

A Regular Meeting of the County Board of Arlington County, Virginia, held at the Bozman Government Center 2100 Clarendon Boulevard, Room 307 Arlington, VA 22201 thereof on Saturday, September 17<sup>th</sup>, 2022, at 8:30 AM

PRESENT: Katie Cristol, Chair  
Christian Dorsey, Vice-Chair  
Takis Karantonis, Member  
Libby Garvey, Member  
Matt de Ferranti, Member

ALSO PRESENT: Mark Schwartz, County Manager  
MinhChau Corr, County Attorney  
Kendra Jacobs, County Board Clerk

ooooo0oooo

**I. PUBLIC COMMENT**

Susan English spoke to the positive environmental impacts of missing middle housing

Jennifer Owens advocated for affordable housing for Barcroft Residents at 30% AMI

Audrey Clement spoke in opposition to the proposed Missing Middle Housing framework

Wells Harrell spoke in favor of the Plan Langston Boulevard process

Rev. Dr. Aaron Nagel spoke to oppose the change from a stormwater tax to stormwater fee and impacts to nonprofit organizations

Kit Norland spoke in favor of more aggressive measures to combat the impacts of climate change

Griffin Couch spoke to request a personal property tax exemption for vans owned by a local Boy Scout troop

Dima Hikura spoke regarding collaborative processes for public projects

Scott Pedowitz shared information regarding the upcoming in-person Clarendon Day 2022

Adam Theo spoke in favor of Ranked Choice Voting

ooooo0oooo

**Analysis of Contingent Accounts**

The Board received a Summary of Fiscal Year 2022 Contingent Accounts showing balances of \$13,929,644 in Economic and Revenue Budget Stabilization, and \$13,417,608 in Affordable Housing Investment Fund as of September 16<sup>th</sup>, 2022

ooooo0oooo

**II. CONSENT ITEMS (Items 1-43)**

On a motion by CHRISTIAN DORSEY, Vice-Chair, seconded by LIBBY GARVEY, Member, the County Board approved the Manager's recommendation for items #1-33, and #35-43.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

0000000000

**1. SP #24 Site Plan Amendment (Commonwealth Tower) to reconfigure the interior layout of the lobby (B1) and B2 floors and modify conditions to allow retail equivalent uses in space approved for retail use; with modifications of zoning ordinance requirements as necessary to achieve the proposed development plan; located at 1300 Wilson Blvd. (RPC #17-003-030).**

On the consent agenda vote, after a duly advertised public hearing, the County Board adopted the ordinance (attached to the staff report) to approve a site plan amendment (SP #24) to reconfigure the interior layout of the lobby (B1) and B2 levels and to permit retail equivalent uses in areas previously approved as retail gross floor area, subject to all previously approved conditions, and new Conditions #63 through #65.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The adopted Ordinance reads as follows:

**SITE PLAN AMENDMENT ORDINANCE**

WHEREAS, an application for a Site Plan Amendment dated June 17, 2022, for Site Plan #24, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in the Staff Report prepared for the September 17, 2022, County Board 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 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 September 17, 2022, 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 Amendment:

- 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 and modified as follows:
  - **Other modifications of the zoning ordinance requirements necessary to achieve the proposed development plan.**
- 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 June 17, 2022, and revised July 21, 2022, for Site Plan #24, and as such application has been modified, revised, or amended as set forth in the Zoning Administration records, for a Site Plan Amendment to allow retail equivalent uses in space approved as retail GFA, and modifications of zoning ordinance requirements necessary to achieve the proposed development plan, and add new Conditions #63 through #65, for the parcel of real property known as RPC# 17-003-030 located at 1300 Wilson Boulevard, approval is granted and the parcel so described shall be used according to the Site Plan as originally approved on June 6, 1963, and amended from time to time as shown in the records of the Office of the Zoning Administrator, subject to all previously approved conditions for SP #24, and new Conditions 63-65 below.

**The following conditions pertain to the site plan amendment approved by the County Board on September 17, 2022, and shall supersede all previous conditions where conflicts arise.**

63. The applicant agrees to construct the improvements (“Improvements”) permitted by this site plan amendment as shown on the application package and plans entitled “Existing B2 & New B2 Plan” and “Existing Lobby & New Lobby Plan” prepared by OTJ Architects, dated July 21, 2022, (“Plans”) and as approved by the County Board on September 17, 2022, provided that the furniture and other impermanent objects shown on the Plans are illustrative and subject to change. The applicant further agrees to submit and obtain approval of all necessary administrative approvals to the approved façade plans prior to obtaining a building permit.

64. **Window Transparency:** The applicant agrees that building frontages along public rights-of-way adjacent to the subject space, as shown on the Plans entitled “Existing Lobby & New Lobby Plan”, dated July 21, 2022, shall have an overall minimum transparency of 50%. The applicant further agrees that building frontages along public rights of way adjacent to the subject space as shown on the Plans entitled “Existing B2 and New B2 Plan” dated July 21, 2022, shall have an overall minimum transparency of 65%. “Transparency” shall mean using glass or other transparent exterior material offering a view into an area of the building where human activity normally occurs and does not include views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like. Minor adjustments to the level of transparency necessitated for compliance with the Virginia Uniform Statewide Building Code shall be reviewed and approved by the County Manager or his designee, who may administratively approve the changes.

65. Notwithstanding that stated elsewhere in these conditions, the building’s B1 level as shown in the plans “Existing Lobby & New Lobby Plan” prepared by OTJ Architects, dated July 21, 2022, (“Plans”), along with the B2 and ground-floor levels associated with the April 23, 2019 and December 12, 2020 site plan amendments may be permitted for retail and retail equivalent uses in accordance with the recommendations of the Arlington County Retail Plan adopted in 2015 and as may be further amended (or any subsequent retail policy document in effect at the time of permit issuance), and retail types of uses as allowed by the Arlington County Zoning Ordinance for the site.

[Board Report #1](#)

ooooo0ooooo

**2. SP #72 Site Plan Amendment to revise Condition #15 to extend the interim vehicle sales and service use by American Service Center (Mercedes-Benz of Arlington) at 585 N. Glebe Road (RPC# 14-061-074).**

On the consent agenda vote, after a duly advertised public hearing, the County Board adopted the ordinance (attached to the staff report) to approve a site plan amendment to SP #72 to permit an interim vehicle sales and service use by American Service Center at 585 N. Glebe Road until December 31, 2022, subject to all previously approved conditions with revised Condition #15.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The adopted Ordinance reads as follows:

**SITE PLAN AMENDMENT ORDINANCE**

WHEREAS, an application for a Site Plan Amendment dated December 7, 2021 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 September 17, 2022 meeting, and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on September 17, 2022 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

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

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated December 7, 2021 for Site Plan #72, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in the conditions below (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for ASC-Arlington Real Estate LLC to permit vehicle sales and service use for the parcel of real property known as RPC# 14-061-074 and located at address 585 North Glebe Road until December 31, 2022, approval is granted and the parcels so described shall be used according to the Site Plan as originally approved on December 7, 1968 and amended from time to time as shown in the records of the Office of Zoning Administration, and as amended by the Revised Site Plan Application, subject to all previous conditions and the following amended conditions for this site (RPC# 14-061-074):

15. The applicant agrees that the parking lot vehicle sales and service is an interim use that has been approved for a limited five (5) three (3) month period, and not longer. During the five (5) three (3) month period, the use is permitted subject to all site plan conditions, and subject to the same reviews that could otherwise be made of any site plan uses. The applicant further agrees that the approval for the use will terminate after a period of six (6) five (5) months, on September 30, 2022 December 31, 2022 without further action by the County Board. The applicant agrees that it will cease use of the space for the purposes of interim parking on or before September 30, 2022 December 31, 2022. The applicant acknowledges and agrees that after September 30, 2022 December 31, 2022, it shall have no right to use the space for interim parking unless specific approval for the use is obtained from the County Board.

[Board Report #2](#)

0000000000

**3. SP #190 Site Plan Amendment to allow construction of a permanent outdoor pergola (SER Restaurant); located at 1110 N. Glebe Road (RPC# 14-013-048).**

On the consent agenda vote, after a duly advertised public hearing, the County Board adopted the ordinance (attached to the staff report) for a site plan amendment to allow the construction of a permanent outdoor pergola for the purpose of expanding seating capacity for the ground-floor restaurant space (SER Restaurant).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The adopted Ordinance reads as follows:

**SITE PLAN AMENDMENT ORDINANCE**

WHEREAS an application for a Site Plan Amendment dated January 18, 2022, to amend the Ballston Plaza site plan (SP #190), was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report provided to the County Board for its September 17, 2022 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 September 17, 2022 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 C-O-2.5 Districts as set forth in the Zoning Ordinance and modified as follows:
  - All modifications as previously approved.
- 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 January 18, 2022 for SP #190, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 12 of the site plan (which drawings, etc. are hereafter collectively referred to as "Revised Site Plan Application"), for the parcel of real property known as RPC# 14-013-048 and 1110 N. Glebe Road, approval is granted and the parcels so described shall be used according to the Revised Site Plan Application, subject to all previously approved conditions with new conditions #12 and 13 as follows:

**The following conditions apply to the pergola structure for the Two Ballston Plaza building (1110 N. Glebe Road; RPC # 14-013-048) associated with the site plan amendment approved on September 17, 2022:**

12. The applicant agrees to construct the pergola structure consistent with the plans dated December 1, 2021, and entitled "SER Restaurant Retractable Awning Project" prepared by Juan Utrera (attached to the County Board report prepared for the September 17, 2022, County Board meeting). The applicant also agrees to submit to the Zoning Administrator an updated landscape plan before any land disturbance and/or building permits are issued or a certificate of occupancy for the outdoor café is issued, whichever shall first occur. Further, the applicant agrees to maintain a minimum clearance of at least eight (8) feet between 1) the pergola and any of its any associated outdoor café elements, and 2) fixtures within the sidewalk such as trees, light poles, benches, trash receptacles, and bicycle racks or stations.

13. The applicant agrees that the operation of any outdoor café shall comply with all requirements set forth in all applicable ordinances and regulations, including, by way of illustration and not limitation, those administered by the Zoning Office (including the applicable requirements listed in Section 12.9.15 for "Outdoor Cafes", as amended), the Inspection Services Division, the Community Code Enforcement Office, the Police Department, and the Fire Marshal's Office.

[Board Report #3](#)

ooooo0ooooo

- 4. **SP #269 Site Plan Amendment to allow retail or retail equivalent uses on the ground floor (Richmond Square Apartment Building); located at 900 N. Randolph St. (RPC# 14-046-029).**

On the consent agenda vote, after a duly advertised public hearing, the County Board deferred the subject site plan amendment to permit retail and retail equivalent uses on the ground floor of the Richmond Square Apartment Building (SP #269), for one (1) month to the October 15, 2022, County Board meeting.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #4](#)

oooo0oooo

**5. SP #331 Site Plan Amendment to revise site plan conditions to permit retail equivalent uses on the ground floor and to permit a building addition for The Regent office building; located at 950 N. Glebe Road (RPC# 14-053-057).**

On the consent agenda vote, after a duly advertised public hearing, the County Board adopted the ordinance (attached to the staff report) to approve the proposed site plan amendment, subject to the proposed modification for parking ratio, and subject to all previously approved conditions and with revised Conditions #60 and #76 and new Condition #77.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The adopted Ordinance reads as follows:

**SITE PLAN AMENDMENT ORDINANCE**

WHEREAS, an application for a Site Plan Amendment to SP #331, dated July 12, 2022, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report[s] prepared for the September 17, 2022, County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on September 17, 2022, 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 Amendment:

- 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 and modified as follows:
  - **Modification to reduce the required parking ratio to 1 space for every 592 square feet of gross floor area (excluding the first 5,000 square feet of ground floor uses) (ACZO Sections 15.5.7.A, 7.12.5.A and 14.3.7.A);**
- 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 July 22, 2022, for Site Plan Amendment SP #331, and as such application has been modified, revised, or amended to include the conditions and other elements (which drawings, etc. are hereafter collectively referred to as "Revised

Site Plan Amendment Application”), for a Site Plan Amendment to amend the site plan to amend the retail requirements of Condition #60 and to permit an addition of approximately 410 square feet, located at 950 N. Glebe Rd. (RPC# 14-053-057), approval is granted and the parcels so described shall be used according to the Site Plan Application, subject to all previously approved conditions and the following amended Conditions #60 and #76 and new Condition #77:

60. Retail Elements

- a. The developer agrees to develop and implement a retail attraction and marketing plan for the 14,401 square feet of retail space located on the first floor of the office building. The plan shall identify the types of retail desired, the marketing strategy to attract the retail, and strategies to retain the retail. The retail attraction and marketing plan shall be in accordance with the approved Retail Action Plan for the Rosslyn-Ballston Corridor, dated January 2001. The retail attraction and marketing plan shall be reviewed and approved by the Department of Economic Development before being submitted to the Zoning Administrator. The above-grade building permit shall not be issued until documentation has been provided to the Zoning Administrator assuring that the plan has been approved by the Department of Economic Development. Any change in the use of the retail space from retail to office or other non-retail use shall require a site plan amendment. that the building’s ground floor spaces fronting Fairfax Drive and North Glebe Road shall be used in a manner consistent with the permitted uses and recommended design standards per the Arlington County Retail Plan adopted July 2015, and as such plan may be amended from time to time, and the uses permitted in the C-O-2.5 zoning district:
  - (1) Permitted uses and design standards and widow transparency standards for “Gold” Streets, including the educational use as permitted in Condition #76. The developer further agrees that permitted uses shall be uses such as, or similar to, those shown on the proposed plans prepared by Sshape dated July 12, 2022 and entitled “950 N Glebe Rd.” (attached to the County Board report for the September 17, 2022, County Board meeting).
  - (2) Ground floor spaces that do not front on a public street are not subject to the use or transparency requirements of this Condition #60.
- b. The retail spaces shall be designed and constructed to include interior and exterior improvements necessary to ensure that they are functional and attractive to prospective retailers and that they animate the street frontage. These elements shall include, but not limited to: approximately 18 foot floor to floor heights, as shown on the plans dated May 28, 2003; access to the service corridor/areas as shown on the architectural plans dated May 28, 2003; direct street frontage and access; provision for any venting systems required for any food preparation or restaurant use; and sufficient transparency of the building facade to achieve adequate street exposure.
- c. The developer agrees that all retail storefronts along public rights-of-way, as shown on plans dated May 28, 2003, are required to have an overall minimum transparency of 50%. In addition, the portion of the retail storefronts that is located between three and eight feet from grade is required to be at least 80% transparent. The purpose of this condition is to allow pedestrians to view the activity within the retail establishment and to allow patrons and employees of the retail establishments to view the activity on the sidewalk and street. “Transparency” shall mean using glass or other transparent exterior material offering a view into an area of the retail establishment where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like. Provided that the exterior material is glass or other transparent material, a tenant may apply to the County Board for a site plan amendment to grant an exception to this condition for a specified duration.

