Services - ACCS) and to accept from DRPT grants in such amount as may be awarded, and to execute and furnish to DRPT such documents and other information as may be required for submitting and processing the grant request.

The County Board of Arlington County, Virginia, certifies that the funds shall be used in accordance with the requirements of Section 58.1-638A.4 of the Code of Virginia; that Arlington County will provide funds in the amount of \$375,000 which will be used to match the state funds in the ratio as required in such Code Section, that the record of receipts of expenditures of funds granted to Arlington County may be subject to audit by the Virginia Department of Rail and Public Transportation and by the State Auditor of Public Accounts; and that funds granted to Arlington County for defraying the expenses of the Commuter Services program of Arlington County shall be used only for such purposes as authorized in the Code of Virginia.

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the County Board of Arlington, Virginia, at its April 25, 2009 Meeting.

Given under my hand this 29th day of April, 2009.

2. Adopted the following resolution authorizing the County Manager to execute and file an application to DRPT totaling \$2,335,000 from the Transportation Efficiency Improvement Fund (TEIF) Program:

RESOLUTION

**Request for State Aid
for Transportation Efficiency Improvement Fund**

BE IT RESOLVED BY THE County Board of Arlington County, Virginia, that the County Manager is authorized, for and on behalf of Arlington County, to execute and file an application to the Virginia Department of Rail and Public Transportation (DRPT), Commonwealth of Virginia, for a TEIF grant of financial assistance in the amount of \$1,868,000 for the fiscal year commencing July 1, 2009, to defray costs borne by Arlington County for the implementation of: Distance and on-site TDM learning for businesses; Enhanced marketing personalized marketing and segmenting; Map and schedule information at every bus stop in Arlington and a bikesharing project and to accept from DRPT grants in such amount as may be awarded, and to execute and furnish to DRPT such documents and other information as may be required for submitting and processing the grant request.

The County Board of Arlington County, Virginia, certifies that the funds shall be used in accordance with the requirements of Section 58.1-638A.4 of the Code of Virginia; that Arlington County will provide funds in

the amount of \$467,000, which will be used to match the state funds in the ratio as required in such Code Section; that the record of receipts of expenditures of funds granted to Arlington County may be subject to audit by the Virginia Department of Rail and Public Transportation and by the State Auditor of Public Accounts; and that funds granted to Arlington County for defraying the expenses of the Commuter Services program of Arlington County shall be used only for such purposes as authorized in the Code of Virginia.

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the County Board of Arlington, Virginia, at its April 25, 2009 Meeting.

Given under my hand this 29th day of April, 2009.

3. Adopt the following resolution authorizing the County Manager to execute and file an application to DRPT totaling \$430,000 from the Technical Assistance Program:

RESOLUTION

Request for State Aid for Technical Assistance

BE IT RESOLVED BY THE County Board of Arlington County, Virginia, that the County Manager is authorized, for and on behalf of Arlington County, to execute and file an application to the Virginia Department of Rail and Public Transportation (DRPT), Commonwealth of Virginia, for a TEIF grant of financial assistance in the amount of \$215,000 for the fiscal year commencing July 1, 2009, to defray costs borne by Arlington County for the implementation of TDM Research Project and Transit TDP and to accept from DRPT grants in such amount as may be awarded, and to execute and furnish to DRPT such documents and other information as may be required for submitting and processing the grant request.

The County Board of Arlington County, Virginia, certifies that the funds shall be used in accordance with the requirements of Section 58.1-638A.4 of the Code of Virginia; that Arlington County will provide funds in the amount of \$215,000, which will be used to match the state funds in the ratio as required in such Code Section; that the record of receipts of expenditures of funds granted to Arlington County may be subject to audit by the Virginia Department of Rail and Public Transportation and by the State Auditor of Public Accounts; and that funds granted to Arlington County for defraying the expenses of the Commuter Services program of Arlington County shall be used only for such purposes as authorized in the Code of Virginia.

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the County Board of Arlington, Virginia, at its April 25, 2009 Meeting.

Given under my hand this 29th day of April, 2009.

4. Adopt the following resolution authorizing the County Manager to execute and file an application to DRPT totaling \$180,000 from the Demonstration Program:

RESOLUTION

Request for State Aid for Demonstration Projects

BE IT RESOLVED BY THE County Board of Arlington County, Virginia, that the County Manager is authorized, for and on behalf of Arlington County, to execute and file an application to the Virginia Department of Rail and Public Transportation (DRPT), Commonwealth of Virginia, for a TEIF grant of financial assistance in the amount of \$171,000 for the fiscal year commencing July 1, 2009, to defray costs borne by Arlington County for the implementation of a an On-Board Camera System for ART and to accept from DRPT grants in such amount as may be awarded, and to execute and furnish to DRPT such documents and other information as may be required for submitting and processing the grant request.

The County Board of Arlington County, Virginia, certifies that the funds shall be used in accordance with the requirements of Section 58.1-638A.4 of the Code of Virginia; that Arlington County will provide funds in the amount of \$9,000, which will be used to match the state funds in the ratio as required in such Code Section; that the record of receipts of expenditures of funds granted to Arlington County may be subject to audit by the Virginia Department of Rail and Public Transportation and by the State Auditor of Public Accounts; and that funds granted to Arlington County for defraying the expenses of the Commuter Services program of Arlington County shall be used only for such purposes as authorized in the Code of Virginia.

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the County Board of Arlington, Virginia, at its April 25, 2009 Meeting.

