

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, February 23, 2010 at 3:00 p.m.

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

ALSO PRESENT: BARBARA M. DONNELLAN, Acting County Manager
STEPHEN MacISAAC, County Attorney
HOPE L. HALLECK, Clerk

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COUNTY BOARD RECESSED MEETING

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COUNTY BOARD BUSINESS AND REPORTS

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

**Resolution Directing Preparation of
Snow Removal Ordinance for County Board Consideration**

WHEREAS, the availability of walkable sidewalks is essential to the public health, safety and welfare for reasons not limited to protecting pedestrians from the dangers posed by motor vehicle traffic in the street, and ensuring pedestrian access to commercial and residential properties, transit stations and stops; and

WHEREAS, Arlington’s comprehensive plan is based on reducing automobile dependency and explicitly emphasizes the importance of walking and transit as central to the County’s goals, including traffic mitigation, environmental sustainability, safe routes to school, and overall high quality of life; and

WHEREAS, accumulations of snow and ice that make pedestrian use of sidewalks difficult or impossible present risks to the public health, safety and welfare, and constitute a public nuisance; and

WHEREAS, the public risks and associated problems presented by this condition predominate in those areas of the County where there is a high volume of pedestrian traffic, such as access routes to Metro stations and bus stops and areas where there are concentrations of commercial and retail uses and high density residential uses, where walkable sidewalks are essential to pedestrian safety and the economic sustainability of the County; and

WHEREAS, these risks and problems are also particularly present in those areas of the County where there is a high volume of motor vehicle traffic and high levels of transit service because accumulations of snow and ice on sidewalks prevent use of sidewalks and force pedestrians into the street; and

WHEREAS, the areas of the County where the risks to the public are greatest, and the need to ensure sidewalks free of snow and ice is most compelling, are those zoned for commercial use and high density residential use, and those areas fronting on high traffic volume streets and streets served by transit, and on streets intersecting such streets; and

WHEREAS, in light of the foregoing, the County Board concludes that the an examination of the advantages of an ordinance requiring the removal of snow and ice from sidewalks is necessary;

NOW, THEREFORE, BE IT RESOLVED, that the County Board hereby directs the County Manager to prepare an analysis of the alternative provisions available to the Board in enacting a snow removal ordinance together with draft ordinance language for the Board's consideration for advertisement at the April 2010 meeting; and,

BE IT FURTHER RESOLVED, that the County Board hereby directs the County Manager to prepare a temporary snow removal ordinance for consideration of adoption by the County Board at the April 2010 County Board meeting containing the provisions in Attachment A, which ordinance if adopted shall be in effect for a period of sixty (60) days; and,

BE IT FINALLY RESOLVED, that it is the policy of the County Board that the County take responsibility for clearing snow from sidewalks on or abutting County property, and that, accordingly, the Board hereby directs the County Manager in coordination with Arlington Public Schools, to analyze the properties involved and prepare administrative procedures that will ensure the fulfillment of this policy.

Attachment A

SNOW REMOVAL ORDINANCE

Snow and ice removal

- (A) It shall be the duty of the owner, occupant or other person in charge of any property listed below in subsection B which has a paved sidewalk or footway abutting such property to remove and clear away or cause to be removed and cleared away all snow in excess of two (2) inches upon said sidewalk within twenty-four (24) hours after the snow ceases to fall. The same requirements shall exist with respect to ice on sidewalks or footways, except that when ice cannot be removed without injury to the sidewalk or footway, it shall be covered with sand, sawdust or some other substance which will render it safe for pedestrian travel. Snow removed from a sidewalk shall not be placed onto the street in a fashion that obstructs the street.

- (B) The following properties are covered by this section: all properties in following zoning districts: all "C" districts, all "RA" districts, R-C district, MU-VS district, and CP FBC district.

- (C) Snow and ice removal under this section shall be the duty of the property manager or other person in charge of commercial rental properties with over four (4) units and condominiums with over four (4) units.
- (D) Subsection A shall not apply to any persons above the age of sixty-five (65), or persons who are disabled or otherwise determined to be physically incapable of meeting the requirements of this section.
- (E) Any person violating this section shall be assessed a civil penalty of fifty dollars (\$50) for sidewalk less than 200 hundred linear feet in length; for sidewalk greater than 200 linear feet, one hundred dollars (\$100).
- (F) Notwithstanding the assessment of a penalty under subsection E, the County may remove any snow or ice which has not been removed pursuant to subsection A, and recover abatement costs against the owner or other person in charge.

