

A Regular Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Saturday, December 10, 2011 at 8:34 a.m.

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

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

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PUBLIC COMMENT

Robert Atkins has observed APS teachers parking on their normal parking spaces on Election Day, not allowing priority parking for voters as they are required to do. He asked that they be reminded of Election Day parking procedures.

Jeannine Majde-Cottrell, Concord Mews Condominium representative, voiced the condominium's concerns regarding the installation of medians and sidewalk changes along Walter Reed Drive. It is their opinion that these changes present safety concerns to their residents and they propose solutions to address them.

Shelley Wade asked the County Board and the County Manager to commit to presenting library hour restorations options at the February meeting so that there is an opportunity to comment on them at the March budget meeting.

Ken Bass, president of the Arlington Soccer Association, urged the County Board to fund continued development of Long Bridge Park over the next few years, including an aquatic facility, indoor soccer space, a fourth soccer field, and a parking garage. He asked for the plans and funding to be included in the ten-year Capital Improvement Program (CIP) that is currently being developed.

Jim Hurysz inquired about the actual opening date of the new homelessness prevention and treatment facility, and asked that its opening be fast-tracked.

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ANALYSIS OF CONTINGENT ACCOUNTS

The Board received a Summary of Fiscal Year 2012 Contingent Accounts showing balances of \$1,000,000 in General and \$3,899,554 in Affordable Housing Investment Fund as of December 5, 2011.

CONSENT ITEMS (ITEMS 1-28) CITIZENS INTERESTED IN REMOVING AN ITEM FROM THE CONSENT AGENDA MUST SUBMIT A SPEAKER SLIP TO THE CLERK AT THE SATURDAY, DECEMBER 10, 2011, MEETING BEFORE 9 A.M. PUBLIC TESTIMONY ON REMOVED ITEMS WILL OCCUR AT THE RECESSED MEETING ON TUESDAY, DECEMBER 13, 2011, AT 6:30 P.M. (NO TESTIMONY TAKEN ON SATURDAY).

Mr. Zimmerman announced his declaration of personal interest pursuant to Section 2.2-3115.G in the proposed amendments to the County's retirement ordinance (Item #30). The amendment would provide an opportunity for Mr. Zimmerman, as a member of the County Board, to purchase retirement benefits. However, under the State and Local Government Conflicts of Interest Act, because he is member of a group

who are all affected by the approval of the amendment, he is able to participate in the discussions and votes concerning the amendment, and can do so fairly, objectively, and in the public interest.

Mr. Fisette announced his declaration of personal interest pursuant to Section 2.2-3115.G in the proposed amendments to the County's retirement ordinance (Item #30). The amendment would provide an opportunity for Mr. Fisette, as a member of the County Board, to purchase retirement benefits. However, under the State and Local Government Conflicts of Interest Act, because he is member of a group who are all affected by the approval of the amendment, he is able to participate in the discussions and votes concerning the amendment, and can do so fairly, objectively, and in the public interest.

A motion was made by MARY HYNES, Vice Chairman, seconded by J. WALTER TEJADA, Member to approve the County Manager's recommendation for all consent items except items #8, 13 and 21, which will be subject to full hearing at the December 13, 2011 County Board recessed meeting. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: CHRISTOPHER ZIMMERMAN, Chairman – Aye, MARY HYNES, Vice Chairman - Aye, JAY FISETTE, Member - Aye, BARBARA A. FAVOLA, Member – Aye, J. WALTER TEJADA, Member – Aye.

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SITE PLANS/AMENDMENTS/REVIEW

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- 1. SP# 18 SITE PLAN AMENDMENT TO MODIFY CONDITION #21 REGARDING STREET TREES AND CHANGE THE APPROVED 4.1 PLAN SHEET L101; LOCATED AT 1812 N. MOORE ST. (RPC# 16-037-004).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the site plan amendment request to allow a modification of 4.1 plan sheet L101 to allow for the removal of street trees from the plan, to the January 21, 2012, County Board meeting.

[Board Report #1](#)

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- 2. SP# 72 SITE PLAN AMENDMENT FOR NEW CINGULAR WIRELESS PCS, LLC PUBLIC UTILITIES/TELECOMMUNICATIONS FACILITY LOCATED AT 4300 N. CARLIN SPRINGS ROAD (RPC# 20-012-360).**

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve a site plan amendment to SP #72 for a public utilities/telecommunications facility at 4300 N. Carlin Springs Road, subject to all previous conditions and the proposed conditions in this report applicable only to the building located at 4300 N. Carlin Springs Road, and with no further scheduled County Board review.

WHEREAS, an application for a Site Plan Amendment dated September 30, 2011, for Site Plan #72 was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report[s] provided to the County Board for its December 10, 2011 meeting, and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to all previous and new or revised conditions; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on December 10, 2011, and finds, based on thorough consideration of the public testimony all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance;
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as requested by an application dated September 30, 2011, for Site Plan #72, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements on file in the office of Zoning Administration (which drawings are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment to allow an additional public utilities/telecommunication facility know as RPC# 20-012-360, at 4300 N. Carlin Springs Road, approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to the following conditions:

1. The applicant agrees that the telecommunications facility, consisting of twelve (12) new antennas and a related 11'-5" x 20' equipment shelter, will be constructed as shown on plans dated September 19, 2011 and approved by the County Board on December 10, 2011. The applicant agrees that any future installation of antennas or equipment cabinets shall be subject to review, and approval, by the Zoning Administrator.
2. The applicant shall identify a community liaison that shall be available to address any concerns regarding the facility operation. The name and telephone of the liaison shall be provided to the Buckingham Community and Bluemont Civic Associations and the Zoning Administrator.
3. The applicant agrees that any existing non-functioning antennas on the roof of the building shall be removed at the time of installation of the proposed new antennas. The applicant further agrees that, in the future, any AT&T antennas on the site shall be removed within ninety (90) days after cessation of use.
4. The applicant agrees that the proposed rooftop equipment shelter and related utility connection equipment shall match the exterior appearance and color of the existing building as shown on plans dated September 19, 2011 and approved by the County Board on December 10, 2011.

[Clerk's note: as set forth in the document entitled "Addendum-12-10-11-A- SP#72" attached for the public record to these minutes.]

[Board Report #2](#)

Addendum-12-10-11-A- SP#72

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3. **SP #105-8 SITE PLAN AMENDMENT TO MODIFY THE LANDSCAPE PLAN FOR THE PLAZA INCLUDING EXPANSION OF THE ICE RINK AND ASSOCIATED MODIFICATIONS TO THE LANDSCAPING AND ADDITION OF FREESTANDING RETAIL STRUCTURES IN THE PLAZA**

LOCATED AT 1101, 1201 AND 1301 SOUTH JOYCE STREET AND 900 ARMY NAVY DRIVE (RPC# 35-005-031).

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the requested site plan amendment to the January 2012 regular County Board meeting.

[Board Report #3](#)

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- 4. SP #122 SITE PLAN AMENDMENT FOR ADDITION OF GROSS FLOOR AREA AND BUILDING HEIGHT TO ALLOW FOR ROOF DECK AT THE NOLAND BUILDING. MODIFICATIONS TO USE REGULATIONS INCLUDE BUILDING HEIGHT AND DENSITY, AND OTHER MODIFICATIONS AS NECESSARY TO ACHIEVE THE PROPOSED DEVELOPMENT PLAN; LOCATED AT LOCATED AT 1300 17TH ST. N. (RPC#17-003-032, -031).**

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the site plan amendment for a roof deck to the January 21, 2012 County Board meeting.

[Board Report #4](#)

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- 5. SP# 207 BODY DYNAMICS, INC. FOR LOW VOLUME PHYSICAL THERAPY AND FITNESS IN THE C.O. 1.0 "COMMERCIAL OFFICE BUILDING, HOTEL AND APARTMENT DISTRICT". 5130 WILSON BOULEVARD (RPC: #13-029-001).**

BE IT ORDAINED that, pursuant to application SP #207 on file in the Office of the Zoning Administrator for renewal of the subject use permit to allow a medical office to occupy office space for the parcel of real property known as 5130 Wilson Boulevard (RPC: #13-029-001), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved site plan conditions, including the 2002 approved conditions applicable to this use only, deletion of condition #3 (approved in 2002 and applicable to this use only), and with no further review by the County Board.