76. The applicant agrees that the temporary conversion of approximately 4,363 square feet of retail space (as shown on the floor plan, "Option B," dated March 10, 2010) to use by an institution of educational nature shall be permitted applicable to The George Washington University only, as an option to retail use of that space. A site plan amendment shall be required for the use of the space by an entity other than The George Washington University. Any other non-retail use shall also require a site plan amendment. In the event that the space is no longer used for an educational use, this space shall comply with the requirements of Condition #60.

77. The developer agrees to construct the approximately 410 square foot ground floor addition and implement the new landscaping, paving and hardscape treatments consistent with the concept plans prepared by Sshape dated July 12, 2022, and entitled "950 N Glebe Rd." (attached to the County Board report for the September 17, 2022, County Board meeting). The developer also agrees to submit to the Zoning Administrator an updated landscape plan prior to the issuance of the Building Permit for the improvements proposed by this Condition #77. The County Manager or his/her designee may consider and approve minor revisions to the concept plan pursuant to ACZO 15.5.3.(C).(administrative change).

[Board Report #5](#)

ooooo0ooooo

**6. The Gardner School/Child Care Center, 1776 Wilson Blvd.**

- A. SP# 409 Site Plan Amendment to modify conditions to allow institutional uses on the mezzanine level of the building; with modifications of zoning ordinance requirements as necessary to achieve the proposed development plan; located at 1776 Wilson Blvd. (RPC# 17-010-195).
- B. SP409-U-22-1 Use Permit for a child care center (the Gardner School) for up to 186 children; located at 1776 Wilson Blvd. (RPC# 17-010-195).

On the consent agenda vote, after a duly advertised public hearing, the County Board adopted the ordinance (attached to the staff report) amending SP #409 to allow institutional uses on the mezzanine level of the building, subject to all previously approved conditions, revised Condition #64 and new Conditions #85 through #87. In addition, approve the use permit associated with SP #409 for a child care center for up to 186 children, subject to the proposed conditions of the staff report and with a County Board review in one (1) year (September 2023).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The approved Use Permit Conditions read as follows:

1. The applicant agrees to comply with all applicable requirements set forth in all applicable ordinances, codes, and regulations, including but not limited to the currently adopted editions of the Virginia Uniform Statewide Building Code, Parts I, II, and III, and its related regulations; the Virginia Fire Prevention Code; the Arlington County Zoning Ordinance; the Arlington County Health Regulations; and the Arlington County Child Care Center Regulations. Furthermore, the applicant agrees to actively and promptly pursue obtainment of all required associated building and operational permits and occupancy certificates from the various administrative and regulating agencies.
2. The applicant agrees that the hours of operation would be Monday through Friday from 7:00 a.m. until 6:00 p.m. The applicant further agrees that the maximum permitted enrollment is 186, or such number as determined by the Department of Human Services Child Care Office, which may be fewer than the maximum noted above.
3. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this childcare center. The name, telephone number, and electronic mail address (if available) of the liaison shall be submitted by the applicant to the Zoning Administrator and the Radnor/Fort Myer Heights Civic Association within 90 days of the County Board's approval of the use permit.

4. The applicant agrees to submit a Parking Management Plan and obtain approval of such plan from the County prior to the issuance of a Certificate of Occupancy. The Parking Management Plan shall follow the *Guidelines and Minimum Acceptance Criteria for the Preparation and Submission of Center-Based Child Care Parking Management Plans* dated November 30, 2018 or subsequent version. The applicant shall provide a minimum of six (6) 15-minute on-site parking spaces exclusively for the child care center within the retail parking garage effective on the days of operation from 7:00 a.m. to 9:30 a.m. and 4:00 p.m. to 6:00 p.m. The applicant further agrees that a minimum of nineteen (19) parking spaces will be reserved in the parking garage for staff of the child care center between the hours of operation for the specified facility. The parking spaces shall comply with all requirements set forth in all applicable ordinances and regulations, including, by way of illustration and not limitation, those administered by Section 14 of the Arlington County Zoning Ordinance. Any change in the location of the parking spaces or the timing of pick up and drop off shall first be approved by the County Manager or his designee in the form of a revised Parking Management Plan.

The approved parking management plan for the site plan (SP# 409) will be updated to show the parking spaces for the proposed child care use.

The adopted Ordinance reads as follows:

#### **SITE PLAN AMENDMENT ORDINANCE**

WHEREAS, an application for a Site Plan Amendment dated July 11, 2022, for Site Plan #409, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in the Staff Report prepared for the September 17, 2022, County Board 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 to amend Condition #64 to allow retail equivalent uses on the mezzanine level, as shown on the plans referenced in new Conditions #85 through #87, the amended Condition #64 below; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on September 21, 2019, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended;

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance; and
  - **Other modifications of the zoning ordinance requirements necessary to achieve the proposed development plan.**
- Is functionally related 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 July 11, 2022 for Site Plan #409, and as such application has been modified, revised, or amended as set forth in the Zoning Administration records to include the drawings, documents, conditions, and other elements designated in Condition #64 below (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment to add new Conditions #85 through #87, amend Condition #64 to allow retail equivalent uses within 6,500 square feet of ground floor mezzanine retail; with modifications of zoning ordinance requirements as necessary to achieve the proposed development plan; for the parcel of real property known as RPC #17-010-195 and 1776 Wilson Boulevard, approval is granted and the parcel so described shall be used according to the Site Plan as originally approved on October 13, 2007 and amended from time to time as shown in the records of the Office of Zoning Administration, and as amended by the

Revised Site Plan Application, subject to all previously approved conditions for SP #409, new Conditions #85 through #87 and the following amended Condition #64:

Amended Condition #64

**64. Retail Elements**

- a. The developer agrees to develop and implement a retail attraction and marketing plan for approximately 32,200 square feet of retail and retail equivalent space located on the first floors (ground floor and mezzanine) of the office and residential buildings. The plan shall identify the types of retail desired, the marketing strategy to attract the retail, and strategies to retain the retail. The retail attraction and marketing plan shall be in accordance with the approved Arlington County Retail Plan, dated July 9, 2015, or subsequent version in effect at the time of permit issuance. The retail attraction and marketing plan shall be reviewed and approved by the Department of Economic Development before being submitted to the Zoning Administrator. The above-grade building permit shall not be issued until documentation has been provided to the Zoning Administrator assuring that the plan has been approved by the Department of Economic Development. The approximately 32,200 square feet of space on the ground floor and mezzanine level shall be used as those uses permitted in the applicable zoning district and that meet the criteria for retail or retail equivalent uses as defined in the Arlington County Retail Plan, dated July 9, 2015, or version in effect at the time of permit issuance. Any change in the use of the retail space from retail to office or other non-retail use shall require a site plan amendment, except for the approximately 22,829 sf of retail space shown on the plan entitled "Ground Level Floor Plan" prepared by RTKL, and attached to this report, which may be used for retail equivalent uses as described in the Arlington County Retail Plan.
- b. The retail and retail equivalent spaces shall be designed and constructed to include interior and exterior improvements necessary to ensure that they are functional and attractive to prospective retailers and that they animate the street frontage. These elements shall include, but are not limited to: approximately 17 foot floor to floor heights, as shown on the plans dated September 24, 2007; retail mezzanine space of varying heights within the 17 foot floor-to-floor heights; access to the service corridor/areas as shown on the architectural plans dated September 24, 2007; direct street frontage and access; rough-in of utilities, i.e., sprinkler heads, plumbing, electrical wiring, and stubs for extensions; provision for any venting systems required for any food preparation or restaurant use; and sufficient of the building facade to achieve adequate street exposure.

**The following conditions pertain to the site plan amendment approved by the County Board on September 17, 2022 and shall supersede all previous conditions where conflicts arise.**

**85.**

The applicant agrees to construct the improvement ("Improvements") permitted by this site plan amendment as shown on the application package and plans entitled "Preliminary Ground Floor Plan," "Proposed Mezzanine Plan," and "Proposed Site Plan" dated August 29, 2022. The applicant further agrees to submit and obtain all necessary administrative approvals to the façade and landscape plans to permit such changes to the building as allowed by this site plan amendment.

**86. Façade Plan**

The applicant agrees to submit for approval to the County Manager all minor adjustments to the building's façade adjacent to the subject space, as approximately shown on the Plans entitled "Preliminary Ground Floor Plan," "Proposed Mezzanine Plan," and "Proposed Site Plan" dated August 29, 2022, who may administratively approve the changes upon finding that the changes meet the intent of the approved Site Plan and are consistent with the exterior design elements, such as but limited to window transparency and doorway treatment of the Arlington County Retail Plan dated July 19, 2015, or subsequent version as may be effective at the time of permit issuance. The applicant agrees to submit a façade plan for review and approval prior to the issuance of the Final Building Permit for the Improvements.

**87. Landscape Plan**

The applicant agrees to submit an amended landscape plan for the proposed outdoor play area, consistent with the entitled "Preliminary Ground Floor Plan," "Proposed Mezzanine Plan," and "Proposed Site Plan" dated August 29, 2022, for review and approval by the County Manager or his designee, who may administratively approve the plan if he finds that the plan conforms to the standards set forth in Condition 15 of the site plan approved on October 13, 2007. The applicant agrees to submit a landscape plan for review and approval prior to the issuance of the Final Building Permit for the subject Improvements.

[Board Report #6](#)

0000000000

**7. SP #416 Site Plan Amendment to permit retail and retail-equivalent uses within the Virginia Square Towers ground floor spaces previously approved for retail and service commercial uses; located at 3444 Fairfax Drive (RPC #14-035-028, -029).**

On the consent agenda vote, after a duly advertised public hearing, the County Board adopted the ordinance (attached to the staff report) to approve a site plan amendment for Site Plan #416, to allow retail and retail equivalent uses for all spaces previously approved for retail and service commercial uses, subject to all previously approved conditions and amended Conditions #30 and #63.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The adopted Ordinance reads as follows:

**SITE PLAN AMENDMENT ORDINANCE**

WHEREAS, an application for a Site Plan Amendment dated July 7, 2022, for Site Plan #416, was filed with the Office of the Zoning Administrator; and

WHEREAS, Site Plan #416 was originally approved by the County Board on September 17, 2011; and

WHEREAS, as indicated in the Staff Report prepared for the September 17, 2022, County Board 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, as revised and set forth below and in this Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on September 17, 2022, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan [as amended]:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
  - Other modifications as previously approved for Site Plan #416; and
  - Other modifications as necessary to achieve the proposed development plan and identified in the application as may be revised.
- 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 July 7, 2022, for Site Plan # 416, and as such application has been modified, revised, or amended as set forth in the Zoning

Administration records, for a Site Plan Amendment for [brief description of the type of project], for the parcel of real property known as RPC# 14-035-028, -029 and 3444 Fairfax Drive approval is granted and the parcel so described shall be used according to the Site Plan as originally approved on September 17, 2011, and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to all previously approved conditions for Site Plan #416 and the following amended Conditions #30 and #63:

### **Façade Treatment of Buildings**

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

The developer agrees that all retail/service commercial and retail equivalent storefronts facing Wilson Boulevard and Fairfax Drive, including storefronts of "flex" spaces, will have an overall minimum transparency of 50% as measured from floor to ceiling. In addition, the portion of the retail/service commercial and retail equivalent storefront that is located between three and eight feet from grade is required to be at least 80% transparent. The purpose of this condition is to allow pedestrians to view the activity within the retail/service commercial establishment and to allow patrons and employees of the retail/service commercial establishments to view the activity on the sidewalk and street. "Transparency" shall mean using glass or other transparent exterior material offering a view into an area of the retail/service commercial 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, back of house operations, or the like. Provided that the exterior material is glass or other transparent material, a tenant may apply to the County Board for a site plan amendment to grant an exception to this condition for a specified duration. The Zoning Administrator may approve administrative change applications to permit reduced transparency in the proposed "flex" spaces on Wilson Boulevard, if she determines that customer privacy is important (e.g. for medical or dental offices or other similar office uses as determined by the Zoning Administrator) and that exterior material is glass or other transparent material, so that upon a change in use the transparency can be restored.

### **Retail/Service Commercial Elements**

63. The developer agrees to market a minimum of 12,815 square feet of retail and service commercial space located on the first floor of the building to uses consistent with the approved Arlington County Retail Plan adopted July 18, 2015, as may be further amended, updated or replaced, and the following:
  1. ~~Except as otherwise specifically provided for in this condition, the~~ The developer agrees to design and use all commercial spaces for "personal or business services" as detailed in the Retail Action Plan, or for other uses, which in the sole judgment of the Zoning Administrator are of the same general character as those listed as such in the Retail Action Plan. In addition, the developer agrees that all first floor commercial ~~those~~ spaces may be use for permitted uses listed in Section 21 of the Zoning Ordinance, dentist or doctor offices, or for child care centers as defined in Section 1 of the Zoning Ordinance, but not for general office uses. The developer may also market and use the retail/service commercial spaces for "Entertainment and Main Street Uses" as listed in the Retail Action Plan.
  2. The commercial space shall be designed and used in a manner consistent with the Virginia Square Sector Plan, adopted in 2002.

3. Each separate commercial space shall have direct access to the building's service areas.
4. The developer shall build out the retail and service commercial space to include the rough-in of utilities, i.e., sprinkler heads, plumbing, electrical wiring, and stubs for extensions.
5. Notwithstanding that stated elsewhere in this condition, the 12,815 square feet of ground floor retail in the north and south buildings may be permitted for retail and retail equivalent uses in accordance with the recommendations of the Arlington County Retail Plan, adopted in 2015, and as may be further amended (or any subsequent retail policy document in effect at the time of permit issuance), and as allowed by the Arlington County Zoning Ordinance for the site.

The developer agrees to submit an application for administrative change for any proposal for retail or service commercial uses or parking not clearly consistent with the above. Unless otherwise expressly and specifically provided in this site plan condition, any change in the use of the retail or service commercial space from retail or service commercial to any use not permitted by this condition shall require a site plan amendment.