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I. COUNTY BOARD REPORTS

Chairman Fisetto welcomed Arlington Treasurer Frank O’Leary who announced the winners of the sixth consecutive Arlington County vehicle decal design competition. This year nineteen designs were submitted by sixteen students, representing six high schools. Providence Smith, Wakefield High School, 12th grade, design "Come Together - W&OD Trail." Semifinalists were Cynthia Carson, 12th grader at Washington & Lee High School, Sam Jones, 9th grader at Potomac School, 9th grade, and Patricia Murray, 12th grader at Washington & Lee High School.

Chairman Fisetto announced that The Metropolitan Washington Council of Governments (COG) has received federal stimulus funding for regional transportation projects – through the Department of Transportation Investment Generating Economic Recovery (TIGER) Program. The total award for the region is \$58.8 million, with \$30.4 million benefiting Virginia.

Chairman Fisetto provided an update on the Fresh AIRE program (Arlington Initiative to Reduce Emissions), which was launched three years ago. the Building Energy Report Cards for 2009 have been released on the County website. This information, which can be found at our website from the AIRE page: www.arlingtonva.us/aire, shows reductions in energy use in many County buildings between 2007 and 2009, a result of investments in energy efficiency retrofits AND our employee energy conservation efforts. Between 2007 and 2009, energy retrofits and other energy efficiency measures have cut electricity use by 3 million kilowatt-hours, resulting in nearly \$300,000 in avoided energy costs for the County.

Chairman Fisetto also provided an update on the Community Energy and Sustainability Task Force. The Task Force is finalizing the agenda for the March meeting and preparing for the April Community Energy Town Hall meeting. For more information, please visit www.arlingtonva.us/energyplan

Chairman Fisetto invited residents to join him Feb. 24, for a kick-off event for a very worthy initiative – the Arlington Children and Nature Network (CANN). This kickoff event will launch the community campaign and goal to gather 1,000 supporters for CANN, an alliance of agencies, organizations, individuals and businesses dedicated to connecting Arlington children to nature.

Chairman Fisetto announced the Car-Free Diet Skeptics Challenge, a challenge to Arlington County residents who currently drive their cars frequently, but are willing to attempt car-free living for 30 days. Residents chosen as one of the skeptics will describe their transportation experiences online during the 30-day challenge. For more information, please visit www.carfreedietskeptics.com.

The Chairman announced that Arlington's Main Event Caterers was just named "Caterer of the Year", from Catering Magazine, out of over 30,000 caterers across the nation. Main Event has created a sustainable business model including purchasing wind power and carbon offsets, recycling, composting and operating a zero-waste kitchen with bio-diesel fuel.

Chairman Fisetto announced that, based on Arlingtonians online giving to charity, was recently named one of the nation's most generous large cities. Arlington was ranked #3 in the nation, with a donation amount of \$14,362 in per 1,000 people 2009. To find volunteer opportunities, visit the County website, www.arlingtonva.us, and search "volunteer."

The Chairman announced that the week of March 8 through 14, 2010 was Suicide Prevention Week and read the following proclamation:

MULTIPLE SCLEROSIS AWARENESS WEEK

WHEREAS, multiple sclerosis (MS) is a chronic and often disabling disease of the central nervous system that affects approximately 10,000 people in Virginia and 400,000 nationwide; and

WHEREAS, multiple sclerosis is a disease that not only affects the person with the disease, but also greatly affects family and friends; and

WHEREAS, the symptoms of MS vary but include abnormal fatigue, numbness in arms and legs, blindness or even paralysis; and

WHEREAS, the National Multiple Sclerosis Society, National Capital Chapter supports the mission to end the effects of MS; and

WHEREAS, since it began, the National Multiple Sclerosis Society has committed over \$500 million to support MS research related programs; and

WHEREAS, the National MS Society, National Capital Chapter provides education and supports programs that improve the quality of life for people with MS in Arlington County; and

WHEREAS, the National MS Society, National Capital Chapter seeks contributions for research and local programs; and

WHEREAS thousands of volunteers, corporations, and health professionals are working diligently to end MS; and

WHEREAS, research continues to bring us closer to a cure while contributing to the development of improved treatment options that enhance the quality of life for people with MS; and

WHEREAS, in its quest to end the effects of MS, the National Multiple Sclerosis Society, National Capital Chapter is one thing that people with multiple sclerosis can count on; and

WHEREAS, Arlington County commends all those who are committed to finding a cure for multiple sclerosis and especially those individuals who have been diagnosed with MS.

NOW, THEREFORE, I, Jay Fisetto, Chairman of the County Board of Arlington, Virginia, do hereby proclaim March 8-14, 2010 as

MULTIPLE SCLEROSIS AWARENESS WEEK

in Arlington County and urge all residents to learn more about this disease including how to help those living with MS to continue leading active and productive lives.