2002 CONDITIONS (applicable to this use only):

1. The applicant agrees to comply with the requirements of the Community Code Enforcement Office, the Health Department, and the Fire Marshal's Office, including the installation of a smoke detection system and the acquisition of the required assembly permit.
2. The applicant agrees to submit the name and telephone number of a neighborhood liaison to the Zoning Administrator and the president of the Bluemont Civic Association prior to the issuance of a certificate of occupancy.
3. ~~The applicant agrees that the hours of operation shall be limited to 7:30 a.m. to 8:30 p.m., Monday through Friday and 8:30 a.m. to 12:00 noon on Saturdays.~~

[Board Report # 5](#)

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6. SP# 401 SITE PLAN AMENDMENT FOR A COMPREHENSIVE SIGN PLAN FOR NORTH GLEBE OFFICE, LLC LOCATED AT 800 N. GLEBE ROAD (RPC# 14-053-062).

On the consent agenda vote, after a duly advertised public hearing, the Board adopted the ordinance to approve the site plan amendment to Site Plan #401 for a comprehensive sign plan for 800 N. Glebe Road, subject to all previous conditions and to revised Condition #50.

WHEREAS, an application for a Site Plan Amendment dated September 16, 2011, for Site Plan #401 was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report[s] provided to the County Board for its December 10, 2011 meeting, and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to all previous conditions and new or revised conditions; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on December 10, 2011, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the C-0-2.5 district as set forth in the Zoning Ordinance and modified as follows:
 - 34.B to permit wall signs which extend further than twelve (12) inches from the face of the building
 - 34.D.1 to permit a sign which projects further than forty-two (42) inches from the face of the building
 - 34.G.1 to permit retail/restaurant projecting signs which exceed three (3) square feet in area
 - 34.G.1 to permit more than one projecting sign per tenant
 - 34.E.11 to permit entrance and exit signs to parking areas which exceed three (3) square feet in area;
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as requested by an application dated September 16, 2011, for Site Plan #401, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements on file in the office of Arlington County (AC) Zoning Administration (which drawings are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for a comprehensive sign plan for the parcel of real property know as RPC# 14-053-062 and 800 N. Glebe Road, approval is granted and the parcel so described shall be used according to Site Plan #401 as shown in the records of AC Zoning Administration as amended by the Site Plan Amendment Application, subject to all previous conditions, and one (1) revised condition as follows:

Comprehensive Sign Plan

50. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs (including identification and directional signage) shall be consistent with the guidelines contained in "Sign Guidelines for Site Plan Buildings" and with Section 34 of the Zoning Ordinance. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines

and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign plan before the issuance of the first Certificate of Occupancy. All proposed rooftop signs, defined as all signs that are 35 feet or more above the ground, shall require a site plan approval or amendment.

The developer further agrees, in its fulfillment of Condition #64 below ("Retail Elements"), that the only types of signs that shall be permitted for Building B (900 N. Glebe Road) shall be consistent with the types of signs permitted by Section 34 of the Zoning Ordinance or the comprehensive sign plan approved by the County Board on January 22, 2011. Further, the developer agrees that the only types of signs that shall be permitted for Building A (800 N. Glebe Road) shall be consistent with the types of signs permitted by Section 34 of the Zoning Ordinance or the comprehensive sign plan approved by the County Board on December 10, 2011. Provided, however, that no sign for which a permit is required shall be placed on the site unless it is shown on the comprehensive sign plan.

The colors and materials of retail tenant signs shall harmonize with and complement the exterior materials and design of the individual retail storefronts so as to present a unified design approach for the individual retail unit. The design and construction of retail tenant signs shall express the elements of the character and individuality of the establishment, provided that any signage or architectural detail that differentiates each storefront shall not detract from the viability of other retail storefronts.

a. The developer agrees to the following conditions for Building B (900 N. Glebe Road) only:

i. a. The developer agrees that all signs for Building B shall be consistent with the comprehensive sign plan prepared by Bowman Consulting dated June 2010 and revised through December 23, 2010 and approved by the County Board on January 22, 2011. The developer further agrees that all signs for Building B shall be of the number, type, size, location, and structure shown on the comprehensive sign plan.

The developer agrees that the total sign area for Building B shall not exceed 300 square feet, with the maximum amount of retail tenant signage not to exceed 244 square feet. The developer further agrees to submit, to the Zoning Administrator with each sign permit application, a tabulation detailing the amount of permitted sign area consumed and remaining for Building B.

ii. b. The developer agrees that retail tenant signage for Building B is limited to three (3) signs per retail tenant, with the option of choosing among the types of retail tenant signs depicted in the comprehensive sign plan.

iii. c. The developer agrees that signage for the retail tenants in Building B shall be allocated as follows: sixty (60) square feet per retail tenant or an amount not to exceed the retail tenant's frontage on North Glebe Road and/or 9th Street North, whichever amount is greater. The developer further agrees that the amount of retail tenant signage for Building B shall not exceed 244 square feet in aggregate.

iv. d. The developer agrees that standard retail tenant signs shall be affixed to the building, or building elements (trellis or metal channel feature), with a vertical clearance of no less than fifteen-and-one-half (15.5) feet or greater than twenty-and-one-half (20.5) feet above the finished grade of the sidewalk.

v. e. The developer agrees that building mounted projecting signs shall be affixed to the building with a vertical clearance of no less than ten (10) feet from the finished grade of the sidewalk and extending no further than forty-two (42) inches from the face of the building. The developer further agrees that trellis mounted projecting signs shall be affixed to the trellis with a vertical clearance of no less than fifteen (15) feet from the finished grade of the sidewalk and extending no further than face of the trellis.

- vi. f. The developer agrees that, in the event that the entirety of the retail space in Building B is leased to a single retail tenant, such tenant shall be permitted to install no more than three (3) individual signs, according to the types described above, and in an area not to exceed 244 square feet in aggregate. The developer further agrees that in this situation that no single standard retail sign, as described above, shall exceed eighty (80) square feet.
- vii. g. The developer agrees that the proposed rooftop sign for Building B shall be limited to the location and same sign area as shown on the drawings prepared by Bowman Consulting dated June 2010 and Cooper Carry dated December 21, 2010 and approved by the County Board on March 12, 2011. The area of the rooftop sign for Building B shall not exceed 166 square feet.

 - i. h. The developer agrees that the Virginia Tech Research Institute rooftop sign on Building B shall not be illuminated between the hours of midnight and 6:00 a.m., seven (7) days a week.
 - ii. i. The developer agrees to install a rheostat or other appropriate variable resistor that will allow the applicant to adjust (decrease) the rooftop sign's lighting intensity. The applicant further agrees that if the County Manager finds that the intensity of the rooftop sign's lighting has an adverse effect on the surrounding area, the applicant will, within 24 hours notice from the County Manger, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.
- b. The developer agrees to the following conditions for Building A (800 N. Glebe Road) only:

 - i. The developer agrees that all project signs shall be consistent with the comprehensive sign plan dated November 11, 2011 and as in the chart that is part of this report and approved by the County Board on December 10, 2011. The developer further agrees that all signs for Building A (800 N. Glebe Road) shall be of the number, type, size, location, and structure shown on the comprehensive plan.[Clerk's note: as set forth in the document entitled "Addendum-12-10-11-B- SP#401" attached for the public record to these minutes.]
 - ii. The developer agrees that the total sign area for Building A (800 N. Glebe Road) shall not exceed 563 square feet. The developer further agrees to submit to the Zoning Administrator with each sign permit application a tabulation detailing the amount of permitted sign area consumed and remaining for 800 N. Glebe Road.
 - iii. The developer agrees that signage for the retail tenants in Building A (800 N. Glebe Road) shall be allocated as follows: sixty (60) square feet per retail tenant or an amount not to exceed the retail tenant's frontage on North Glebe Road, Wilson Boulevard and/or 9th Street North, whichever amount is greater. The signs shall be a combination of the retail signs depicted in the comprehensive sign plan.
 - iv. The developer agrees that retail tenant signage is limited to the number permitted by Section 34.G.1 of the Zoning Ordinance, except that no more than five (5) projecting signs are permitted for restaurant signage under the canopy structure at the corner of Wilson Boulevard and North Glebe Road. Each sign is limited to a maximum size of 8.5 square feet and shall project no further than

24" from the face of the building. The area shall be calculated as part of the maximum sign area for the retail unit to which the signs are attached.