Given under my hand this 29th day of April 2009.

[Board Report #31](#)

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REQUESTS TO ADVERTISE

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32. REQUEST TO ADVERTISE FOR A PUBLIC HEARING FOR PROPOSED AMENDMENTS TO THE COUNTY’S TOWING ORDINANCE, CHAPTER 14.3 OF THE ARLINGTON COUNTY CODE.

On block vote, the Board authorized advertising for a public hearing on May 16, 2009, on proposed amendments to the County’s towing ordinance, Chapter 14.3 of the Arlington County Code, as set forth in Attachment A (of the County Manager’s April 23, 2009 report) to increase base tow rate to \$125; establish a new \$250 charge for over sized vehicles; and provide additional information to consumers.

[Board Report #32](#)

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33. REQUEST TO ADVERTISE MASTER TRANSPORT PLAN (MTP) TRANSIT ELEMENT.

On block vote, the Board authorized the advertisement of an amendment to the County Comprehensive Plan to add a transit element entitled "Master Transportation Plan Transit Element," dated March 2009, to be included in the amended MTP as defined in Attachment A of the County Manager’s April 16, 2009 report, and to delete the Master Transportation Plan adopted in 1976 and the Paratransit Element adopted in 1989, to be heard by the Planning Commission at its June 1, 2009, meeting and by the County Board at its June 13, 2009, meeting.

[Board Report #33](#)

[Board Report #33-Attachment](#)

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OTHER

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34. DEDICATE A MEMORIAL PLAQUE AT THE FENWICK CENTER IN RECOGNITION OF THE GOLDEN FOG MURAL DONATED BY ARTIST LAURA EDWARDS.

On block vote, the Board approved the dedication of a memorial plaque at the Fenwick Center to recognize Clay Huffman and Donna Tarkenton in recognition of artist Laura Edwards’ donation of the Golden Fog mural and authorized the County Manager to approve the final language of the plaque.

[Board Report #34](#)

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35. PRIORITIES FOR AMERICAN RECOVERY AND REINVESTMENT ACT REGIONAL SURFACE TRANSPORTATION PROGRAM FUNDING.

On block vote, the Board endorsed the following priorities for American Recovery and Reinvestment Act Regional Surface Transportation Program funding:

Table 1: ARRA Priorities for RSTP

Priority	Project Title	ARRA Request (In \$1,000s)
1	Columbia Pike – Wakefield to Four Mile Run	\$3,100
2	ART Bus Purchase	\$1,320
3	Transportation System Management & Communications Plant Upgrade (Fiber)	\$580
Total		\$5,000

[Board Report #35](#)

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36. ARLINGTON COUNTY TENANT RELOCATION GUIDELINES.

On motion by J. WALTER TEJADA, Member, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which there were no speakers, the Board adopted the revised Arlington County Tenant Relocation Guidelines as policy guidelines for relocation assistance in Arlington (Attachment A of the County Manager’s April 8, 2009 report).

[Board Report #36](#)

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37. PROPOSED CHANGES TO ARLINGTON COUNTY’S MODERATE INCOME PURCHASE ASSISTANCE PROGRAM (MIPAP).

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, after a public hearing, at which there were no speakers, the Board took the following actions:

1. Approved an increase in the maximum homeownership assistance up to 25% of the purchase price.
2. Changed the MIPAP Program from a traditional interest bearing note to a shared appreciation model.
3. Reserved \$737,500 of MIPAP assistance for households purchasing at Davis Place, a new construction

Affordable Dwelling Unit development in the Nauck Neighborhood Strategy Area.

4. Directed that the MIPAP program be made available to potential purchasers of cooperative units.

[Board Report #37](#)

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38. AUTHORIZE THE WATER POLLUTION CONTROL BUREAU (WPCB) TO ENROLL IN THE DEMAND SIDE MANAGEMENT, DISTRIBUTED GENERATION PILOT PROGRAM (DSM PROGRAM) BEING IMPLEMENTED AND ADMINISTERED BY POWERSECURE INTERNATIONAL, INC. (PSI) ON BEHALF OF DOMINION VIRGINIA POWER (DVP).

On block vote, the Board authorized the WPCB to enroll in the DSM Program which will require a DSM agreement and amendments between the County and PSI; and authorized the Purchasing Agent to execute the DSM agreement and amendments subject to legal review by the County Attorney.

[Board Report #38](#)

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39. PURCHASE OF SOFTWARE SYSTEM FOR SECTION 8 HOUSING PROGRAM

On block vote, the Board authorized the use of up to \$120,000 from the Section 8 Administrative Reserve Account to acquire a new software system to support the Department of Human Services Section 8 program.

[Board Report #39](#)

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40. APPROVAL OF THE COUNTY'S ANNUAL CONSOLIDATED PLAN FOR FY 2010, WHICH INCLUDES THE FY 2010 ANNUAL CONSOLIDATED PLAN FOR THE CITY OF FALLS CHURCH.

On block vote, the Board took the following actions:

1. Approved the FY 2010 Annual Consolidated Plan for Arlington (Attachments 1 and 2 of the County Manager's April 3, 2009 report).
2. Approved the FY 2010 Annual Consolidated Plan for the City of Falls Church (Attachment 3 of the County Manager's April 3, 2009 report) and the allocation of CDBG and HOME funds for the City of Falls Church.
3. Authorized the County Manager to submit the approved FY 2010 Annual Consolidated Plan and its required certifications to the U.S. Department of Housing and Urban Development and sign contracts and documents required for the approval and implementation of the Annual Consolidated Plan and its component programs.
4. Appropriated \$9,071 in FY 2010 from the HOME American Down Payment Initiative to the Affordable Investment Housing Fund to be used for the Moderate Income Purchase Assistance Program.
5. Approved revisions to the Consolidated Plan Community Participation Plan: Community Development Citizens Advisory Committee Role and Composition in order to respond to the Virginia DSS recommendations regarding community action agency governance.