**Wilson Boulevard Retail/Service Commercial Frontage**

In addition to the provisions of this condition above, the developer agrees to market the service commercial space along Wilson Boulevard for retail or service commercial uses for initial lease-up during construction of the project and for a minimum of eighteen months to include six (6) months after the issuance of the first Certificate of Occupancy for occupancy of the South Building. The developer further agrees that the corner spaces (totaling approximately 2,300 square feet) on Wilson Boulevard shall always be marketed for retail or service commercial use. For the remainder of the commercial space along Wilson Boulevard (totaling approximately 4,900 square feet) (the "Flex Space"), the developer agrees that, in the event that 50% or more of the Flex Space in the South Building is not leased by retail or service commercial tenants within six (6) months after the issuance of the first Certificate of Occupancy for occupancy of the South Building or at any point thereafter, and if the developer has engaged in the marketing efforts called for in this condition, then any of the units/spaces within the Flex Space may be used as residential units (including home occupancy as defined in Section 1 and permitted in Section 31.A.12 of the Zoning Ordinance) upon application for and approval by the Zoning Administrator of an administrative change. Such application for administrative change shall be accompanied by proof of having diligently marketed the space for retail or service commercial use for a minimum of eighteen months to include six (6) months after the issuance of the first Certificate of Occupancy for occupancy of the South Building at initial lease-up or a minimum of 6 months at any point thereafter. If approved, such conversion shall be for a period of five (5) years from the date of approval by the Zoning Administrator. At the end of the five (5) year period, the developer agrees to diligently re-market the space for retail or service commercial uses for a period of one (1) year. During this time, the space may continue to be occupied by a residential tenant but the residential lease must be a month-to-month lease with the ability for the residential tenant to vacate with two (2) months notice if a commercial tenant is secured. If the space is still not leased to a commercial tenant after the one (1) year remarketing period, the space may be used as a residential unit for an additional three (3) year period, upon application to and approval of the Zoning Administrator. The Zoning Administrator may approve the administrative change if she finds that the developer has presented evidence of having engaged in the marketing efforts called for by this condition. After the three (3) year period, any further conversions would require a minor site plan amendment. Each individual unit/space is permitted the two administrative conversion periods described above before a minor site plan amendment is required. The total maximum permitted dwelling units associated with these spaces when used as residential is up to six (6) dwelling units, in addition to the 534 multi-family units otherwise approved by this site plan.

[Board Report #7 \(Supplemental Report, Revised Conditions, Posted 09-12-2022\)](#)

[Board Report #7 \(Posted 09-12-2022\)](#)

0000000000

**8. Crystal Plaza 1; located at 2050 and 2051 S. Bell St.**

- A. SP #458 Site Plan Amendment to allow 186 square feet (sq. ft.) of additional gross floor area and modifications of density exclusions for Crystal Plaza 1; located at 2050 and 2051 S. Bell St. (RPC#s 34-020-283, 34-020-284, 34-020-281 (part), and 34-020-268 (part)).
- B. (1) Ordinance to amend and reenact an ordinance(s) of vacation to vacate: 1) portion of an easement for public street purposes for South Clark Street running south from 20th Street South, parallel to the east side of Richmond Highway and on the west side of Parcel A-45, RPC# 34-020-267; and 2) portion of an easement for public street and utilities purposes for South Clark Street running west from Richmond Highway on the northern side of Parcel A-45, RPC# 34-020-267, both of the above, with conditions, amended in its entirety as follows: (2) Ordinance of vacation to vacate: 1) portion of an easement for public street purposes for South Clark Street running South from 20th Street South, parallel to the East side of Richmond Highway and on the West side of Parcel B-45, Crystal Plaza, RPC#34-020-283; and 2) portion of an easement for public street and utilities purposes for South Clark Street running west from Richmond Highway on the northern side of Parcel B-45, Crystal Plaza, RPC# 34-020-283, now known as 2050 S. Bell St., both of the above, with conditions.

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

Adopted the Site Plan Amendment Ordinance (attached to the staff report) to allow 186 sq. ft. of additional gross floor area and modifications of density exclusions for Crystal Plaza 1, subject to all previously approved conditions, and revised Condition #60; and

Enacted the ordinance (attached to the staff report) to amend and reenact an ordinance(s) of vacation to vacate: 1) portion of an easement for public street purposes for South Clark Street running South from 20th Street South, parallel to the east side of Richmond Highway and on the west side of Parcel A-45, RPC#34-020-267; and 2) portion of an easement for public street and utilities purposes for South Clark Street running west from Richmond Highway on the Northern side of Parcel A-45, RPC# 34-020-267, both of the above, with conditions, to be amended in its entirety as follows: Ordinance of vacation to vacate: 1) portion of an easement for public street purposes for South Clark Street running South from 20th Street South, parallel to the east side of Richmond Highway and on the west side of Parcel B-45, Crystal Plaza, RPC#34-020-283; and 2) portion of an easement for public street and utilities purposes for South Clark Street running west from Richmond Highway on the Northern side of Parcel B-45, Crystal Plaza, RPC# 34-020-283, now known as 2050 S. Bell St., both of the above, with conditions. In addition, authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the deed of vacation and reservation of temporary utility easements, and all other documents or deeds necessary to effectuate the ordinance of vacation (attached to the staff report), subject to approval as to form by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The adopted Ordinance reads as follows:

**SITE PLAN AMENDMENT ORDINANCE (SP #458)**

WHEREAS, an application for a Site Plan Amendment dated June 6, 2022, for Site Plan #458 was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report[s] prepared for the September 17, 2022, County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board adopt the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on September 17, 2022, 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:

- 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 and modified as follows:
  - **Allow 186 square feet of additional building density for furthering the goals, policies, and recommendations in the Crystal City Sector Plan and other plans and policies established for the area by the County Board (ACZO Article 7.16.5.A); and**
  - **Exclude an additional 160 square feet of gross floor area dedicated to above-grade air shafts; and**
  - **Other modifications as necessary to achieve the proposed development plan; and**
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally approved on May 15, 2021, and by an amendment application dated June 6, 2022, for Site Plan #458, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 below revised plans, attached to the staff report, dated July 12, 2022, (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment to SP #458 to allow 186 sq. ft. of additional gross floor area, and modifications of density exclusions; with modifications of zoning ordinance requirements described above; for the parcels located at 2050 and 2051 S. Bell Street (RPC#s 34-020-283, 34-020-284, 34-020-281 (part), and 34-020-268 (part)), approval is granted, and the parcels so described shall be used according to all previously approved Conditions and the revised Condition below:

**60. Crystal City Public Open Space Contribution**

The Developer agrees to provide \$119,838 ~~\$130,998~~ towards public open space planning and/or improvements in Crystal City. The contribution shall be provided to the Department of Parks and Recreation prior to issuance of the first Certificate of Occupancy for tenant occupancy of the first building or phase of development.

The adopted Ordinance reads as follows:

**ORDINANCE TO AMEND AND REENACT AN ORDINANCE(S) OF VACATION TO VACATE: 1) PORTION OF AN EASEMENT FOR PUBLIC STREET PURPOSES FOR S. CLARK STREET RUNNING SOUTH FROM 20<sup>TH</sup> STREET SOUTH, PARALLEL TO THE EAST SIDE OF RICHMOND HIGHWAY AND ON THE WEST SIDE OF PARCEL A-45, RPC #34-020-267; AND 2) PORTION OF AN EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES FOR S. CLARK STREET RUNNING WEST FROM RICHMOND HIGHWAY ON THE NORTHERN SIDE OF PARCEL A-45, RPC #34-020-267, BOTH OF THE ABOVE, WITH CONDITIONS, amended in its entirety as follows:**

**ORDINANCE OF VACATION TO VACATE: 1) PORTION OF AN EASEMENT FOR PUBLIC STREET PURPOSES FOR SOUTH CLARK STREET RUNNING SOUTH FROM 20<sup>TH</sup> STREET SOUTH, PARALLEL TO THE EAST SIDE OF RICHMOND HIGHWAY AND ON THE WEST SIDE OF PARCEL B-45, CRYSTAL PLAZA, RPC #34-020-283; AND 2) PORTION OF AN EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES FOR SOUTH CLARK STREET RUNNING WEST FROM RICHMOND HIGHWAY ON THE NORTHERN SIDE OF PARCEL B-45, CRYSTAL PLAZA, RPC #34-020-283, NOW KNOWN AS 2050 S. BELL ST., BOTH OF THE ABOVE, WITH CONDITIONS.**

**BE IT ORDAINED** that, pursuant to an application by 2000-2001 S. Bell, L.L.C. ("Applicant"), on file in the offices of the Department of Environmental Services ("DES"), the following: 1) portion of an Easement for Public Street Purposes for South Clark Street created as part of a Deed of Resubdivision and recorded among the Arlington County land records ("Land Records") in Deed Book Deed Book 1537 at Page 486 and shown as "Portion of Existing 68' Easement for Public Street Purposes D.B. 1537, PG. 486 7,404 S.F. or 0.16997 AC. Hereby Vacated" and 2) portion of an Easement for Public Street and Utilities Purposes for South Clark Street created by Deed of Easement recorded among the Land Records in Deed Book 1677 at Page 216 and shown as "Portion of Existing Easement for Public Street and Utilities Purposes D.B. 1677, PG. 216 40 S.F. or 0.00091 AC. Hereby Vacated," both as shown on a plat entitled "Plat Showing the Vacation of a Portion of an Existing Easements for Public Street and Utilities Purposes on Parcel B-45, Crystal Plaza, Arlington County, Virginia," dated June 1, 2020, most recently updated on August 9, 2022, prepared by Bowman Consulting Group, Ltd., and attached to the County Manager's Report for this item as Exhibit A ("Plat") (collectively the areas being vacated, "Street Easements") are hereby vacated, subject to the following conditions:

1. The Applicant shall submit, for review and approval, to DES, a utility relocation and engineering design plan ("Plan") for the construction, abandonment, relocation, continued location in place, removal, and/or replacement of all utilities located, in whole or in part, within the areas of the Street Easements vacated by this Ordinance of Vacation. The Plan shall be subject to approval by the Director of DES, or his designee.
2. After approval of the Plan and before commencing the work described therein, the Applicant shall submit to the Director of DES, or his designee, a bond, letter of credit, or other security, acceptable to the County Manager, in an amount and in a form as determined by and acceptable to the County Manager, or his designee, to secure the construction, abandonment, relocation, continued location, removal, and/or replacement of any and all existing utilities pursuant to the approved Plan.
3. The Applicant shall prepare and submit to the County for review and approval, a Deed of Vacation and Reservation of Utility Easements, substantially in the form attached to the County Manager's Report for this item as Exhibit B and incorporated herein by reference ("Deed of Vacation"), which Deed of Vacation shall reserve unto the County temporary utility easements for any existing utilities located within the area to be vacated, which utilities are proposed or required to be relocated and reconstructed under the approved Plan. The reservation of the temporary utility easements shall continue until completion, as determined by the Arlington County Manager or his designee, of each of the following:
  - (a) The Applicant shall remove, relocate, leave in place, abandon and/or reconstruct, or cause to be removed, relocated, left in place, abandoned and/or reconstructed, at its sole cost and expense, all utilities of the County, or of others, existing and located within the areas of the Street Easements and required to be removed, relocated, left in place, abandoned and/or reconstructed by the approved Plan. Such utilities include, but are not limited to, a 15" sanitary sewer line, a 12" water main and a variable width storm sewer line, and any and all public or private gas, electrical and telecommunication lines, or infrastructure and appurtenances thereto. All utilities removed or abandoned shall be relocated or reconstructed with new utilities and related facilities and appurtenances of size, dimension and location acceptable to the County, in accordance with the approved Plan and in strict accordance with Arlington County Construction Standards and Specifications, and all applicable laws, ordinances, regulations and policies, and as required by the Site Plan, as approved by the County Board.
  - (b) The Deed shall be recorded providing that the reserved temporary utility easements shall automatically terminate upon relocation of the utilities, completion of the requirements contained in the Deed of Vacation, and all deed(s) of easement, if any, have been accepted by the County, and all required right-of-way permits, if any, have been issued by the Virginia Department of Transportation for the relocated utilities. If the County Manager or his designee determines that the requirements of the Deed of Vacation have been completed, then upon the request of the Applicant, the Real Estate Bureau Chief shall execute a Confirmation of Termination of Utility Easements, in substance acceptable to the County Manager, and approved as to form by the County Attorney, to be recorded among the land records of Arlington County, Virginia acknowledging the termination of the reserved temporary utility easements without the requirement of compensation to the County.

4. The Deed of Vacation shall be in recordable form. The Deed of Vacation shall, among other things, convey by quitclaim, all right, title and interest, if any, of the County Board to and in the portions of the areas of the Street Easements and related County facilities within the boundaries of the Street Easements, subject to any reservations for the temporary utility easements and any easements required for any County facilities designated to remain in place within the areas of the Street Easements as set forth in the approved Plan.

5. The Owner/Applicant shall pay all fees, including the fees for plat review, approval and recordation of the Deed of Vacation and all other fees associated with this Ordinance of Vacation.

6. The Owner/Applicant shall pay to the County Board \$1,491,330.96 in compensation for the vacation of the Street Easements (whether or not there are any temporary or permanent easements retained by the County in the Deed of Vacation).

7. All conditions of this Ordinance of Vacation shall be met by noon on November 30, 2022, or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

[Board Report #8 A](#)

[Board Report #8 B](#)

0000000000

**Use Permit Requests, Amendments and Reviews**

0000000000

**9. SP105-U-22-1 Use Permit for a child care center (Celebree School) associated with a site plan (SP #105-9) with up to 192 children; located at 1321 S. Elm St. (RPC #35-003-842).**

On the consent agenda vote, after a duly advertised public hearing, the County Board approved the subject use permit for a child care center with up to 192 children, subject to the proposed conditions of the staff report and with a County Board review in one (1) year (September 2023).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The adopted Use Permit conditions read as follows:

1. The applicant agrees to comply with all applicable requirements set forth in all applicable ordinances, codes, and regulations, including but not limited to the currently adopted editions of the Virginia Uniform Statewide Building Code, Parts I, II, and III, and its related regulations; the Virginia Fire Prevention Code; the Arlington County Zoning Ordinance; the Arlington County Health Regulations; and the Arlington County Child Care Center Regulations. Furthermore, the applicant agrees to actively and promptly pursue obtainment of all required associated building and operational permits and occupancy certificates from the various administrative and regulating agencies.
2. The applicant agrees that the hours of operation would be Monday-Friday, 6:30 AM – 7:00 PM. The applicant further agrees that the maximum permitted enrollment is 192, or such number as determined by the Department of Human Services Child Care Office, which may be fewer than the maximum noted above. The applicant further agrees that the maximum total occupant load, inclusive of children and adults, shall be as determined and designated by the Inspection Services Division in accordance with the Virginia Uniform Statewide Building Code, which may also be fewer than the maximum noted above.
3. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this child care center. The name, telephone number,

and electronic mail address of the liaison shall be submitted by the applicant to the Zoning Administrator and the Crystal City and Aurora Heights Civic Associations prior to issuance of a Certificate of Occupancy.