Ms. Favola announced the Grant to Encourage Arrest Policy and Enforcement of Protection Orders (GEAP). From 2008 to 2010, the County received \$385,000 for this grant, and staff has recently applied for a second cycle of funding. Purpose of the grant is to get domestic violence staff involved at critical points in the civil and criminal process.

Mr. Tejada announced the next Latino Roundtable event: Census 2010 Community Forum, to be held on Thursday March 11, 2010 at the Arlington Career Center. Panelists for the Forum will be Juan J. Callejas, Partnership Specialist for the U.S. Census Bureau and Leni Gonzalez, Co-Chair of the Virginia and Arlington Latino Complete County Committees.

Mr. Tejada announced the Attention to Prevention Gang Prevention Community Forum: Hope in Times of Darkness, A Salvadoran American Experience by Randy Jurado Ertll. The forum will be held on February 24, 2010 at the Walter Reed Community Center.

Mr. Tejada announced the free FitArlington Teen Launch Party for middle and high school students on February 27 from 9:00 p.m. to 11:30 p.m.

Mr. Tejada announced the upcoming Love the Run You're With 5K with FitArlington partner, Pacers/Pacers Events, on February 28 at 9:00 a.m. at the Pentagon Row store.

Ms. Hynes welcomed students from the Yorktown High School Theater Program who gave testimony about what they have learned creating the one-act play "Nora's Lost" and showed a video of their upcoming performance. District VA High School League 1st Place in district, (Washington-Lee won second, Wakefield won third). They also won first place in the regional competition with five acting awards and now head to the Virginia State competition in March. They will represent Virginia in the Southeastern Theater Conference in Kentucky in March.

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II. APPOINTMENTS

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

Community Services Board

Appoint Cynthia Fagnoni
Appoint Judith Deane

Neighborhood Traffic Calming Committee

Reappoint & Designate Willis C. Brasswell, Jr (Bill) as NCAC representative

Transportation Commission

Reappoint Ellen Armbruster

Fiscal Affairs Advisory Commission

Appoint Alan Howze

Northern Virginia Conservation Trust

Reappoint Elinor Schwartz

Planning Commission

Appoint Suzanne Klein

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III. REGIONAL REPORTS

Mr. Tejada announced that as Chair of COG Human Services Public Safety Policy Committee, he has led the committee in outlining a plan for coming year including a focus on Census 2010, the prevention of youth activities involving gang violence, addressing drunk driving and traffic safety, increase in mental health crisis during current economic downturn, reduction of obesity and the recent snow storms.

Mr. Zimmerman announced that Metro’s FY 2011 proposed budget has a \$189 million gap, \$90 million of could be proposed to be made up through a fare increase. Mr. Zimmerman stated there will likely be service cuts, many in routes in Arlington. These are proposed on routes which have been experiencing increased ridership lately.

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IV. COUNTY MANAGER REPORT

Ms. Donnellan gave an update on operations during the snow storms of 2009-2010, including nearly 3 weeks of continuous operation by snow crews maintaining 388 miles of streets and clearing 80 downed trees. She thanked the Board for their support and encouragement during the crisis and thanked staff for their work.

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

On a motion by Mr. Fisetete, seconded by Mr. Zimmerman, and carried by a vote of 5 to 0, the voting recorded as follows: Mr. Fisetete, Chairman – Aye, Mr. Zimmerman, Vice Chairman - Aye, Ms. Favola, Member - Aye, Ms. Hynes, Member - Aye, Mr. Tejada, Member - Aye, the Board met in a closed session from 5:55 p.m. until 6:55 p.m. as authorized by Virginia Code sections 2.2-3711.A.3 and 7. for the purposes of discussing two matters involving the acquisition of real property for public purposes where discussion in public would adversely affect the County’s negotiating position, and consultation with the County Attorney concerning the County’s authority to regulate the parking of cars used for dwelling purposes; concerning case numbers 09-111 and 07-261 pending in the U.S.. District Court for the District of Columbia.

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

Member & Vote

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

the Board certified that to the best of each member’s knowledge that (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia and

(2) 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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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, FEBRUARY 20, 2010)

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1. SP# 135 SITE PLAN AMENDMENT REQUEST TO ADD APPROXIMATELY 6,100 SQUARE FEET FLOOR AREA FOR A SECURE CONFERENCE AND PRESENTATION FACILITY AT THE BOEING COMPANY; LOCATED AT 1215 S. CLARK ST. (RPC#: 34-024-269).