[Board Report #40](#)

[Board Report #40-Attachment 1](#)

[Board Report #40-Attachment 2](#)

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THE FOLLOWING ITEMS TO BE HEARD NO EARLIER THAN 6:45 P.M.

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46. APPROVAL OF THE FISCAL YEAR 2010 BUDGET (PUBLIC HEARINGS FOR THESE ITEMS HAVE CONCLUDED.)

The County Manager gave a brief presentation on the fiscal year 2010 Budget in order to provide context on the items.

A. Adopt the Fiscal Year (FY) 2010 County Budget and Appropriations Resolution.

Mr. Tejada announced his declaration of personal interest pursuant to Section 2.2-3115.G on the School Transfer resolution. Mr. Tejada's wife is a teacher with the Arlington County Schools; however, under the State and Local Government Conflicts of Interest Act, because he is a member of a group that is generally affected by the School Transfer resolution, he was able to participate in the discussions and votes on this transaction, and can do so fairly, objectively, and in the public interest.

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

1. Adopted the FY 2010 County Board Budget Resolution, as set forth in the document entitled "Addendum 4-28-09-E – FY 2010 County Board Budget Resolution" attached for the public record to these minutes.
2. Adopted the FY 2010 County Appropriations Resolution, as set forth in the document entitled "Addendum 4-28-09-F – FY 2010 County Appropriations Resolution" attached for the public record to these minutes.
3. Adopted the FY 2010 Guidance to the County Manager, as set forth in the document entitled "Addendum 4-28-09-G – FY 2010 Guidance to the County Manager" attached for the public record to these minutes.
4. Authorized the County Manager to negotiate and sign grant agreements with non-profits that result from FY 2010 budget appropriations, with the approval of the County Attorney.

[Addendum 4-28-09-E – FY 2010 County Board Budget Resolution](#)

[Addendum 4-28-09-F – FY 2010 County Appropriations Resolution](#)

[Addendum 4-28-09-G – FY 2010 Guidance to the County Manager](#)

[Board Report #46 A](#)

B. Adopt the Calendar Year 2009 real estate tax rate, sanitary district tax rate, and the commercial real estate tax rate.

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

1. Adopted a Calendar Year (CY) 2009 real estate tax rate of \$.865 per \$100 of assessed value using the following resolution:

RESOLUTION FIXING COUNTY REAL ESTATE LEVY

BE IT RESOLVED AND ORDERED by the County Board of Arlington County, Virginia, that there is hereby levied for the tax year (CY) 2009, a tax of \$.865 per one hundred dollars of assessed valuation of all taxable real estate located in this County for County and School purposes. The levy hereby ordered is also applicable to real estate of the public service corporations based upon the assessment thereof by Arlington County, the State Corporation Commission, and the State Department of Taxation, and duly certified.

IT IS FURTHER ORDERED that such taxes, when and if appropriated by the County Board of this County, shall be used to defray the County and School charges and expenses and all necessary charges incident to or arising from the execution of the lawful authority of the County Board of Arlington, and

IT IS FURTHER ORDERED that such taxes for County and School purposes appropriated or unappropriated and unused to defray County and School charges and expenses shall return to the General Fund of the County to be used to defray County and School charges and expenses and all necessary charges incident to or arising from the execution of the lawful authority of the County Board of Arlington County for the next fiscal year.

IT IS FURTHER ORDERED that the sanitary district tax codified in § 26-13 of the Arlington County Code and the real estate tax on properties used for or zoned to permit commercial and industrial purposes codified in § 20-6(c) of the Arlington County Code be maintained at the existing rates of \$.01 and \$.125 per one hundred dollars of assessed value, respectively.

2. Ratified the sanitary district tax rate for stormwater management at the current rate of \$.01 per \$100.
3. Ratified the commercial real estate tax for transportation initiatives at the current rate of \$.125 per \$100.

[Board Report #46 B](#)

- C. [Adopt the personal property tax rate and the allocation method of the State's vehicle tax relief provided to Arlington County.](#)

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

1. Adopted the proposed Calendar Year 2009 personal property tax rate of \$5.00 per \$100 of assessed value using the following resolution and for public service corporations the real estate tax rate of \$0.865 per \$100 of assessed value:

RESOLUTION FIXING COUNTY PERSONAL PROPERTY LEVY

IT IS HEREBY RESOLVED AND ORDERED by the County Board of Arlington County, Virginia, as follows:

1. That there be levied for the year 2009 a tax of \$5.00 per one hundred dollars of assessed valuation on all taxable tangible personal property as defined in Sections 58.1-3500, 58.1-3501, 58.1-3502, 58.1-3503, 58.1-3506 and on machinery and tools as defined by Section 58.1-3507 of the Code of Virginia, except as otherwise provided in this paragraph. Without any limitation on the foregoing provisions, such property shall be considered to include all automobiles and trucks of public service corporations based upon the duly certified assessment thereof by the State Corporation Commission. Excluded from the levy of this paragraph (1) are the following:

- (a) All other personal property of public service corporations;
- (b) All classes of household goods and personal effects as classified by Section 58.1-3504 of the Code of Virginia; and
- (c) Manufactured homes as defined in Section 36-85.3 of the Code of Virginia.

