

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MAY 10, 2011**

AGENDA

9:30	Done	Presentations
10:30	Done	Presentation of the History Commission Annual Report
10:45	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Streets into the Secondary System (Hunter Mill, Lee, Mount Vernon, and Providence Districts)
2	Approved	Discontinuance of a Portion of Route 744 (Hilltop Road) from the Secondary System of State Highways (Providence District)
3	Approved	Discontinuance of a Portion of Route 8212 (Rowland Drive) from the Secondary System of State Highways (Dranesville District)
4	Approved	Discontinuance of a Portion of Route 779 (Fordson Road) from the Secondary System of State Highways (Lee District)
5	Approved	Extension of Review Periods for 2232 Review Applications (Lee and Mount Vernon Districts)
6	Approved	Authorization to Advertise a Public Hearing on Proposed Revisions to Sections 3-1-2, 3-1-19, 3-1-24, 3-2-57, and 3-3-57 of Chapter 3 of the Code of Fairfax County
7	Approved	Authorization for the Fairfax County Fire and Rescue Department to Apply for and Accept Funding from the 2010 Interoperable Emergency Communications Performance Grant
8	Approved	Authorization for the Fairfax-Falls Church Community Services Board to Accept a Promotion of Wellness and Recovery (POWAR) Project Grant Award

ACTION ITEMS

1	Approved	Approval of 2011 School Bond Referendum
2	Approved w/amendment	Approval of Parking Reduction for Circle Towers (Providence District)
3	Approved	Award of Federal HOME Program Funds to Three Fairfax County Nonprofit Housing Organizations

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MAY 10, 2011**

**CONSIDERATION
ITEM**

- | | | |
|---|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Overruled Planning Commission determination; appeal upheld | Appeal of Va. Code Ann. § 15.2-2232 Determination - Application 2232-D11-3, Metropolitan Washington Airports Authority (MWAA) in Coordination with the Department of Rail and Public Transportation (DRPT) on Behalf of the Washington Metropolitan Area Transit Authority (WMATA) (Dranesville District) |
|---|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**INFORMATION
ITEMS**

- | | | |
|-------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Noted | Contract Award – Professional Audit Services |
| 2 | Noted | Contract Award – NoVi Trail Segment D (Hunter Mill District) |
| 3 | Noted | Contract Award – Dogue Creek Force Main Replacement (Mount Vernon District) |
| 4 | Noted | Planning Commission Action on Application 2232A-MD06-10-1, Metropolitan Washington Airports Authority in Coordination with the Department of Rail and Public Transportation on Behalf of Washington Metropolitan Area Transit Authority (Hunter Mill District) |
| 11:00 | Done | Matters Presented by Board Members |
| 11:50 | Done | Closed Session |

PUBLIC HEARINGS

- | | | |
|------|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3:30 | Approved Resolution | Public Hearing on the Approval of Financing for the Purchase of a New Fire Pumper Truck by the Fair Oaks Volunteer Fire and Rescue Company, Inc. (Sully District) |
| 3:30 | Board Decision deferred to 5/24/11 at 3:30 p.m. | Board Decision on SE 2009-MA-026 (Gossom Family Limited Partnership I, RLLLP) (Mason District) |
| 3:30 | Approved | Public Hearing on PCA-B-993 (United Dominion Realty, L.P. Circle Towers, LLC) (Providence District) |
| 4:00 | Approved | Public Hearing on Proposed Area Plans Review (APR) Item APR 09-IV-2S, Located North of Franconia-Springfield Parkway and East of Walker Lane (Lee District) |
| 4:00 | Approved | Public Hearing to Authorize the Conveyance of a Portion of County-Owned Property to the Virginia Department of Transportation for the Telegraph Road Project (Lee District) |



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
May 10, 2011

9:30 a.m.

PRESENTATIONS

DESIGNATIONS:

- PROCLAMATION – To designate May 15-21, 2011, as Emergency Medical Services Week in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate May 16-20, 2011, as Small Business Week in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate May 2011 as Parents Who Host Lose the Most Month in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate May 2011 as Community Action Month in Fairfax County. Requested by Chairman Bulova and Supervisors Foust and Hudgins.
- PROCLAMATION – To designate May 15-21, 2011, as Public Works Week in Fairfax County. Requested by Chairman Bulova.

RECOGNITIONS:

- RESOLUTION – To recognize Joyce White for more than 40 years of service to Fairfax County. Requested by Supervisor Smyth.

— more —

Board Agenda Item
May 10, 2011

- RESOLUTION – To recognize Captain Deborah Burnett for 29 years of service to Fairfax County. Requested by Supervisor Hudgins.
- CERTIFICATE – To recognize the success of the Stuff the Bus program. Requested by Chairman Bulova.
- CERTIFICATE – To recognize District Budget Committees for their contributions and continued commitment to residents of Fairfax County. Requested by Chairman Bulova and Supervisor Hudgins.
- RESOLUTION – To recognize Len Wales for nearly 30 years of service to Fairfax County. Requested by Supervisor McKay.
- RESOLUTION – To recognize Deputy County Executive Ed Long for 34 years of service to Fairfax County. Requested by Supervisor Herry.

STAFF:

Merni Fitzgerald, Director, Office of Public Affairs

Bill Miller, Office of Public Affairs

Board Agenda Item
May 10, 2011

10:30 a.m.

Presentation of the History Commission Annual Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Debbie Robison, Chairman, History Commission

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Board Agenda Item
May 10, 2011

10: 45 a.m.

Items Presented by the County Executive

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Board Agenda Item
May 10, 2011

ADMINISTRATIVE – 1

Streets into the Secondary System (Hunter Mill, Lee, Mount Vernon, and Providence Districts)

ISSUE:

Board approval of streets to be accepted into the State Secondary System.

RECOMMENDATION:

The County Executive recommends that the street(s) listed below be added to the State Secondary System.

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Town Center Parkway	Hunter Mill	Town Center Parkway (Route 7414)
Kendrick	Lee	Old Telegraph Road (Route 634) (Additional Right-of-Way (ROW) Only)
Evans Subdivision	Mt. Vernon	Richmond Highway (Route 1) (Additional ROW Only)
Townes of Pohick	Mt. Vernon	Pohick Road (Route 638) (Additional ROW Only)
U-Haul Retail Center	Mt. Vernon	Terminal Road (Route 3276) (Additional ROW Only)
Sandburg Hill	Providence	Sandburg Hill Court Sandburg Street (Route 936) (Additional ROW Only) Cottage Street (Route 2401) (Additional ROW Only)

TIMING:

Routine.

Board Agenda Item
May 10, 2011

BACKGROUND:

Inspection has been made of these streets, and they are recommended for acceptance into the State Secondary System.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Michelle Brickner, Deputy Director, DPWES, Land Development Services

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.

VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA

REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.

PLAN NUMBER: 13408-SD-01

SUBDIVISION PLAT NAME: Kendrick

COUNTY MAGISTERIAL DISTRICT: Lee District

FOR OFFICIAL USE ONLY

ENGINEERING MANAGER:
 BY: Valia Apherov

DATE OF VDOT INSPECTION APPROVAL: 03/03/2011

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	

Old Telegraph Road (Route 634) (Additional Right-of-Way Only)	894' N CL Piney Branch Road (Route 1205)	425' N to Section Line	0.0
------------------------------------------------------------------	------------------------------------------	------------------------	-----

NOTES: **TOTALS:** 0

378' of 5' Concrete Sidewalk on West Side to be maintained by VDOT

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

**FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA**

Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.

VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE PERMITS MANAGER, FAIRFAX, VIRGINIA

REQUEST TO THE PERMITS MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.

PLAN NUMBER: 8873-SP-01-2

SUBDIVISION PLAT NAME: Townes of Pohick

COUNTY MAGISTERIAL DISTRICT: Mount Vernon

FOR OFFICIAL USE ONLY

PERMITS MANAGER:
BY: *[Signature]*

DATE OF VDOT INSPECTION APPROVAL: 03/03/2011

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Pohick Road (Rte. 638) (Additional ROW Only)	48' SE CL Waldren Drive (Route 6615)	343' SE to Section Line	0.0
NOTES:			
TOTALS:			0

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.

VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA

REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.

PLAN NUMBER: 7722-SD-001

SUBDIVISION PLAT NAME: Sandburg Hill

COUNTY MAGISTERIAL DISTRICT: Providence

ENGINEERING MANAGER:

BY: Nadia A. Phansy

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 02/24/2011

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Sandburg Hill Court	CL Sandburg Street (Route 936) - 195' N CL Cottage Street (Route 2401)	292' NW to End of Cul-de-Sac	0.06
Sandburg Street (Route 936) (Additional Right-of-Way Only)	20' NE CL Cottage Street (Route 2401)	300' NE to Section Line	0.0
Cottage Street (Route 2401) (Additional Right-of-Way Only)	20' NW CL Sandburg Street (Route 936)	373' NW to Section Line	0.0
NOTES:			TOTALS:
Sandburg Hill Court: 698' of 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.			0.06
Sandburg Street: 272' of 4' Concrete Sidewalk on West Side to be maintained by VDOT.			
Cottage Street: 373' of 4' Concrete Sidewalk on North Side to be maintained by VDOT.			

Board Agenda Item
May 10, 2011

ADMINISTRATIVE - 2

Discontinuance of a Portion of Route 744 (Hilltop Road) from the Secondary System of State Highways (Providence District)

ISSUE:

Board adoption of the attached resolution requesting that a portion of Route 744 (Hilltop Road) be discontinued from the Secondary System of State Highways (Secondary System).

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) requesting that the identified portion of subject roadway be discontinued from the Secondary System.

TIMING:

Routine.

BACKGROUND:

This request to discontinue a portion of Route 744 (Hilltop Road) is being made by Edens & Avant on behalf of the applicant, Merrifield Mixed Use LLC. The request is made to comply with CDP/FDP proffer conditions, approved by the Board of Supervisors on October 15, 2007, for Rezoning 2005-PR-041 (Merrifield Mixed Use LLC). During the Rezoning, Service Drive requirements were waived which eliminated the need for the "service drive" portion of Hilltop Road. Additional conditions require the applicant to construct road improvements to Hilltop Road; including an additional right turn lane along Lee Highway (Route 29) and the improvement of grade connections between Eskridge Road and Route 29 at the Merilee Drive location.

The Virginia Department of Transportation subsequently requested that the former alignment / service drive of Hilltop Road be discontinued from the state system of highways. If the discontinuance request is approved, the mileage will be removed from the Virginia Department of Transportation (VDOT) maintenance responsibility and assist VDOT in revising its maintenance mileage logs that are used to determine levels of State maintenance funding within Fairfax County.

Board Agenda Item
May 10, 2011

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I: Resolution
Attachment II: CDP/FDP Proffer Conditions
Attachment III: Location Map

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Acting Director, Fairfax County Department of Transportation (FCDOT)
Michael A. Davis, FCDOT

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, May 10, 2011, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, Merrifield Mixed Use, LLC requested discontinuance of a portion of Route 744 (Hilltop Road) to comply with CDP/FDP proffer conditions which were approved by the Board of Supervisors on October 15, 2007, for Rezoning 2005-PR-041; and,

WHEREAS, Merrifield Mixed Use, LLC is required to construct road improvements to Hilltop Road; including an additional right turn lane along Lee Highway (Route 29) and the improvement of grade connections between Eskridge Road and Route 29 that negate the need for a service drive,

NOW THEREFORE, BE IT RESOLVED that this Board hereby requests, pursuant to Virginia Code Section 33.1-150, that the Commonwealth Transportation Board, discontinue as part of the secondary system of state highways the service drive portion of Route 744 (Hilltop Road) on the southern section of Route 29 (Lee Highway) east from the centerline of Eskridge Road to the centerline of Yates Way.

A Copy Teste:

Nancy Vehrs
Clerk to the Board



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

December 28, 2007

Francis A. McDermott
 Hunton & Williams LLP
 1751 Pinnacle Drive, Suite 1700
 Mclean, Virginia 22102

RE: **Rezoning Application RZ 2005-PR-041**
 (Concurrent with Special Exception Amendment Application SEA 99-P-008)
 (Revised Motions)

Dear Mr. McDermott:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on October 15, 2007, granting Rezoning Application RZ 2005-PR-041 in the name of Merrifield Mixed Use LLC. The Board's action rezones certain property in the Providence District from the I-4, I-5, and HC Districts to the PRM, PDC, and HC Districts and permits the mixed use development with an overall Floor Area Ratio (FAR) of 1.39 (including ADU Bonus). The subject property, [Tax Map 49-3 ((1)) 80A, 80B, 80C, 81A, and 82A and portions of public rights-of-way for Hilltop Road and Eskridge Road to be vacated and/or abandoned], is located on the south side of Lee Highway approximately 500 feet west of its intersection with Gallows Road on approximately 31.37 acres of land, and is subject to the proffers dated October 15, 2007. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Hilltop Road and Eskridge Road to proceed under Section 15.2-2272 (2) and 33.1-151 of the Code of Virginia).