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

BE IT ORDAINED that, pursuant to application SP #135 on file in the Office of the Zoning Administrator for an amendment to a special exception for a site plan to add approximately 6,100 square feet floor area for a secure conference and presentation facility at The Boeing Company for the parcel of real property known 1215 S. Clark St. (RPC#: 34-024-269) approval is granted for the addition of the secure conference and presentation facility, and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions and two (2) new Conditions #28 and 29:

28. Tree Protection and Replacement

- a. The developer agrees to complete a tree survey, which shows existing conditions of the site and locates and identifies all trees which are four (4) inches in diameter or greater. The survey shall include any tree on adjacent sites whose dripline extends onto the subject site.
- b. The developer agrees to file and implement a tree protection plan which will designate any trees proposed to be saved by the developer. Trees designated to be saved on the tree protection plan, or those specified to be saved by the approved site plan and shown on any filing in connection with this case, will be protected. This plan shall include any tree on adjacent sites whose dripline extends onto the subject site. The tree protection plan shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in tree protection techniques on urban sites and shall be submitted and approved, and found by the County Manager to meet the requirements of this site plan, before the issuance of a building permit for any portion of the project.

- c. Upon approval of the tree protection plan the developer agrees to submit to the Department of Parks, Recreation, and Cultural Resources (DPRCR) a performance bond estimate for the trees to be saved for the phase under development. Upon approval of the performance bond estimate by the DPRCR, the developer agrees to submit to the DPRCR a performance bond, in the approved amount of the estimate, and the approved tree protection plan, which bond shall be executed by the developer in favor of the County before the issuance of the Final Building Permit. Prior to the release of the public improvement bond, the developer agrees to submit to the DPRCR as-built drawings showing the location of all saved trees.

- d. The Developer agrees that any tree proposed to be saved on the tree protection plan or other filing shall be saved. At a minimum, this plan shall include:
 - (1) A site grading plan at two (2) foot intervals, including the location of all proposed improvements and utilities.
 - (2) Detailed specifications for any tree walls or wells proposed.
 - (3) A description of how and where building materials and equipment will be stored during construction to ensure that no compaction occurs within the critical root zone of the trees to be saved.
 - (4) Identification of tree protection measures and delineation of placement of tree protection.
 - (5) Any tree required to be saved pursuant to this condition, which dies (any tree which is 30% or more dead as determined by the County's Urban Forester shall be considered to have died) prior to, or within ten (10) years of, the issuance of the Master Certificate of Occupancy shall be removed and replaced by the developer at his expense with the number of major deciduous and evergreen trees consistent with the Tree Replacement Guidelines and which meet the minimum size and other requirements of Condition #29 below, provided, however, that replacement as specified in this subparagraph (3.d.5) does not relieve the developer of any violation resulting from the failure to save identified trees.
 - (6) The location of all construction trailers shall be approved either by Administrative Change approval or be shown on the Tree Protection Plan, with the construction staging's location and travel routes shown on a map approved as part of that plan. All trailers proposed to be located in the public right-of-way shall require approval by DES and Zoning staff, and the site plan's Arlington County Police representative shall receive a copy of the aforementioned map.

- e. In addition to saving identified trees, the developer also agrees to replace all trees shown on the Tree Survey that are removed as a result of the new construction in accordance with the Arlington County Tree Replacement Guidelines. The developer agrees to submit tree replacement calculations and a tree replacement plan in accordance with the Arlington County Tree Replacement Guidelines. The tree replacement calculations shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in assessing the condition of trees. Any replacement trees shall conform to the standards and specifications set forth in Condition #16a below and any replacement trees that cannot be accommodated on site will be provided in a monetary amount to the Tree Canopy Fund coordinated with Arlington County's Department of Parks and Recreation. The developer agrees to submit and obtain approval of this plan by the County Manager as part of the final landscape plan.
- f. The developer agrees to make a contribution to the County's Tree Canopy Fund of \$2,400.00 per tree per paragraph 28.e above. The payment shall be delivered to the Department of Parks and Recreation Office prior to the issuance of the Excavation/Sheeting and Shoring Permit, 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. If the contribution is made more than 12 months after site plan approval, the contribution amount will be increased by the same percentage as the percentage change in the Consumer Price Index (CPI-U) from the date of initial County Board approval of the site plan to first day of the month on which the contribution is made.

29. Landscape Standards

The developer agrees that all landscaping shall conform to Department of Environmental Services Standards and Specifications and to at least the following requirements or modified requirements as approved by the County Manager or his designee in consideration of existing conditions or constraints:

- a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:
 - (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees-a minimum caliper of 4 to 4 1/2 inches, except as indicated in Condition #28 below.
 - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)-a minimum height of 7 to 8 feet.
 - (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)-a minimum caliper of 3 to 3 1/2 inches. Multi-stem trees shall not be less than 10 feet in height.