4. The applicant agrees to submit a parking management plan (PMP) and obtain the review and approval of such plan by the Zoning Administrator prior to issuance of a Certificate of Occupancy for the child care use. The PMP shall follow the Guidelines and Minimum Acceptance Criteria for the Preparation and Submission of Center-Based Child Care Parking Management Plans dated November 30, 2018, or subsequent version in place at the time of submission of the PMP. The applicant agrees that the plan shall be approved only if it shows 20 parking spaces. The applicant further agrees that those new parking spaces will be available for staff persons of the child care center between the hours of operation specified for the facility. The 20 parking spaces shall comply with all requirements set forth in all applicable ordinances and regulations, including, by way of illustration and not limitation, those administered by Section 14 of the Arlington County Zoning Ordinance. The Zoning Administrator's approval shall be obtained and the new spaces will be added prior to issuance of a certificate of occupancy for the child care use.
5. The applicant agrees to the following requirements:
  - a. Enrollment for the child care center shall be open to the general public, and not be limited solely to the children of employees affiliated with the owner of the application property, and any entity which owns, is owned by, or is under common ownership with the owner of the application property;
  - b. The child care center will include an early childhood learning component (infant care);
  - c. The child care center operator will apply to be a Virginia subsidy vendor pursuant to the terms of the current childcare subsidy program available through the Virginia Department of Social Services upon receipt of its full two-year license issued by the Commonwealth. If the child care center is approved to be a subsidy vendor under such program, it will accept Commonwealth of Virginia subsidies as forms of payment;
  - d. The child care center will not compete for any Arlington County related child care grants.
6. The Applicant shall provide information to all staff and new student families about the parking management plan with specific information related to pick-up/drop-off procedures, parking and transit information, and parking restrictions within the neighborhood. A copy of this information is to be provided to staff and student families shall be included in the parking management plan.

[Board Report #9 \(Posted 09-12-2022\)](#)

oooo0ooooo

**10. SP193-U-22-1 Use Permit for a child care center (Pathways Learning Academy at Grace Community Church) for up to 94 children; located at 4238 Wilson Blvd. (RPC# 14-059-047).**

On the consent agenda vote, after a duly advertised public hearing, the County Board approved the use permit for a child care center for up to 94 children (Pathways Learning Academy at Grace Community Church), subject to the proposed conditions and with a County Board review in one (1) year (September 2023).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The approved Use Permit conditions read as follows:

1. The applicant agrees to comply with all applicable requirements set forth in all applicable ordinances, codes, and regulations, including but not limited to the currently adopted editions of the Virginia Uniform Statewide Building Code, Parts I, II, and III, and its related regulations; the Virginia Fire Prevention Code; the Arlington County Zoning Ordinance; the Arlington County Health Regulations; and the Arlington County Child Care Center Regulations. Furthermore, the applicant agrees to actively and promptly pursue

obtainment of all required associated building and operational permits and occupancy certificates from the various administrative and regulating agencies.

2. The applicant agrees that the hours of operation would be 7 a.m. to 6 p.m. The applicant further agrees that the maximum permitted enrollment is 94 children or such number as determined by the Department of Human Services Child Care Office, which may be fewer than the maximum noted above. The applicant further agrees that the maximum total occupant load, inclusive of children and adults, shall be as determined and designated by the Inspection Services Division in accordance with the Virginia Uniform Statewide Building Code, which may also be fewer than the maximum noted above.
3. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this child care center. The name, telephone number, and electronic mail address of the liaison shall be submitted by the applicant to the Zoning Administrator and the Ashton Heights Civic Association, Ballston-Virginia Square Civic Association, Buckingham Community Civic Association, Bluemont Civic Association, and Ballston Business Improvement District prior to issuance of a Certificate of Occupancy.
4. The applicant agrees to submit a parking management plan and obtain the review and approval of such plan by the Zoning Administrator prior to issuance of a Certificate of Occupancy for the child care use. The Parking Management Plan shall follow the Guidelines and Minimum Acceptance Criteria for the Preparation and Submission of Center-Based Child Care Parking Management Plans dated November 30, 2018, or subsequent version. The applicant agrees that the plan shall be approved only if it shows at least the minimum required number of parking spaces required for this use per the Zoning Ordinance are available for use by the operator of the child care.
5. The applicant agrees that the program will maintain compliance with the permitted licensed capacity, with Local, County, and State Ordinance requirements, and will maintain compliance with all requirements of Chapter 52.
6. The applicant agrees to develop and implement safety plans for the supervision of children during outdoor play at Mosaic Park, to include how staff and children will travel to and from the park.
7. The applicant agrees to comply with the following conditions provided by the Department of Parks and Recreation regarding the use of Mosaic Park for the proposed child care center.
  - a) Children will visit the parks in groups, not to exceed 20 children per group and 40 children at any given time. Park visits will occur between 9:30am to 11:30am and 2:30pm to 4:30 pm.
  - b) Prior to opening, Pathways Learning Academy Child Care Center will meet with the Department of Parks and Recreation (DPR) designated point of contact to review group sizes and timing of visits to Mosaic Park.
  - c) Pathways Learning Academy Child Care Center shall coordinate with the DPR point of contact on a semi-annual basis to review the group sizes and timing of visits to Mosaic Park and/or any concerns that either party may have, including feedback received from the neighborhood and park users.
  - d) Pathways Learning Academy Child Care Center will follow all Department of Parks and Recreation rules and regulations.
  - e) Pathways Learning Academy Child Care Center will promptly place trash/recyclables in the park receptacles produced by their activities in the park.
  - f) Pathways Learning Academy Child Care Center will contact the DPR point of contact if any member of the child care center is involved in an accident or is injured at the park within 24 business hours

of the event taking place.

- g) Pathways Learning Academy Child Care Center may bring their own toys and shade protection to the park but must remove them when they leave.
- h) Use of playground equipment must be by children 2 years or older and children must use the equipment appropriate for their age. There are play structures for preschoolers 2-5 and school age 5-12.
- i) During high volume park use, e.g., teacher workdays and summer, Pathways Learning Academy Child Care Center is encouraged to utilize alternative locations to meet their physical requirements.

[Board Report #10 \(Posted 09-12-22\)](#)

ooooo0ooooo

**11. SP339-U-22-1 Use Permit associated with a site plan for an outdoor cafe located within a public easement (Seamore’s Sustainable Seafood Restaurant); located at 1440 N. Edgewood St. (RPC# 18-010-015).**

On the consent agenda vote, after a duly advertised public hearing, the County Board approved the use permit associated with a site plan for an outdoor café within a public easement, subject to the conditions of the staff report, and with a County Board review in one (1) year (September 2023).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The approved Use Permit conditions read as follows:

1. The applicant agrees that the outdoor café is permitted only from 11 a.m. to 11 p.m. seven days a week. The applicant further agrees that the outdoor café area shall be generally consistent with the plans attached to the staff report for the September 17, 2022, County Board meeting titled “1440 N Edgewood Street”, dated September 1, 2022.
2. The applicant agrees to comply with all requirements set forth in all applicable ordinances and regulations, including, by way of illustration and not limitation, those administered by the Zoning Division, the Inspection Services Division, the Community Code Enforcement Office, the Police Department, the Fire Marshal’s Office, the Department of Environmental Services, and the Virginia Alcoholic Beverage Control Board.
3. The applicant agrees that no live entertainment or dancing is permitted in the outdoor café area.
4. The applicant agrees that, as an accessory use, the outdoor café shall have fewer seats than the indoor portion of the restaurant.
5. The applicant agrees that no sound or audio or video entertainment, including but not limited to television or radio playing of music and/or sports events, may be piped into, or played so as to be visible or audible from the outdoor café area before 9 a.m. or after 11 p.m. on Fridays and Saturdays and before 9 a.m. or after 10 p.m. on Sundays through Thursdays.
6. The applicant agrees that all fixtures and furnishings in the outdoor café, including but not limited to, tables, chairs, umbrellas, server stations, barriers or fences, and sources of heat, shall be portable and not affixed to the ground, building or other permanent structures. The applicant further agrees that the outdoor café shall not be enclosed.
7. The applicant agrees to maintain a minimum eight (8) foot clear walkway zone (an unobstructed area serving as circulation space for pedestrians) along the public sidewalk on the north side of Clarendon

Boulevard, a minimum 4.3-foot clear walkway zone along North Edgewood Street in accordance with SP #339 Condition #21. The applicant further agrees that outdoor café seating, fencing or barriers, and umbrellas shall not encroach into or hang over the clear walkway zone.

8. The applicant agrees to designate a neighborhood liaison to communicate with the nearby residents and neighbors to address concerns which may be related to the outdoor café and an on-site liaison (this may be the same person) that shall be available during the hours of the business operation to receive and respond to developer/landlord and community concerns. The name, telephone number and electronic mail address (if available) of the on-site liaison shall be submitted to the Zoning Administrator and a copy sent to the Clarendon Courthouse Civic Association, prior to the issuance of a Certificate of Occupancy for the outdoor café.

[Board Report #11](#)

ooooo0ooooo

**12. U-3205-08-1 Use Permit Review for live entertainment at El Manantial; located at 2618 N. Pershing Drive (RPC# 18-056-005).**

On the consent agenda vote, after a duly advertised public hearing, the County Board renewed the use permit for live entertainment at El Manantial, subject to all previously approved conditions, new and amended conditions, with an administrative review in three (3) years (September 2025) and a County Board review in five (5) years (September 2027).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The approved Use Permit conditions read as follows:

1. The applicant agrees that live entertainment (karaoke) shall be permitted only between the hours of 5 p.m. to 12 a.m. Mondays through Thursdays, 5 p.m. to 12:30 a.m. Fridays and Saturdays, and 11 a.m. to 12 a.m. Sundays, and Mondays that fall on a Federal Holiday.
2. The applicant agrees that the live entertainment use is for karaoke only, and that no dancing shall occur on the premises without a dance permit being first obtained from the Zoning Office.
3. The applicant shall ensure that all windows and doors to the subject site are kept closed at all times, with the exception of patrons and/or staff entering and exiting the premises.
4. The applicant agrees that there shall be no entry into or exit from the establishment permitted from the rear doorway by patrons.
5. The applicant agrees to provide and/or maintain at least two (2) signs on the premises, in both English and Spanish that discourage patrons from parking on residential streets.
6. The applicant agrees to identify an on-site 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 of the liaison shall be shared with the nearest neighbors, the Lyon Park Civic Association, and the County's Zoning Office immediately upon approval of the use permit.
7. 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 and the Code Enforcement Office shall be met.

8. The applicant agrees that the use permit for live entertainment shall be reviewed by the County Board upon any change of tenancy of the subject space currently occupied by El Manantial.
9. The applicant agrees to work with the Arlington County Police Department and ensure that all restaurant staff serving alcohol shall complete the State Training Intervention Procedures (TIPS) program prior to the administrative review scheduled for November 2010.
10. The applicant agrees that on-site, dedicated security will be provided during the hours' in which live entertainment and dancing is provided. Security personnel may consist of "inhouse" staff so long as they are dedicated to security only.
11. The applicant agrees that no trash shall be placed in the dumpster in the rear of the space using the back door at any time later than 9 pm, or before opening the next day, on nights in which live entertainment is provided.
12. The applicant agrees to apply for and receive all necessary training in order to become an accredited member of the Arlington Restaurant Initiative prior to the administrative review scheduled for September 2025. The applicant agrees to maintain good standing as a member of the Arlington Restaurant Initiative once accreditation is obtained.
13. The applicant agrees to clean the area in front of the establishment and in the rear dumpster area each morning, including sweeping and disposing of any accumulated trash or litter.

[Board Report #12](#)

oooo0ooooo

**13. U-3310-11-2 Use Permit Amendment for live entertainment; located at 2933 Wilson Blvd. (Mexicali Blues, RPC# 15-066-001).**

On the consent agenda vote, after a duly advertised public hearing, the County Board approved the subject use permit amendment for live entertainment, subject to all previously approved and revised conditions in this report, with a County Board review in two (2) months (November 2022).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The adopted Use Permit conditions read as follows:

1. The applicant agrees that acoustic live entertainment is permitted only from 5:00 P.M. to 7:00 P.M. seven days per week. Non-acoustic live entertainment (live bands, DJ, and karaoke) shall be permitted only from ~~10~~5:00 P.M. to ~~12:30~~ 1:00 A.M. Fridays and Saturdays.
2. The applicant agrees to comply, by way of illustration and not limitation, with all applicable requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board (ABC).
3. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights that have bands or deejays whose primary purpose is to serve a dancing crowd. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only during the hours of live entertainment.
4. The applicant agrees to comply with the Arlington County noise ordinance and further agrees that the restaurant's windows and doors shall remain closed during the times of live entertainment except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers

outside of the building. The applicant agrees that doors shall not be propped open during live entertainment.

5. The applicant agrees that all staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
6. ~~The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.~~
7. ~~7.~~ The applicant agrees to post signs in windows telling patrons to respect the peace of residential neighborhoods and to avoid parking in the residential neighborhood where possible.
8. ~~8.~~ The applicant agrees to ensure that any patrons queuing outside should keep noise to a minimum.
9. ~~9.~~ The applicant agrees to make customers aware of proximity to Metro, available parking and any special parking arrangements through postings in the restaurant and on their website.
10. ~~10.~~ The applicant agrees to clean the sidewalk, including the curb gutter, in front of its establishment each morning within 30 minutes of closing, including sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.
11. ~~11.~~ The applicant agrees to participate in the established Clarendon Live Entertainment Neighborhood Advisory Group, consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Citizens Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Fire Marshal, Code Enforcement, and Planning. The advisory group meets at least two (2) times per year and more as necessary to work through issues associated with the live entertainment uses. One (1) of the meetings will consist of an educational seminar to review requirements and regulations of various departments, codes, and policies. The applicant agrees to have a representative with management authority in the restaurant attend all such meetings.
12. ~~12.~~ The applicant agrees to designate and make available 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, the Lyon Village Citizens Association, the Lyon Park Civic Association, and the Clarendon Alliance.
13. ~~13.~~ The applicant agrees that the approval for live entertainment at 2933 Wilson Boulevard is valid only for Mexicali Blues. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.
14. ~~14.~~ The applicant agrees to become a participating member of the Arlington Restaurant Initiative (ARI).