The Board also:

- Modified the private street limitations of Section 11-302 of the Zoning Ordinance.
- Modified the loading space requirements for multi-family dwelling units and office space in favor of that depicted on the CDP/FDP.
- Modified the transitional screening and waived the barrier requirements to the south, east, and internal to the site, in favor of the treatments depicted on the CDP/FDP.
- Waived the four-foot peripheral parking lot landscaping requirement north of parcel G, west of parcels C and E, and along the southern and eastern property lines.

Office of Clerk to the Board of Supervisors
 12000 Government Center Parkway, Suite 533
 Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
 Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

- Approved the Waiver # 0561-WPFM-002-1 to locate underground facilities for all residential development, subject to the conditions dated November 30, 2006.
- Waived the service drive requirement along the Lee Highway frontage of the site.
- Directed the Director of DPWES to approve modification of the parking geometric standards to allow for 75-degree angled parking spaces within parking structures.
- Modified to allow residential use as a secondary use consisting of up to 76 percent of the principal uses in the PDC District, pursuant to Section 6-206 of the Zoning Ordinance.
- Modified Paragraph 3 of Section 18-201 of the Zoning Ordinance which would require the provision of further interparcel access in addition to that indicated on the CDP/FDP.
- Modified Paragraph 4 of Section 17-201 of the Zoning Ordinance for dedication and construction of widening existing road, existing roads on new alignments, and proposed roads along Lee Highway, as indicated in the Comprehensive Plan or as required by the Director of DPWES to that shown on the CDP/FDP and as proffered.
- Modified the materials for the proposed trail along Lee Highway shown on the Comprehensive Plan Trails Map to that shown on the CDP/FDP.
- Directed the Director of DPWES to approve modification of the Public Facilities Manual and Paragraph 12 of Section 11-102 of the Zoning Ordinance to allow for the projection, by no more that 4 percent of the stall area, of structural columns into parking stalls in the parking structures.
- Approved the Conceptual Development Plan CDP 2005-PR-041, subject to the development condition dated October 15, 2007.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms
Enclosure

Cc: Chairman Gerald E. Connolly
Supervisor Linda Smyth, Providence District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager. – GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
Audrey Clark, Director – Building Plan Review, DPWES
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Jose Comayagua, Director, Facilities Management
Denise James, Office of Capital Facilities/Fairfax County Public Schools
Karyn Mooreland, Chief Capital Projects Sections, Dept. of Transportation

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 15th day of October, 2007, the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 2005-PR-041
(CONCURRENT WITH SEA 99-P-008)**

WHEREAS, Merrifield Mixed Use LLC, filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the I-4, I-5, and HC Districts to the PRM, PDC, and HC Districts, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

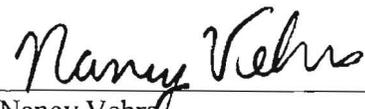
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Providence District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the PRM, PDC, and HC Districts, and said property is subject to the use regulations of said PRM, PDC, and HC Districts, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., 15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

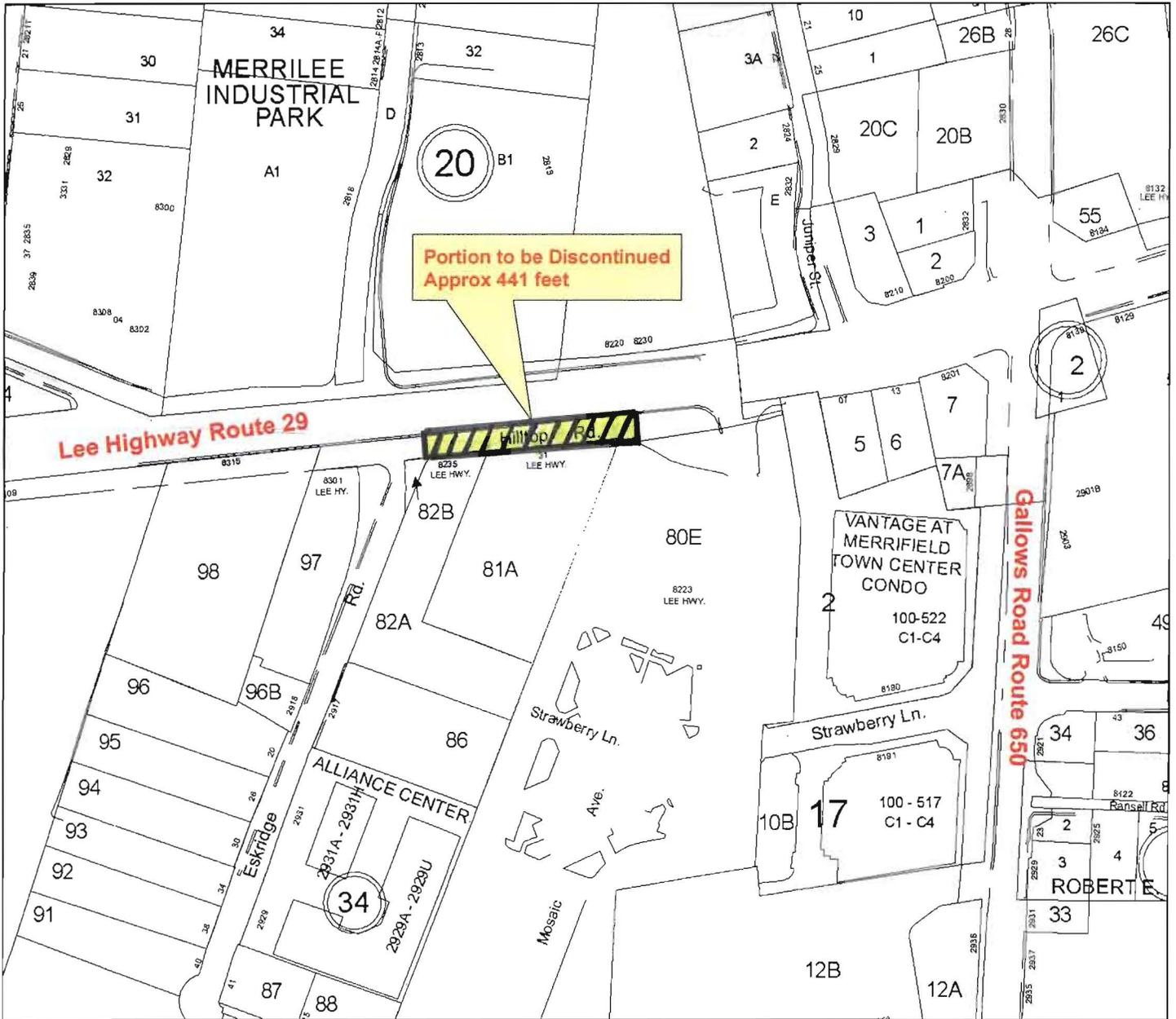
BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 15th day of October, 2007.



Nancy Vehrs
Clerk to the Board of Supervisors

Hilltop Road Discontinuance



Symbol Denotes Area to be Discontinued

Tax Map 49-3
Providence District

Board Agenda Item
May 10, 2011

ADMINISTRATIVE - 3

Discontinuance of a Portion of Route 8212 (Rowland Drive) from the Secondary System of State Highways (Dranesville District)

ISSUE:

Board adoption of the attached resolution requesting that a portion of Route 8212 (Rowland Drive) be discontinued from the Secondary System of State Highways (Secondary System).

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) requesting that the identified portion of subject roadway be discontinued from the Secondary System.

TIMING:

Routine.

BACKGROUND:

The Fairfax County Department of Transportation and the Virginia Department of Transportation (VDOT) are requesting to discontinue a portion of Route 8212 (Rowland Drive). The discontinuance must be done to finalize the processing of the official Wiehle Avenue street acceptance package. Additionally, VDOT has requested the discontinuance of this section of Rowland Drive from the state system of highways because it no longer requires state maintenance as a public roadway.

An additional item for notation is the constructed trail within the subject right-of-way which will remain with the approval of the discontinuance with continued maintenance by Fairfax County.

If the discontinuance request is approved, the mileage will be removed from the Virginia Department of Transportation (VDOT) maintenance responsibility and assist VDOT in revising its maintenance mileage logs that are used to determine levels of State maintenance funding within Fairfax County.

Board Agenda Item
May 10, 2011

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I: Resolution
Attachment II: Location Map

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Acting Director, Fairfax County Department of Transportation (FCDOT)
Michael A. Davis, FCDOT

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, May 10, 2011, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Fairfax County Department of Transportation and the Virginia Department of Transportation (VDOT) requested discontinuance of a portion of Route 8212 (Rowland Drive) to move forward with processing the official Wiehle Avenue street acceptance package; and,

WHEREAS, the constructed trail within the subject right-of-way will remain with the approval of the discontinuance; and,

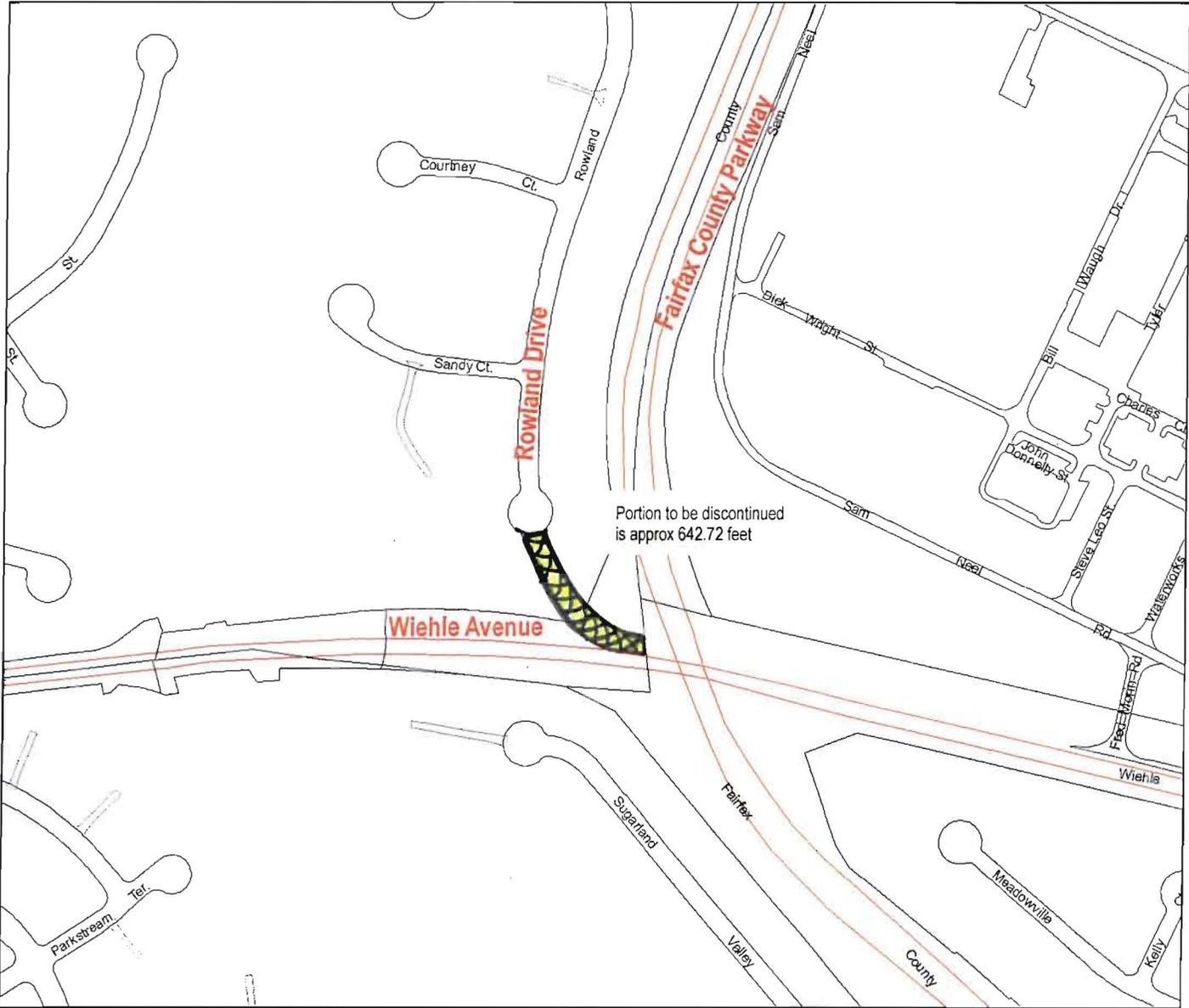
WHEREAS, the trail will be maintained by Fairfax County,

NOW THEREFORE, BE IT RESOLVED that this Board hereby requests, pursuant to Virginia Code Section 33.1-150, that the Commonwealth Transportation Board, discontinue as part of the secondary system of state highways the southern section of Route 8212 (Rowland Drive) from the end of the cul-de-sac south to the centerline of Fairfax County Parkway (Route 7100) as indicated on Attachment II.

A Copy Teste:

Nancy Vehrs
Clerk to the Board

Rowland Drive Discontinuance



Symbol Denotes Area to be Discontinued

Tax Map 11-1

Dranesville District

Board Agenda Item
May 10, 2011

ADMINISTRATIVE - 4

Discontinuance of a Portion of Route 779 (Fordson Road) from the Secondary System of State Highways (Lee District)

ISSUE:

Board adoption of the attached resolution requesting that a portion of Route 779 (Fordson Road) be discontinued from the Secondary System of State Highways (Secondary System).