- (4) Shrubs-a minimum spread of 18 to 24 inches.
- (5) Groundcover-in 2 inch pots.
- b. The developer agrees to coordinate with the DPRCR urban Forester to determine an appropriate and acceptable season in which to conduct planting. Planting is to occur during a season so as to best ensure the viability of the plantings. In addition, the developer agrees to plant trees prior to issuance of the first Certificate of Occupancy Permit, weather permitting, as determined by the Urban Forester for each phase.
- c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager, based on accepted landscaping standards and approved in writing, seeding may be substituted for sod. All sod and seed shall be state certified.
- d. Exposed earth not to be sodded or seeded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed.
- e. Soil depth shall be a minimum of four (4) feet plus 12 inches minimum of drainage material or equivalent for shade trees and tall shrubs and three (3) feet for shrubs, ornamental deciduous and evergreen trees. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2 ½ feet, maximum) above the adjacent finished grade. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
- f. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit for each phase under development and agrees to secure and maintain the site throughout the construction and phasing process. Further, the developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well maintained condition for the life of the site plan and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator, as required in Section 32A of the Zoning Ordinance.
- g. The developer agrees to notify the DPRCR Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.

[Board Report #1-Supplemental](#)

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7. [U-3226-09-1 USE PERMIT REQUEST FOR COMPREHENSIVE SIGN PLAN FOR THE WALGREEN'S STORE LOCATED AT 2825 WILSON BOULEVARD \(RPC#: 15-065-001\).](#)

After a duly advertised public hearing at which there were no speakers, on a motion by BARBARA A FAVOLA, Member, seconded by MARY HYNES, Member and carried by a vote of 4 to 1, the voting recorded as follows: JAY FISSETTE, Chairman – Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman – No, MARY HYNES, Member – Aye, BARBARA A. FAVOLA, Member – Aye, J. WALTER TEJADA, Member – Aye, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3226-09-1 on file in the Office of the Zoning Administrator for a special exception for a use permit for a comprehensive sign plan for the Walgreen's store for the parcel of real property known as 2825 Wilson Boulevard (RPC# 15-065-001), 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:

1. The applicant agrees to remove the existing building wall sign located on the building's east facade fronting on N. Edgewood Street (49.88 sq ft). The applicant further agrees to remove the sign within 90 days (May 20,2010) of County Board approval of the use permit of February 20, 2010 and before issuance of any new sign permits.
2. The applicant agrees to limit all signs to the size, design, location, color, materials, and text of the proposed signs as shown and approved in the drawings titled *Walgreens Comprehensive Sign Plan Arlington, VA 2825 Wilson Blvd, Store #11338* prepared by Icon Identity Solutions dated December 1,2008 and revised February 2,2010. In no case shall the total sign area on the site exceed 116 square feet. The signs shall be illuminated as shown on the subject drawings and only during hours that the business is open to the public. [Clerks note: as set forth in the document entitled "Addendum 2-23-10-A – Walgreen's Sign Plan" attached for the public record to these minutes.]
3. The applicant agrees that the freestanding monument sign at the corner of Wilson Boulevard and N. Edgewood Street shall be landscaped with evergreen shrubs, perennial ground cover and seasonal flowers planted in an area not less than three (3) feet in width around the base of the sign. The applicant agrees to obtain the County Manager's review and approval of the landscape plan meeting the standards of this condition prior to issuance of a sign permit. The applicant agrees to maintain the landscape according to approved plan.
4. The applicant agrees that the freestanding monument sign shall not be internally illuminated but shall be illuminated by ground floor lights only as shown on the drawings prepared by Icon Identity Solutions titled *Walgreens Comprehensive Sign Plan Arlington, VA 2825 Wilson Blvd, Store #11338* dated December 1,2009, revised February 2,2010. [Clerks note: as set forth in the document entitled "Addendum 2-23-10-A – Walgreen's Sign Plan" attached for the public record to these minutes.]
5. The applicant agrees that the windows identified in the drawings as "C", "D" and "E" shall comprise photographs depicting history significant to Arlington County. The photographs and size shall be submitted for review and approval by the County Manager or designee as meeting the standards of this condition prior to issuance of any new sign permit for the project. All other windows on site shall provide for 100% transparency. "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. The applicant agrees to provide the full 100% transparency of two (2) windows prior to the issuance of the sign permit for the freestanding monument sign. The applicant agrees to provide evidence reasonably satisfactory to the Zoning Administrator that the required window transparency has been achieved.

[Board Report #7](#)

[Addendum 2-23-10-A – Walgreen’s Sign Plan](#)

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8. U-3238-09-2 USE PERMIT FOR A COMPREHENSIVE SIGN PLAN TO ADD A BULLETIN BOARD SIGN AT WILSON BOULEVARD CHRISTIAN CHURCH; LOCATED AT 3850 WILSON BOULEVARD (RPC#: 020-003-001).