[Board Report #6](#)

Addendum-12-10-11-B- SP#401

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7. PENZANCE

- A. Certification of Transferrable Development Rights to be considered for transfer from 2825 Wilson Boulevard ("Sending Site") to SP #418 - Penzance Clarendon Assemblage, LLC ("Receiving Site"), as described below, for the purpose of historic preservation. The Sending Site is approximately 40,656 square feet located on the block generally bounded by Franklin Road to the north, North Edgewood Street to the east, Wilson Boulevard to the south, and North Fillmore Street to the west. Proposed density to be certified is 69,464 square feet of commercial GFA (RPC# 15-065-001, 15-065-011, 15-065-012, 15-065-013, 15-065-016, 15-065-017).

- B. Certification of Transferrable Development Rights to be considered for transfer from 2901 Wilson Boulevard ("Sending Site") to SP #418 - Penzance Clarendon Assemblage, LLC ("Receiving Site"), as described below, for the purpose of historic preservation. The Sending Site is approximately 15,390 square feet located on the block generally bounded by Franklin Road to the north, North Fillmore Street to the east, Wilson Boulevard to the south, and North Garfield Street to the west. Proposed density to be certified is 74,747 square feet of commercial GFA (RPC# 15-066-019).

- C. Transfer of Development Rights from 2825 Wilson Boulevard ("Sending Site") 69,464 square feet of commercial GFA to SP #418 - Penzance Clarendon Assemblage, LLC ("Receiving Site") by site plan under Section 36.H.5.b of the Zoning Ordinance. The Sending Site is approximately 40,656 square feet located on the block generally bound by Franklin Road to the north, North Edgewood Street to the east, Wilson Boulevard to the south, and North Fillmore Street to the west (RPC# 15-065-001, 15-065-011, 15-065-012, 15-065-013, 15-065-016, 15-065-017). The Receiving Site is approximately 49,295 square feet located on the block generally bound by 11th Street North to the north, North Garfield Street to the east, Washington Boulevard to the south, and North Highland Street (RPC# 18-026-001, 18-026-002, 18-026-003, 18-026-004, 18-026-008, 18-026-009, 18-026-010), and North Garfield Street right of way.

- D. Transfer of Development Rights from 2901 Wilson Boulevard ("Sending Site") 74,747 square feet of commercial GFA to SP #418 - Penzance Clarendon Assemblage, LLC ("Receiving Site") by site plan under Section 36.H.5.b of the Zoning Ordinance. The Sending Site is approximately 15,390 square feet located on the block generally bound by Franklin Road to the north, North Fillmore Street to the east, Wilson Boulevard to the south, and North Garfield Street to the west (RPC# 15-066-019). The Receiving Site is approximately 49,295 square feet located on the block generally bound by 11th Street North to the north, North Garfield Street to the east, Washington Boulevard to the south, and North Highland Street (RPC# 18-026-001, 18-026-002, 18-026-003, 18-026-004, 18-026-008, 18-026-009, 18-026-010), and North Garfield Street right of way.

- E. SP# 418 SITE PLAN: Penzance Clarendon Assemblage, LLC, for the construction of a 306,492 square foot commercial building with 284,012 square feet of office space and 22,479 square feet of ground floor retail in the C-3 zoning district under Sections 27.D.2 and 36.H. The proposed density is 6.22 FAR. Modifications of zoning ordinance requirements include: parking ratio, penthouse height, bonus density for LEED silver certification and other modifications as necessary to achieve the proposed development plan (RPC# 18-026-001, 18-026-002, 18-026-003, 18-026-004, 18-026-008, 18-026-009, 18-026-010).

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

1. Deferred consideration of a resolution to certify the transfer of development rights from 2825 Wilson Boulevard ("Sending Site") to SP #418 to the January 9, 2012, and January 21, 2012 meetings of the Planning Commission and County Board, respectively.
2. Deferred consideration of a resolution to certify the transfer of development rights from 2901 Wilson Boulevard ("Sending Site") to SP #418 to the January 9, 2012, and January 21, 2012 meetings of the Planning Commission and County Board, respectively.
3. Deferred consideration of a resolution to transfer 49,295 square feet of commercial GFA from 2825 Wilson Boulevard ("Sending Site") to SP #418 ("Receiving Site") to the January 9, 2012, and January 21, 2012 meetings of the Planning Commission and County Board, respectively.
4. Deferred consideration of a resolution to transfer 74,747 square feet of commercial GFA from 2901 Wilson Boulevard ("Sending Site") to SP #418 (Receiving Site") to the January 9, 2012, and January 21, 2012 meetings of the Planning Commission and County Board, respectively.
5. Deferred consideration of an ordinance to approve a site plan for the construction of a 306,492 square foot commercial building with 284,012 square feet of office space and 22,479 square feet of ground floor retail to the January 9, 2012, and January 21, 2012 meetings of the Planning Commission and County Board, respectively.

[Board Report # 7 A-E](#)

- F. An Ordinance to Vacate: 1) a Portion of an Easement for Public Street and Utility Purposes Running North from the Corner of the Intersection of Washington Boulevard and N. Garfield Street along the Eastern Boundary of Lot 12, Lot 11, Lot 10, Part Lot 8 and Part Lot 7, Moore's Addition to Clarendon, RPC No. 18-026-001; and 2) a Portion of an Easement for Public Street & Utility Purposes, located at the Northeastern Corner of the Intersection of N. Highland Street and Washington Boulevard, on Lot 5-A, Moore's Addition to Clarendon, RPC No. 18-026-009, both with Conditions.

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the proposed enactment of an Ordinance to Vacate portions of two easements for public street and utility purposes until the January 21, 2012 County Board meeting.

[Board Report #7 F](#)

- G. Enactment of An Ordinance to Permit Encroachment of an Electric Vault in the Public Right of Way of N. Garfield Street at the Southwest Corner of the Intersection of N. Garfield Street and 11th Street North, along the Eastern Boundary of Part Lot 17, Part Lot 16 and Part Lot 15,

Moore’s Addition to Clarendon, RPC Nos. 18-026-003 and 18-026-008, with Conditions.

On the consent agenda vote, after a duly advertised public hearing, the Board deferred consideration of the proposed enactment of an Ordinance to Permit Encroachment of an electric vault in N. Garfield Street until the January 21, 2012 County Board Meeting.

[Board Report # 7 G](#)

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USE PERMITS REQUEST/REVIEWS/AMENDMENTS

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- 9. U-2032-75-1 USE PERMIT REVIEW ARLINGTON MONTESSORI HOUSE, INC. FOR A CHILD CARE CENTER; LOCATED AT 3809-3813 WASHINGTON BOULEVARD (RPC# 15-083-006, -007).**

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

BE IT ORDAINED that, pursuant to application U-2032-75-1 on file in the Office of the Zoning Administrator for renewal of the subject use permit for the parcel of real property known as 3809-3813 Washington Boulevard (RPC# 15-083-006, -007), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, with a County Board review in three (3) years (December, 2014).

[Board Report #9](#)

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- 10. U-3077-04-2 USE PERMIT REVIEW KLINE IMPORTS ARLINGTON, INC. FOR A TRANSITIONAL PARKING LOT; LOCATED AT 2039 N. KENMORE STREET (RPC# 06-034-026).**

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

BE IT ORDAINED that, pursuant to application U-3077-04-2 on file in the Office of the Zoning Administrator for renewal of the subject use permit for the parcel of real property known as 2039 N. Kenmore Street (RPC# 06-034-026), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions with a County Board review in five (5) years (December 2016).

[Board Report #10](#)

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11. U-3186-07-1 USE PERMIT REVIEW FOR MARTIAL ARTS CLASSES FOR CHILDREN AT THE SHAOLIN-DO KUNG FU AND TAI CHI STUDIO LOCATED AT 4142 S. FOUR MILE RUN DRIVE (RPC# 28-001-006).

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

BE IT ORDAINED that, pursuant to application U-3186-07-1 on file in the Office of the Zoning Administrator for renewal of the subject use permit for martial arts classes for children for the parcel of real property known as 4142 S. Four Mile Run Drive (RPC# 28-001-006), approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions, with a County Board review in five (5) years (December 2016).