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) requesting that the identified portion of subject roadway be discontinued from the Secondary System.

TIMING:

Routine.

BACKGROUND:

This request to discontinue a portion of Route 779 (Fordson Road) is being made by the applicant, Shurgard Storage Centers Inc., to comply with Development Condition 15 contained within Special Exception (SE 97-L-041 Shurgard Storage Centers, Inc). The SE and development conditions were approved by the Board of Supervisors on August 5, 2002 (Attachment IV) and required the applicant to construct road improvements to Fordson Road. The road improvements included closing and redirecting a portion of Fordson Road and adding a right turn deceleration lane on Route 1 (Richmond Highway). The applicant has complied with approved Development Condition 15 and is now requesting a discontinuance to complete the process.

A maintenance agreement has been recorded with Fairfax County Land Records (Attachment II) to address the maintenance responsibility for an access point located at the adjacent property (Tax Map 92-4 ((1)) 0048A) owned by the Trustees of Alexandria Lodge No. 758 Benevolent and Protective Order of Elks. According to the Virginia Department of Transportation (VDOT), the road construction and redirecting Fordson Road allowed a remaining portion of roadway to be used as an access point to the Elks Lodge. This remaining portion does not have the required turnaround distance for VDOT equipment; thus, maintenance of this particular section cannot continue.

Board Agenda Item
May 10, 2011

If the discontinuance request is approved, the mileage will be removed from the Virginia Department of Transportation (VDOT) maintenance responsibility and assist VDOT in revising its maintenance mileage logs that are used to determine levels of State maintenance funding within Fairfax County.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Resolution

Attachment II: Recorded Maintenance Agreement

Attachment III: Location Map

Attachment IV: SE 97-L-041 Development Conditions

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Acting Director, Fairfax County Department of Transportation (FCDOT)

Michael A. Davis, FCDOT

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, May 10, 2011, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, Shurgard Storage Centers, Inc. requested discontinuance of a portion of Route 779 (Fordson Road) in compliance with Special Exception (SE 97-L-041) and Development Condition 15 approved by the Board of Supervisors on August 5, 2002; and,

WHEREAS, subsequent actions by Shurgard Storage Centers, Inc. to comply with the aforementioned Special Exception Development Condition resulted in construction of road improvements including closing and redirecting a portion of Route 779 (Fordson Road); and,

WHEREAS, the Trustees of Alexandria Lodge No. 758 Benevolent and Protective Order of Elks have agreed to maintain the portion at Route 779 that remains as an access driveway to their property located at Tax Map 92-4 ((1)) 0048A by execution of a maintenance agreement (Attachment II),

NOW THEREFORE, BE IT RESOLVED that this Board hereby requests, pursuant to Virginia Code Section 33.1-150, that the Commonwealth Transportation Board, discontinue as part of the secondary system of state highways the centerline of Route 1408 (Holly Hill Road) to the juncture of the Route 1 (Richmond Highway) and Route 779 (Fordson Road) realignment as indicated on Attachment III.

A Copy Teste:

Nancy Vehrs
Clerk to the Board

Fairfax County Land Records Cover Sheet

Instruments

AGREEMENT

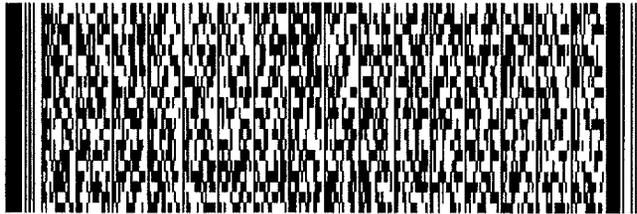
Grantor(s)

BOARD OF SUPERVISORS OF FX CO, VA_I_N

Grantee(s)

TRUSTEES OF ALEXANDRIA LODGE NO 758_I_T

Consideration		Consideration %	100
Tax Exemption	NC	Amount Not Taxed	
DEM Number		Tax Map Number	092-4- -01- -0048- A
Original Book		Original Page	
Title Company			Title Case
Property Descr.			
Certified	No	Copies	0
		Page Range	



Print Cover Sheet

AGREEMENT

This agreement made and entered into this 20~~th~~ day of 12/2010 by and between The Board of Supervisors of Fairfax County, Virginia, Grantor (hereinafter referred to as the "County"); and the Trustees of Alexandria Lodge No. 758 Benevolent and Protective Order of Elks, Grantee (hereinafter referred to as the "Owner")

**** WITNESSETH ****

WHEREAS, the Owner owns certain real property, more particularly described as 7120 Richmond Highway, Alexandria, Virginia (Fairfax County Tax Map #0924-01-0048A) that is zoned C-8 and recorded in Deed Book 08114 at Page 0667, Lot 48A; and

WHEREAS, access to the above-described property of the Owner is located within the public right-of-way known as Fordson Road, State Route 770, which right-of-way has been modified to re-direct Fordson Road to a new intersection location south of the owner's parcel; and

WHEREAS, the portion of the right-of-way north of the re-aligned Fordson Road ("the Access") was modified to serve as an exclusive access to the Owners' parcel; and

WHEREAS, Fordson Road has been a public right-of-way in the State Secondary Road System; and

WHEREAS, the Virginia Department of Transportation ("VDOT") and the County have advised the Owner that it is not their intent to maintain public access to the above-described property; and

WHEREAS, VDOT has advised the Owner and the County of its determination to pursue discontinuance of the Access from its maintenance system; and

WHEREAS, this agreement shall not take effect until a Discontinuance Resolution has been approved by the County and the portion of the right-of-way north of the re-aligned Fordson Road is removed from the State Secondary Road System; and

WHEREAS, the Owner wishes to maintain at its own risk and expense a private driveway across the Access.

Now, THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration, the parties hereto agree as follows:

1. The County hereby agrees to allow the Owner to construct and maintain a private driveway across the Access. Nothing herein shall relieve the Owner from the obligation to secure all permits necessary for such construction or maintenance.
2. The County hereby agrees to allow the Owner to maintain, at the Owner's sole risk and expense, the private driveway on the Access.
3. It is expressly understood and agreed that the maintenance of the Access shall be solely the responsibility of the Owner or its successors in interest.

F. Hayden Coddling, Assistant County Attorney
Office of the Fairfax County Attorney
12000 Government Center Pkwy, Suite 549
Fairfax, VA 22035

- 4. In the event that the County shall determine to improve the Access, at its expense, to VDOT public street standards, this Agreement shall terminate upon sixty (60) days written notice of such intent by the County, within which time the Owner shall remove all improvements constructed within the Access pursuant hereto.
- 5. The Owner agrees not to petition the County to accept the Access for maintenance.
- 6. The terms of this Agreement shall constitute covenants running with the land and shall be recorded among the land records of Fairfax County, Virginia, upon approval of the discontinuance request by the Commonwealth Transportation Board.

WITNESS the following signatures and seals:

Robert H. Hughes

 Trustee of Alexandria Lodge No. 758

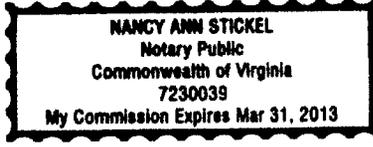
STATE OF VIRGINIA):
 County of Alexandria): to-wit

The foregoing instrument was acknowledged before me this 20 day of December, 2010,
 by nancy stickel

Nancy Stickel

 Notary Public

My commission expires: March 31, 2013



Accepted on behalf of the Board of Supervisors of Fairfax County, Virginia, by authority granted by said Board.

APPROVED AS TO FORM:

F. Stephen Cuddy
Assistant County Attorney

A H Griffin
Anthony H. Griffin
County Executive

STATE OF VIRGINIA):
County of ~~Alexandria~~): to-wit
 FAIRFAX

The foregoing instrument was acknowledged before me this 5TH day of JANUARY, ~~2010~~²⁰¹¹,
by Anthony H. Griffin, County Executive.

Jo Ann Havach
Notary Public

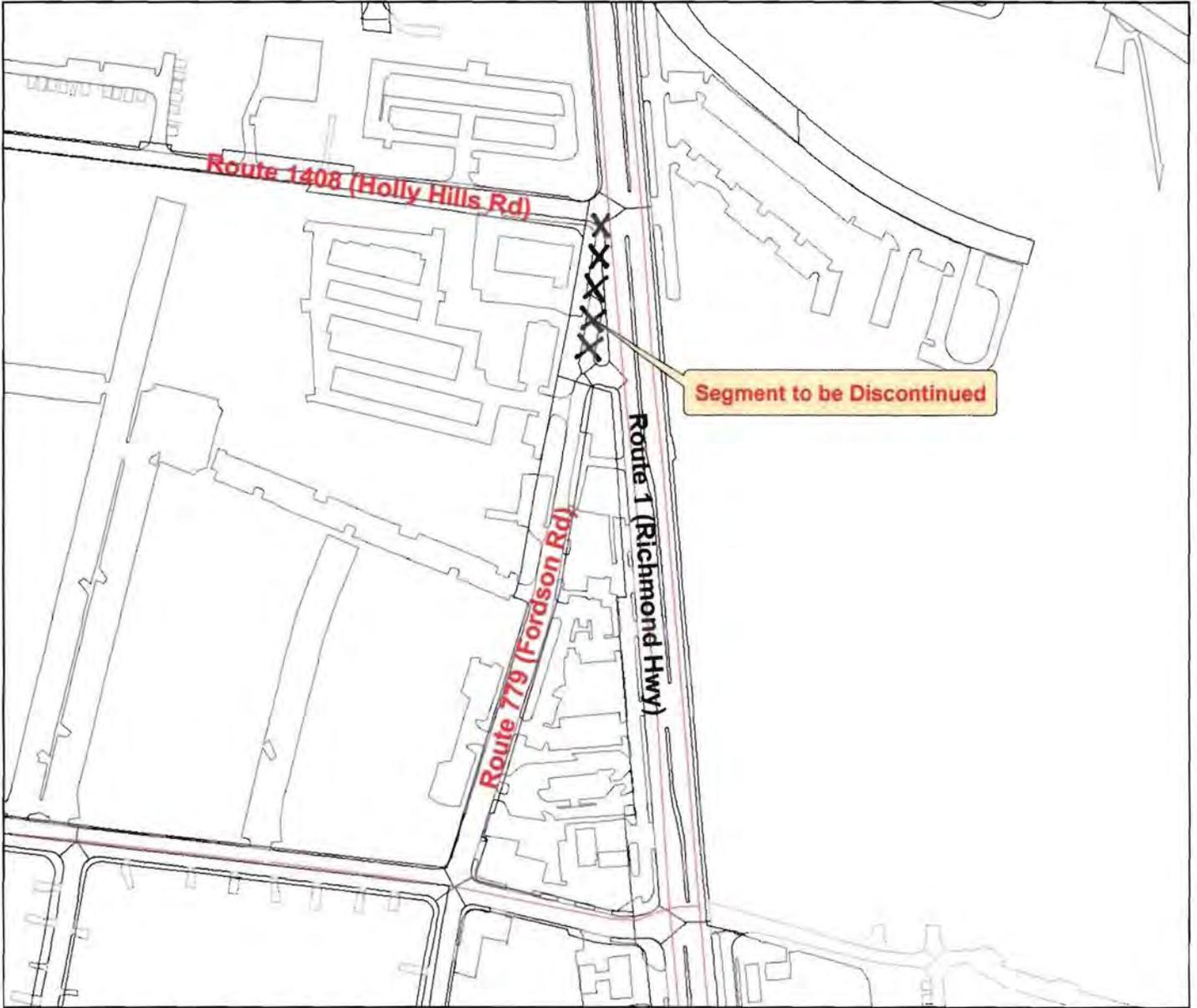
My commission expires: JULY 31, 2012.

Notary Reg. #178038
My Commission Expires 7/31/2012



Fordson Road (Route 779)

Lee District



Symbol "X" Denotes Segment Proposed for Discontinuance

Tax Map 92-4

REVISED PROPOSED DEVELOPMENT CONDITIONS

SE 97-L-041

July 25, 2002

If it is the intent of the Board of Supervisors to approve SE 97-L-041 located at 7212 Richmond Highway (Tax Map 92-4 ((1)) 48 and 49A) to allow a mini-warehouse establishment pursuant to Sect. 4-804 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat approved with this application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services. Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception plat **entitled Special Exception, Shurgard Storage Centers, Inc. and prepared by Monaco and Manganello, Land Development Consultants, Inc., which is dated February 28, 2002, and revised through July 24, 2002** and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Landscaping shall be provided as shown on the SE Plat. A landscape plan shall be submitted concurrent with site plan review and shall provide for numbers and sizes of trees and plantings consistent with that shown on the SE Plat and shall be subject to review and approval of the Urban Forester.
5. Streetscape elements shall be consistent with that which is shown on the SE Plat and with streetscape recommendations for the Richmond Highway Corridor Area as determined by the Department of Public Works and Environmental Services (DPWES).
6. All signs shall be in conformance with Article 12, Signs. If it is determined that a free-standing sign is permitted on the subject property, the sign shall be a ground mounted monument sign. No pole-mounted signs shall be permitted.
7. Lighting on the subject property shall utilize fully cut-off luminaries to ensure that light is not projected above the horizontal plane. Fully cut-off street lighting fixtures shall be provided to the maximum extent feasible as may be available through the

applicable public utility company for the purpose of lighting the State rights-of-way. All parking lot lighting shall utilize fully cut-off fixtures. Uplighting for design elements such as signs, landscaping or architectural illumination shall not be permitted. Security lighting, such as "wall packs", lighting for pedestrian paths and other common areas, shall also be shielded and directed downward.