2. That pursuant to Section 58.1-3506.A.10. there be levied for the calendar year 2009 a tax of \$0.865 per one hundred dollars of assessed valuation on all manufactured homes as defined in Section 36-

85.3 of the Code of Virginia and pursuant to Section 58.1-2606 on all other tangible personal property of public service corporations based upon the duly certified assessment of the State Corporation Commission.

IT IS FURTHER ORDERED hereby that such taxes are levied for County and School purposes, and, when and if appropriated by the County Board of this County, shall be used to defray the County and School charges and expenses and all necessary charges incident to or arising from the execution of the lawful authority of the County Board of Arlington; and

IT IS FURTHER ORDERED that such taxes for County purposes appropriated or unappropriated and unused to defray County and School charges and expenses shall return to the General Fund of the County to be used to defray County charges and expenses on all necessary charges incident to or arising from the execution of the lawful authority of the County Board of Arlington County for the next fiscal year.

2. Adopted a Calendar Year 2009 the following resolution fixing the methodology that shall be utilized in distributing the State's fixed block grant, including additional relief provided to qualifying clean fuel vehicles of 90 percent of the vehicle tax bill between \$3,001 and \$20,000 in assessed value:

RESOLUTION ALLOCATING STATE PERSONAL PROPERTY TAX RELIEF MONIES

IT IS HEREBY RESOLVED AND ORDERED by the County Board of Arlington County, Virginia, as follows:

1. In accordance with the requirements set forth in Section 58.1-3524(c)(2) and Section 58.1-3912(E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503.E (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly any qualifying vehicle having situs within the County commencing January 1, 2009, shall receive personal property tax relief in the following manner:
 - Qualifying vehicles shall receive 100% tax relief on the first \$3,000 of value, and the balance of relief then being equally distributed for each dollar of value up to \$20,000 in value. For any value of a qualifying vehicle in excess of \$20,000, there shall be no tax relief. The relief to be equally "distributed" shall mean the funds provided by the Commonwealth specifically for such tax relief.
 - All other vehicles which do not meet the definition of "qualifying" will not be eligible for any form of tax relief under this program.
 - Qualifying vehicles defined by the State's Department of Motor Vehicles as clean special fuel vehicles shall receive 100% tax relief on the first \$3,000 of value. These vehicles shall also receive 90% tax relief for each dollar of value between \$3,001 and \$20,000. For any value of a qualifying vehicle in excess of \$20,000, there shall be no tax relief.
2. In accordance with Item 503.D.1, the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years shall expire on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006 shall be deemed "non-qualifying" for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

Board Report #46 C

- D. [Adopt the 2nd Road North Service District tax rate as part of the real estate tax rate.](#)

On motion by J. WALTER TEJADA, Member, seconded by BARBARA A. FAVOLA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted a Calendar Year 2009 tax rate for the 2nd Road North Service District of \$0.148 that is in addition to the current real estate rate using the following resolution:

RESOLUTION FIXING 2nd ROAD NORTH SERVICE DISTRICT TAX LEVY

BE IT RESOLVED AND ORDERED by the County Board of Arlington County, Virginia, acting as the governing

body of the 2nd Road North Service District, that there is hereby levied for the tax year (CY) 2009, a tax of \$0.148 per one hundred dollars of assessed valuation of all taxable real estate located in the 2nd Road North Service District.

IT IS FURTHER ORDERED that such taxes, when and if appropriated by the County Board acting as the governing body of the 2nd Road North Service District, shall be used to defray the Cost of the Project as incurred by the County during construction of the sanitary sewer line in 2nd Road North.

[Board Report #46D](#)

- E. [Adopt the Rosslyn Business Improvement Service District \("Rosslyn BID"\) tax rate as part of the overall real estate tax rate.](#)

On motion by JAY FISSETTE, Member, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted the Calendar Year (CY) 2009 tax rate for the Rosslyn Business Improvement Service District ("Rosslyn BID") of \$0.080 that is in addition to the current real estate rate, using the following resolution:

RESOLUTION ESTABLISHING A 2009 TAX LEVY RATE FOR THE ROSSLYN BUSINESS IMPROVEMENT DISTRICT ("ROSSLYN BID")

RESOLVED, that the County Board of Arlington County, acting as the governing body of the Rosslyn Business Improvement Service District ("Rosslyn BID"), does hereby establish a calendar year 2009 tax levy for the District in the amount of \$0.080 per one hundred dollars of assessed value of all taxable real estate located within the boundaries of the Rosslyn Business Improvement Service District ("Rosslyn BID"), and;

BE IT FURTHER RESOLVED, that such taxes, when and if appropriated by the County Board, acting as the governing body of the Rosslyn Business Improvement Service District ("Rosslyn BID"), shall be used solely to fund the Budget and Work Program of the District as adopted by the County Board for the purposes of the District.

BE IT FURTHER RESOLVED, that the County Board affirms that, as in past years, its adoption of the Budget and Work Plan is through delegated authority to the County Manager and that the County Manager is authorized to execute agreements with the Rosslyn Bid and execute amendments as may be necessary and consistent with the purposes of and annual appropriations to the District.

BE IT FURTHER RESOLVED that the County Manager is directed to post the Budget and Work Plan publicly, notify the County Board of any amendments to the Budget and Work Plan, and post such amendments publicly.