After a duly advertised public hearing at which the public spoke, on a motion by CHRISTOPHER ZIMMERMAN, Vice Chairman, seconded by BARBARA A FAVOLA, Member and carried by a vote of 5 to 0, JAY FISETTE, Chairman – Aye, CHRISTOPHER ZIMMERMAN, Vice Chairman – Aye, MARY HYNES, Member – Aye, BARBARA A. FAVOLA, Member – Aye, J. WALTER TEJADA, Member – Aye, the Board adopted the following ordinance:

BE IT ORDAINED that, pursuant to application U-3238-09-2 on file in the Office of the Zoning Administrator for a special exception for a use permit for a comprehensive sign plan for addition of a bulletin board sign for the parcel of real property known as 3850 Wilson Boulevard (RPC# 020-003-001), 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:

1. The applicant agrees that the bulletin board sign for the Ballston Christian Church shall be limited to the location and design as shown on the drawings by Sign-A-Rama, and attached to this report. The applicant also agrees to remove the two (2) existing wall signs on the Church's Wilson Boulevard frontage and may retain the two (2) 24 square foot signs on the rear facade of the church; however neither of these two (2) wall signs may be replaced or altered in any way, and shall be removed when they reach the end of their useful life. Sign area for the church shall not exceed 30 square feet for the bulletin board sign and 24 square feet each for the two (2) existing wall signs. [Clerk's note: as set forth in the document entitled "Addendum 2-23-10-B – Church Sign" attached for the public record to these minutes.]
2. The applicant agrees that the bulletin board sign may be illuminated between dusk and 11 p.m., seven (7) days per week. The applicant further agrees that if the County Manager finds that the bulletin board sign lighting has an adverse effect on the surrounding area, it will immediately carry out any recommendation by the County Manager to reduce the hours of operation and/or lighting intensity.
3. The applicant agrees that the Zoning Administrator may approve a minor change to the bulletin board sign. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of the sign to meet field conditions (less than 1 foot in any direction); (ii) a minor change in the area of the sign (less than 5%), or (iii) a change in the wording of the sign. All other changes to the approved Comprehensive Sign Plan, including changes to the two (2) wall signs on the rear facade of the church, will require use permit approval or amendment.

4. The applicant shall identify a liaison who shall be available to receive and respond to community concerns. The name and telephone number of the liaison shall be sent to the Ashton Heights Civic Association and the Zoning Administrator.

[Board Report #8](#)

[Addendum 2-23-10-B – Church Sign](#)

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10. APPROVAL OF A RESOLUTION GRANTING A DENSITY CREDIT, UNDER SECTION 36.L. OF THE ARLINGTON COUNTY ZONING ORDINANCE, TO THE PROPERTY KNOWN AS WILSON BOULEVARD CHRISTIAN CHURCH, LOCATED AT 3850 WILSON BOULEVARD, RPC NO. 20003001 ("CHURCH PROPERTY"), IN EXCHANGE FOR A FEE SIMPLE DEDICATION TO THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA OF A PORTION OF THE CHURCH PROPERTY FOR PUBLIC PURPOSES; AND APPROVAL OF DEEDS OF EASEMENT ON THE CHURCH PROPERTY FOR A STREET IMPROVEMENT PROJECT.

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

1. Adopted the following Resolution, granting a density credit in the amount of density that would be yielded by 1,040 square feet of land area to the property known as Wilson Boulevard Christian Church (the record owners being the Trustees of the Ballston Christian Church), located at 3850 Wilson Boulevard, RPC No. 20003001 ("Church Property"), in exchange for the fee simple dedication to the County Board of Arlington County, Virginia, of a 1,040 square foot portion of the Church Property for public purposes;

RESOLUTION GRANTING DENSITY CREDIT

WHEREAS, the County Manager has recommended that, in exchange for the fee simple dedication of 1,040 square feet of the property located at 3850 Wilson Boulevard (RPC# 2000300 I) (the "Property") for public purposes, the County hereby grants a density credit pursuant to Section 36.L. of the Arlington County Zoning Ordinance in the amount of density that would be yielded by 1,040 square feet of land area (the area of the Property being dedicated for public purposes) to the remaining 34,200 square foot parcel ("Remaining Parcel") as shown on the attached plat (RPC #20003001), such that the remaining parcel will be treated as a 35,240 square foot parcel for the purposes of density calculations; and

WHEREAS, upon consideration of the staff report of the County Manager dated January 29, 20 10, and other information presented at the time of consideration of this matter, the County Board finds that:

- The Property is currently zoned "C-2", Service Commercial;
- The portion of the Property to be dedicated for public purposes is needed by the County for a public use as public street;

- The portion of the Property to be dedicated for said public purpose is suitable in location, size, shape, condition and topography for such public purposes. There are no encumbrances, title restrictions, or survey exceptions to such portion of the Property that would restrict, adversely affect, or otherwise interfere with public use of said portion of the Property for such public purpose or for any other public purposes;
- The portion of the Property to be dedicated for such public purpose is in accordance with the County's Comprehensive Plan and the dedication of such portion to the Property will contribute to the implementation of the transportation improvements for Wilson Blvd as detailed in the Virginia Square Sector Plan, adopted by the County Board of Arlington County, Virginia on December 7, 2002; and
- The portion of the Property for which density credit is to be granted will be dedicated to the County Board without monetary or other compensation except for granting of density credit.