8. The proposed buildings shall be constructed of materials consistent with those noted on Sheet 4 **and 5** of the SE Plat, as determined by DPWES. All of the buildings located on the perimeter of the site, visible from the adjoining streets, shall be finished in a similar manner, as noted on Sheet 4 of the SE Plat, which describes "ELEVATION – Typical Building (Outer)" **and Sheet 5, Typical Exterior Elevation**. The interior appearance of the storage buildings shall be consistent with that described as "ELEVATION – Typical Building (Inner)". This shall apply to the typical elevations provided for both the side and the ends of all of the buildings. The office and storage buildings shall be constructed consistent with the schematic provided in the SE Plat described as "View Looking North into site from Richmond Highway". Fencing noted on the SE Plat shall be consistent with that which is shown on Sheet 4 of the SE Plat, extending from the Typical Building Elevation (Outer) and shall not exceed seven feet in height.
9. Stormwater management and BMP facilities shall be configured and constructed to the satisfaction of DPWES, and shall be in substantial conformance with the SE Plat.
10. Trees located along the northern lot line adjacent to Lot 48A shall be preserved, to the extent possible, through tree protection methods acceptable to the Urban Forester. In the event that these trees cannot be preserved, the applicant shall plant replacement trees subject to review and approval by DPWES and the Urban Forester.
11. Hours of operation for the mini-warehouse shall be limited to 7:00 a.m. to 9:00 p.m., daily.
12. The number of employees for the mini-warehouse shall be limited to one resident manager and four part-time employees. The accessory apartment located on-site shall be for the use of the resident manager and his or her immediate family only.
13. All utility distribution lines located on-site shall be underground.
14. Incidental parking or storage of trucks and/or moving vans shall not be permitted except for purposes of loading and unloading.
15. The Applicant shall construct road improvements to close Fordson Road as depicted on the SE Plat including a right turn deceleration lane on Route 1 (the "Road Closure Plan"). The Applicant shall diligently pursue the necessary approvals for the Road Closure Plan. If the Applicant does not obtain all necessary approvals for this Road Closure Plan, despite the Applicant's diligent efforts, the Applicant shall, in lieu of

providing these road improvements, provide a right turn deceleration lane on the Applicant's Fordson Road frontage and contribute a sum of money to Fairfax County at the time of site plan approval to be utilized for transportation improvements in the immediate vicinity of the subject property, said improvements to be determined by Fairfax County's Department of Transportation in consultation with the Lee District Supervisor. The amount of this road contribution shall be computed by determining the estimated cost of the Road Closure Plan improvements, less the estimated cost of providing the right turn deceleration lane on the Fordson Road frontage. In that event, the cost of the Road Closure Plan improvements and the cost of the right turn deceleration lane on the Fordson Road frontage shall be estimated by the Applicant's engineers, and said estimates shall be subject to review and approval by DPWES.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

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Board Agenda Item
May 10, 2011

ADMINISTRATIVE – 5

Extension of Review Periods for 2232 Review Applications (Lee and Mount Vernon Districts)

ISSUE:

Extension of the review periods for specific 2232 Review applications to ensure compliance with the review requirements of *Section 15.2-2232* of the *Code of Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: applications FSA-L06-41-1 to July 16, 2011 and FSA-V06-16-2 to July 22, 2011.

TIMING:

Board action is required on May 10, 2011, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:

Subsection B of *Section 15.2-2232* of the *Code of Virginia* states: "Failure of the commission to act within sixty days of a submission, unless the time is extended by the governing body, shall be deemed approval." Subsection F of *Section 15.2-2232* of the *Code of Virginia* states: "Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within ninety days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than sixty additional days."

The Board should extend the review periods for applications FSA-L06-41-1 and FSA-V06-16-2 which were accepted for review by the Department of Planning and Zoning between February 16, 2011 and February 22, 2011. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

Board Agenda Item
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The review periods for the following applications should be extended:

FSA-L06-41-1 Fibertower
 Antenna collocation on existing tower
 3900 San Leandro Place
 Lee District

FSA-V06-16-2 Fibertower
 Antenna collocation on existing tower
 10112 Furnace Road
 Mount Vernon District

The need for the full time of these extensions may not be necessary, and is not intended to set a date for final action.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Acting Director, Department of Planning and Zoning (DPZ)
Chris B. Caperton, Chief, Facilities Planning Branch, Planning Division, DPZ
Sandi M. Beaulieu, Planner II, Facilities Planning Branch, Planning Division, DPZ

Board Agenda Item
May 10, 2011

ADMINISTRATIVE – 6

Authorization to Advertise a Public Hearing on Proposed Revisions to Sections 3-1-2, 3-1-19, 3-1-24, 3-2-57, and 3-3-57 of Chapter 3 of the Code of Fairfax County

ISSUE:

Authorization to advertise a public hearing to amend Sections 3-1-2, 3-1-19, 3-1-24, 3-2-57 and 3-3-57 of Chapter 3, Code of Fairfax County. The proposed revisions provide for an amended definition of select position status' in the County exempt service, clarification of language pertinent to employee participation in political activities which aligns with Virginia Code Section 15.2-1512.2, articulation of employees' rights to express matters of public concern to elected officials which aligns with Virginia Code Section 15.2-1412.4, and make elected public officials ineligible to participate in the Deferred Retirement Option Program.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize advertisement of a public hearing to consider the proposed amendments to Chapter 3 of the County Code.

TIMING:

Board action is requested on May 10, 2011, to provide sufficient time to advertise the proposed public hearing on June 7, 2011 at 3:30 p.m.

BACKGROUND:

These modifications to the Code of Fairfax County are proposed for purposes of administrative and policy clarification, and to ensure compliance with State law. The following summarizes the changes in this package:

Section 3-1-2 – County service and divisions thereof.

This change amends the definition of select exempt service positions, including terms, conditions and status titles to conform to relevant federal statutes and regulations. (Attachment 1)

Section 3-1-19 – Protection of legitimate political activity of employees; restrictions.

This change specifies and clarifies language pertinent to employee participation in protected political activities and ensures alignment between the Fairfax County Code

Board Agenda Item
May 10, 2011

and Virginia Code Section 15.2-1512.2. Specifically, employees cannot be retaliated against because of participation in political activities permitted under state law and county ordinance. Complaints of such retaliation will be grievable and eligible for a binding decision from the Civil Service Commission. (Attachment 1)

Section 3-1-24 – Right of employees to contact elected officials.

This proposed addition specifies and clarifies language pertinent to employees' rights to express matters of public concern to elected officials. This addition ensures alignment between Fairfax County Code and Virginia Code Section 15.2-1412.4. (Attachment 1)

Sections 3-2-57 and 3-3-57– Deferred Retirement Option Program (DROP) Participation Exclusion

The proposed revisions would make elected public officials ineligible to participate in the DROP program. Elected public official is defined as a member of the Board of Supervisors, the Sheriff, the Commonwealth's Attorney or the Clerk of the Fairfax County Circuit Court.

At the March 15, 2011 Board Personnel and Reorganization Committee meeting, the President of IAFF Local 2068 provided information that raised several concerns about the proposed revisions related to political activity of employees. Staff discussed the concerns raised in the fact sheet distributed at the meeting by the IAFF with the recommended IAFF contact and with subsequent changes (new language added to the proposed 3-1-19 and the new section 3-1-24); staff believes that the concerns have been addressed.

FISCAL IMPACT:

There is no actuarial cost and no fiscal impact associated with these changes.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed revisions to Chapter 3 of the Fairfax County Code,

Attachment 2: Letter from Fiona Liston, Cheiron, to Robert Mears

Removal of Elected Officials from DROP participation dated April 21, 2011

STAFF:

Edward L. Long, Jr., Deputy County Executive

Susan Woodruff, Director, Department of Human Resources

Robert L. Mears, Executive Director, Fairfax County Retirement Systems

Peter D. Andreoli, Jr., Deputy County Attorney, Office of the County Attorney

Section 3-1-2. - County service and divisions thereof.

(a)

The County service shall be divided into an exempt service and a competitive service. Exempt employees shall not be appointed to positions in the competitive service except through the competitive process specified in this Article and in Personnel Regulations. A member of the exempt service may become a member of the competitive service only through appointment to a position in the competitive service through the competitive selection process specified in this Article and in the Personnel Regulations. Thus, service in the exempt service shall not by itself permit an employee to become a member of the competitive service.

(b)

The following employees shall constitute the exempt service.

(1)

The County Executive, County Attorney, deputy county executives, assistant county executive, executive assistants to the County Executive, department heads appointed after July, 1987 and office staffs of members of the Board of Supervisors.

(2)

Employees who are engaged under contracts.

(3)

Employees appointed under the provisions of the procedural directives governing the exempt service with hours limited to 1560 in one calendar year if employed in an exempt-benefits eligible position, or 900 in one calendar year if employed in an exempt-temporary position.

(4)

Employees administered pursuant to an agreement executed in accordance with § 3-1-1(c)(2) of this Article, provided that they are designated exempt in such an agreement.

(5)

Assistant registrars and all election officials employed by the Electoral Board.

(6)

Employees who are providing services pursuant to requirements contracts such as fee class instructors.

(c)

The County Executive shall issue procedural directives, with the approval of the Board of Supervisors, for administration of the exempt service. Only such provisions of this Article and of Personnel Regulations, which specifically state that they are applicable to exempt employees, or which are made applicable through procedural directives provided herein, shall apply to the exempt service.

(d)

All other employees to whom this Article applies are in the competitive service, except as otherwise provided by state law or regulation. They shall be appointed, promoted, demoted, transferred or dismissed solely on the basis of merit and fitness in accordance with the provisions of this Article and Personnel Regulations. (7-87-3; 32-89-3; 10-92-3; 26-98-3; 35-05-3.)

DRAFT

Section 3-1-19. - Protection of legitimate political activity of employees;
restrictions.¹

(a) For the purposes of this Section:

(1) "Political campaign" means activities engaged in for the purposes of promoting a political issue, for influencing the outcome of an election for local or state or federal office, or for influencing the out come of a referendum or a special election.

(2) "Political candidate" means any person who has made known his or her intention to seek, or campaign for, local or state or federal office in a general, primary, or state election.

(3) "Political party" means any party organization or group having as its purpose the promotion of political candidates or political campaigns.

¹ This footnote in the current text reads as follows: "Chapter 15 of The Hatch Act (5 U.S.C. §§ 1501 et seq.) imposes additional restrictions on partisan political activities of County employees "whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal Agency." It is not clear from the text of the Code whether the current footnotes in the Code were enacted as part of the Ordinance, or whether they are editorial in nature. In this draft the footnotes are for reference purposes only and are not intended at this point to be a part of the text of a proposed ordinance amendment.

(4) "Political activities" includes, but is not limited to, voting, registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly, on political subjects and candidates; displaying a political picture, sign, sticker, badge, or button; participating in the activities of, or contributing financially to, a political party, candidate, or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally, or other political gathering; initiating, circulating or signing a political petition; engaging in fund-raising activities for any political party, candidate or campaign; acting as a recorder, watcher, challenger, or similar officer at the polls on behalf of a political party, candidate or campaign; or becoming a political candidate.

(5) "Employee" means any person in the competitive or exempt service of the County, including, but not limited to, firefighters, emergency medical technicians, police officers, and deputies, appointees, and employees of the Commonwealth's Attorney, the Clerk of the Circuit Court, and the Sheriff.²

(a)(b)

² The definitions provided in new paragraph (a) (1), (2) and (3) are taken from Va. Code Ann. § 15.2-1512.2(A), with the addition of the word "federal" before "office" in subparagraphs (a)(1) and (2). The definition provided in new paragraph (a)(4) is taken from Va. Code Ann. § 15.2-1512.2(C). The definition provided in new paragraph (a)(5) is derived from Va. Code Ann. § 15.2-1512.2(B).

All employees ~~of the County~~ shall be protected against any unwarranted infringement of their rights as American citizens to vote as they choose, to express their opinions ~~in private~~, and to join any legitimate political organization whose purposes are not inconsistent with their loyalty to the United States. It is the intent of this Section to grant employees the full latitude to participate in political activities provided by state statute, subject to all of the restrictions placed on such participation by state law, including, but not limited to, Va. Code Ann. § 15.2-1512.2, in a manner that is consistent with the proper and efficient performance of their duties as employees.³

(1) To this end, all employees may participate in political activities while they are off duty, out of uniform, and not on the premises of their employment with the County.