[Board Report #13](#)

[Board Report #13-Supplemental Report \(Revised Condition, Posted 09-16-2022\)](#)

ooooo0ooooo

**14. U-3368-13-1 Use Permit Review for live entertainment at Dos Generaciones Restaurant (formerly known as La Perla del Valle Restaurant); located at 36 S. Glebe Road (RPC# 23-001-037).**

On the consent agenda vote, after a duly advertised public hearing, the County Board renewed the use permit for live entertainment at Dos Generaciones Restaurant (formerly known as La Perla del Valle Restaurant) subject to all

previously approved conditions and removal of condition #11, with an administrative review in three (3) years (September 2025), and a County Board review in five (5) years (September 2027).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The adopted Use Permit conditions read as follows:

1. The applicant agrees that live entertainment is permitted only from 9 p.m. to 2 a.m., Thursdays through Sundays.
2. The applicant agrees to comply with all applicable requirements of County and State Ordinances including, by way of illustration and not limitation, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Virginia Department of Alcohol Beverage Control (ABC).
3. The applicant agrees to provide on-site dedicated security from 9 p.m. until closing on nights in which live entertainment is provided. The on-site security may consist of "in house" staff, so long as that staff is dedicated to security only.
4. The applicant agrees to comply with the Arlington County noise ordinance and further agrees to keep the restaurant's windows and doors closed during the times of live entertainment except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area.
5. The applicant further agrees that under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment.
6. The applicant agrees to provide, to all staff serving alcohol to customers, TIPS (Training for Intervention Procedures), RSVP (Responsible Sellers and Servers), or similar certification. All staff serving alcohol to customers shall receive certification prior to the commencement of live entertainment.
7. The applicant agrees that dancing is not permitted unless and until a use permit amendment is approved by the County Board and a subsequent dance hall permit is obtained from the Zoning Office.
8. The applicant agrees to post sign signs in windows telling patrons to respect the residential neighborhoods and to avoid parking in the residential neighborhood where possible.
9. The applicant agrees to clean the sidewalk in front of its establishment each morning, including sweeping and picking up cigarette butts and litter, which may have accumulated overnight.
10. The applicant agrees to designate and make available 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, telephone number, and e-mail address (if applicable) shall be submitted to the Zoning Administrator and a copy sent to the Alcovia Heights Citizens' Association and the Arlington Heights Civic Association.
11. The applicant agrees to coordinate with Arlington County Police Department (ACPD) on becoming an accredited member of the Arlington Restaurant Initiative (ARI).
12. The applicant agrees that the approval for live entertainment at 36 S. Glebe Road is valid only for the current tenant/owner of La Perla del Valle Restaurant. In the event that any other tenant/owner occupies the premises, the use permit shall be subject to review and renewal by the County Board at the time of such change in occupancy.

[Board Report #14](#)

0000000000

**15. U-3530-18-2 Use Permit Review for a shared commercial kitchen (La Cocina Virginia); located at 918 S. Lincoln St. (RPC #23-040-016).**

On the consent agenda vote, after a duly advertised public hearing, the County Board discontinued the use permit for a shared commercial kitchen (La Cocina Virginia); located at 918 S. Lincoln St. (RPC #23-040-016).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #15](#)

0000000000

**16. U-3624-22-1 Use Permit to permit a private school for up to 60 children (Montessori School), located at 2666 Military Road. (Church of the Covenant) (RPC #05-001-031).**

On the consent agenda vote, after a duly advertised public hearing, the County Board approved the use permit for a private school for up to 60 children, located at 2666 Military Road, subject to the proposed conditions of the staff report, and with a County Board review in one (1) year (September 2023).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The approved Use Permit conditions read as follows:

1. The applicant agrees to comply with all applicable requirements set forth in all applicable ordinances, codes, and regulations, including but not limited to the currently adopted editions of the Virginia Uniform Statewide Building Code, Parts I, II, and III, and its related regulations; the Virginia Fire Prevention Code; the Arlington County Zoning Ordinance; and Arlington County Health Regulations. Furthermore, the applicant agrees to actively and promptly pursue obtainment of all required associated building and operational permits and occupancy certificates from the various administrative and regulating agencies.
2. The applicant agrees that the private school's classroom hours of operation shall be 7:00 a.m. to 6:00 p.m. Monday through Friday. The applicant further agrees that the maximum permitted enrollment at any one time shall be 60 children between the ages of three (3) and twelve (12), or such number as determined by the Certificate of Occupancy for the private school use, which may be fewer than the maximum noted above. The applicant further agrees that the maximum total occupant load, inclusive of children and adults, shall be as determined and designated by the Inspection Services Division in accordance with the Virginia Uniform Statewide Building Code, which may also be fewer than the maximum noted above. The applicant further agrees that they may not offer evening programs or weekend events for the private school.
3. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this private school. The name, telephone number, and electronic mail address (if available) of the private school's community liaison shall be submitted by the applicant to the Zoning Administrator, Donaldson Run Civic Association, Bellevue Forest Citizens' Association, and Dover-Crystal Civic Association and all adjacent property owners prior to issuance of a Certificate of Occupancy for the private school use.
4. The applicant agrees to submit a parking management plan to the County, for review and approval depicting and/or explaining where staff members, parents, and visitors to the private school will park. The applicant agrees that the on-site parking lot will be available for student drop-off and pickup. The applicant also agrees that a minimum of ten (10) parking spaces within this lot be reserved for staff members and for

visitors between the hours of operation specified for the facility. Approval of the parking management plan by the County shall be obtained prior to issuance of a certificate of occupancy for the private school. The applicant further agrees to implement the parking management plan before commencement of operations and to provide information to all new student families about the parking management plan for the private school with specific information related to pick-up/drop-off procedures, parking opportunities and restrictions within the neighborhood, prohibition of U-turn movements on adjacent streets.

5. The applicant agrees to provide a minimum of one (1) bicycle parking space per ten (10) students in Class III facilities, which shall meet, at a minimum, the standards for Class III storage space as defined in the Arlington County Bicycle Parking Standards, 2016 Update, or subsequent version in effect on the date of approval of this use permit, or be approved as equal to that shown in the Standards. The applicant agrees to provide bicycle parking under cover from weather wherever possible. Further, the applicant agrees to install bicycle parking accommodations that meet this condition prior to issuance of the Certificate of Occupancy for the private school use.
6. The Applicant agrees to ensure that the private school will provide, during regular drop-off and pick-up hours for the private school, a staff member at the entrance to the building to assist in the arrival and departure of students from the building to their parent and/or caretakers vehicle.

[Board Report #16](#)

ooooo0ooooo

**Vacations, Easements, Encroachments, Leases and Other Dispositions of Public Property**

ooooo0ooooo

**17. 1401 Lee Highway, (former Key Bridge Marriott Site)**

- A. Ordinance to amend and reenact an ordinance of vacation to vacate two portions of an easement for public street and utilities purposes, which two portions are adjacent to North Fort Myer Drive at the northeast and southeast corners of the parcel known as Rosslyn, Part Lots 1 through 7, inclusive, Block 14, Rosslyn, RPC #16-004-001, with conditions.
- B. Ordinance to amend and reenact an ordinance of encroachment to permit encroachments into the airspace over an existing easement for public street and utilities purposes of thirty-six (36) balconies in four (4) locations on property belonging to KBLH, LLC, known as 1401 Lee Highway, Arlington, Va., RPC#s 16-004-003, 16-004-004, and 16-004-005, with conditions.

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

Enacted the ordinance (attached to the staff report) to amend and reenact an ordinance of vacation to vacate two portions of an easement for public street and utilities purposes, which two portions are adjacent to North Fort Myer Drive at the northeast and southeast corners of the parcel known as Rosslyn, Part Lots 1 through 7, inclusive, Block 14, Rosslyn, RPC #16-004-001, with conditions. In addition, authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the deed of vacation and all other documents or deeds necessary to effectuate the ordinance of vacation (attached to the staff report), subject to approval as to form by the County Attorney; and

Enacted the ordinance (attached to the staff report) to amend and reenact an ordinance of encroachment to permit encroachments into the airspace over an existing easement for public street and utilities purposes of thirty-six (36) balconies in four (4) locations on property belonging to KBLH, LLC, known as 1401 Lee Highway, Arlington, Va., RPC#s 16-004-003, 16-004-004, and 16-004-005, with conditions.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The adopted Ordinances read as follows:

**Ordinance to Amend and Reenact an Ordinance of Vacation to vacate two portions of an Easement for Public Street and Utilities Purposes, which two portions are adjacent to North Fort Myer Drive at the northeast and southeast corners of the parcel known as Rosslyn, Part Lots 1 through 7, inclusive, Block 14, Rosslyn, RPC #16-004-001, with conditions.**

**BE IT ORDAINED** that, pursuant to a request by KBLH, LLC. ("Owner/Applicant"), as the developer of a project that is an amendment of Site Plan #53, Key Bridge Marriott ("Site Plan"), and the owner of the property known as Part Lots 1 through 7, inclusive, Block 14, Rosslyn, RPC #16-004-001 ("Property"), said request being on file with the Department of Environmental Services, two portions of an Easement for Public Street and Utilities Purposes ("Easement") adjacent to North Fort Myer Drive, one portion on the northeast corner of the Property and another portion on the southeast portion of the Property, which Easement was created by a Deed recorded among the land records of Arlington County, Virginia ("Land Records") in Deed Book 1782 at Page 325, and further described as, "Vacation of a Portion of Existing Easement for Public Street and Utilities Purposes, Deed Book 1782 Page 325, 182 SF or 0.00414 Acres" and, "Proposed Vacation of a Portion of Existing Easement for Public Street and Utilities Purposes, Deed Book 1782 Page 325, 2617 SF or 0.06008 Acres" ("Vacated Easement Areas") on the plat attached as "Attachment 2" to the County Manager's Report for this item and entitled "Plat Showing Vacation of a Portion of An Existing Easement for Public Street and Utilities Purposes, Deed Book 1782 Page 325, Rosslyn Pt. Lots 1-7, Block 14, Rosslyn, Arlington County, Virginia", dated February 7, 2020, prepared by VIKA Virginia LLC, is hereby vacated subject to the following conditions first having been fully satisfied:

1. The Owner/Applicant shall submit, for review and approval, to the Department of Environmental Services ("DES"), a utility relocation and engineering design plan ("Plan") for the construction, abandonment, relocation, removal, and/or replacement of all utilities located, in whole or in part, within the Vacated Easement Areas. The Plan shall be subject to approval by the Director of DES, or his designee.
2. After approval of the Plan and before commencing the work described therein, the Owner/Applicant shall submit to the Director of DES, or his designee, a bond, letter of credit, or other security, acceptable to the County Manager, in an amount and in a form as determined by and acceptable to the County Manager, or his designee, to secure the construction, abandonment, relocation, removal, and/or replacement of any and all existing utilities pursuant to the approved Plan.
3. The Owner/Applicant shall remove, relocate, abandon and/or reconstruct, or cause to be removed, relocated, abandoned and/or reconstructed, at its sole cost and expense, all utilities of the County, or of others, existing within the Vacated Easement Areas and required to be removed, relocated, abandoned and/or reconstructed by the approved Plan. Such utilities shall include, but not be limited to, sanitary sewer lines, storm sewer lines, water lines and any electric, gas and communication lines. All utilities removed or abandoned shall be relocated or reconstructed with new utilities and related appurtenant facilities of size, dimension and location acceptable to the County, in accordance with the approved Plan and in strict accordance with Arlington County Construction Standards and Specifications, and all applicable laws, ordinances, regulations and policies, and as required by Site Plan #53, as approved by the Board.
4. The Owner/Applicant shall convey to the County Board, without payment of any compensation, all new utility easements, required by the County Manager, by deed, in substance acceptable to the County Manager and approved as to form by the County Attorney. In addition, and if applicable, the Owner/Applicant shall obtain all required right-of-way permits at the Owner/Applicant's sole cost and expense, needed to perform any work required herein.
5. The Owner/Applicant shall prepare and submit to the County for review and approval, the Deed of Vacation and all other deeds required by this Ordinance of Vacation, along with all required plats. Such deeds and plats shall be subject to the approval by the County Manager, or his designee, as to substance, and such deeds shall be subject as to approval as to form by the County Attorney.

The Real Estate Bureau Chief is authorized to execute the Deed of Vacation and to accept, on behalf of the County Board, any deeds related to or required by the Ordinance of Vacation. The Owner/Applicant shall be responsible for recordation of all deeds and plats in the Land Records.

6. The Deed of Vacation shall be in recordable form. The Deed of Vacation shall, among other things, convey by quitclaim, all right, title and interest, if any of the County Board to and in the Vacated Easement Areas and related County facilities within the boundaries of the Vacated Easement Areas.
7. The Owner/Applicant shall pay all fees, including the fees for plat review, approval and recordation of the Deed of Vacation and all other deeds associated with the Ordinance of Vacation.
8. The Owner/Applicant shall pay to the County \$465,368 in compensation for the Vacated Easement Areas.
9. All conditions of this Ordinance of Vacation shall be met by noon on July 1, 2023, or this Ordinance of Vacation shall become null and void, without the necessity of any further actions by the County Board.