[Board Report #11](#)

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12. U-3187-07-1 USE PERMIT REVIEW FOR A FAMILY DAY CARE HOME FOR NINE (9) CHILDREN LOCATED AT 813 22ND STREET SOUTH. (LUISA A. COTTLE) (RPC# 36-026-013)

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

BE IT ORDAINED that, pursuant to application U-3187-07-1 on file in the Office of the Zoning Administrator for renewal of the subject use permit for the parcel of real property known as 813 22nd Street South (RPC# 36-026-013) approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to all previously approved conditions with a County Board review in five (5) years (December 2016).

[Board Report #12](#)

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VACATIONS, EASEMENTS, RIGHTS OF WAY, ENCROACHMENTS & LEASES

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14. ENACTMENT OF AN ORDINANCE TO VACATE: 1) A PORTION OF A FIVE (5) FOOT SANITARY SEWER EASEMENT RUNNING FROM EAST TO WEST AND LOCATED ON PART OF LOT 32, CRESTDALE (RPC # 11-001-027); AND 2) A PORTION OF A FIVE (5) FOOT SANITARY SEWER EASEMENT AND AN ADDITIONAL TWO AND A HALF (2.5) FOOT SANITARY SEWER EASEMENT, EACH EASEMENT RUNNING FROM EAST TO WEST, AND LOCATED ON OUTLOT "A", BEING AN ABANDONED PORTION OF JOHN MARSHALL DRIVE, LOCATED AT THE SOUTHEAST CORNER OF JOHN MARSHALL DRIVE AND LEE HIGHWAY (RPC # 11-001-200), WITH CONDITIONS.

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

1. Enacted the attached Ordinance to Vacate: 1) a portion of a five (5) foot sanitary sewer easement running from east to west and located on Part of Lot 32, Crestdale (RPC # 11-001-027); and 2) a portion of a five (5) foot sanitary sewer easement and an additional two and a half (2.5) foot sanitary sewer easement, each easement running from east to west, and located on Outlot "A", being an abandoned portion of John Marshall Drive, located at the southeast corner of John Marshall Drive and Lee Highway (RPC # 11-001 -200), with conditions.
2. Authorized the Real Estate Bureau Chief, or his designee, to execute the Deed of Vacation and all related documents on behalf of the County Board, subject to approval of the Deed of Vacation, as to form, by the County Attorney.

ORDINANCE TO VACATE: 1) A PORTION OF A FIVE (5) FOOT SANITARY SEWER EASEMENT RUNNING FROM EAST TO WEST AND LOCATED ON PART OF LOT 32, CRESTDALE (RPC # 11-001-027); AND 2) A PORTION OF A FIVE (5) FOOT SANITARY SEWER EASEMENT AND AN ADDITIONAL TWO AND A HALF (2.5) FOOT SANITARY SEWER EASEMENT, EACH EASEMENT RUNNING FROM EAST TO WEST, AND LOCATED ON OUTLOT "A", BEING AN ABANDONED PORTION OF JOHN MARSHALL DRIVE, LOCATED AT THE SOUTHEAST CORNER OF JOHN MARSHALL DRIVE AND LEE HIGHWAY (RPC # 11-001 -200), WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request by Overlee Community Association, Inc. ("Applicant"), on file in the offices of the Department of Environmental Services, the following described easements: 1) a One Thousand and One Hundred and Seventy (1, 170) square foot portion of an existing five (5) foot public sanitary sewer easement running from east to west across Part of Lot 32, Crestdale; and 2) a One Hundred and Seventy-eight (178) square foot portion of an existing five (5) foot public sanitary easement and One Hundred and Seventy-Nine (179) square feet of an additional existing two and a half (2.5) foot public sanitary sewer easement on each side of the existing five (5) foot public sanitary easement, both running from east to west on Outlot A, an abandoned portion of John Marshall Drive, which are shown on the plat entitled "Preliminary Plat Showing Vacation of a Portion of a 5' and 10' Sanitary Sewer Easement and the Dedication of Various Easements for Public Utilities Purposes on Part of Lot 32, Crestdale (Rec'd Deed Book 799, Page 133) and Outlot "A", Being an Abandoned Portion of John Marshall Drive (Rec'd in Deed Book 2951, Page 2073) , Arlington County, Virginia", dated November 17, 2011, prepared by RC Fields, Jr. & Associates, attached to the County Manager's report dated November 21, 2011, as Exhibit "A", are hereby vacated, subject to the following conditions: [Clerk's note: as set forth in the document entitled "Addendum-12-10-11-C- Crestdale Vacation" attached for the public record to these minutes.]

1. The Applicant shall prepare and submit, to the County, for review and approval, the Deed of Vacation, all plats and all required deed(s) of dedication, subject to the approval thereof as to substance by the County Manager, or her designee, and approval as to form by the County Attorney.
2. The Applicant shall dedicate to the County an easement for public utilities purposes. The easement for public utilities purposes shall be dedicated to expand the area of existing public storm and sanitary sewer easements. The final physical location, width, and dimensions of such easement interest shall be determined by, and are subject to, the approval of the Director of DES, or his designee, provided however that the location, width, and dimensions shall include the area within which existing County pipes and facilities are located. Such deed of easement is subject to the approval as to form, by the County Attorney. The Real Estate Bureau Chief, Department of Environmental Services, or his designee, is authorized to accept the easement on behalf of the County Board. Applicant shall record at Applicant's expense, the deed of easement in the Land Records of Arlington County, Virginia.
3. The Applicant shall record the Deed of Vacation, all plats, and all required deed(s) of dedication required by the conditions of this Ordinance of Vacation among the land records of the Circuit Court of Arlington County, Virginia.

4. The Deed of Vacation further shall provide that title to the existing eight (8) inch sanitary sewer facilities in the portion of the five (5) public sanitary sewer easement to be vacated on Outlot "A" shall, upon execution of the Deed on behalf of the County Board, become vested in the owner of Outlot "A", which owner shall be responsible for, inter alia, maintaining such facilities.
5. The Applicant shall pay all fees, including the fees for review, approval, and recording of all required documents associated with the Ordinance of Vacation.
6. The Deed of Vacation shall not be executed on behalf of the County Board until all the requirements of this Ordinance are satisfied.
7. All conditions of the Ordinance of Vacation shall be met by noon on December 10, 2014, or this Ordinance of Vacation shall become null and void without the necessity of any further action by the County Board.

[Board Report #14](#)

Addendum-12-10-11-C- Crestdale Vacation

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- 15. ENACTMENT OF AN ORDINANCE TO PERMIT ENCROACHMENT OF: 1) AN ELECTRIC VAULT IN A PORTION OF A PUBLIC SIDEWALK AND UTILITIES EASEMENT LOCATED NEAR THE NORTHERN BOUNDARY OF LOT 16, BLOCK 1, WHARTON'S ADDITION TO FORT MYER HEIGHTS (IN THE VICINITY OF THE NORTHEAST CORNER OF THE RESUBDIVIDED PARCEL "A", BLOCK 1, WHARTON'S ADDITION TO FORT MYER HEIGHTS), ALONG THE SOUTH SIDE OF WILSON BOULEVARD, RPC NO. 17-010-023; AND 2) A STORMWATER MANAGEMENT VAULT IN A PORTION OF A PUBLIC SIDEWALK AND UTILITIES EASEMENT LOCATED ON A PORTION OF THE SOUTHERN BOUNDARY OF PART OF LOT 11 AND LOT 13, BLOCK 1, WHARTON'S ADDITION TO FORT MYER HEIGHTS (IN THE VICINITY OF THE SOUTHWEST CORNER OF THE RESUBDIVIDED PARCEL "A", BLOCK 1, WHARTON'S ADDITION TO FORT MYER HEIGHTS), ALONG THE NORTH SIDE OF CLARENDON BOULEVARD, RPC NO. 17-010-009, WITH CONDITIONS.**

On the consent agenda vote, after a duly advertised public hearing, the Board enacted the ordinance to Permit Encroachment of: 1) an electric vault in a portion of a Public Sidewalk and Utilities Easement located near the northern boundary of Lot 16, Block 1, Wharton's Addition to Fort Myer Heights (In the vicinity of the northeast corner of the resubdivided Parcel "A", Block 1, Wharton's Addition to Fort Myer Heights), along the south side of Wilson Boulevard, RPC No. 17-010-023; and 2) an underground stormwater management vault in a portion of a Public Sidewalk and Utilities Easement located on a portion of the southern boundary of Part of Lot 11 and Lot 13, Block 1, Wharton's Addition to Fort Myer Heights (in the vicinity of the southwest corner of the resubdivided Parcel "A", Block 1, Wharton's Addition to Fort Myer Heights), along the north side of Clarendon Boulevard, RPC No. 17-010-009, with conditions.