BE IT FURTHER RESOLVED that the County Manager is directed to incorporate the Budget and Work Plan for Fiscal Year 2011 and thereafter in the advertisement for the tax rate of the District.

[Board Report #46E](#)

- F. [Adopt the Crystal City Business Improvement Service District \("Crystal City BID"\) tax rate as part of the overall real estate tax rate.](#)

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISSETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted the Calendar Year 2009 tax rate for the Crystal City Business Improvement Service District of \$0.043 that is in addition to the current real estate rate, using the following resolution:

RESOLUTION ESTABLISHING A 2009 TAX LEVY RATE FOR THE CRYSTAL CITY BUSINESS IMPROVEMENT DISTRICT ("CRYSTAL CITY BID")

RESOLVED, that the County Board of Arlington County, acting as the governing body of the Crystal City Business Improvement Service District ("Crystal City BID"), does hereby establish a calendar year 2009 tax levy for the District in the amount of \$0.043 per one hundred dollars of assessed value of all taxable real estate located within the boundaries of the Crystal City Business Improvement Service District ("Crystal City BID"), and;

BE IT FURTHER RESOLVED, that such taxes, when and if appropriated by the County Board, acting as the governing body of the Crystal City Business Improvement Service District ("Crystal City BID"), shall be used solely to fund the Budget and Work Program of the District as adopted by the County Board for the purposes of the District.

BE IT FURTHER RESOLVED, that the County Board affirms that, as in past years, its adoption of the Budget and Work Plan is through delegated authority to the County Manager and that the County Manager is authorized to execute agreements with the Crystal City Bid and execute amendments as may be necessary and consistent with the purposes of and annual appropriations to the District.

BE IT FURTHER RESOLVED that the County Manager is directed to post the Budget and Work Plan publicly, notify the County Board of any amendments to the Budget and Work Plan, and post such amendments publicly.

BE IT FURTHER RESOLVED that the County Manager is directed to incorporate the Budget and Work Plan for Fiscal Year 2011 and thereafter in the advertisement for the tax rate of the District.

[Board Report #46F](#)

G. [Adopt the proposed amendments to the Utilities Ordinance related to Water/Sewer Rates.](#)

On motion by MARY HUGHES HYNES, Member, seconded by BARBARA A. FAVOLA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the County Board adopted the proposed amendments to Chapter 26, Article I (Utilities Ordinance) of the County Code, as set forth in the document entitled "Addendum 4-28-09-H – Chapter 26, Article I (Utilities Ordinance)" attached for the public record to these minutes," to increase the water rate by \$0.07, from \$3.35 to \$3.42 per thousand gallons, and the sewer rate by \$0.59, from \$7.19 to \$7.78 per thousand gallons, to be effective May 1, 2009.

[Addendum 4-28-09-H – Chapter 26, Article I \(Utilities Ordinance\)](#)

[Board Report #46G](#)

H. [Adopt the FY 2010 household solid waste rate.](#)

On motion by JAY FISETTE, Vice Chairman, seconded by BARBARA A. FAVOLA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted the amendment to Chapter 10, Article 1 (Refuse) of the Code of Arlington County, Virginia, as set forth in the document entitled "Addendum 4-28-09-I – Chapter 10, Article 1 (Refuse)" attached for the public record to these minutes. The amendment increases the annual Household Solid Waste Rate to \$325.68.

[Addendum 4-28-09-I – Chapter 10, Article 1 \(Refuse\)](#)

[Board Report #46H](#)

I. [Adopt the proposed amendments to Chapter 14.2 \(Motor Vehicles & Traffic\) of the Arlington County Code, Section 14.2-73, to increase the fee on motor vehicle licenses from \\$24 to \\$25 per year.](#)

On motion by J. WALTER TEJADA, Member, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice

Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board Adopt the proposed amendment to 14.2 (Motor Vehicles & Traffic) of the Arlington County Code, Section 14.2-73, as set forth in the document entitled "Addendum 4-28-09-J – Chapter 14.2 (Motor Vehicles & Traffic)" attached for the public record to these minutes, allowing for a \$1 increase to the motor vehicle license fee from \$24 to \$25 per year.

[Addendum 4-28-09-J – Chapter 14.2 \(Motor Vehicles & Traffic\)](#)

[Board Report #46I](#)

[Board Report #46 I-Revised](#)

- J. [Adopt the proposed amendments to Chapter 27 \(Miscellaneous Ordinances\) of the Arlington County Code, Section 27-3, to increase the interest rate on delinquent taxes and other debts owed to Arlington County to ten percent per year.](#)

On motion by J. WALTER TEJADA, Member, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted the proposed amendments to Chapter 27 (Miscellaneous Ordinances) of the Arlington County Code, Section 27-3, as set forth in the document entitled "Addendum 4-28-09-K – Chapter 27, Section 27-3 (Miscellaneous Ordinances)" attached for the public record to these minutes, allowing for an increase in the interest rate on delinquent taxes and charges to ten percent per year.