**ORDINANCE TO AMEND AND REENACT AN ORDINANCE OF ENCROACHMENT TO PERMIT ENCROACHMENTS INTO THE AIRSPACE OVER AN EXISTING EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES OF THIRTY-SIX (36) BALCONIES IN FOUR (4) LOCATIONS ON PROPERTY BELONGING TO KBLH, LLC, KNOWN AS 1401 LEE HIGHWAY, ARLINGTON, VIRGINIA, RPC#S 16-004-003, 16-004-004, AND 16-004-005, WITH CONDITIONS.**

BE IT ORDAINED by the County Board of Arlington County, Virginia that, pursuant to an application on file with the Department of Environmental Services, Real Estate Bureau, the Owner/Applicant, KBLH, LLC ("Owner/Applicant"), as the developer of the project known as Key Bridge Marriott, Site Plan #53 ("Site Plan"), and the Owners of the property upon which the new portion of the Site Plan is being constructed (RPC # 16-004-001 through 16-004-006, inclusive) ("Property"), are hereby permitted to construct and/or locate portions of balconies in four (4) locations within an easement for public street and utilities purposes ("Easement") created by deed recorded among the Arlington County, Virginia land records ("Land Records"). The dimensions (length, width and depth elevations) and the spatial location of the permitted encroachments are depicted collectively as "Proposed Encroachment of Balconies into Existing Easement for Public Street and Utilities Purposes, Deed Book 1782 Page 325," and respectively as "Balcony 1, 29 SF," "Balcony 2, 24 SF," "Balcony 3, 29 SF," and "Balcony 4, 33 SF" (the "Encroachments") on a plat entitled, "Plat Showing Encroachment into an Easement for Public Street and Utilities Purposes, Deed Book 1782, Page 325, Rosslyn Farm, Arlington County, Virginia," sheets 1 and 2 of 2, dated October 21, 2019, revised February 10, 2020, and prepared by VIKA Virginia LLC ("Plat") and attached to the County Manager's Report for the agenda item for this Ordinance. No other structures are permitted to be installed or constructed by Owner/Applicant, or to exist within the Easement except as shown on the Plat. The Owner/Applicant has agreed to pay to the County \$19,494 as compensation for the Encroachments.

BE IT FURTHER ORDAINED that this permission for the Encroachments authorized by this Ordinance shall continue until such time as that portion of the Encroachments encroaching within the Easement is destroyed, removed, no longer in use, or not continuously and promptly maintained by the Owner/Applicant. Nothing in this Ordinance shall be construed to permit installation by the Owner/Applicant of any structure other than the portion of the Encroachments as shown on the Plat; or to permit any greater encroachment beyond the dimensions and spatial area shown on the Plat.

BE IT FURTHER ORDAINED that the Owner/Applicant, and their successors and assigns, shall continuously and promptly maintain the balconies, and maintain, restore, repair, and replace all County-owned facilities, within and adjacent to the Encroachments, including any sidewalk, curb and gutter, and paved surface, which are damaged by the installation, maintenance, destruction, continued existence, repair or removal of the Encroachments in accordance with the Site Plan and all applicable County standards.

BE IT FURTHER ORDAINED that this Ordinance shall not be construed to release the Owner/Applicant, and its successors and assigns, of negligence on their part due to such Encroachments, and the Owner/Applicant, by construction, location or causing to be constructed the portions of the Encroachments in the Easement, thereby agree for itself, and its successors and assigns, to indemnify and hold harmless the County Board of Arlington County, Virginia and all County officials, officers, employees, contractors, and agents from all claims, negligence, damages, costs and expenses arising out of the location, existence, construction, maintenance, repair and removal of the Encroachments, and the permission for the portions of the Encroachments to be located within the Easement as permitted by this Ordinance.

BE IT FURTHER ORDAINED that no construction of any portion of the Encroachments permitted by this Ordinance shall commence until the Owner/Applicant has paid to the County the total sum of \$19,494 as compensation for the Encroachments.

BE IT FURTHER ORDAINED that on or before July 1, 2023, the Owner/Applicant, at its sole cost and expense, shall cause a certified copy of this Ordinance and the Plat, which Plat shall be approved by the Director of the Department of Environmental Services, or his designee, to be recorded in the Land Records and evidence thereof shall be promptly delivered by the Owner/Applicant to the Real Estate Bureau Chief, Department of Environmental Services.

[Board Report #17 A.](#)

[Board Report #17 B.](#)

ooooo0ooooo

**18. Ordinance to vacate a 10-foot sanitary and drainage easement along the property line between Lots 7 and 8, Cresthill Subdivision, located at 868 and 872 N. Madison St., Arlington, Va. (RPC#s 12-007-034 and 12-007-035), with conditions.**

On the consent agenda vote, after a duly advertised public hearing, the County Board enacted the ordinance (attached to the staff report) to vacate a 10-foot sanitary and drainage easement located on Lots 7 and 8, Cresthill Subdivision, along the property line between the lots, also known as 868 and 872 N. Madison St., Arlington, Va. (RPC#s 12-007-035 and 12-007-034), with Conditions. In addition, authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the deed of vacation, and to accept any deeds of easement related to the vacation, subject to approval as to form by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The adopted Ordinance reads as follows:

**ORDINANCE TO VACATE A 10' SANITARY AND DRAINAGE EASEMENT LOCATED ON LOTS 7 AND 8, CRESTHILL SUBDIVISION, ALONG THE PROPERTY LINE BETWEEN THE LOTS, ALSO KNOWN AS 868 and 872 N. MADISON ST., ARLINGTON, VIRGINIA (RPC#s 12-007-035 and 12-007-034), WITH CONDITIONS.**

**BE IT ORDAINED** that, pursuant to a request on file, by KLToll AIV, LLC (the "Applicant"), in the Office of the Department of Environmental Services, the sanitary and drainage easement located on Lots 7 and 8, Cresthill Subdivision, along the property line between the lots, also known as 868 and 872 N. Madison St., Arlington, Virginia, such parcels also identified as RPC#s 12-007-035 and 12-007-034, established by Deed of Dedication and plat dated August 28, 1952, and recorded in Deed Book 1067 at Page 507, among the Arlington County, Virginia land records, and which easement is depicted on the plat entitled "Plat Showing The Vacation of a 10' Sanitary and Drainage Easement on Lots 7 & 8, Cresthill Subdivision, Deed Book 1067, Page 507, Arlington County, Virginia", prepared by R.C. Fields & Associates,

dated May 6, 2022, and attached to the County Manager's Report for this item as Exhibit A, is hereby vacated subject to the following conditions:

1. The Applicant shall submit, for review and approval, to the Department of Environmental Services ("DES"), a utility relocation and engineering design plan for the construction, relocation, removal, and/or replacement of the public utility facilities, if any, located in whole or in part, within the portion of the easement vacated by this Ordinance of Vacation ("Plan") in compliance with the Arlington County Construction Standards and Specifications. The Plan shall be subject to approval by the Director of DES, or his designee.
2. The Applicant shall, at its own cost and expense, remove, relocate and reconstruct the existing public and private utilities, if any, located within the easement herein vacated, with new public and private utility and related appurtenant facilities of size, dimension and location acceptable to Arlington County ("County"), in strict accordance with Arlington County Construction Standards and Specifications, and all applicable laws, ordinances, regulations and policies.
3. The Applicant shall submit to the Director of DES, or his designee, a bond, letter of credit, or other security, in an amount and in a form as determined by, and acceptable to, the County Manager or his designee, to secure the construction, relocation, and removal, and/or replacement of any public or private utility facilities pursuant to the approved Plan.
4. The Applicant shall dedicate, grant and convey to the County new public and private utility easement(s), at locations and of dimensions necessary to accommodate any relocated facilities as required by the County, if any. The Real Estate Bureau Chief, Department of Environmental Services, or his designee, is authorized to accept the public utility easement(s) on behalf of the County, subject to approval as to form by the County Attorney. The Deed shall provide that the Grantor, its successors in title and interest, shall indemnify and hold harmless the County, its elected and appointed officials, employees and agents from all liability, claims, damages, costs, and expenses of any nature concerning, or arising out of, the construction, or continued existence, of any building or structure within the new easement area(s).
5. The Applicant shall prepare and submit to the County for review and approval, the Deed of Vacation, and all required plats, and all required deed(s) of easement, subject to the approval thereof by the County Manager, or his designee, and approval of the deeds as to form by the County Attorney.
6. The Deed of Vacation, for the entire length and width of the portion of the easement to be vacated by this Ordinance, shall be a single deed, in recordable form. The deed shall, among other things, convey by quitclaim all right, title and interest, if any, of the County Board to and in all public utility lines, and related County facilities within the boundaries of the easement to be vacated. Upon recordation of the Deed of Vacation, all facilities located within the vacated easement shall be the property of the Applicant.
7. The Applicant shall pay all fees, including the fees for plat review, approval and recordation of the Deed of Vacation associated with the Ordinance of Vacation.
8. The Applicant shall record all plats, the Deed of Vacation, any required deed(s) of easement required by the conditions of this Ordinance of Vacation and all plats, subject to the approval of the County Manager, or his designee, and approval as to form by the County Attorney.
9. All conditions of this Ordinance of Vacation shall be met by noon on September 17, 2025, or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

[Board Report #18](#)

0000000000

**19. License agreement between the County Board of Arlington County, Virginia, as Licensor, and Virginia Electric and Power Company, Fillmore Center LLC and Fillmore CP Owner LLC, collectively, as Licensees, on a portion of County-owned property known as Penrose Square, located at 2503 Columbia Pike, Arlington, Va. (RPC# 25-016-013).**

On the consent agenda vote, after a duly advertised public hearing, the County Board approved the license agreement (attached to the staff report) between the County Board of Arlington County, Virginia, as Licensor, and Virginia Electric and Power Company, Fillmore Center LLC and Fillmore CP Owner LLC, collectively, as Licensees, on a portion of County-owned Property known as Penrose Square, located at 2503 Columbia Pike, Arlington, Va. (RPC# 25-016-013). In addition, authorize the Real Estate Bureau Chief, or his designee, to execute on behalf of the County Board, the license agreement, related documents, and any amendment within the scope of the Agreement, if any, subject to approval as to form of all documents by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #19](#)

0000000000

**20. Termination of a lease agreement dated December 1, 1999, between the Arlington County Board, as Tenant, and AHC Limited Partnership-6 (successor in interest to Harvey Hall Housing Corp.), as Landlord, for the premises known as Apartment Unit G-4, in a portion of Harvey Hall located at 850 and 860 S. Greenbrier St., Arlington, Va. (RPC# 22-011-271).**

On the consent agenda vote, after a duly advertised public hearing, the County Board authorized termination of a lease agreement dated December 1, 1999, between the Arlington County Board, as Tenant, and AHC Limited Partnership-6 (successor in interest to Harvey Hall Housing Corp.), as Landlord, for the premises known as Apartment Unit G-4, in a portion of Harvey Hall located at 850 and 860 S. Greenbrier St., Arlington, Va. (RPC# 22-011-271). In addition, authorize the Real Estate Bureau Chief to execute, on behalf of the Arlington County Board, and deliver to the Landlord, AHC Limited Partnership-6, a termination notice specifying a termination date of October 31, 2022, consistent with the requirements of the Virginia Code and Section 9 of the lease agreement (Lease), and all other documents necessary to effectuate the termination of the lease, subject to approval of all documents as to form by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #20](#)

0000000000

**Ordinances, Plans and Policies**

0000000000

**21. Amendment to the Arlington Transit (ART) Fare ordinance to change the rail to bus transfer fare to \$0.00.**

On the consent agenda vote, after a duly advertised public hearing, the County Board adopted an amendment of the Arlington Transit Passenger Fare Schedule One-way discounted fare with a SmarTrip Card after transferring from Metrorail to \$0.00.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The adopted Ordinance reads as follows:

**AMENDMENT AND REENACTMENT OF A NON-CODIFIED ORDINANCE REVISING THE PASSENGER FARE SCHEDULE FOR THE ARLINGTON TRANSIT (“ART”) TRANSPORTATION SYSTEM AND THE SPECIALIZED TRANSIT FOR ARLINGTON RESIDENTS (“STAR”) PROGRAM, TO BECOME EFFECTIVE ON ~~JULY 1, 2017~~ October 1, 2022.**

I. BE IT ORDAINED by the County Board of Arlington County, Virginia, that the following non-codified ordinance is amended and reenacted to revise the passenger fare schedule for the Arlington Transit (“ART”) Transportation System and the Specialized Transit For Arlington Residents (“Star”) Program, to become effective on ~~July 1, 2017~~ October 1, 2022:

ARLINGTON TRANSIT (“ART”) PASSENGER FARE SCHEDULE	
One-way base fare-cash/token and SmarTrip Card .....	\$2.00
One-way discounted fare with a SmarTrip Card after transferring from Metrorail.....	<del>\$1.50</del> — \$0.00
One-way base fare upon presentation of valid Virginia Hospital Center-Arlington employees with hospital ID.....	Free
One-way base fare for senior citizens and persons with disabilities, upon presentation of valid WMATA ID or Medicare card .....	\$1.00
One-way base fare for persons with disabilities and their personal care attendant, upon presentation of a valid WMATA MetroAccess card .....	\$0.00
One-way base fare for students with a valid Arlington school ID .....	\$1.00 or token or iRide SmarTrip card
Bulk discount for i-Ride tokens, packet of ten .....	\$10.00
SPECIALIZED TRANSIT FOR ARLINGTON RESIDENTS (“STAR”) PASSENGER FARE SCHEDULE	
Zone 1.....	\$4.00
Zone 2.....	\$5.50
Zone 3.....	\$9.50

II. The remaining portions of the Non-Codified Ordinance Amending and Reenacting A Passenger Fare Schedule for the Arlington Transit (“ART”) Transportation System, enacted by the County Board on April 22, 2014, and effective on July 1, 2014 with respect to ART fares and ~~January 1, 2015~~ July 1, 2017 with respect to STAR fares, not amended hereby shall remain in effect as previously enacted.

[Board Report #21](#)

0000000000

**22. Ordinance to amend, reenact and recodify Chapter 14.2 (Motor Vehicles and Traffic), Section 14.2-12(a) of the Code of Arlington County, Virginia concerning maximum and minimum speed limits by decreasing the speed limit on the following corridors: (1) Fairfax Drive from Arlington Boulevard to North Barton Street; and (2) 5th Road South from South Carlin Springs Road to the Fairfax County line.**

On the consent agenda vote, after a duly advertised public hearing, the County Board enacted the ordinance (attached to the staff report) to amend, reenact and recodify Chapter 14.2 (Motor Vehicles and Traffic) Section 14.2-12(a) of the Code of Arlington County, Virginia concerning maximum and minimum speed limits by decreasing the

speed limit on the above-mentioned corridors ((Fairfax Drive from Arlington Boulevard to North Barton Street; and 5th Road South from South Carlin Springs Road to the Fairfax County line.)

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The adopted Ordinance reads as follows:

**AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 14.2 (MOTOR VEHICLES AND TRAFFIC), SECTION 14.2-12(A) OF THE CODE OF ARLINGTON COUNTY, Virginia CONCERNING MAXIMUM AND MINIMUM SPEED LIMITS BY DECREASING THE SPEED LIMIT ON THE FOLLOWING CORRIDORS:**

1. Fairfax Drive from Arlington Boulevard to North Barton Street
2. 5<sup>th</sup> Road South from South Carlin Springs Road to Fairfax County line

**I. BE IT ORDAINED Chapter 14.2, Section 14.2-12(A) of the Code of Arlington County, Virginia is hereby amended, reenacted, and recodified to read, in pertinent part, as follows:**

**Chapter 14.2 Motor Vehicles and Traffic**

\*\*\*

§ 14.2-12. Maximum and Minimum Speed Limits.