NOW THEREFORE, BE IT RESOLVED, that in exchange for the dedication of the above-described portion of the Property for public use, the County Board, pursuant to Section 36.L. of the Arlington County Zoning Ordinance, hereby grants a density credit in the amount of density that would be yielded by 1,040 square feet of land area to the Remaining Parcel as referenced in the attached Dedication and Easement Plat for the Remaining Parcel.

2. Approve a Deed of Dedication, attached hereto as Exhibit B, from the Trustees of Ballston Christian Church to the County Board dedicating in fee simple the 1,040 square feet of the Church Property; [Clerk's note: as set forth in the document entitled "Addendum 2-23-10-C- Wilson Boulevard Density Credit" attached for the public record to these minutes.]
3. Authorize the Real Estate Bureau Chief or his designee to accept, on behalf of the County Board, the Deed of Dedication, subject to: execution of the Deed by the Trustees as authorized by an appropriate order of the Arlington County Circuit Court and approval of the Deed as to form by the County Attorney;
4. Approve a Deed of Easement and a Deed of Temporary Easement and Construction Agreement, from the Trustees of Ballston Christian Church, to the County Board ("Easements") on portions of the Church Property; and
5. Authorize the Real Estate Bureau Chief, or his designee, to accept the Deeds of Easement on behalf of the County Board, subject to approval as to form by the County Attorney.

[Board Report #10](#)

[Addendum 2-23-10-C- Wilson Boulevard Density Credit](#)

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20. [CONSIDERATION OF THE CONVERSION AND RE-SUBORDINATION OF LOANS TO THREE](#)

(3) AHC INC. MULTIFAMILY RESIDENTIAL PROPERTIES TO NEW OWNERSHIP ENTITIES TO FACILITATE THE PLANNED RENOVATIONS OF ASHTON HOUSE, KEY GARDENS, TAYLOR SQUARE APARTMENTS AND NORTH ASHTON.

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

1. Approved the consolidation of the existing Affordable Housing Investment Fund (AHIF) and Community Development Block Grant loans and deeds of trust on the Ashton House, Key Garden, and Taylor Square Apartments to new first deeds of trust covering the same properties plus North Ashton under new ownership affiliates as detailed in the staff report and subordinate the County loans to new primary loans in the aggregate amount of up to \$9.0 million;
2. Authorized the County Manager to approve the new ownership affiliates and to execute, subject to approval by the County Attorney, replacement AHIF and CDBG loan Agreements and deeds of subordination, which will subordinate the County's existing loans for the Ashton House, Key Garden and Taylor Square Apartments to new first deeds of trust as detailed in the staff report and subject to the following conditions and to amend or execute other related contract and loan documents, subject to approval by the County Attorney;

Loan Terms and Conditions:

1. The applicant shall execute a generally standard AHIF/HOME Program Agreement and loan instruments for the County loan in a form acceptable to the County Manager and the County Attorney.
2. The County financing assistance will be in the form of a subordinated residual receipts loan, secured by the property, and repayable from the cash flow from the property. This loan will be made at an interest rate of 4%, compounded annually, over a term of 35 years. This loan will be subordinate to the primary mortgages in the aggregate amount of up to \$9 million.
3. The County shall receive 100% of residual cash flow until all the County loans are paid in full. These payments will be subordinate to any cash flow payments required to comply with Low Income Housing Tax Credit program parameters, including payment of the deferred developer fee.
4. The term of affordability shall be 60 years. However, if at any time in year 35 or later (but prior to the end of the full 60-year commitment period), AHC desires to refinance the property and is unable to refinance because the units are income-restricted, AHC may return to the County Board with a request to consider a recommendation to allow the units (or a portion thereof) to be rented at levels necessary for the financial feasibility of the refinance.
5. The applicant must comply with the affordable housing set-aside for the rental units as follows: All 103 or 100% of the units shall remain affordable at rents established in accordance with 60% AMI LIHTC rents as published annually by VHDA for the unit size, minus a utility allowance (if applicable) as per the schedule annually approved by HUD for apartments in Arlington for 60 years. In addition, all units which were previously committed at rents and incomes at or below 50% of the AMI shall remain committed at these levels through the duration of the affordability term.