[Addendum 4-28-09-K – Chapter 27, Section 27-3 \(Miscellaneous Ordinances\)](#)

[Board Report #46J](#)

- K. [Adopt the proposed revisions to the County Code to remove inconsistencies in Chapter 11 \(Licenses\), Chapter 32 \(Bank Franchise Tax\), Chapter 63 \(Utility Tax\) and Chapter 64 \(Short Term Rental Tax\) and to streamline the late filing penalty procedure for the local bank franchise tax to make it consistent with the late filing penalty procedure for the state bank franchise tax.](#)

On motion by JAY FISSETTE, Vice Chairman, seconded by BARBARA A. FAVOLA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted the proposed amendments to Chapters 11, 32, 63 and 64 of the County Code to remove internal inconsistencies and/or erroneous references to the State Code; and adopt the proposed amendment to Chapter 32 of the County Code to streamline the late filing penalty procedure for the local bank franchise tax, as set forth in the document entitled "Addendum 4-28-09-L – Chapters 11, 32, 63, and 64" attached for the public record to these minutes.

[Addendum 4-28-09-L – Chapters 11, 32, 63, and 64](#)

[Board Report #46K](#)

- L. [Adopt the proposed revisions to the County Code to exempt businesses grossing less than \\$10,000 per year and not owning significant business personal property from the requirement to file for a business license.](#)

Ms. Hynes announced her declaration of personal interest pursuant to Section 2.2-3115.G on the business license taxes. Ms. Hynes holds a business license; however, under the State and Local Government Conflicts of Interest Act, because she is a member of a group that is generally affected by the business license tax, she was able to participate in the discussions and votes, and can do so fairly, objectively, and in the public interest.

On motion by JAY FISSETTE, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted proposed amendments to Chapter 11 of the County Code, as

set forth in the document “Addendum 4-28-09-M – Chapter 11 (Licenses)” attached for the public record to these minutes, to exempt businesses grossing less than \$10,000 per year and not owning significant business personal property from the requirement to file for a business license.

[Addendum 4-28-09-M – Chapter 11 \(Licenses\)](#)

[Board Report #46L](#)

- M. [Adopt the proposed amendment to §11-72 of the Arlington County Code \(Lodging\) to eliminate the current \\$8,000 exemption from gross receipts for calculating the lodging license tax.](#)

On motion by J. WALTER TEJADA, Member, seconded by BARBARA A. FAVOLA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted the proposed amendment to remove the exemption of \$8,000 in gross revenues in calculating the amount of the lodging license tax found in Chapter 11-72 (Lodging) of the Arlington County Code, as set forth in the document entitled “Addendum 4-28-09-N – Chapter 11-72 (Lodging)” attached for the public record to these minutes.

[Addendum 4-28-09-N – Chapter 11-72 \(Lodging\)](#)

[Board Report #46M](#)

- N. [Zoning Fees](#)

1. Amendments to Sections 1, 31, 34 and 36 of the Arlington County Zoning Ordinance to remove the zoning fee schedule from the Zoning Ordinance and replace it with a reference to indicate that fees will be charged according to a schedule adopted by the County Board; and
2. An ordinance to adopt a schedule of fees for Fiscal Year (FY) 2010 that would implement an inflationary increase of 4.7% over fees previously set forth in the Zoning Ordinance for FY 2009.

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

1. Adopted the ordinance to amend, reenact and recodify Sections 1, 31, 34 and 36 of the Arlington County Zoning Ordinance, as set forth in the document entitled “Addendum 4-28-09-O – Zoning Ordinance Sections 1, 31, 34 and 36” attached for the public record to these minutes, to remove the zoning fee schedule from the Zoning Ordinance and replace it with a reference to indicate that fees will be charged according to a schedule adopted by the County Board; and
2. Adopted the ordinance to adopt a schedule of zoning fees for Fiscal Year 2010, as set forth in the document entitled “Addendum 4-28-09-P – Schedule of Zoning Fees for Fiscal Year 2010” attached for the public record to these minutes, that would implement a 4.7% inflationary increase over the Fiscal Year 2009 fees, and introduce some new fees, in order to provide for efficient administration of the County’s review process, to encourage economic development, and to promote the health, safety, and general welfare of the public.

[Addendum 4-28-09-O – Zoning Ordinance Sections 1, 31, 34 and 36](#)

[Addendum 4-28-09-P – Schedule of Zoning Fees for Fiscal Year 2010](#)

[Board Report #46N](#)

- O. [Adopt the ordinance to amend, reenact and recodify Chapter 3, Building Code; Chapter 7, Electrical Code; and Chapter 18 Plumbing and Gas Codes of the Code of Arlington County, Virginia, to: 1\) increase the fees charged for construction and related permits to adjust for inflation; 2\) reflect that fees](#)

[for electrical inspections are charged to the County and the Arlington Public Schools; 3\) change fees for building repair to .008 times the cost of repair and re-roofing to \\$217 per 10,000 square feet; 4\) clarify that interior demolitions are a flat fee; 5\) remove the fee for parking lots; 6\) eliminate requirements and fees for driveway permits and outdated maintenance inspections; 7\) add fees for overtime inspections:](#)

On motion by JAY FISETTE, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted the Ordinance to Amend, Reenact and Recodify Chapter 3, Building Code; Chapter 7, Electrical Code; and Chapter 18, Plumbing and Gas Codes of the Code of Arlington County, Virginia, as set forth in the document entitled "Addendum 4-28-09-Q – Chapter 3, Chapter 7, and Chapter 18" attached for the public record to these minutes, concerning the fees charged for construction and related permits.