ORDINANCE TO PERMIT ENCROACHMENT OF: 1) AN ELECTRIC VAULT IN A PORTION OF A PUBLIC SIDEWALK AND UTILITIES EASEMENT LOCATED NEAR THE NORTHERN BOUNDARY OF LOT 16, BLOCK 1, WHARTON'S ADDITION TO FORT MYER HEIGHTS (IN THE VICINITY OF THE NORTHEAST CORNER OF THE RESUBDIVIDED PARCEL "A", BLOCK 1, WHARTON'S ADDITION TO FORT MYER HEIGHTS), ALONG THE SOUTH SIDE OF WILSON BOULEVARD, RPC NO. 17-010-023; AND 2) A STORMWATER MANAGEMENT VAULT IN A PORTION OF A PUBLIC SIDEWALK AND UTILITIES EASEMENT LOCATED ON A PORTION OF THE SOUTHERN BOUNDARY OF PART OF LOT 11 AND LOT 13, BLOCK 1, WHARTON'S ADDITION TO FORT MYER HEIGHTS (IN THE VICINITY OF THE SOUTHWEST CORNER OF THE RESUBDIVIDED PARCEL "A", BLOCK 1, WHARTON'S ADDITION TO FORT

MYER HEIGHTS), ALONG THE NORTH SIDE OF CLARENDON BOULEVARD, RPC NO. 17-010-009, WITH CONDITIONS.

BE IT ORDAINED by the County Board of Arlington County, Virginia, that 1776 Wilson, LLC c/o Skanska USA Commercial Development, Inc., its successors and assigns (jointly, "Owner/Applicant"), as Owner/Applicant of property known as 1776 Wilson Boulevard (1716 and 1720 Wilson Boulevard and 1711 Clarendon Boulevard), Arlington Virginia, also known as Parcel "A", Block 1, Wharton's Addition to Fort Myer Heights, RPC #s 17010030, 17010023, 17010022, 17010008 and 1701009 ("Property"), and developer of the project known as Site Plan #409 ("Site Plan"), are permitted to construct, operate and maintain an underground electric vault, and an underground stormwater management vault (jointly, "Encroachments"), within portions of an Easement for Public Sidewalk and Utilities Purposes ("Easement"), such portion located in the vicinity of the northeast corner and the south west corner, respectively, of the Property, with conditions as stated herein. The dimensions (length and width) and spatial location of the permitted Encroachments are depicted on Exhibit A attached to the County Manager's Report dated November 17, 2011, entitled "Plat Showing Encroachment Areas Within Easements for Public Sidewalk and Utilities Purposes on Parcel "A", Block 1, Wharton's Additions to Fort Myer Heights, Deed Book ____, Page____, Arlington County, Virginia", dated November 3, 2011, prepared by Bowman Consulting Group, Ltd., attached hereto as Exhibit A ("Plat"). [Clerk's note: as set forth in the document entitled "Addendum-12-10-11-D- 1776 Encroachment" attached for the public record to these minutes.]

BE IT FURTHER ORDAINED that these permissions shall be a license only, and shall continue until such time as: a) the Site Plan is no longer in effect or is amended; or b) the County requests, in writing to the Owner/Applicant, that the Encroachments be removed. Nothing herein shall be construed to either allow the installation of any above ground structure or any structure other than the Encroachments within the area as shown on the Plat; or to allow any greater encroachments beyond the area shown on the Plat;

BE IT FURTHER ORDAINED that the Owner/Applicant shall continuously and promptly maintain, including snow and ice removal, the area of the Encroachments, including all maintenance, restoration, repair and replacement of all facilities, within and adjacent to the areas of the Encroachments;

BE IT FURTHER ORDAINED that this permission shall not release the Owner/Applicant of negligence on their part on account of such encroachments. The Owner/Applicant, by availing themselves of the permissions authorized by this Ordinance and by continuing to have the electric vault and the stormwater management vault encroach within the Easement, thereby agrees for themselves, their successors and assigns, to the provisions of this Ordinance and agree to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, and agents from all claims, negligence, damages, costs and expenses arising out of the permission for the electric vault and the stormwater management vault to encroach within the Easement.

BE IT FURTHER ORDAINED that the County may record, or cause to be recorded, in the land records of the Arlington County Circuit Court, a certified copy of the Ordinance and the Plat.

[Board Report #15](#)

Addendum-12-10-11-D- 1776 Encroachment

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- 16. APPROVAL OF A DEED OF LEASE BETWEEN CULPEPPER GARDEN I, INCORPORATED, LANDLORD, AND THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, TENANT, CONCERNING A PORTION OF A BUILDING AT CULPEPPER GARDEN, 4435 N. PERSHING DRIVE, ARLINGTON, VIRGINIA (RPC NO. 20-024-238)**

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

1. Approved the attached Deed of Lease between Culpepper Garden I, Incorporated, Landlord, and The County Board of Arlington County, Virginia, Tenant, concerning a Portion of a Building at Culpepper Garden, 4435 N. Pershing Drive, Arlington, Virginia (RPC No. 20-024-238). [Clerk's note: as set forth in the document entitled "Addendum-12-10-11-E- Culpepper Lease" attached for the public record to these minutes.]
2. Authorized the Real Estate Bureau Chief or his designee, to execute, on behalf of the County Board, the Deed of Lease, subject to approval as to form by the County Attorney.

[Board Report #16](#)

Addendum-12-10-11-E- Culpepper Lease

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ORDINANCES, PLANS AND POLICIES

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

On the consent agenda vote, after a duly advertised public hearing, the Board deferred the requested rezoning to the January 9, 2012, Planning Commission and January 21, 2012, County Board meetings.

[Board Report #17](#)

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- 18. ZOA-11-03 AMENDMENTS TO THE ARLINGTON COUNTY ZONING ORDINANCE FOR THE CRYSTAL CITY METRO STATION AREA, TO: A. ADOPT A NEW SECTION 25C. "C-O CRYSTAL CITY" COMMERCIAL OFFICE BUILDING, RETAIL, HOTEL, AND MULTIPLE-FAMILY DWELLING DISTRICTS TO CODIFY PERMITTED USES, USE LIMITATIONS, SPECIAL EXCEPTIONS, AND OTHER REGULATIONS GOVERNING LAND USE FOR PROPERTIES LOCATED IN THE "CRYSTAL CITY COORDINATED REDEVELOPMENT DISTRICT" IDENTIFIED ON THE GENERAL LAND USE PLAN. B. AMEND SECTIONS 1, 2, 25B, AND 36 TO INCLUDE NEW DEFINITIONS RELATED TO SECTION 25C, UPDATE THE LIST OF DISTRICTS IN THE COUNTY, AND CLARIFY THAT PROVISIONS OF SECTION 36.H.7 SHALL NOT APPLY TO THE "C-O ROSSLYN" AND "C-O CRYSTAL CITY" DISTRICTS.**

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

1. Adopt the attached ordinance to amend the Arlington County Zoning Ordinance to adopt a new Section 25C and to amend, reenact, and recodify provisions in Sections 1, 2, 25B, and 36 in order to ensure consistency with the policies set forth in the 2010 Crystal City Sector Plan for the Crystal City Metro Station area.

2. Adopt the attached resolution (Attachment 1) to affirm Arlington County’s new policy direction for block-level planning in Crystal City through the application of Crystal City Block Plans, instead of Phased-Development Site Plans as recommended in the Crystal City Sector Plan.

[Clerk’s note: as set forth in the document entitled “Addendum-12-10-11-F- Crystal City” attached for the public record to these minutes.]

[Board Report #18](#)

Addendum-12-10-11-F- Crystal City

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CAPITAL PROJECTS

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19. APPROVAL OF THE AWARD OF CONTRACT 611-12 TO KELLER BROTHERS, INC. FOR THE CONSTRUCTION OF ADDITIONS AT THE FIRE TRAINING ACADEMY, 2800 S. TAYLOR ST.