- A. No person shall drive any vehicle upon a highway in this County at a speed in excess of twenty-five (25) miles per hour except upon the following highways or portions thereof on which the speed limits shall be as follows:

Thirty (30) miles per hour upon:

North 10th Street between Arlington Boulevard and North Washington Boulevard.

Fairfax Drive between North Monroe Street and North Glebe Road.

George Washington Parkway, marked portions either side of Key Bridge.

Lorcom Lane from Old Dominion Drive to Spout Run Parkway.

Nellie Custis Drive from Lorcom Lane to Military Road.

South Arlington Mill Drive from Shirlington Road to Walter Reed Drive.

North Carlin Springs Road from North Glebe Road to Arlington Boulevard.

South Carlin Springs Road from Arlington Boulevard to Columbia Pike.

Fairfax Drive from Arlington Boulevard to North Barton Street.

Quaker Lane from Shirley Highway to King Street.

Walter Reed Drive from Columbia Pike to King Street.

North Westmoreland Street from Arlington County line to Fairfax Drive.

Chain Bridge Road from North Glebe Road to Fairfax County Line.

Washington Boulevard from Kirkwood Road to Lee Highway.

Williamsburg Boulevard from North Glebe Road to North 29th Street.

Old Dominion Drive from Lorcom Lane to North Abingdon Street.

Military Road from North Glebe Road to Lee Highway.

South George Mason Drive from Arlington Boulevard to Fairfax County line.

South Four Mile Run Drive (West Roadway) from Columbia Pike to South Walter Reed Drive.

Washington Boulevard from North Pershing Drive to North 10th Street.

Columbia Pike from South Oak Street to South Dinwiddie Street.

Wilson Boulevard from North Glebe Road to Fairfax County Line.

South Four Mile Run Drive from South Walter Reed Drive to Shirlington Road.

North George Mason Drive from Yorktown Boulevard to Arlington Boulevard.

North Roosevelt Street from North 17th Street to Falls Church City line.

North Sycamore Street from Williamsburg Boulevard to 17th Street North.

Fairfax Drive from Little Falls Road to Washington Boulevard.

Fort Myer Drive from Key Bridge to westbound Lee Highway.

North Glebe Road from Arlington Boulevard to Lee Highway.

South Glebe Road from Walter Reed Drive to Arlington Boulevard.

Lee Highway from the Federal line at the approach to Key Bridge at Rosslyn to North Nash Street.

Lee Highway from North Quincy Street to Falls Church City Line.

North Lynn Street from westbound Lee Highway to Key Bridge.

Washington Boulevard from Lee Highway to North Westmoreland Street.

Thirty-five (35) miles per hour upon:

U.S. Route 1.

Old Dominion Drive from Military Road to Lorcom Lane.

Columbia Pike from South Dinwiddie Street to Fairfax County line.

South Glebe Road from Walter Reed Drive to Jefferson Davis Highway.

State Route 233 (Airport Viaduct) from Jefferson Davis Highway to Mount Vernon Parkway right-of-way.

~~South 5th Road from South Carlin Springs Road to Fairfax County line.~~

Washington Boulevard from Arlington Boulevard to North Pershing Drive.

Old Dominion Drive from North Abingdon Street to North Glebe Road.

South Joyce Street from Columbia Pike to Army Navy Drive.

Old Dominion Drive from North Glebe Road to Fairfax County line.

North Glebe Road from Lee Highway to ramp from Military Road.

Lee Highway from North Veitch Street to North Quincy Street.

Spout Run Parkway from George Washington Memorial Parkway to Lee Highway.

\*\*\*

**II. The remaining subsections of 14.2-12(A) not hereby amended shall remain as previously enacted.**

[Board Report #22](#)

ooooo0ooooo

**Other**

0000000000

**23. Annual lists of delinquent taxes submitted by the Treasurer.**

On the consent agenda vote, after a duly advertised public hearing, the County Board adopted the resolution (attached to the staff report) concerning the annual presentation of lists of delinquent taxes by the Treasurer.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The adopted Resolution reads as follows:

RESOLUTION CONCERNING ANNUAL LISTS OF DELINQUENT TAXES SUBMITTED BY THE TREASURER

Be it resolved by the County Board of Arlington, Virginia that:

1. Pursuant to Code of Virginia §58.1-3924, the Treasurer is directed to certify to the Director of Real Estate Assessments the 2022 list of real estate on the Arlington Land Book improperly placed thereon or not ascertainable;
2. Pursuant to Code of Virginia §58.1-3924, the Treasurer is directed to publish those real estate and personal property accounts she deems advisable, that is those accounts which equal or exceed \$1,000.00 from the lists mentioned in subdivisions 2 and 3 of Virginia Code §58.1-3921 in 2022;
3. Pursuant to Code of Virginia §58.1-3924, the Treasurer is given credit for the tax amounts included in the lists mentioned in subdivisions 4 and 5 of Code of Virginia §58.1-3921 in 2022; and
4. Pursuant to Code of Virginia Code §58.1-3933, the Treasurer is directed to continue to collect delinquent taxes on subjects other than real estate until the expiration of the appropriate statute of limitations (§58.1-3940).

[Board Report #23 \(Posted 09-14-2022\)](#)

0000000000

**Capital Projects**

0000000000

**24. Request to increase the Ardent Company Contract No. 20-110-9-6 for additional construction services for the Ballston Multimodal Improvements Project due to unforeseen conditions encountered during construction.**

On the consent agenda vote, after a duly advertised public hearing, the County Board approved the increase in Contract No. 20-110-9-6-ITB to Ardent Company for the construction of the infrastructure improvements for the Ballston Multimodal Improvements project in the amount of \$226,320 and approve an allocation of \$22,632 as a contingency, for a total contract authorization increase of \$248,952. In addition, authorize the Purchasing Agent to execute the contract documents, subject to legal review by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #24](#)

0000000000

**25. Award Contract 23-DES-ITBPW-231 to Demolition Services, Inc. for construction services for the Phase 2 Demolition of the old Virginia Hospital Center (VHC) Building at 601 S. Carlin Springs Road and approve an increase to contract 22-DES-ITB-16 with Landivar Associates for construction services for the VHC Building - Phase 1 Decoupling at 601 S. Carlin Springs Road.**

On the consent agenda vote, after a duly advertised public hearing, the County Board approved the award of Contract Number 23-DES-ITBPW-231 between the Arlington County Board and Demolition Services, Inc. to provide construction services for the Phase 2 Demolition of the old Virginia Hospital Center building at 601 S. Carlin Springs Road in the amount of \$1,375,418, plus a 25% contingency of \$343,855 for a total contract authorization of \$1,719,273. In addition, approve a budget increase for Contract 22-DES-ITB-16 between the Arlington County Board and Landivar Associates to provide additional construction services for the VHC Building - Phase 1 Decoupling at 601 S Carlin Springs Road in the amount of \$25,000 for a total contract authorization of \$706,875.10.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #25 \(Posted 09-13-2022\)](#)

ooooo0ooooo

**Appropriations, Grant Applications and Other Contracts**

ooooo0ooooo

**26. Acceptance and appropriation of a \$10,000 Fiscal Year (FY) 2023 Virginia Tourism Corporation (VTC) Destination Marketing Organization (DMO) DRIVE Tourism 2.0 Grant Program award for the Arlington Convention and Visitors Service (ACVS) to develop marketing initiatives highlighting African American historic sights, businesses and itineraries.**

On the consent agenda vote, after a duly advertised public hearing, the County Board authorized the County Manager or his designee to accept \$10,000 in state funds from VTC, authorized the County Manager or his designee to sign the VTC DMO DRIVE Tourism 2.0 Grant Program Agreement, and appropriated \$10,000 in VTC DMO DRIVE Tourism 2.0 Grant Program funds (202.364910) to Arlington Economic Development (202.71022) for marketing activities.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #26](#)

ooooo0ooooo

**27. Arlington Community Services Board Fiscal Year (FY) 2023 Performance Contract with Virginia Department of Behavioral Health and Developmental Services.**

On the consent agenda vote, after a duly advertised public hearing, the County Board approved the FY 2023 Performance Contract between the Arlington Community Services Board and the Virginia Department of Behavioral Health and Developmental Services.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #27](#)

ooooo0ooooo

**28. Cost sharing agreement with AmeriCorps VISTA, through the Hunger Free America Anti-Hunger Corps, to support the implementation of the food security strategic plan.**

On the consent agenda vote, after a duly advertised public hearing, the County Board authorized the County Manager, or his designee, to execute a cost sharing agreement and related documents with Hunger Free America for the Arlington County Department of Human Services (DHS) to serve as a host partner for an AmeriCorps VISTA service member through their Anti-Hunger Corps program. This service member will support the implementation of the food security strategic plan.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #28 \(Posted 09-14-2022\)](#)

oooo0oooo

**29. Acceptance of Alexandria City funds for the Department of Human Services Abuser Intervention Program, and execution of a Memorandum of Agreement.**

On the consent agenda vote, after a duly advertised public hearing, the County Board authorized the County Manager or his designee to accept \$18,900 in Batterers Intervention Program fee revenue from the City of Alexandria, and to execute the Memorandum of Agreement (attached to the staff report) and associated documents. In addition, accept \$18,900 in fee revenue (101.344904) to the Department of Human Services (101.54101) for the Batterer's Intervention Program.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #29](#)

oooo0oooo

**30. Approval of the On-the-Job Training Agreement Template between the Department of Human Services and regional employers.**

On the consent agenda vote, after a duly advertised public hearing, the County Board authorized the County Manager or his designee to execute the On-the-Job Training agreement template for use between the County and regional employers, along with any renewals that do not substantively alter the terms of the agreement template, in a form approved by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #30](#)

oooo0oooo

**31. Funding and Services Agreement between the County Board of Arlington County, Virginia, and the Northern Virginia Conservation Trust (NVCT).**

On the consent agenda vote, after a duly advertised public hearing, the County Board approved the 2022 Funding and Services Agreement (2022 Agreement) between the County Board of Arlington County, Virginia, and the Northern Virginia Conservation Trust (NVCT). In addition, authorize the County Manager or his designee to sign the Agreement on behalf of the County Board subject to approval of the Agreement as to form by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #31](#)

0000000000

**32. Acceptance and appropriation of a Virginia Department of Motor Vehicles (DMV) Fiscal Year (FY) 2023 Highway Safety Program Grant award package.**

On the consent agenda vote, after a duly advertised public hearing, the County Board authorized the County Manager or his designee to accept \$53,704 in grant funds related to the Fiscal Year (FY) 2023 Virginia Highway Safety Program and to execute required grant agreements in a form approved by the County Attorney. In addition, the Board appropriated \$53,704 from the Virginia Highway Safety Program Grant (101.364900) to the Arlington County Police Department (ACPD) (101.31202) for costs associated with the administration of the grant program.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #32](#)

0000000000

**33. Transfer restorative justice grants from the Tides Foundation & Annie E. Casey Foundation.**

On the consent agenda vote, after a duly advertised public hearing, the County Board transferred and returned two grants awarded to Arlington County Government for the creation and support of restorative justice efforts in the County and return the funds back to the granting agencies so they may be redirected to a qualifying 501c3 non-profit organization that will continue the work of restorative justice as a County partner: (A) Transferred the remaining unspent grant funds received from the Annie E. Casey Foundation (\$66,656); (B) Transferred the remaining unspent grant funds received from the Tides Foundation (\$24,373).

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #33 \(Posted 09-14-2022\)](#)

0000000000

**34. The Restorative Justice Grant Recommendation and Agreement awarding \$100,000 to the Center for Youth and Family Advocacy**

This item was removed from the Consent Agenda for a hearing at the September 20<sup>th</sup> Recessed County Board Meeting.

[Board Report #34](#)

0000000000

**Acquisitions or Leases of Real Property**

0000000000

**35. Deed of utilities easements and deed of temporary construction easements from Key Properties Associates, LLC, located on Lot 2 of the Resubdivision of the Curtis B. Graham Estate, 2112**

**Columbia Pike, RPC # 32-001-026 for the Columbia Pike Multi-Modal Streets Improvement Project.**

On the consent agenda vote, after a duly advertised public hearing, the County Board approved the deed of utilities easements and deed of temporary construction easements (attached to the staff report) from Key Properties Associates, LLC, located on Lot 2 Resubdivision of the Curtis B. Graham Estate, 2112 Columbia Pike, RPC No. 32-001-026. In addition, the Board authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute and accept the deed of utilities easements and deed of temporary construction easements and any related documents, on behalf of the County Board, subject to approval as to form by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #35](#)

ooooo0ooooo

**36. Deed of easements and subordination, deed of utilities easements and subordination, deed of easement and subordination, and deed of temporary easement and construction agreement from HEI South Orme Street Lot II, LLC, on portions of the property located on Columbia Pike, RPC # 25-025-071 for the Columbia Pike Multi- Modal Street Improvements Project.**

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

1. Accepted the deed of easements and subordination, attached (to the staff report) as Attachment 1, from HEI South Orme Street Lot II, LLC, granting to the County Board of Arlington County, Virginia a permanent easement for public sidewalk, utilities, and drainage purposes on a portion of the property located on Columbia Pike, RPC # 25-025-071;
2. Accepted the deed of utilities easements and subordination, attached (to the staff report) as Attachment 2, from HEI South Orme Street Lot II, LLC, granting to the County Board of Arlington County, Virginia, Virginia Electric and Power Company, and Verizon Virginia, LLC, a permanent easement for public and private utilities purposes on a portion of the property located on Columbia Pike, RPC # 25-025-071;
3. Accepted the deed of easement and subordination, attached (to the staff report) as Attachment 3, from HEI South Orme Street Lot II, LLC, granting to the County Board of Arlington County, Virginia a permanent easement for public sidewalk, utilities, and transit station purposes on a portion of the property located on Columbia Pike, RPC # 25-025-071;
4. Accepted the deed of temporary easement and construction agreement, attached (to the staff report) as Attachment 4, from HEI South Orme Street Lot II, LLC, granting to the County Board of Arlington County, Virginia two temporary construction easements on a portion of the property located on Columbia Pike, RPC # 25-025-071; and
5. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept the Deed of Easements and Subordination, attached (to the staff report) as Attachment 1, deed of utilities easements and subordination, attached (to the staff report) as Attachment 2, deed of easement and subordination, attached (to the staff report) as Attachment 3, and deed of temporary easement and construction Agreement, attached (to the staff report) as Attachment 4, on behalf of the County Board, subject to approval as to form of the deed of easements and subordination, deed of utilities easements and subordination, deed of easement and subordination, and deed of temporary easement and Construction Agreement by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #36](#)