[Addendum 4-28-09-Q – Chapter 3, Chapter 7, and Chapter 18](#)

[Board Report #46 O.](#)

- P. [Adopt increases to mulch delivery fees and the fee for curbside appliance pick-up and establish a new fee for brush and leaf deliveries by multi-family communities.](#)

On motion by J. WALTER TEJADA, Member, seconded by BARBARA A. FAVOLA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted increases to mulch delivery fees and the fee for curbside appliance pick-up and establish a new fee for brush and leaf deliveries by multi-family communities:

THE COUNTY BOARD HEREBY RESOLVES that effective July 1, 2009, the fees listed below will be charged for programs and services of the Department of Environmental Services, Solid Waste Bureau.

Materials	Quantities	Current Prices	Proposed Prices
Leaf Mulch	2 ½ cubic yards	\$15.00	\$40.00
Leaf Mulch	5 cubic yards	\$25.00	\$50.00
Wood Mulch	2 ½ cubic yards	\$30.00	\$40.00
Wood Mulch	5 cubic yards	\$50.00	\$50.00
Brush & Leaves disposal	Per ton	\$0.00	\$32.00
Appliance Collection Fee	First item	\$20.00	\$22.00

[Board Report #46 P.](#)

- Q. [Adopt the proposal to impose an annual \\$66 fee on all business and multi-family properties located in Arlington County to pay for the costs of recycling compliance inspections.](#)

On motion by JAY FISETTE, Vice Chairman, seconded by BARBARA A. FAVOLA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted an amendment to Chapter 10, Section 36 of the County Code, as set forth in the document entitled "Addendum 4-28-09-R – Chapter 10, Section 36 (Garbage Refuse and Weeds)" attached for the public record to these minutes, that creates an annual \$66 fee on all business and multi-family properties located in Arlington County to pay for the costs of recycling compliance inspections.

[Addendum 4-28-09-R – Chapter 10, Section 36 \(Garbage Refuse and Weeds\)](#)

[Board Report #46 Q.](#)

- R. [Adopt an increase in the annual permit fee for refuse disposal equipment and a related change to the Arlington County Code, Chapter 10, Section 8e.](#)

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted an amendment to Chapter 10, Article 1 (Refuse) of the Code of Arlington County, Virginia, as set forth in the document entitled "Addendum 4-28-09-S – Chapter 10, Article 1 (Refuse)" attached for the public record to these minutes, that increases the annual refuse disposal equipment permit fee from sixty dollars (\$60) to seventy-five dollars (\$75).

[Addendum 4-28-09-S – Chapter 10, Article 1 \(Refuse\)](#)

[Board Report #46 R.](#)

- S. [Enact amendments to the Street Development & Construction Ordinance, Chapter 22, of the Code of Arlington County, Virginia, and the Erosion and Sediment Control Ordinance, Chapter 57, of the Code of Arlington County, Virginia, Concerning Engineering Review and Inspection Service, and Erosion and Sediment Control Plan Review and Inspection Fees.](#)

On motion by MARY HUGHES HYNES, Member, seconded by JAY FISETTE, Vice Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board enacted the ordinance, as set forth in the document entitled, "Addendum 4-28-09-T – Chapter 22, Section 22-7, and Chapter 57, Section 57-8" attached for the public record to these minutes, to amend, reenact, and recodify Chapter 22 (Street Development and Construction) Section 22-7, and Chapter 57 (Erosion & Sediment Control) Section 57-8 of the Code of Arlington County, Virginia concerning charges for engineering review and inspection service, plat review and approval, public improvement bond administration, and erosion and sediment control plan review and inspection, to become effective on July 1, 2009.

[Addendum 4-28-09-T – Chapter 22, Section 22-7, and Chapter 57, Section 57-8](#)

[Board Report #46S.](#)

[Board Report #46S. - Attachment](#)

- T. [Adopt the proposed increases to Library fees and fines.](#)

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by BARBARA A. FAVOLA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board adopted the following proposed increases to Library fees and fines:

THE COUNTY BOARD HEREBY RESOLVES that effective July 1, 2009, the following Department of Libraries fees and fines will be charged.

<u>FEE/FINE</u>	<u>FEE UNIT</u>	<u>FY 2009 FEE/FINE</u>	<u>FY 2010 FEE/FINE</u>
Overdue fines (daily) Adult materials	Item	\$0.20	\$0.30
Overdue fines (maximum) Adult materials	Item	\$8.00	\$10.00
Lost library card replacement	Item	\$1.00	\$2.00
Interlibrary loan request	Item	\$3.00	\$5.00

(Special handling)

Interlibrary loan photocopies	Page	\$0.10	\$0.15
Computer print-outs	Page	\$0.10	\$0.15

[Board Report #46 T](#)

U. [Adopt the repeal of the ordinance creating the Chain Bridge Road Service District.](#)

On motion by BARBARA A. FAVOLA, Chairman, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board repealed the ordinance creating the Chain Bridge Road Service District:

ORDINANCE REPEALING THE CHAIN BRIDGE ROAD SERVICE DISTRICT

BE IT ORDAINED by the County Board of Arlington County, Virginia, acting as the governing body of the Chain Bridge Road Service District, that the non-codified ordinance approved on March 17, 2001 creating a Chain Bridge Road Service District is hereby repealed and the service district shall cease to exist.

[Board Report 46 U](#)

V. [Adopt the Department of Parks, Recreation and Cultural Resources' fees for FY 2010.](#)

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

1. Adopted the resolution setting the FY 2010 Department of Parks, Recreation and Cultural Resources program fees, as set forth in the document entitled "Addendum 4-28-09-U – Resolution FY 2010 PRCR program fees" attached for the public record to these minutes.
2. Adopted the Cost Recovery Model for Department of Parks, Recreation, and Cultural Resources programs and services as the framework for determining future cost recovery targets and fees (Attachment II of the County Manager's March 31, 2009 report).
3. Adopted a minimum age of 62 for a "senior" discount for general recreation programs.