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

1. Approved the award of Contract 611-12 between the Arlington County Board and Keller Brothers, Inc. for the construction of additions to the Fire Training Academy, 2800 S. Taylor St. for an amount not to exceed \$3,743,686.00 plus a contingency of \$561,554.00 for a total authorization of \$4,305,240.00.
2. Authorized the Purchasing Agent to execute the Contact, subject to legal review by the County Attorney.

[Board Report #19](#)

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20. APPROVAL OF AN AWARD TO THE MATTHEWS GROUP, UNDER THE TERMS OF JOB ORDER CONTRACT 424-10-3, TO REPLACE THE ARLINGTON COUNTY DETENTION CENTER HOUSING UNIT’S WORK STATIONS.

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

1. Approved the award for the replacement of the Housing Unit’s work stations in the Arlington County Detention Center, 1425 N Courthouse Road, to the Matthews Group under the terms of Job Order Contract 424-10-3 for an amount not to exceed \$445,000.00 and a contingency of \$45,000.00 for a total authorization of \$490,000.00.
2. Authorized the Purchasing Agent to issue the award under the terms of Contract 424-10-3.

[Board Report #20](#)

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22. APPROVAL OF A STANDARD PROJECT ADMINISTRATION AGREEMENT BETWEEN THE COUNTY BOARD OF ARLINGTON COUNTY, AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, FOR THE DESIGN AND CONSTRUCTION OF SAFETY IMPROVEMENTS AT THE INTERSECTION OF ARLINGTON BOULEVARD AND MANCHESTER STREET.

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

1. Approve the attached Standard Project Administration Agreement between the County Board of Arlington County, Virginia and the Commonwealth of Virginia, Department of Transportation ("VDOT") for the design and construction of curb, gutter, sidewalk and traffic signal improvements at the intersection of Arlington Boulevard and Manchester Street ("Agreement"). [Clerk's note: as set forth in the document entitled "Addendum-12-10-11-G- VDOT Agreement" attached for the public record to these minutes.]
2. Authorize 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 and documents as to form by the County Attorney.

[Board Report #22](#)

Addendum-12-10-11-G- VDOT Agreement

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APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS

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23. AUTHORIZATION TO PROCURE ADDITIONAL SERVICES AND INCREASE THE CONTRACT AMOUNT UNDER ARLINGTON COUNTY CONTRACT 558-12 WITH CH2M HILL FOR THE CONTINUATION OF THE STORM SEWER CAPACITY ANALYSIS AND RELATED STORMWATER MANAGEMENT PLANNING SERVICES.

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

1. Approve additional services and an increase of \$440,000 to Arlington County Contract 558-12 with CH2M Hill for continuation of the storm sewer capacity analysis and related stormwater management planning services for a total contract authorization of \$2,140,000.
2. Authorize the Purchasing Agent to execute an Amendment to Contract No. 558-12, subject to review and approval of such document by the County Attorney.

[Board Report #23](#)

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24. APPROVAL OF TWO PROJECT ADMINISTRATION AGREEMENT AMENDMENTS BETWEEN THE COUNTY BOARD AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION (VDOT) FOR USE OF FY 2012 TRANSPORTATION ENHANCEMENT (TE) FUNDS.

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

1. Approved the attached Appendix A - Agreement Amendment No. 1 to the Standard Project Administration Agreement, dated May, 15 2007, between the County Board and the Commonwealth of Virginia, Department of Transportation (VDOT) for use of FY 2012 Transportation Enhancement (TE) Funds in the amount of \$390,000 for improvements to the Arlington Blvd Trail (UPC #70317); authorize the County Manager to execute the amended Agreement and other related documents on behalf of the County Board and to accept any funds awarded to the County subject to approval of such Agreement and documents as to form by the County Attorney. [Clerk's note: as set forth in the document entitled "Addendum-12-10-11-H- Arlington Boulevard Trail Agreement" attached for the public record to these minutes.]
2. Approved the attached Appendix A - Agreement Amendment No. 1 to the Standard Project Administration Agreement, dated March, 31 2011, between the County Board and the Commonwealth of Virginia, Department of Transportation (VDOT) for use of FY 2012 Transportation Enhancement (TE) Funds in the amount of \$212,000 for reconstruction of the Route 110 Trail (UPC #97836); authorize the County Manager to execute the amended Agreement and other related documents on behalf of the County Board and to accept any funds awarded to the County subject to approval of such Agreement and documents as to form by the County Attorney. [Clerk's note: as set forth in the document entitled "Addendum-12-10-11-I- Route 110 Trail Agreement" attached for the public record to these minutes.]

[Board Report #24](#)

Addendum-12-10-11-H- Arlington Boulevard Trail Agreement

Addendum-12-10-11-I- Route 110 Trail Agreement

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25. THIS ITEM HAS BEEN REMOVED.

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REQUESTS TO ADVERTISE

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26. **REQUEST TO ADVERTISE PUBLIC HEARINGS BY THE PLANNING COMMISSION AND THE COUNTY BOARD ON A GENERAL LAND USE PLAN AMENDMENT FROM "LOW-MEDIUM" RESIDENTIAL (16-36 UNITS/ACRE) TO EITHER "LOW" OFFICE-APARTMENT-HOTEL (UP TO 1.5 FAR OFFICE; UP TO 72 UNITS/ACRE RESIDENTIAL; UP TO 110 UNITS/ACRE HOTEL) OR "MEDIUM" RESIDENTIAL (37-72 UNITS/ACRE) FOR THE PROPERTY KNOWN AS 1700 LEE HIGHWAY WHICH ENCOMPASSES THE PORTION OF THE BLOCK BOUNDED BY LEE HIGHWAY TO THE NORTH AND NORTH QUINN STREET TO THE EAST AND REACHING HALFWAY ACROSS THE BLOCK WEST TOWARDS NORTH SCOTT STREET AND PARTWAY ACROSS THE BLOCK SOUTH TOWARDS THE ADJACENT RESIDENTIAL BUILDINGS.**

On the consent agenda vote, after a duly advertised public hearing, the Board authorized the advertisement of public hearings to consider amending the General Land Use Plan for the property known as 1700 Lee Highway which encompasses the portion of the block bounded by Lee Highway to the north and North Quinn Street to the east and reaching halfway across the block west towards North Scott Street and partway across the block south towards the adjacent residential buildings from "Low-Medium" Residential (16-36 units/acre) to either "Low" Office-Apartment-Hotel (up to 1.5 FAR office; up to 72 units/acre residential; up to 110 units/acre hotel) or "Medium" Residential (37-72 units/ acre) to a date concurrent with future public hearings by the Planning Commission and County Board for an appropriate associated site plan application. (see attached map). [Clerk's note: as set forth in the document entitled "Addendum-12-10-11-J- GLUP Amendment" attached for the public record to these minutes.]

[Board Report #26-Revised Report](#)

Addendum-12-10-11-J- GLUP Amendment

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OTHER

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27. APPROVAL OF A STANDARD FORM EXHIBITION AGREEMENT FOR USE BY COUNTY STAFF, AND DELEGATION OF AUTHORITY TO THE COUNTY MANAGER OR HER DESIGNEE TO EXECUTE CERTAIN EXHIBITION AGREEMENTS ON BEHALF OF THE COUNTY BOARD.