(2) It is prohibited for any employee to engage in political activities while on duty, in uniform, or on the premises of their employment with the County; provided, however, employees may attend or participate in a candidate forum or debate sponsored by a non-partisan organization held on County premises; and provided further that employees who are not on duty and not in uniform may engage in political activities on County-

³ The purpose of enacting a revised Section 3-1-19 is to ensure that any restrictions imposed by the Board of Supervisors complies with Va. Code Ann. § 15.2-1512.2 (Supp. 2010)

owned or leased premises under the same circumstances and subject to the same terms and conditions that apply to members of the general public.⁴

~~(b)~~(c)

It shall be unlawful for any person official in the service of the County or of a constitutional officer to reward or to discriminate against any applicant for a position as an employee in the competitive service or any merit system employee because of his or her political affiliations or political activities as permitted by this Section, except as such affiliation or activity may be established by law as disqualification for employment by the County or by the constitutional officer.

~~(e)~~(d)

The County Executive is hereby authorized and directed to acquaint County employees with the provisions of this Article protecting them against intimidation, coercion and discrimination on account of such legitimate political activities. The County Executive is also hereby authorized to promulgate such procedural directives as he or she deems appropriate to administer the provisions of this Section.

~~(d)~~(e)

⁴ Va. Code Ann. § 15.2-1512.2(B) prohibits all localities (counties, cities, and towns) from prohibiting any employee of the locality, including firefighters, emergency medical technicians, or law enforcement officers within its employment, or deputies, appointees, and employees of local constitutional officers from participating in political activities while those employees are off duty, out of uniform and not on the premises of their employment with the locality. While the statute defines "political activities," it does not define "premises of their employment with the locality."

Any ~~County~~ employee who has access to the grievance procedure and who feels that he or she has been ~~intimidated~~ discriminated or retaliated against in violation of the provisions of this ~~Article~~ Section because of his or her participation or failure to participate in political activities shall be entitled to file a grievance concerning such action under the County's grievance procedure ~~an appeal thereon pursuant to Section 3-1-13(d) of this Article.~~⁵

~~(e)~~(f)

The appointing authority, the County Executive, and the Human Resources Director shall give no consideration to any endorsements or recommendations from any national, state or local political party or officer thereof in making appointments, promotions or dismissals or in any other personnel action.

~~(f)~~

~~Any officer or employee in the competitive service of the County who accepts an appointment to or becomes a candidate for election to any federal, local or state public office shall resign his or her position unless,~~

⁵ The section cross-referenced in the current text makes it clear that only a merit employee may grieve such action. *See also* Pers. Reg. § 17.3-2(d) and (e). The language is amended for the sake of clarity. The Board of Supervisors may extend the right to file a grievance on these grounds to probationary merit employees if it desires to do so. Va. Code Ann. § 15.2-1507(A)(3)(b) and (A)(5)(c) (Supp. 2010); *see also* Pers. Reg. § 17.2-2(b) (probationary employees in their initial probationary period may grieve complaints of discrimination although otherwise without access to the grievance procedure). The accompanying changes to the Personnel Regulations does so.

prior to accepting the appointment or becoming a candidate, the officer or employee shall:

(1)

Obtain an advisory opinion from the Commonwealth's Attorney stating that his or her off-duty candidacy or acceptance of the appointment and continued status as a County Officer or employee would not constitute a violation of the Virginia State and Local Government Conflict of Interests Act, Va. Ann. Code § 2.1-639.1 et seq.; and

(2)

Obtain an opinion from the officer or employee's appointing authority which states that the employee's off-duty candidacy or acceptance of the appointment will not have an adverse impact on the employee's performance of County duties, and that such off-duty candidacy or appointment will not have an adverse impact on the ability of the employee's co-workers to perform their public duties. Before rendering such opinion, the appointing authority shall confer with the employee's immediate supervisors and the County Executive.

(g)

Any County officer or employee who desires to become a candidate for public elective office but is unable to obtain the opinions described above may be permitted, in the discretion of the appointing authority, to be

~~absent from his or her duties as a County officer or employee by being placed on leave, without pay, during the period of such candidacy. Any County officer or employee who is elected or appointed to a public office as described herein and is unable to obtain the opinions described above shall resign his or her County position before assuming office.~~

(h)(g)

~~No person holding a position in the competitive service shall be required by any person or organization to make any contribution to the campaign funds of any political party or any candidate for public office. No officer or employee of the County shall knowingly solicit or take part in soliciting any assessment, subscription or contribution for any political organization, namely one which sponsors and works actively for the election of candidates to public office, or for any political candidate from any employee in the competitive service.~~

Employees are prohibited from using their official authority to coerce or attempt to coerce a subordinate employee to pay, lend, or contribute anything of value to a political party, candidate, or campaign, or to discriminate against any employee or applicant for employment because of that person's political affiliations or political activities, except as such

affiliation or activity may be established by law as disqualification for employment.⁶

(h) _____

Employees are prohibited from discriminating in the provision of public services, including, but not limited to fire fighting, emergency medical, or law enforcement services, or responding to requests for such services on the basis of the political affiliations or political activities of the person or organization for which such services are provided or requested.⁷

(i) _____

Employees are prohibited from suggesting or implying that any county, city, or town has officially endorsed a political party, candidate, or campaign.⁸

(⊕) (i)

⁶ See Va. Code Ann. § 15.2-1512.2(D).

⁷ See Va. Code Ann. § 15.2-1512.2(E).

⁸ See Va. Code Ann. § 15.2-1512.2(F)

~~Except as specified in subsection (h) above, nothing in this Article shall limit the right of any County officer or employee to take part in the management of any political party or other group which sponsors candidates for election to local, state or national public office, provided that such activity is not conducted during the employee's working hours or at the employee's place of work; or to limit any officer or employee's rights as a citizen to express his or her opinion or to vote.~~

If an employee violates a provision of this Section, the employee shall be subject to disciplinary action, up to and including dismissal. It shall be unlawful for a person other than an employee to violate any provision of this Section.⁹

(k)

It shall be an affirmative defense to a criminal charge or a disciplinary action under this Section that, prior to engaging in the activity giving rise to the criminal charge or disciplinary action, the officer or employee or person who is not an employee had requested and received from the County Executive a determination that his or her participation in the proposed activity under the facts and circumstances described in his or her request did not fall under any of the prohibitions of this Section. Such

⁹ For the effect of being declared unlawful, *see* Fairfax County Code §§ 1-1-12 and 1-2-14. Employees are subject to disciplinary action. Persons who are not employees are not. Violations of the Code include aiding and abetting of violations. Fairfax County Code § 1-1-10.

determination is a defense only to the extent that the officer or employee fully and completely disclosed all material facts and circumstances in his or her request for determination. Requests for such a determination shall be in writing. The County Executive shall render his or her determination in writing no sooner than (10) days after receipt of the request and after obtaining the opinion of the County Attorney. Such determinations shall be kept on file in the office of the Clerk of the Board of Supervisors.¹⁰

(1)

Nothing in this Section shall be construed as relieving an employee from complying with the provisions of any applicable federal law, including, but not limited to, the Hatch Act, 5 U.S.C. §§ 1501, et seq.

DRAFT

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¹⁰ This procedure described in this paragraph is similar to Fairfax County Code § 3-9-4 under the so-called "Revolving Door" ordinance.

DRAFT

Section 3-1-24. – Right of employees to contact elected officials.¹¹

(a) For the purposes of this Section, "matters of public concern" mean matters of interest to the community as a whole, whether for social, political, or other reasons, and shall include discussions that disclose any (1) evidence of corruption, impropriety or other malfeasance on the part of government officials, (2) violations of law, or (3) incidence of fraud, abuse, or gross mismanagement.

(b) Nothing in this Article shall be construed to prohibit or otherwise restrict the rights of any employee in the County service to express opinions to federal, state, or local elected officials on matters of public concern, nor shall any such employee be subjected to any acts of retaliation because the employee has expressed such opinions.¹²

(c) Nothing in this Section shall be construed as prohibiting the County from designating and limiting who may speak on its behalf or on behalf of its departments.

¹¹ See Va. Code Ann. § 15.2-1512.4 (Supp. 2010) (right of local government employees to contact state and local elected officials). Note: the statute addresses only state or local elected officials and does not address federal elected officials. In this draft, the footnotes are for reference purposes only and are not intended at this point to be a part of the text of a proposed ordinance amendment.

¹² *Id;* see also Fairfax County Code § 3-1-21(e) ("whistleblower" protection), Pers. Reg. § 1.9-3 (same), and Pers. Reg. § 17.3-2(f) ("whistleblower" right to grieve).

DRAFT

Section 3-2-57. - Deferred Retirement Option Program.

Effective July 1, 2005, there is hereby established a Deferred Retirement Option Program ("DROP") for eligible members of this System. Members of the System in service who are eligible for normal service retirement are eligible to elect to participate in this program.

(a)

Definitions.

(1)

DROP period means the three-year period immediately following the commencement of the member's participation in the DROP.

(2)

Eligible member means any member who has reached, or will reach within 60 days, his or her normal retirement date as defined in § 3-2-1(n), other than a member who is an elected public official.

(3)

For purposes of this Section, *elected public official* means a member of the Board of Supervisors, the Sheriff, the Commonwealth's Attorney, or the Clerk of Court.

(b)

Election to participate.

(1)

An eligible member may participate in the DROP only once. An eligible member who desires to participate in the DROP must file an

application with the Retirement Administration Agency not less than 60 days prior to the date of the commencement of the member's participation in the DROP. In the case of employees who seek to commence their DROP period between July 1, 2005, and August 1, 2005, the Board of Trustees shall have the authority to waive the requirement that their application be made at least 60 days prior to the commencement of the member's participation in the DROP.

(2)

A member's election to participate in the DROP is irrevocable, with the exception that a member who elects to participate in the DROP may revoke that election prior to the commencement of his or her DROP period; once revoked, a member may not then elect to participate in the DROP for a period of at least 12 months from the date of his or her revocation.

(3)

At the time of an eligible member's election to participate in the DROP, he or she must make an election in writing pursuant to § 3-2-32(c) as to whether or not to receive a reduced retirement allowance in order to provide a retirement allowance for his or her spouse after the member's death.

(4)

An eligible member who elects to participate in the DROP will agree to do so for a period of three years.

(5)

An eligible member who elects to participate in the DROP shall, at the time of his or her election to participate in the DROP, make an election in writing as to whether he or she wishes to convert all of

his or her accrued sick leave to creditable service or to convert all but 40 hours of his or her accrued sick leave to creditable service. Sick leave that is either carried over or that accrues during the DROP period shall not be converted to creditable service at the conclusion of the DROP period.

(c)

Continued employment.

(1)

A participating DROP member shall, upon commencement of his or her DROP period, continue to work for the County in the position he or she held before the effective date of his or her election to participate in the DROP program. Thereafter, the participating DROP member will perform the services of that position or any other position to which he or she is promoted or transferred.

(2)

A participating DROP member will continue to accrue annual and sick leave and, if eligible, compensatory time during the DROP period. At the conclusion of the DROP period, the member will receive the payment for his or her accrued annual and compensatory leave that he or she would have received upon retirement. In no case will a participating DROP member receive payment for his or her accrued annual and compensatory leave at the commencement of the member's participation in the DROP.

(3)

A participating DROP member will continue to remain eligible for health and life insurance benefits provided by the County to its employees and will remain eligible to participate in the County's

deferred compensation plan. The deductions from the salary of a participating DROP member for health and life insurance benefit will be the same deductions that would have been taken had the participating DROP member been an active County employee, not the deductions that would be taken from the retirement benefits and allowances of a retiree.

(4)

All County personnel policies and regulations shall continue to apply to a participating DROP member after the commencement of his or her DROP period. A participating DROP member will remain eligible for annual merit pay increments and promotions during the DROP period. However, a participating DROP member's salary during his or her DROP period will not be included in the computation of the member's average final compensation. A participating DROP member is also subject to the County's disciplinary policies and regulations.

(5)

If a participating DROP member's continued employment with Fairfax County is interrupted by military service, there will be no interruption of the member's participation in the DROP. During the period of the participating DROP member's military service, the member's retirement benefits and allowances will continue to be paid into the participating member's DROP account until the member's DROP period ends. At the end of the DROP period, the member's DROP account balance will be paid to the member whether or not he or she has returned to his or her former County

position, and the member will begin to receive his or her normal retirement benefits.

(6)

Except as otherwise set forth herein, a participating DROP member's continued service will be deemed to be normal service retirement and will not count as creditable service with the System.

(7)

Upon commencement of a participating DROP member's DROP period, the County will cease to withhold contributions to the System from the participating DROP member's salary.

(8)

The salary received by a participating DROP member during his or her DROP period will not be included by the County in the base that is used to determine the amount of the County's employer contributions to the System.

(d)

DROP account.

(1)

Upon commencement of the member's participation in the DROP, the member's service retirement allowance pursuant to § 3-2-32(a)(2) and the additional retirement allowance pursuant to § 3-2-32(a)(3) will be paid into the member's DROP account. The initial amount credited to a member's DROP account will be computed based on his or her average final compensation as of the date of the commencement of the DROP period.

(2)

The initial monthly amount will be increased each July 1 based upon the annual cost of living adjustment provided to retirees pursuant to § 3-2-44. Any other changes that occur during the DROP period that would result in an alteration of the participating DROP member's retirement benefits and allowances if he or she were retired will also result in adjustments to the monthly amount credited to a participating DROP member's DROP account.