0000000000

**37. License agreement between the Commonwealth of Virginia Department of Transportation, as licensor, and the County Board of Arlington County, Virginia, as licensee, for temporary construction of County public infrastructure improvements on portions of the property located on Columbia Pike, and designated as RPC # 34-015-002, for the Columbia Pike Multi-Modal Street Improvements Project.**

On the consent agenda vote, after a duly advertised public hearing, the County Board approved the license agreement, attached (to the staff report), between the Commonwealth of Virginia Department of Transportation, as licensor, and the County Board of Arlington County, Virginia, as licensee, to permit the use of portions of property located on Columbia Pike, and designated as RPC # 34-015-002, for temporary construction purposes. In addition, authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute the license agreement, attached (to the staff report), on behalf of the County Board, subject to approval as to form of the license agreement by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #37](#)

0000000000

**38. Deed of easement from Towns of 24th Homeowners Association, Inc., granting to the County Board of Arlington County, Virginia a permanent easement for public purposes on a portion of Parcel A G&L Moore and E&P Moore Subdivision, located on 24th Road South (RPC# 31-025-142).**

On the consent agenda vote, after a duly advertised public hearing, the County Board accepted the deed of easement, (shown as Attachment 1 in the staff report), from Towns of 24th Homeowners Association, Inc. (the Association), granting to the County Board of Arlington County, Virginia a permanent easement for public purposes on a portion of Parcel A G&L Moore and E&P Moore Subdivision, located on 24th Road South (RPC# 31-025-142). In addition, authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept the deed of easement, (shown as Attachment 1 in the staff report), on behalf of the County Board, subject to approval as to form of the deed of easement by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #38 \(Re-Posted 09-16-2022 with Updated Community Engagement Statement\)](#)

0000000000

**39. License agreement with Northern Virginia Regional Park Authority and encroachment agreement with Virginia Electric and Power Company on W&OD Trail, RPC # 21-010-020, for the Sparrow Pond Restoration Project.**

- A. License agreement between the Northern Virginia Regional Park Authority (NVRPA) and the County Board of Arlington County, Virginia for the construction and maintenance of an access path and stormwater improvements on a portion of the Washington & Old Dominion Regional Park (the "Park") located near South Park Drive, Arlington, Virginia (RPC No. 21-010-020).
- B. Consent agreement for right of way encroachment between Virginia Electric and Power Company, doing business in Virginia as Dominion Energy (Dominion), and the County Board of Arlington County, Virginia, to permit the County to encroach onto an easement in favor of Dominion to construct and maintain an access

path and stormwater improvements on a portion of the Park located near South Park Drive (RPC No. 21-010-020).

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

1. Approved the license agreement (License Agreement, attached to the staff report) between NVRPA and the County Board of Arlington County, Virginia to permit the County to construct and maintain an access path and stormwater improvements in the Park near South Park Drive (RPC No. 21-010-020);
2. Approved the consent agreement for right of way encroachment (Consent Agreement, attached to the staff report) between Dominion and the County Board, to permit the County to encroach onto an easement in favor of Dominion over the property of NVRPA, to construct and maintain an access path and stormwater improvements in the Park near South Park Dive. (RPC No. 21-010-020); and
3. Authorized the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute the license agreement and consent agreement (together, the Agreements) on behalf of the County Board, subject to approval as to form of the agreements by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #39](#)

ooooo0oooo

**40. Deed of gift from Eliot F. Terborgh, executor of the estate of Anne Terborgh, conveying Outlot A, Terborgh’s Addition to Lyonhurst, being a resubdivided portion of the property located at 4582 26th St. N., RPC # 03-063-115.**

On the consent agenda vote, after a duly advertised public hearing, the County Board approved the deed of gift (Attachment 1 of the staff report) from Eliot F. Terborgh, executor of the Estate of Anne Terborgh, conveying Outlot A, Terborgh’s Addition to Lyonhurst, being a resubdivided portion of the property located at 4582 26th St. N., RPC # 03-063-115. In addition, authorize the Real Estate Bureau Chief, or his designee, to accept the deed of gift and execute all related documents necessary for the acquisition of such property, subject to approval as to form of the deed of gift and related documents by the County Attorney.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[Board Report #40](#)

ooooo0oooo

**Requests to Advertise**

ooooo0oooo

**41. Request to authorize advertisement of a public hearing on an ordinance to amend Chapter 14.2 (Motor Vehicles and Traffic), Section 14.2-12(a) of the Code of Arlington County, Virginia concerning maximum and minimum speed limits by decreasing the speed limit on the following corridors: (1) Washington Boulevard from Arlington Boulevard to North Pershing Drive; (2) South Joyce Street from Columbia Pike to Army Navy Drive; (3) Columbia Pike from South Dinwiddie Street to Fairfax County line; and (4) Lorcom Lane from Cherry Hill Road to Military Road.**

On the consent agenda vote, after a duly advertised public hearing, the County Board authorized the advertisement of an October 15, 2022, public hearing to enact an ordinance to amend, reenact and recodify Chapter 14.2 (Motor

Vehicles and Traffic) Section 14.2-12(a) of the Code of Arlington County, Virginia concerning maximum and minimum speed limits by decreasing the speed limit on the above-mentioned corridors.

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The proposed Ordinance reads as follows:

**AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 14.2 (MOTOR VEHICLES AND TRAFFIC), SECTION 14.2-12(A) OF THE CODE OF ARLINGTON COUNTY, Virginia CONCERNING MAXIMUM AND MINIMUM SPEED LIMITS BY DECREASING THE SPEED LIMIT ON THE FOLLOWING CORRIDORS:**

1. Washington Boulevard from Arlington Boulevard to North Pershing Drive
2. South Joyce Street from Columbia Pike to Army Navy Drive
3. Columbia Pike from South Dinwiddie Street to Fairfax County line
4. Lorcom Lane from Cherry Hill Road to Military Road

Deletions are denoted by ~~strikeout text~~ and additions are denoted by *italicized underlined text*.

**III. BE IT ORDAINED Chapter 14.2, Section 14.2-12(A) of the Code of Arlington County, Virginia is hereby amended, reenacted, and recodified to read, in pertinent part, as follows:**

**Chapter 14.2 Motor Vehicles and Traffic**

\*\*\*

§ 14.2-12. Maximum and Minimum Speed Limits.

- B. No person shall drive any vehicle upon a highway in this County at a speed in excess of twenty-five (25) miles per hour except upon the following highways or portions thereof on which the speed limits shall be as follows:

\*\*\*

Thirty (30) miles per hour upon:

North 10th Street between Arlington Boulevard and North Washington Boulevard.

Fairfax Drive between North Monroe Street and North Glebe Road.

George Washington Parkway, marked portions either side of Key Bridge.

~~Lorcom Lane from Old Dominion Drive to Spout Run Parkway.~~

*Lorcom Lane from Military Road to Spout Run Parkway.*

Nellie Custis Drive from Lorcom Lane to Military Road.

South Arlington Mill Drive from Shirlington Road to Walter Reed Drive.

North Carlin Springs Road from North Glebe Road to Arlington Boulevard.

South Carlin Springs Road from Arlington Boulevard to Columbia Pike.

Fairfax Drive from Arlington Boulevard to North Barton Street.

Quaker Lane from Shirley Highway to King Street.

Walter Reed Drive from Columbia Pike to King Street.

North Westmoreland Street from Arlington County line to Fairfax Drive.

Chain Bridge Road from North Glebe Road to Fairfax County Line.

Washington Boulevard from Kirkwood Road to Lee Highway.

Williamsburg Boulevard from North Glebe Road to North 29th Street.

Old Dominion Drive from Lorcom Lane to North Abingdon Street.

Military Road from North Glebe Road to Lee Highway.

South George Mason Drive from Arlington Boulevard to Fairfax County line.

South Four Mile Run Drive (West Roadway) from Columbia Pike to South Walter Reed Drive.

Washington Boulevard from North Pershing Drive to North 10th Street.

Columbia Pike from South Oak Street to South Dinwiddie Street.

Wilson Boulevard from North Glebe Road to Fairfax County Line.

South Four Mile Run Drive from South Walter Reed Drive to Shirlington Road.

North George Mason Drive from Yorktown Boulevard to Arlington Boulevard.

North Roosevelt Street from North 17th Street to Falls Church City line.

North Sycamore Street from Williamsburg Boulevard to 17th Street North.

Fairfax Drive from Little Falls Road to Washington Boulevard.

Fort Myer Drive from Key Bridge to westbound Lee Highway.

North Glebe Road from Arlington Boulevard to Lee Highway.

South Glebe Road from Walter Reed Drive to Arlington Boulevard.

Lee Highway from the Federal line at the approach to Key Bridge at Rosslyn to North Nash Street.

Lee Highway from North Quincy Street to Falls Church City Line.

North Lynn Street from westbound Lee Highway to Key Bridge.

Washington Boulevard from Lee Highway to North Westmoreland Street.

Columbia Pike from South Dinwiddie Street to Fairfax County line.

Washington Boulevard from Arlington Boulevard to North Pershing Drive.

South Joyce Street from Columbia Pike to Army Navy Drive.

Thirty-five (35) miles per hour upon:

U.S. Route 1.

Old Dominion Drive from Military Road to Lorcom Lane.

~~Columbia Pike from South Dinwiddie Street to Fairfax County line.~~

South Glebe Road from Walter Reed Drive to Jefferson Davis Highway.

State Route 233 (Airport Viaduct) from Jefferson Davis Highway to Mount Vernon Parkway right-of-way.

South 5th Road from South Carlin Springs Road to Fairfax County line.

~~Washington Boulevard from Arlington Boulevard to North Pershing Drive.~~

Old Dominion Drive from North Abingdon Street to North Glebe Road.

~~South Joyce Street from Columbia Pike to Army Navy Drive.~~

Old Dominion Drive from North Glebe Road to Fairfax County line.

North Glebe Road from Lee Highway to ramp from Military Road.

Lee Highway from North Veitch Street to North Quincy Street.

Spout Run Parkway from George Washington Memorial Parkway to Lee Highway.

\*\*\*

**IV. The remaining subsections of 14.2-12(A) not hereby amended shall remain as previously enacted.**

[Board Report #41](#)

ooooo0ooooo

**Other (Housing Loans, Minutes, etc.)**

ooooo0ooooo

**42. This item was removed.**

ooooo0ooooo

**43. Minutes**

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

The motion was adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

[#43-Minutes from the July 2022 County Board Meetings \(Posted 09-16-2022\)](#)

ooooo0ooooo

**III. REGULAR HEARING ITEMS**

ooooo0ooooo

**44. Adoption of the Courthouse West Special General Land Use Plan Study Document.**

After a duly advertised public hearing, at which there were speakers, a motion was made by MATT DE FERRANTI, Member, seconded by TAKIS KARANTONIS, Member, to Adopt the resolution (shown as Attachment 1 of the staff report) to adopt the Courthouse West Special General Land Use Plan Study Document, as shown in Attachment 2 (of the staff report).

A substitute motion was then made by CHRISTIAN DORSEY, Vice-Chair, seconded by LIBBY GARVEY, Member, to adopt the resolution (shown as Attachment 1 of the staff report #44 dated September 12<sup>th</sup>, 2022) to adopt the Courthouse West Special General Land Use Plan Study Document, as shown in Attachment 2, with direction to the manager and staff to revise the plan study document to reflect a maximum of fourteen (14) stories rather than the staff recommendation of 12 stories.

The substitute motion was adopted and carried by a vote of 3-2, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Nay; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Nay.

The main motion was then adopted and carried by a vote of 5-0, the voting recorded as follows: Katie Cristol, Chair – Aye; Christian Dorsey, Vice-Chair – Aye; Takis Karantonis, Member – Aye; Libby Garvey, Member – Aye; Matt de Ferranti, Member – Aye.

The adopted resolution reads as follows:

**RESOLUTION TO ADOPT THE COURTHOUSE WEST SPECIAL GENERAL LAND USE PLAN STUDY DOCUMENT**

WHEREAS, the County Board of Arlington County has been presented with a proposed Courthouse West Special General Land Use Plan Study Document (“Study Document”) to serve as a long-range planning guide for potential future redevelopment of land located on the block bounded by Wilson Boulevard, North Cleveland Street, Clarendon Boulevard, and North Danville Street; and

WHEREAS, in 2021, a Special General Land Use Plan (GLUP) Study was initiated to examine the potential appropriateness of a requested GLUP amendment for the study area; and

WHEREAS, the proposed Study Document communicates guidance for this area and incorporates a set of guiding planning principles that express aspirational goals and general public benefits and improvements that should be realized with redevelopment, communicated in a written and pictorial format; and

WHEREAS, the Study Document also includes recommendations that provide guiding parameters for land use and building design, public space, transportation, and housing, among others, that reinforce and are derived from the aforementioned guiding planning principles; and

WHEREAS, the Study Document identifies a potential future GLUP amendment that could be considered in conjunction with appropriate site plan and rezoning applications that are consistent with, and significantly advance, recommendations of the Study Document; and WHEREAS, the County Manager has recommended that the proposed Study Document be adopted; and

WHEREAS, the Planning Commission held a public hearing on September 7, 2022, and has recommended that the proposed Study Document be adopted.

NOW, THEREFORE, be it resolved that, based on the aforementioned considerations, deliberations, and all public comments, the County Board of Arlington County finds that the Courthouse West Special General Land Use Plan Study Document, set forth in Attachment 2 should be, and is hereby, adopted

[#44-Staff Presentation](#)

[Board Report #44 \(Posted 09-12-22\)](#)

[#44-Letters from the Public \(Posted 09-13-2022\)](#)

[#44-Letter from the Planning Commission \(Posted 09-15-2022\)](#)

**Adjournment**

Without objection, at 12:39 PM, the September 17<sup>th</sup> Regular County Board Meeting was recessed.

ooooo0ooooo

---

Katie Cristol, Chair

ATTEST:

---

Kendra Jacobs, Clerk  
Approved: 11/12/2022