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

1. Approved the Standard Form Exhibition Agreement for use by County staff in hosting exhibitions at County-owned or County-leased venues. [Clerk's note: as set forth in the document entitled "Addendum-12-10-11-K- Standard Form Exhibition Agreement" attached for the public record to these minutes.]
2. Authorized the County Manager or her designee to execute exhibition agreements on behalf of the County Board, so long as each such exhibition agreement is (a) based on the Board-approved standard form Exhibition Agreement, (b) not executed until each such agreement is approved by the County Attorney, and (c) within the following parameters:
 - i. the exhibition addressed by such agreement is limited to County-owned or County-leased venues and does not relate to an exhibition at any another venue or location;
 - ii. the payment paid by the County to the owner or owners of the thing or things exhibited does not exceed Twenty-Five Thousand Dollars (\$25,000.00) per exhibition;
 - iii. the monies expended by the County for installation-related costs do not exceed Five Thousand Dollars (\$5,000.00) for the exhibition;
 - iv. the duration of the exhibition will not exceed ninety (90) days;

- v. the cost of shipping and delivering (including taxes, duties, carnet fees, customs fees, broker fees, and other handling charges) the exhibition materials to the County, if such costs are to be borne by the County, does not exceed Ten Thousand Dollars (\$10,000.00);
- vi. the County employee identified as the Project Officer in such agreement is designated in writing by the County Manager or her designee;
- vii. the per diem amount paid by the County to the curator or curators representing the owner or owners of the thing or things exhibited at the County venue does not exceed Seventy-One Dollars (\$71.00) per recipient per day and Nine Hundred Ninety-Four Dollars (\$994.00) total per exhibition;
- viii. the other expenses to be paid by the County to the owner or owners or their agents for other expenses (accommodations, travel, incidentals, etc.) do not exceed Three Thousand Dollars (\$3,000.00) total per exhibition;
- ix. the owner's or owners' opinion of the value of the thing or things exhibited does not exceed Five Hundred Thousand Dollars (\$500,000.00) per exhibition

[Board Report #27](#)

Addendum-12-10-11-K- Standard Form Exhibition Agreement

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28. MINUTES

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

- | | |
|-------------------|------------------|
| November 19, 2011 | Regular Meeting |
| November 29, 2011 | Recessed Meeting |

[Item # 28](#)

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REGULAR HEARING ITEMS

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- 29. ZOA-11-04. PROPOSED AMENDMENT TO THE ACZO, SECTIONS 20 (APPENDIX A) AND 34 TO PERMIT ONE TEMPORARY SIDEWALK SIGN PER ENTRANCE FOR ESTABLISHMENTS WITHIN 'C', 'M', "RA4.8", "RA-H-3.2", "R-C", PUBLIC, AND SPECIAL DISTRICTS THAT HAVE A DIRECT ENTRANCE TO THE SIDEWALK; TO DEFINE "COMMERCIAL MESSAGE", "ESTABLISHMENT", "LANDSCAPE AND UTILITY ZONE" AND "TEMPORARY SIDEWALK SIGN"; TO PERMIT UP TO FOUR SQUARE FEET OF COMMERCIAL MESSAGES ON EACH UMBRELLA WITHIN PERMITTED OUTDOOR CAFES; AND TO PERMIT ONE BUILDING OR PROJECTING SIGN PER GARAGE ENTRANCE TO A GARAGE AVAILABLE FOR PARKING BY MEMBERS OF THE GENERAL PUBLIC DURING CERTAIN HOURS.**

Following a duly advertised public hearing at which there were speakers, a motion was made by CHRISTOPHER ZIMMERMAN, Chairman, seconded by MARY HYNES, Vice Chairman to adopt the attached ordinance to amend, reenact, and recodify the Arlington County Zoning Ordinance, Sections 20 (Appendix A) and 34 to permit temporary sidewalk signs, to permit up to four square feet of commercial messages on umbrellas within permitted outdoor cafes, and to permit coordinated parking signs on facilities that provide public parking during defined hours. The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member – Aye. [Clerk's note: as set forth in the document entitled "Addendum-12-10-11-L- Sign Ordinance" attached for the public record to these minutes.]

[Board Report #29](#)

[Board Report #29-Supplemental Report](#)

Addendum-12-10-11-L- Sign Ordinance

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30. AMENDMENTS TO CHAPTERS 21, 35 AND 46 OF THE ARLINGTON COUNTY CODE.

Following a duly advertised public hearing at which there were speakers, a motion was made by MARY HYNES, Vice Chairman, seconded by BARBARA A. FAVOLA, Member to defer consideration of the proposed amendments to Chapter 21, 35 and 46 (Retirement System) of the Arlington County Code to the January 21, 2012 meeting. The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member – Aye.

[Board Report #30](#)

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31. SP #231 SITE PLAN AMENDMENT FOR LIVE ENTERTAINMENT AND ELECTRONIC SIGNS (TELEVISIONS IN WINDOW) FOR VELOCITY 5, LOCATED AT 2300B CLARENDON BLVD. (RPC #18-005-041).

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by BARBARA A. FAVOLA, Member to adopt the ordinance approving a site plan amendment for live entertainment, subject to the conditions of the ordinance, with a County Board review in one (1) year (December 2012) and to defer the request for electronic signs to the January 21, 2012 County Board meeting. The motion was amended by MARY HYNES, Vice Chairman, seconded by BARBARA A. FAVOLA, Member to remove condition "60. i." from the site plan amendment [Clerk's note: text to be deleted shown in strikethrough below]. The amended motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member – Aye.

WHEREAS, an application for a Site Plan Amendment dated October 14, 2011 for SP #231, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report provided to the County Board for its December 10, 2011 meeting, and through comments made at the public hearing before the County Board, the County

Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on December 10, 2011 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan, as amended:

- Substantially complies with the character of the General Land Use Plan, and with the uses permitted and use regulations of the RA8-18 Districts as set forth in the Zoning Ordinance and modified as follows:
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated October 14, 2011 for SP #231, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 of the site plan (which drawings, etc. are hereafter collectively referred to as "Revised Site Plan Application"), for a site plan amendment for live entertainment for the parcel of real property known as RPC# 18-005-041 and 2300B Clarendon Boulevard, approval is granted and the parcels so described shall be used according to all prior approvals and as amended by the Revised Site Plan Application to the extent it requests live entertainment, subject to all previously approved conditions and the new conditions which apply solely to the request for a restaurant with live entertainment:

Conditions:

60. The applicant agrees that live entertainment at 2300B Clarendon Boulevard shall be permitted only as approved by the County Board. The applicant agrees live entertainment shall be permitted only between the hours of 4 p.m. to 12 a.m., Sunday through Thursday, and 11 a.m. to 1:30 a.m., Friday and Saturday.
 - a. The applicant agrees there shall be no dancing until a Dance Hall Permit has been obtained.
 - b. Live entertainment must take place only within the building. The windows and doors to the outside shall remain closed during the times of live entertainment, and the applicant shall comply with the Arlington County Noise Ordinance. No live entertainment shall be broadcast over loudspeakers outside of the building, and under no circumstances shall live entertainment be permitted outside of the building.
 - c. The applicant agrees that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board shall be met.
 - d. The applicant agrees to 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 Clarendon-Courthouse Civic Association and the Lyon Village Citizens Association.
 - e. The applicant agrees that the site plan amendment for live entertainment shall be reviewed by the County Board upon any change of tenancy of the subject space currently occupied by Velocity 5.
 - f. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or DJ's. The on-site security may consist of "in-house" staff, so long as that staff is dedicated to security only.
 - g. The applicant agrees to post signs inside the restaurant door telling patrons that free parking is available in the Courthouse Plaza garage after 5 p.m., to respect the peace of residential neighborhoods, and to please avoid parking in the residential neighborhood where possible.

- h. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area.
- ~~i. The applicant agrees to participate in the established neighborhood advisory group consisting of representatives of several of the live entertainment establishments in the Clarendon Courthouse area, the Clarendon Alliance, the Clarendon Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Citizens Association, and representatives of various County staff, including Police, Code Enforcement, and Planning. The advisory group meets quarterly to work through issues associated with live entertainment issues.~~
- j. The applicant agrees that any outdoor radio in the outdoor dining area shall be turned off at 10 p.m. nightly

[Board Report #31](#)

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32. [COMPREHENSIVE PLAN ITEMS](#)

- A. [Five-Year Review of Arlington County's Comprehensive Plan, including the General Land Use Plan, the Master Transportation Plan, the Storm Water Master Plan, the Water Distribution System Master Plan, the Sanitary Sewer Collection System Master Plan, the Recycling Program Implementation Plan and Map, the Chesapeake Bay Preservation Ordinance and Plan, the Public Spaces Master Plan and the Historic Preservation Master Plan.](#)

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by J. WALTER TEJADA, Member to approve the Five-Year Review of Arlington County's Comprehensive Plan set forth in the attached document and forwarded by the Planning Commission, endorse the proposed planning initiatives for the next five (5) years outlined in said document, and direct the Planning Commission to continue to review the Comprehensive Plan on an ongoing basis during the five (5)-year cycle. The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member – Aye. [Clerk's note: as set forth in the document entitled "Addendum-12-10-11-M- 5-Year Review of Comprehensive Plan" attached for the public record to these minutes.]