(3)

The participating DROP member's DROP account will be credited with interest at an annual rate of five percent, compounded monthly. Interest will not be pro-rated for any period less than a full month.

(4)

Contributions by the County and the participating DROP member into the System for the participating DROP member will cease.

(5)

Amounts credited to a participating DROP member's DROP account will not constitute annual additions under 26 U.S.C. § 415.

(6)

A participating DROP member's DROP account will not be an account that is separate and distinct from the assets of the System; a participating DROP member's DROP account balance will remain part of the assets of the System.

(e)

Cessation of County employment.

(1)

At the conclusion of a participating DROP member's DROP period, the member's County employment will automatically cease. The participating DROP member shall then begin to receive normal service retirement benefits and allowances computed based upon his or her average final compensation at the time of the commencement of the DROP period and his or her creditable service at the time of the commencement of the DROP period, plus cost of living increases provided to retirees and any other benefit improvements that may have been granted to retirees during the participating DROP member's DROP period. At least 60 days prior to the conclusion of a participating DROP member's DROP period, the member must make one of the following elections concerning payment of his or her DROP account balance:

(A)

The member may receive payment of his or her DROP account balance as a lump sum.

(B)

The member may elect to roll over his or her DROP account balance into a qualified retirement plan, such as an IRA.

(C)

The member may elect to receive payment of a portion of his or her DROP account balance and roll over the remaining portion into a qualified retirement plan, such as an IRA. If the member elects this method of receiving his or her DROP account balance, he or she must specify, in

writing, the specific amount to be paid as a lump sum and the specific amount to be rolled over.

(D)

The member may elect to use his or her DROP account balance to increase his or her monthly retirement benefits and allowances. The amount of the increase will be determined based on the actuarial equivalent of the member's DROP account balance.

(E)

The member may divide his or her DROP account balance in half, and may then elect to use 50% of his or her DROP account balance to increase his or her monthly retirement benefits and allowances, and to receive the remainder in any manner listed in paragraphs (A), (B) and (C) above.

In the event that the participating DROP member does not make the election required by this section, DROP account balance will be used to increase his or her monthly retirement benefits and allowances. The amount of the increase will be determined based on the actuarial equivalent of the member's DROP account balance.

(2)

A participating DROP member may terminate his or her County employment at any time, in which case the effective date of the member's termination of his or her County employment shall be treated as the end of the DROP period for the provisions of this section.

(3)

In the event that the employment of a participating DROP member is terminated by the County during the DROP period for any reason, the effective date of the member's separation from County service shall be treated as the end of the DROP period for all purposes of this Section.

(f)

Death or disability during DROP period.

(1)

If a participating DROP member dies during the DROP period, the participating DROP member's designated beneficiary on record with the System shall receive payment of the member's DROP account balance and the member's accumulated contributions; if there is no designated beneficiary on record with the System, payment of these amounts shall be made to the participating DROP member's estate. In the event that the participating DROP member has elected a joint and last survivor option pursuant to the terms of § 3-2-32(c), the participating DROP member's surviving spouse will receive payment of the participating DROP member's DROP account balance and will begin to receive benefits and allowances pursuant to the joint and last survivor option election of the participating DROP member.

(2)

If a participating DROP member becomes disabled during the DROP period, the participating DROP member will receive:

(A)

In the case that a participating DROP member suffers a disability that would be considered an ordinary disability as

defined in §§ 3-2-33 and 3-2-35 the effective date of the member's disability will be treated as the end of the participating DROP member's DROP period.

(B)

In the case that a participating DROP member suffers a service-connected disability as set forth in § 3-2-36, the participating DROP member may elect either (i) to receive the service-connected disability retirement benefits and allowances to which he or she would otherwise be entitled or (ii) to receive the normal service retirement benefits and allowances to which he or she would be entitled plus his or her DROP account balance. An election to receive serviceconnected disability retirement benefits and allowances or severe service- connected disability retirement benefits shall constitute a waiver of the member's right to receive any amounts credited to his or her DROP account balance.

(g)

Execution of documents and adoption of rules and regulations. The County Executive is authorized to execute all documents necessary or appropriate to operate the DROP including, but not limited to, the establishment of a trust within which the participating DROP members' DROP accounts shall be held and administered. The Board of Trustees is also authorized to adopt rule and regulations governing the DROP. Any documents executed by the County Executive shall be approved for form by the County Attorney prior to execution. (20-05-3; 40-08-3; 41-08-3; 27-10-3.)

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Section 3-3-57. - Deferred Retirement Option Program.

Effective October 1, 2003, there is hereby established a Deferred Retirement Option Program ("DROP") for eligible members of this System. Members of the System in service who are eligible for normal service retirement are eligible to elect to participate in this program.

(a)

Definitions.

(1)

DROP period means the three-year period immediately following the commencement of the member's participation in the DROP.

(2)

Eligible member means any member who is, or will become within 60 days, eligible for normal service retirement benefits as those are defined in § 3-3-32(a), other than a member who is an elected public official.

(3)

For purposes of this Section, *elected public official* means a member of the Board of Supervisors, the Sheriff, Commonwealth's Attorney, or the Clerk of Court.

(b)

Election to participate.

(1)

An eligible member may participate in the DROP only once. An eligible member who desires to participate in the DROP must file an application with the Retirement Administration Agency not less than 60 days prior to the date of the commencement of the member's participation in the DROP. In the case of employees who seek to commence their DROP period between October 1, 2003 and November 20, 2003, the Board of Trustees shall have the authority to waive the requirement that their application be made at least 60 days prior to the commencement of the member's participation in the DROP.

(2)

A member's election to participate in the DROP is irrevocable, with the exception that a member who elects to participate in the DROP may revoke that election prior to the commencement of his or her DROP period; once revoked, a member may not then elect to participate in the DROP for a period of at least 12 months from the date of his or her revocation.

(3)

At the time of an eligible member's election to participate in the DROP, he or she must make an election in writing pursuant to § 3-33(c) as to whether or not to receive a reduced retirement allowance in order to provide a retirement allowance for his or her spouse after the member's death.

(4)

An eligible member who elects to participate in the DROP will agree to do so for a period of three years.

(5)

An eligible member who elects to participate in the DROP shall, at the time of his or her election to participate in the DROP, make an election in writing as to whether he or she wishes to convert all of his or her accrued sick leave to creditable service or to convert all but 40 hours of his or her accrued sick leave to creditable service. Sick leave that is either carried over or that accrues during the DROP period shall not be converted to creditable service at the conclusion of the DROP period.

(c)

Continued employment.

(1)

A participating DROP member shall, upon commencement of his or her DROP period, continue to work for the County in the position he or she held before the effective date of his or her election to participate in the DROP program. Thereafter, the participating DROP member will perform the services of that position or any other position to which he or she is promoted or transferred.

(2)

A participating DROP member will continue to accrue annual and sick leave and, if eligible, compensatory time during the DROP period. At the conclusion of the DROP period, the member will receive the payment for his or her accrued annual and compensatory leave that he or she would have received upon retirement. In no case will a participating DROP member receive

payment for his or her accrued annual and compensatory leave at the commencement of the member's participation in the DROP.

(3)

A participating DROP member will continue to remain eligible for health and life insurance benefits provided by the County to its employees and will remain eligible to participate in the County's deferred compensation plan. The deductions from the salary of a participating DROP member for health and life insurance benefit will be the same deductions that would have been taken had the participating DROP member been an active County employee, not the deductions that would be taken from the retirement benefits and allowances of a retiree.

(4)

All County personnel policies and regulations shall continue to apply to a participating DROP member after the commencement of his or her DROP period. A participating DROP member will remain eligible for annual merit pay increments and promotions during the DROP period. However, a participating DROP member's salary during his or her DROP period will not be included in the computation of the member's average final compensation. A participating DROP member is also subject to the County's disciplinary policies and regulations.

(5)

If a participating DROP member's continued employment with Fairfax County is interrupted by military service, there will be no interruption of the member's participation in the DROP. During the period of the participating DROP member's military service, the

member's retirement benefits and allowances will continue to be paid into the participating member's DROP account until the member's DROP period ends. At the end of the DROP period, the member's DROP account balance will be paid to the member whether or not he or she has returned to his or her former County position, and the member will begin to receive his or her normal retirement benefits.

(6)

Except as otherwise set forth herein, a participating DROP member's continued service will be deemed to be normal service retirement and will not count as creditable service with the System.

(7)

Upon commencement of a participating DROP member's DROP period, the County will cease to withhold contributions to the System from the participating DROP member's salary.

8)

The salary received by a participating DROP member during his or her DROP period will not be included by the County in the base that is used to determine the amount of the County's employer contributions to the System.

(d)

DROP account.

(1)

Upon commencement of the member's participation in the DROP, the member's service retirement allowance pursuant to § 3-3-33(a) and the additional retirement allowance pursuant to § 3-3-56 will be

paid into the member's DROP account. The initial amount credited to a member's DROP account will be computed based on his or her average final compensation as of the date of the commencement of the DROP period.

(2)

The initial monthly amount will be increased each July 1 based upon the annual cost of living adjustment provided to retirees pursuant to § 3-3-45. Any other changes that occur during the DROP period that would result in an alteration of the participating DROP member's retirement benefits and allowances if he or she were retired will also result in adjustments to the monthly amount credited to a participating DROP member's DROP account.

(3)

The participating DROP member's DROP account will be credited with interest at an annual rate of 5%, compounded monthly. Interest will not be pro-rated for any period less than a full month.

(4)

Contributions by the County and the participating DROP member into the System for the participating DROP member will cease.

(5)

Amounts credited to a participating DROP member's DROP account will not constitute annual additions under 26 U.S.C. § 415.

(6)

A participating DROP member's DROP account will not be an account that is separate and distinct from the assets of the System;

a participating DROP member's DROP account balance will remain part of the assets of the System.

(e)

Cessation of County employment.

(1)

At the conclusion of a participating DROP member's DROP period, the member's County employment will automatically cease. The participating DROP member shall then begin to receive normal service retirement benefits and allowances computed based upon his or her average final compensation at the time of the commencement of the DROP period and his or her creditable service at the time of the commencement of the DROP period, plus cost of living increases provided to retirees and any other benefit improvements that may have been granted to retirees during the participating DROP member's DROP period. At least 60 days prior to the conclusion of a participating DROP member's DROP period, the member must make one of the following elections concerning payment of his or her DROP account balance:

(A)

The member may receive payment of his or her DROP account balance as a lump sum.

(B)

The member may elect to roll over his or her DROP account balance into a qualified retirement plan, such as an IRA.

(C)

The member may elect to receive payment of a portion of his or her DROP account balance and roll over the remaining portion into a qualified retirement plan, such as an IRA. If the member elects this method of receiving his or her DROP account balance, he or she must specify, in writing, the specific amount to be paid as a lump sum and the specific amount to be rolled over.

(D)

The member may elect to use his or her DROP account balance to increase his or her monthly retirement benefits and allowances. The amount of the increase will be determined based on the actuarial equivalent of the member's DROP account balance.

(E)

The member may divide his or her DROP account balance in half, and may then elect to use 50% of his or her DROP account balance to increase his or her monthly retirement benefits and allowances, and to receive the remainder in any manner listed in paragraphs (A), (B) and (C) above.

In the event that the participating DROP member does not make the election required by this section, the member will receive payment of his or her DROP account balance as a lump sum.

(2)

A participating DROP member may terminate his or her County employment at any time, in which case the effective date of the member's termination of his or her County employment shall be treated as the end of the DROP period for the provisions of this section.

(3)

In the event that the employment of a participating DROP member is terminated by the County during the DROP period for any reason, the effective date of the member's separation from County service shall be treated as the end of the DROP period for all purposes of this Section.

(f)

Death or disability during DROP period.

(1)

(A)

If a participating DROP member dies during the DROP period, the participating DROP member's designated beneficiary on record with the System shall receive payment of the member's DROP account balance and the member's accumulated contributions; if there is no designated beneficiary on record with the System, payment of these amounts shall be made to the participating DROP member's estate. In the event that the participating DROP member has elected a joint and last survivor option pursuant to the terms of § 3-3-33(c), the participating DROP member's surviving spouse will receive payment of the participating DROP member's DROP account balance and will begin to receive benefits and allowances pursuant to the joint and last survivor option election of the participating DROP member.

(B)

If a participating DROP member dies during the DROP period, and the participating DROP member's death is a service-connected accidental death as set forth in § 3-3-38, the member's beneficiary shall receive the benefits provided for in § 3-3-38(a)(1); if there is no designated beneficiary on record with the System, payment of these amounts shall be to the member's estate. In the event that the participating DROP member has elected a joint and last survivor option pursuant to the terms of § 3-3-33(c), the participating DROP member's surviving spouse will receive the benefits provided for in § 3-3-38(a)(1)(B) and the participating DROP member's DROP account balance, and will begin to receive benefits and allowances pursuant to the joint and last survivor election of the participating DROP member.

(2)

If a participating DROP member becomes disabled during the DROP period, the participating DROP member will receive:

(A)

In the case that a participating DROP member suffers a disability that would be considered an ordinary disability as defined in § 3-3-35, the effective date of the member's disability will be treated as the end of the participating DROP member's DROP period.