6. Future payment on notes taken back by AHC for the acquisition proceeds shall be committed as part of the new Agreement for use in future Arlington affordable housing projects undertaken by AHC.
 7. The applicant, its designated ownership entity, heirs or assigns shall provide a purchase option including a right of first refusal to the County or its designee, if the developer decides to sell the property to an unrelated third-party purchaser any time prior to or at the end of the 60-year affordability term, wherein the County or its designee shall have the right, but not the obligation, for a period of up to 180 days, to purchase the property at 90 percent of its then-appraised fair market value. If the owner's appraiser and County's appraiser do not concur on the fair market value of the property, the two appraisers shall select a third appraiser using the industry-standard three appraiser method to determine the fair market value.
 8. This loan consolidation shall be subject to AHC's submittal of a Tenant Relocation Plan for the project, for consideration and also subject to approval by the Tenant Landlord Commission not later than March 31, 2010.
 9. AHC agrees to diligently pursue the feasibility of making up to eight (8) of the units accessible to persons with disabilities and to work with the County's Department of Human Services (DHS) on including up to eight (8) units for DHS supportive housing program consumers.
3. Authorized the County's Manager, with the concurrence of the County Attorney, to act as the County's representative in approving financing and revisions that are described in this report or are necessary to remove any ambiguity or inconsistency or which improves the County's financial security or financial position, and which changes do not adversely affect the County financially prior to execution of the County's financing documents.

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

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23. **APPROVAL OF THE AWARD OF A CONTRACT BETWEEN THE COUNTY BOARD AND RAND CONSTRUCTION CORP. FOR THE CONSTRUCTION OF THE COUNTY'S SECOND NETWORK OPERATING CENTER IN THE ARLINGTON PUBLIC SCHOOLS WAREHOUSE AT 2770 S. TAYLOR ST.**

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

1. Approved the award of Agreement Number 81-10 between the County Board of Arlington County, Virginia and Rand Construction Corp. to provide general construction services to construct the County's second Network Operating Center (NOC-II) in space provided by the Arlington Public Schools (APS) in their warehouse at 2770 S. Taylor Street for an amount not to exceed \$2,104,859, plus a contingency of \$210,000 for a total contract authorization of \$2,314,859.
2. Authorized the Purchasing Agent to execute the contract documents, subject to approval of such documents by the County Attorney.

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24. [STATION ACCESS ROSSLYN IMPROVEMENT PROJECT COORDINATION AGREEMENT](#)

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

1. Approved the Rosslyn Station Access Improvement (RSAI) Project Coordination Agreement (Project Agreement), Attachment 3, by and among the Washington Metropolitan Area Transit Authority (WMATA), Arlington County Board (County), Central Place II, LLC (Central Place II) and Central Place, LLC (Central Place) (both Central Place II and Central Place sometimes collectively, Developer) and accompanying documents as required by Site Plan#335 (Site Plan) [Clerk's note: as set forth in the document entitled "Addendum 2-23-10-D– Rosslyn Station Improvement Project" attached for the public record to these minutes].
2. Approved the Deed of Temporary Easement for Staging and Temporary Easement for Construction (Easement Agreement), Exhibit E, between the County and Central Place for construction of the Rosslyn Station Access Improvement Project [Clerk's note: as set forth in the document entitled "Addendum 2-23-10-E– Rosslyn Station Improvement Project" attached for the public record to these minutes].
3. Authorized the County Manager to execute the Project Agreement and to consent to and accept the Easement Agreement, subject to the review of the County Attorney as to form.

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[Addendum 2-23-10-D– Rosslyn Station Improvement Project](#)

[Addendum 2-23-10-E– Rosslyn Station Improvement Project](#)

[ADDITIONAL ITEMS](#)

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

WALTER TEJADA, Member – Aye, the Board approved the proposed settlement in the matter of Arlington County v. Softscape, Inc. and authorized the County Manager to execute the settlement agreement on behalf of the County Board.

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

Approved amendments to the Sales Agreement between Commonwealth Atlantic Arlington, Inc., and the County Board for acquisition of the Davis Site which amendments provide for the inclusion of corporate entities that own Commonwealth Atlantic Arlington as additional insureds, and that the County Board authorize the Real Estate Bureau Chief to execute the amended Sales Agreement subject to approval by the County Attorney.

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ADJOURNMENT

Without objection, at 8:30 p.m., the Board adjourned the meeting.

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JAY FISETTE, Chairman

ATTEST:

HOPE L. HALLECK, Clerk
Approved: June 12, 2010