[Board Report #32.A.](#)

Addendum-12-10-11-M- 5-Year Review of Comprehensive Plan

- B. [Reprinting of the General Land Use Plan \(GLUP\), including booklet and map, to incorporate revisions that have occurred since the last printing in 2004 as well as organizational and editorial changes.](#)

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by MARY HYNES, Vice Chairman to approve the reprinting of the General Land Use Plan (GLUP), including booklet and map, to incorporate revisions that have occurred since the last printing in 2004 as well as organizational and editorial changes. The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member – Aye. [Clerk's note: as set forth in the document entitled "Addendum-12-10-11-N- GLUP Draft" attached for the public record to these minutes.]

[Board Report #32.B.](#)

Addendum-12-10-11-N- GLUP Draft

- C. [Adoption of a Resolution certifying that the General Land Use Plan, an element of the Comprehensive Plan of Arlington County, accommodates growth in a manner consistent with the requirements of Virginia Code §15.2-2223.1 requiring Urban Development Areas..](#)

Following a duly advertised public hearing at which there were speakers, a motion was made by JAY FISETTE, Member, seconded by BARBARA A. FAVOLA, Member to adopt the attached resolution to certify that the General Land Use Plan incorporates areas that meet the requirements of Urban Development Areas pursuant to Virginia Code §15.2-2223.1. The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISETTE, Member - Aye, J. WALTER TEJADA, Member – Aye. [Clerk’s note: as set forth in the document entitled “Addendum-12-10-11-N- GLUP Draft” attached for the public record to these minutes.]

**RESOLUTION TO CERTIFY COMPLIANCE WITH
URBAN DEVELOPMENT AREA REQUIREMENTS**

WHEREAS, on July 1, 2007, Section 15.2-2223.1 of the Virginia Code became effective. It requires any County that has adopted zoning pursuant to Article 7 (§15.2-2280) of Chapter 22 of Title 15.2 of the Code of Virginia and that has a population of at least 20,000 and population growth as defined in the Virginia Code of at least 5%, to amend its comprehensive plan to incorporate one or more urban development areas or to adopt a resolution certifying that its plan accommodates growth in a manner consistent with §15.2-2223.1; and

WHEREAS, the latest decennial census (2010) reported population of Arlington County was 207,627, and the 2000-2010 growth rate was 9.6%; and

WHEREAS, Virginia Code §15.2-2223.1 requires that the County’s Comprehensive Plan shall further incorporate principles of new urbanism and traditional neighborhood development, which may include but need not be limited to (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) satisfaction of requirements for stormwater management, (vi) mixed-use neighborhoods, including mixed housing types, (vii) reduction of front and side yard building setbacks, and (viii) reduction of subdivision street widths and turning radii at subdivision street intersections; and

WHEREAS, Urban Development Areas are required to be sufficient to meet projected residential and commercial growth in the locality for an ensuing period of at least 10 but not more than 20 years; and

WHEREAS, based on an analysis of potential development that can be sustained under the guidelines of the County’s General Land Use Plan (as of May 2010), existing development interest, development characteristics of projects currently under construction, and characteristics of projects approved by the Arlington County Board, the Arlington County Planning Division, as part of the Metropolitan Washington Council of Governments forecasting process, forecasts Arlington County’s population to be 235,500 in 2020 and 247,300 in 2030; and

WHEREAS, the County’s comprehensive plan is required to describe any financial and other incentives for development in the urban development areas; and

WHEREAS, the County Board finds that the General Land Use Plan, an element of the Comprehensive Plan of Arlington County, establishes that areas of Arlington County, which are generally described as the Rosslyn-Ballston, Jefferson Davis and Columbia Pike corridors, and the Lee Highway/Cherrydale Revitalization District, Shirlington Planned Development Site Plan, Nauck Village

Center and East Falls Church Neighborhood Center District, but not those areas planned for "Public", "Semi-Public" and "Government and Community Facilities" uses, the subset of the areas planned for "Low" Residential (1-10 units per acre) uses that are classified in zoning districts other than "R-5", and the subset of the areas planned for "Service Commercial" uses that are zoned "C-1-R" or "C-1-O", are appropriate for reasonably compact development at a higher density as provided in §15.2-2223.1 of the Code of Virginia due to proximity of transportation facilities, the availability of a public water and sewer system and proximity to other developed areas; and

WHEREAS, the County Board finds that the County's General Land Use Plan, together with its Zoning Ordinance incorporates principles of new urbanism and traditional neighborhood development, in that it includes special exception zoning options that are compatible with specific General Land Use Plan designations, that encourage mixed-use and/or form-based development that promote pedestrian-oriented design, provision of affordable housing, the creation of town or village centers, and access to transit; and

WHEREAS, the County Board finds that the County's General Land Use Plan, an element of the Comprehensive Plan, together with its Zoning Ordinance, provides financial and other incentives for development in higher density areas, in that the special exception site plan process allows the County Board to approve significant increases in density for development proposals consistent with respective sector plan and small area plan goals and policies and for the provision of other community benefits; and

WHEREAS, the County Manager has recommended that the County Board find that the Arlington County General Land Use Plan, an element of the Comprehensive Plan, accommodates growth in a manner consistent with §15.2-2223.1 of the Virginia Code; and

WHEREAS, the County Board of Arlington County has made the foregoing findings and considered the recommendations of the County Manager, and has considered the purposes of the GLUP and the Comprehensive Plan as set forth in these documents together with the Arlington County Zoning Ordinance and the Code of Virginia,

THEREFORE, the Arlington County Board hereby determines that the Arlington County General Land Use Plan, an element of the Comprehensive Plan, accommodates growth in a manner consistent with the requirements for Urban Development Areas, and hereby certifies that Arlington County is in compliance with Virginia Code §15.2-2223.1.

[Board Report #32.C.](#)

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33. [DESABA DAYCARE REQUESTS](#)

- A. U-3139-05-1 Use Permit Amendment to expand enrollment of the child care center from 50 to 68 children for Maria Teresa Desaba located at 825 23rd Street South (RPC# 36-031-005).
- B. U-3299-11-2 USE PERMIT for a secondary use of a parking lot for Maria Teresa Desaba at Advent Lutheran Church located at 2222 S. Arlington Ridge Road (RPC# 37-038-001).

Following a duly advertised public hearing at which there were speakers, a motion was made CHRISTOPHER ZIMMERMAN, Chairman, seconded by J. WALTER TEJADA, Member to defer consideration of the subject use permit amendment and the subject use permit to the June 2012 County Board meeting. The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A. FAVOLA, Member - Aye, JAY FISSETTE, Member - Aye, J. WALTER TEJADA, Member – Aye.

[Board Report #33.A.](#)

[Board Report #33.B.](#)

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CLOSED MEETING; CERTIFICATION OF CLOSED MEETING DISCUSSIONS

A motion was made by CHRISTOPHER ZIMMERMAN, Chairman, seconded by MARY HYNES, Vice Chairman, to convene a closed meeting as authorized by Virginia Code sections 2.2-3711.A.3 and 7 for the purpose of discussing one matter involving the acquisition of real property for public purposes where discussion in public could adversely affect the County’s negotiating position; and consultation with the County Attorney and staff concerning the interpretation of section 31.A.16 of the Zoning Ordinance and its applicability to RPC No. 01-075-020.

The motion was adopted by a vote of 5 to 0 as follows: CHRISTOPHER ZIMMERMAN, Chairman - Aye, MARY HYNES, Vice Chairman - Aye, BARBARA A FAVOLA, Member - Aye, JAY FISETTE-Aye, J. WALTER TEJADA, Member – Aye.

The Board met in a closed meeting from 11:40 a.m. to 1:45 p.m.

A motion was made by CHRISTOPHER ZIMMERMAN, Chairman, seconded by MARY HYNES, Vice Chairman to certify 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. The motion was adopted by a vote of 5 to 0 by roll call as follows:

- Member & Vote**
 Mr. Zimmerman - Aye
 Ms. Hynes - Aye
 Ms. Favola - Aye
 Mr. Fisetete - Aye
 Mr. Tejada - Aye

ADJOURNMENT

Without objection, at 1:45 p.m., the Board recessed until the December 13, 2011 Recessed Meeting.

CHRISTOPHER ZIMMERMAN , Chairman

ATTEST:

HOPE L. HALLECK, Clerk