[Addendum 4-28-09-U – Resolution FY 2010 PRCR program fees](#)

[Board Report #46 V](#)

W. [Adopt a \\$3 fee for parking at the 3033 Wilson Blvd. parking garage during nights and weekends.](#)

On motion by CHRISTOPHER ZIMMERMAN, Member, seconded by MARY HUGHES HYNES, Member and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the County Board took no action on the County Manager's recommendation regarding parking at the 3033 Wilson Boulevard parking garage.

[Board Report #46 W](#)

X. [Adoption of the Community Development Program and budget for FY 2010, including allocation of Affordable Housing Investment Fund \(AHIF\) Housing Services funds.](#)

On motion by JAY FISETTE, Vice Chairman, seconded by BARBARA A. FAVOLA, Chairman and carried by a vote of 5 to 0, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISETTE, Vice Chairman -

Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board took the following actions:

1. Approved the Community Development Program for FY 2010 as described in the Proposed Budget for FY 2010, (Section C, Pages 753-762), with a reduction of \$24,624 Community Services Block Grant (CSBG) to Arlington Employment Center (AEC) Employment & Training line item.
2. Authorized the County Manager to execute contracts and documents: (1) to make grants in FY 2010 as shown in Attachment I, and (2) as may be required by U.S. Department of Housing and Urban Development (HUD), including Community Development Block Grant (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).
3. Approved the allocation of revolving loan program income received annually by AHC, Inc. and Enterprise Development Group (EDG), as required by CDBG regulations.
4. Allocated \$85,000 from the FY 2010 AHIF Housing Services funds to four programs: \$25,000 for the Director of Housing Programs by Arlington Street People's Assistance Network (A-SPAN); \$10,000 for Partnership for Family Stability by Arlington Alexandria Coalition for the Homeless (AACH); \$25,000 for Susan's Place by New Hope Housing; and \$25,000 for Foreclosure Prevention by Arlington Home Ownership Made Easier (AHOME).
5. Authorized the County Manager to execute the required documents to convey the AHIF grant of up to \$85,000 in total to: A-SPAN, AHOME, New Hope Housing and AACH.

[Board Report #46 X](#)

[Board Report #46 X-Attachment](#)

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ADDITIONAL ITEMS

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SETTLEMENT OF SIGAL CLAIMS

On motion by BARBARA A. FAVOLA, Chairman, seconded by J. WALTER TEJADA, Member and carried by a vote of 5 to 0, the voting recorded as follows: : BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - Aye, CHRISTOPHER ZIMMERMAN, Member - Aye, the Board authorized the County Manager to execute settlement agreements with Sigal Construction and Lincoln Holdings, in a form approved by the County Attorney and subject to any further changes approved by the County Attorney that do not adversely affect the County financially, the County's share of the settlement be paid out of the Emergency Infrastructure Reserve, and the Purchasing Agent be authorized to approve any contract documents needed to effectuate the settlement.

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APPROVAL OF A DEED OF LEASE AMONG, FP REPUBLIC 2006, LLC, FP SEQUOIA 2006, LLC, OKLAND REPUBLIC 2006, LLC, OKLAND SEQUOIA 2006, LLC, RCI SEQUOIA MARYLAND, LLC, AND ENGLAND SEQUOIA 2006, LLC, LANDLORD, AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, TENANT, FOR A 13 YEAR LEASE FOR A PORTION OF THE BUILDING LOCATED AT 2100 WASHINGTON BOULEVARD, ARLINGTON, VA (RPC NUMBER 24004015).

On motion by BARBARA A. FAVOLA, Chairman, seconded by MARY HUGHES HYNES, Member and carried by a vote of 3 to 2, the voting recorded as follows: BARBARA A. FAVOLA, Chairman - Aye, JAY FISSETTE, Vice Chairman - Aye, MARY HUGHES HYNES, Member - Aye, J. WALTER TEJADA, Member - No, CHRISTOPHER ZIMMERMAN, Member - No, the Board took the following actions:

1. Approved the Deed of Lease attached to the County Manager's April 28, 2009 report among, FP Republic 2006, LLC, FP Sequoia 2006, LLC, Okland Republic 2006, LLC, Okland Sequoia 2006, LLC, RCI Sequoia Maryland, LLC, and England Sequoia 2006, LLC, Landlord, and the County Board of Arlington County, Virginia, Tenant, for a 13 Year Lease for a Portion of the Building Located at 2100 Washington Boulevard, Arlington, VA (RPC Number 24004015), including the acceptance of \$75,000.00 as additional consideration from the Landlord.
2. Authorized the County Manager, or his designee, to execute and deliver on behalf of the County Board, the Deed of Lease, and all related documents, subject to approval as to form by the County Attorney.
3. Affirmed that it is the intention of the Board, and the Manager is so directed, that the savings earned by the County as a result of entering into the proposed Deed of Lease, estimated to be \$4 million over 10 years, shall be used for the purpose of funding local transit service (ART) in the County that supplements those services already in operation or have been recommended for implementation in FY2010.

[Board Report-Sequoia Lease](#)

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ADJOURNMENT

Without objection, at 10:22 p.m., the Board adjourned the meeting.

BARBARA A. FAVOLA, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: September 26, 2009