(B)

In the case that a participating DROP member suffers a service-connected disability as set forth in § 3-3-36 or a

severe service-connected disability as set forth in § 3-3-37.2, the participating DROP member may elect either (i) to receive the service-connected disability retirement benefits and allowances or the severe service-connected disability retirement benefits and allowances to which he or she would otherwise be entitled or (ii) to receive the normal service retirement benefits and allowances to which he or she would be entitled plus his or her DROP account balance. An election to receive service-connected disability retirement benefits and allowances or severe service-connected disability retirement benefits shall constitute a waiver of the member's right to receive any amounts credited to his or her DROP account balance.

(g)

Execution of documents and adoption of rules and regulations. The County Executive is authorized to execute all documents necessary or appropriate to operate the DROP including, but not limited to, the establishment of a trust within which the participating DROP members' DROP accounts shall be held and administered. The Board of Trustees is also authorized to adopt rule and regulations governing the DROP. Any documents executed by the County Executive shall be approved for form by the County Attorney prior to execution. (36-03-3; 41-08-3; 27-10-3.)

DRAFT

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Classic Values, Innovative Advice

April 21, 2011

Mr. Robert Mears
Executive Director
Fairfax County Retirement Systems
10680 Main Street, Suite 280
Fairfax, Virginia 22030-3812

Re: Removal of Elected Officials from DROP participation

Dear Bob:

As requested, we are writing to provide an actuarial cost estimate on the proposal to preclude elected officials from participating in the DROP program for both the Uniformed and Employees' Retirement Systems. We have determined that excluding the currently active 12 elected officials from DROP eligibility would have a negligible impact on the County's contribution to the ERS. Similarly, this proposed ordinance change would have no impact on the URS liability or contribution rate.

This analysis was prepared as of July 1, 2010, using the same actuarial assumptions and methods as described in our July 1, 2010 actuarial valuation reports. The employee data used in this analysis was that provided for the 2010 valuation. The results are applicable only for the 2012 Fiscal Year.

Please call if you have any questions or comments.

Sincerely,
Cheiron

A handwritten signature in black ink that reads 'Fiona E. Liston'.

Fiona E. Liston, FSA
Consulting Actuary



Board Agenda Item
May 10, 2011

ADMINISTRATIVE - 7

Authorization for the Fairfax County Fire and Rescue Department to Apply for and Accept Funding from the 2010 Interoperable Emergency Communications Performance Grant

ISSUE:

Board approval for the Fairfax County Fire and Rescue Department to apply for and accept funding, if received, from the 2010 Interoperable Emergency Communications Performance Grant from the National Preparedness Directorate administered by the Virginia Department of Emergency Management (VDEM) in the amount of \$102,000. The program period is June 1, 2010 through December 31, 2012. No Local Cash Match is required. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Fire and Rescue Department to apply for and accept funding, if received, from the VDEM FY 2010 Interoperable Emergency Communications Performance Grant in the amount of \$102,000. No Local Cash Match is required.

TIMING:

Board approval is requested on May 10, 2011.

BACKGROUND:

The mission of the Department of Homeland Security (DHS) is to enhance the ability of state, local, and tribal governments to prepare for, prevent, respond to, and recover from terrorist attacks and other disasters.

This core assistance program provides states with funds to build capabilities at the local level through planning, organization, equipment, training, and exercise activities. DHS also supports the implementation of state homeland security strategies and key elements of the national preparedness architecture, including the National Preparedness Guidelines, the National Incident Management System, and the National Response Framework. Interoperable Communications is one of the key target capabilities for the State Homeland Security Program and a key element of the national preparedness architecture. The Virginia State Preparedness Report includes the need for adequate portable radio counts for significant incidents statewide and the need for a communications reserve. The Virginia Communications Cache concept is identified as a key component for strategic

Board Agenda Item
May 10, 2011

communications reserve and was deployed numerous times for state and local emergencies in its first operational year.

These grant funds will be used to provide training and education to the Virginia Communications Cache Team. The grant will provide funding for full-scale collaborative drills/scenarios to ensure all teams are fully prepared to operate as one collective team. Drills are planned for urban and rural area locations to simulate diverse topography and varied communication challenges. Monthly exercises guarantee all team members remain at a constant state of preparedness for equipment knowledge, operational simulations, and tactical deployment action planning.

Prior grant awards have identified Fairfax County as a critical location for a regionally located communications cache. This funding maintains the technical preparedness and operational readiness of the Virginia Cache Team members.

FISCAL IMPACT:

If the 2010 Interoperable Emergency Communications Performance Grant proposal is successful, the Fire and Rescue Department would receive \$102,000. If awarded, this action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards. No Local Cash Match is required. The recovery of indirect costs is being negotiated with the grantor.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Award Document

STAFF:

Robert A. Stalzer, Deputy County Executive
Chief Ronald L. Mastin, Fire and Rescue Department
Assistant Chief John A. Burke, Fire and Rescue Department
Assistant Chief John J. Caussin, Jr., Fire and Rescue Department
Cathi Schultz Rinehart, Fiscal Services Division Director, Fire and Rescue Department
Cathy Maynard, Grants Coordinator, Fire and Rescue Department



COMMONWEALTH of VIRGINIA
Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JACK E. KING
Chief Deputy Coordinator

BRETT A. BURDICK
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

April 11, 2011

Mr. Anthony H. Griffin
Executive Officer
Fairfax County
12000 Government Center Parkway, Suite 552
Fairfax, VA 22035

Dear Mr. Griffin:

The Virginia Department of Emergency Management (VDEM) is pleased to announce the allocation of the 2010 Interoperable Emergency Communications Performance Grant (CFDA # 97.055) from the National Preparedness Directorate (NPD), United States Department of Homeland Security (DHS). Your agency has been funded for:

Project Title: Virginia Communications Cache Team Training and Exercise
Federal Grant Allocation: \$102,000.00
Recipient's Required Cost Share/Match Amount: \$0.00

The obligation period for this program is June 1, 2010 to December 31, 2012. Reimbursement may be requested for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB circular A-133.

All projects must comply with Environmental and Historic Preservation (EHP) requirements. Sub-recipients must not obligate and/or expend any (federal and/or non-federal matching) funds on any project having the potential to impact environments planning and historical preservation resources without the prior approval of FEMA. A current EHP review evaluation form must be submitted as part of the VDEM application. For more information, please visit <http://www.vaemergency.com/grants/forms> or contact your grant specialist.

Mr. Anthony H.Griffin

Page 2

April 11, 2011

All sub-recipients are requested to submit a completed VDEM grant application. The application, project plan, and timeline will be due 30 days from the receipt of this letter. Below is a list of the documents that comprise the VDEM grant application:

POC Form, Budget Sheets, EHP Evaluation Form	www.vaemergency.com/grants/forms
Grant Assurances	www.vaemergency.com/grants/forms
Certification Regarding Lobbying	www.vaemergency.com/grants/forms
Non-Supplanting Certification	www.vaemergency.com/grants/forms

A quarterly report will be required 15 days after each quarter starting from the date of the award. Quarterly reports will be due until the end of the grant period or when the project is complete. An electronic copy of this document can be found at www.vaemergency.com under grant forms. The final report is due 30 days after closeout. These reports should be held for at least five years after the close of the grant period and are subject to audit by DHS and/or the Commonwealth of Virginia.

Please review and sign the required documents and return them to the Grants Management Office by May 11, 2011. If you have any questions regarding this award, please contact Paulette McWaters, Grant Specialist at the VDEM Grants Management Office at (804) 897-9764.

Sincerely,



Michael M. Cline

MMC/jb

c: Honorable Terrie L. Suit, Assistant to the Governor for Commonwealth Preparedness
Ms. Kerry Stuver, Grants Management Coordinator, Office of Commonwealth Preparedness
Mr. Roy B. Shrou III, Deputy Coordinator, Emergency Management
Captain Wes Rogers, Fairfax County, Radio Cache Manager

Board Agenda Item
May 10, 2011

ADMINISTRATIVE - 8

Authorization for the Fairfax-Falls Church Community Services Board to Accept a Promotion of Wellness and Recovery (POWAR) Project Grant Award

ISSUE:

Board of Supervisors' approval for the Fairfax-Falls Church Community Services Board (CSB) to accept funding from the Promotion of Wellness and Recovery (POWAR) Project from Kaiser Permanente of the Mid-Atlantic States for a grant designed to improve the integration of behavioral health care services with primary care and early intervention for hypertension and diabetes.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the CSB to accept \$94,990 in grant funding through the POWAR Project from Kaiser Permanente of the Mid-Atlantic States.

TIMING:

Board action is requested on May 10, 2011. The funded project has a start date of June 1, 2011 and an end date of May 31, 2012. Timing for the application for grant funding did not allow the CSB sufficient time to seek Board of Supervisors' approval. If approval to accept the grant award is not granted by the Board of Supervisors, the funding will be immediately returned.

BACKGROUND:

The lack of access to coordinated primary health care for persons with serious mental illness (SMI) is a public health crisis with dramatic consequences. Three out of five persons who experience serious mental illness will die due to a preventable health condition, including cardiovascular disease and diabetes. Moreover, modifiable risk factors, like smoking, drinking, drug abuse/misuse, poor nutrition, obesity and lack of exercise, place persons with serious mental illness at a higher risk for morbidity and health related mortality.

Annually, the CSB serves the behavioral health needs of 21,000 persons, 60% with incomes under the federal poverty level (\$10,400). Without access to primary care, persons with SMI, often in crisis, seek care through county emergency departments. The county's safety net acute care provider, indicates that 12% of persons in need of

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psychiatric inpatient treatment must be diverted to a medical unit first for acute medical conditions. In addition, 50% of consumers with SMI admitted for psychiatric inpatient treatment require medical treatment during their stay.

Although resources for low-cost primary care are available through safety net and locally run free clinics, many CSB clients with SMI have difficulty accessing and navigating these health care systems. Through a collaborative agreement, the Fairfax Community Health Care Network (CHCN) provides some primary care services at two of the five CSB clinics, but these services are limited to only 4 hours per month in each clinic. The need for integrated health care services (somatic and behavioral) for low income, uninsured persons with SMI greatly exceeds the county's capacity to provide these services.

The primary goal of this grant award is for CSB behavioral care providers to expand the integration of primary care and behavioral health by:

- 1) Increasing CSB nurses' knowledge and awareness of hypertension and diabetes, including primary prevention and risk reduction;
- 2) Improving the knowledge, attitudes, and behavior (health habits) of clients (target for this project is 400) with hypertension and diabetes through community-based education and application of evidence-based guidelines in clinical practice; and
- 3) Developing health information exchange strategies to promote appropriate and timely follow-up, monitoring, and case management of clients with these hypertension and diabetes.

Kaiser Permanente of the Mid-Atlantic States is a health care company which has awarded the CSB grant funds to assist them with integrating their behavioral health care services with primary care and early intervention for hypertension and diabetes. This project is in collaboration with George Mason University and the CSB will also be the fiscal agent for this collaboration.

FISCAL IMPACT:

If approved, the \$94,990 will directly offset any expense incurred for materials and professional services, and funding adjustments will be made as part of the next quarterly budget review. There is no Local Cash Match requirement for this grant. The total in-kind commitment by the CSB is \$38,280, and is already budgeted in staff salaries and training funds. Of the \$38,280 commitment, \$32,240 is for 50 nurses to spend a combined 800 hours taking courses and participating in simulations, \$5,040 is

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for the CSB Medical Director to spend 48 hours co-leading the nursing advisory committee, and \$1,000 is for the purchase of training modules for 50 nurses. In addition, George Mason University will provide in-kind support of \$11,829 for facility and administrative costs.

CREATION OF NEW POSITIONS:

No positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 - Project Description

Attachment 2 - Logic Model

Attachment 3 - Letter of Collaboration from GMU

STAFF:

Patricia Harrison, Deputy County Executive

George Braunstein, Executive Director CSB

Judith Cornecelli, BSN, MSW, CSB Behavioral Health Nurse Manager

Louella Meacham, CSB Director of Nursing

Bill Belcher, CSB Fiscal Administrator

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Program/Project Title: CSB/Mason University Partnership: Promotion of Wellness and Recovery (POWAR) Project

1.0 Program Description

George Mason will collaborate with CSB nurses currently providing behavioral health care to integrate primary care and early intervention for hypertension and diabetes.

1.1 Total Program Budget Attached

Please enter whole dollar amounts

1.2 Project Start and End Dates: Start Date is June 1, 2011; End Date is May 31, 2012

1.3 Type of Support: Project Support

2.0 Project/Proposal Description

2.1 Need:

The lack of access to coordinated primary health care (somatic and behavioral) in persons with serious mental illness (SMI) is a public health crisis with dramatic consequences (Colton & Manderscheid, 2006). Three out of five persons who experience serious mental illness will die due to a preventable health condition, including cardiovascular disease and diabetes. Moreover, modifiable risk factors, like smoking, drinking, drug abuse/misuse, poor nutrition, obesity and lack of exercise, place persons with SMI at higher risk for morbidity and health related mortality (Colton & Manderscheid, 2006; Parks et al., 2006).

Annually, Fairfax-Falls Church Community Services Board (CSB) serves the behavioral health needs of 21,000 persons, 60% with incomes under the federal poverty level (\$10,400). Without access to primary care, persons with SMI, often in crisis, seek care through county emergency departments. The county's safety net acute care provider, indicates that 12% of persons in need of psychiatric inpatient treatment must be diverted to a medical unit first for acute medical conditions. In addition, 50% of consumers with SMI admitted for psychiatric inpatient treatment require medical treatment during their stay.

Although resources for low-cost primary care are available through safety net and locally run free clinics, many CSB clients with SMI have difficulty accessing and navigating these health care systems. Through a collaborative agreement, the Fairfax Community Health Care Network (CHCN) provides some primary care services at two of the five CSB clinics, but these services are limited to only 4 hours per month in each clinic. The need for integrated health care services (somatic and behavioral) for low income, uninsured persons with SMI greatly exceeds the county's capacity to provide these services. **A major goal for CSB behavioral care providers is to expand the integration of primary care and behavioral health.**

2.2 Goals

Goal 1: 1) Increase CSB nurses' knowledge and awareness of hypertension and diabetes, including primary prevention and risk reduction.

- Increase 50 nurses' health assessment skills and knowledge through online courses, problem-based learning scenarios, simulation and case reports and supervision.
- Develop, pilot and implement 3 protocols for assessment, screening, brief intervention, and referral for hypertension, diabetes, and hypertension/diabetes.

Goal 2: Improve the knowledge, attitudes, and behavior (health habits) of clients (target for this project is 400) with hypertension and diabetes through community-based education and application of evidence-based guidelines in clinical practice.

- Increase nurses' teaching skills in diabetes and hypertension health promotion and primary prevention and risk reduction strategies and promoting self manage of these conditions.
- Increase nurses' case management skills to increase self-navigation for hypertension and diabetes.
- Implement and evaluate strategies for case management (referral and follow-up).

Goal 3: Develop health information exchange strategies to promote appropriate and timely follow-up, monitoring, and case management of clients with these hypertension and diabetes.

- Increase access and use of health information for somatic conditions to improve monitoring and management of CSB clients with chronic illness upon return to outpatient/community status.
- Increase documentation of somatic conditions.

This grant enables George Mason to assist CSB, currently providing 21,000 individuals with behavioral health care, to integrate primary care screening and early intervention. Fifty nurses (10 NPs, 34 RNs, and 6 LPNs) will complete educational activities. NPs will develop competency in advance health assessment, screening and treatment for hypertension and diabetes. Behavioral health nurses will develop competency in health assessment, brief intervention for health promotion and primary prevention to improve adherence, case management and strategies to improve client self-management. Timely access to vital and meaningful health information on chronic conditions including hypertension, diabetes, psychiatric disorders will support these integration goals.

2.3 Project Activities

During months 1-6 (June 1, 2011 – November 30, 2011), Dr. Laura Evans, Mason Assistant Clinical Professor, will lead educational activities to refresh knowledge health assessment skills for CSB nurses, including the selection of individual online educational modules from the Essential Learning System (ELS) curriculum and Mason's online health assessment course, faculty led lab sessions and simulation cases to enhance skill development and confidence. Practice standards to deliver integrated care for hypertension and diabetes will be developed. A nursing advisory committee, co-led by Ms. Louella Meacham, CSB Nursing Director, Dr. Colton Hand, CSB Medical Director and Dr. Evans, will build consensus on nurse

responsibilities for health assessment, client education, care coordination and referral (including vital health information for sharing). Specific roles for NPs in health screening and treatment of hypertension and diabetes will be defined, and an NP practice protocol will be established. Best practices for integrating somatic and behavioral health care will be designed on national quality practice models. To ensure the delivery of client-centered care, consumers will be invited (and compensated for their time) to participate on the advisory committee.

To achieve the goal of improving information exchange, a task force will be convened and co-led by CSB Director of Planning and Information Management, Cathy Pumphrey, and Mason Associate Professor/Assistant Dean, Dr. Margaret Rodan, to identify the challenges of data sharing; identify the minimum data set needed for integrated care and case management; explore the options for data sharing; and develop and implement the data sharing plan. Representatives from the CSB, Mason, county health department, consumers, advocates and safety net providers will comprise the planning committee.

Activities for months 7-12 (December 1, 2011-May 31, 2012) will focus on implementing and evaluating the nursing protocols and project outcomes and to implement and evaluate health information exchange protocol.

2.4 Expected Outcomes

George Mason Nursing of School and CSB nursing staff, the project's lead organization, will collaborate to improve health assessment skills and screening for hypertension and diabetes in CSB clinics to improve coordinated health care for mental health clients to access primary care. CSB nurses and NPs will participate in educational activities and demonstrate competencies in health assessment, chronic care monitoring, and health education. They will be able to document and retrieve vital health information in the electronic health record and receive timely exchanges of information from safety net clinics and hospitals. These activities are anticipated to produce the following short-term outcomes:

1. Increase in systematic follow up and monitoring of health status of clients with hypertension and diabetes;
2. Increase use of evidence based guidelines for care for clients with hypertension and diabetes; and
3. Increase care coordination with safety net clinics and from hospitals for clients with hypertension and diabetes.

Educational activities and access to critical health information are anticipated to produce the following intermediate outcomes:

1. Changes in nurses' knowledge, attitudes and behaviors; and
2. Changes in clients' knowledge, attitudes and behaviors.

In a recent pilot of onsite primary care services, 75% of the consumers kept scheduled appointments and 90% enrolled with community safety net clinics as their medical home. These

results suggest integrating primary care into a behavioral health setting, rather than the reverse, is of greatest benefit to improve the overall health status of consumers. Retooled CSB nursing assets will increase the capacity to provide integrated health care services to clients with SMI, an underserved and vulnerable population experiencing debilitating conditions including: major depression, schizophrenia, post traumatic stress, bipolar, panic, obsessive-compulsive, personality and eating disorders, and dual diagnosis of mental illness and substance abuse.

2.5 Measurable Change

The Federal Government through the Substance Abuse and Mental Health Services Administration (SAMHSA) is spearheading the *10x10 Wellness Campaign*, launched in 2010, to promote the importance of addressing all parts of a person's life in order to increase life expectancy for persons with mental health problems by 10 years over the next 10 years (SAMHSA, 2010). The CSB is committed to promoting wellness and reducing the disproportionate impact of preventable morbidity and mortality on persons with mental health problems. Through the Promotion of Wellness and Recovery (POWAR) Program, CSB nursing practice and critical medical information exchange will be transformed to increase capacity to provide integrate somatic and behavioral health care services to persons with SMI. Integration results in increased client adherence to both somatic and behavioral health treatment. Change measures will include:

- Number and percent of clients who are screened for hypertension and diabetes;
- Number and percent of clients who are referred for hypertension and diabetes care;
- Number and percent of clients who receive health education and primary prevention risk reducing strategies;
- Number and percent of clients who participate in wellness activities; and
- Nurses and clients satisfaction with new roles and nursing practice.

Following on boarding new skills in physical assessment and protocol development, beginning month 7 to demonstrate measurable change, we will pilot the hypertension and diabetes protocols at the Woodburn Center for Community Health, the largest of 5 CSB clinics. This pilot will include a Mason faculty practice mentor (Dr. Evans) seeing clients and mentoring staff for one day per week. At month 10, using lessons learned from the pilot, we will roll out the protocols to the other CSB clinics.

2.6 Program Sustainability

Strategies to ensure sustainability include: 1) Mason will continue to offer health assessment courses in their Academic Outreach Program; 2) exploring the possibility for CSB and Mason to negotiate a Mason faculty practice plan with one of Mason's primary care nurse practitioner faculty members to provide ongoing primary care services and consultation; and 3) during the project training a CSB nurse practitioner to become a trainer/educator who can precept existing and new CSB nurses.

Sustaining health assessment competencies will require periodic education offerings for existing and new nursing staff. Nurses taking the health assessment courses will have access to

simulation labs for skill building. This will enable CSB nurses to practice and master clinical skill, problem solving, and critical thinking/reasoning, vital steps in developing clinical competency. The courses will be offered at one or more of the CSB clinic sites or through distance education. CSB training funds can be used to support nurses to attend these courses.

The CSB and Mason have an existing and successful faculty practice plan in which a Mason psychiatric nurse practitioner provides behavioral health care services, including medication management 2 days per week as part of her faculty role. Mason and CSB can explore the establishment of a similar practice plan for primary care services and consultation.

The CSB has nurse practitioners, who with some additional education and experience in physical health assessment could be equipped to serve as onsite preceptors for current nurses to extend their health assessment skills or new nurses who need to develop competencies in health assessment.

2.7 Impact

Deployment of health assessment protocols by skilled and competent behavioral health nurses with access to up to date and ongoing somatic medical information stored in clients' electronic medical record has the potential to improve wellness for the 4,000 low income, uninsured Fairfax County residents with SMI who receive behavioral health services from the Fairfax-Falls Church CSB's Woodlawn Community Health Center. Current estimates of disease prevalence among these clients indicate that 23% of these clients have hypertension (944 clients) and 36% have metabolic syndrome (diabetes) (1,478 clients). Other modifiable health risk factors include tobacco use (75%, 3,080 clients), substance abuse (40-70%, 1,642-2,874 clients), and obesity (30%, 1,232 clients). We anticipate health assessment and screening to be completed on at least 400 clients who screen positive and consent (3-4 per day, 20 per week for 24 weeks). Per patient costs and efforts to work with financial payors will be reported.

The need for integrated somatic and behavioral care services for persons with SMI greatly exceeds the county's capacity. The POWAR project will expand health assessment, screening and referral to every clinic day. The POWAR project will enable the CSB to offer primary care to more of the clients it serves. Barriers encountered in the delivery of services such as client privacy, lack of structural equipment, will be identified. Increase capacity to provide health assessments, monitoring and managing chronic conditions, to provide health promotion and prevention education, to support client self management and navigation, will reduce health risks and improve wellness. CSB will utilize nursing staff resources more effectively to the benefit consumers with co-morbid behavioral and somatic conditions. Ultimately, the project will catapult the CSB's efforts forward in a significant way to reach the goal of **increasing the life span of clients with SMI by 10 years in the next 10 years.**

Please provide the following information for the group(s) your proposal targets

Age Group: 18 and over

Ethnicity: White, Black, Hispanic, Asian, American Indian/ Alaska Native, two or more races

Gender: All

Population Served: Under/uninsured adults who experience serious mental illness

2.8 Measure of Success

The major measures of project success will be our ability to retool the CSB nurses and providing timely access to vital information for case management and follow-up. Success will be demonstrated in the achievement of know and assessment competencies among CSB nurses. Faculty from Mason will assess baseline and end of course health assessment skills and knowledge using the following evaluation strategies:

- Return demonstration of health assessment skills within the simulation learning setting;
- Preceptor completion of a Comprehensive Skills List;
- Examination scores and assignments in health promotion and prevention course; and
- Reflective seminars to ascertain nurse confidence in performing health assessment and health promotion and prevention education.

The goal is for all CSB nurses to demonstrate competency in health assessment and health education. Success will be determined by: 1) the percent of the total number of nurses who complete the educational activities; and 2) the percent of the total number of nurses completing educational activities who demonstrate knowledge attainment and competency in health assessment and health education.

Success in health information sharing will be demonstrated by the establishment of bidirectional electronic information exchanges with local hospitals to obtain timely transfer of clients' discharge data and other key medical information to improve somatic medical outcomes. The CSB is in the process of procuring a new electronic health record vendor that will support integrated care. The highest level of success will be bidirectional data exchange with safety net clinics and hospitals for real time access of health information. A somewhat lower level of success that would be acceptable would be a unidirectional exchange of hospital discharge information. Both measures of success will improve the ability to monitor and manage somatic conditions.

2.9 Evaluation

To evaluate success in accomplishing our project goals, CSB will employ a utilization review approach. We will review a 5% sample of electronic health records pre-pilot implementation, and we will review a 5% sample of records at month 10 to determine if short and intermediate outcomes are achieved. In collaboration with Mason School of Nursing Faculty, a sampling plan that will represent CSB's nursing services, a clinical audit tool, and audit procedures will be developed. Ms. Judy Cornecelli, CSB Behavioral Health Nurse, aided by a Mason graduate student, will lead the record audit activities and assist in determining the degree of adherence to the health assessment and health promotion protocols and existence of and access to vital health information.

Successfully achieving our goals for the POWAR project will enable us to make significant progress on in increasing life expectancy of residents with mental illness by 10 years in the next 10 years. To achieve this overarching goal, we have established long-term project outcomes informed by the Healthy People 2020 Indicators for hypertension and diabetes. Examples of these indicators and long-term project outcomes include:

1. Total number of clients diagnosed with diabetes and/or hypertension;
2. The number of clients completing health assessments;
3. The percent change in health indicators such as BMI, BP, and glucose;
4. The number of agency partnerships with data sharing agreements for health and behavior information;
5. The number of individuals with primary care providers / medical home; and
6. The number of clients with a case / disease management plan.

2.10 Visibility

The POWAR Project is a partnership between the Fairfax-Falls Church Community Services Board and the George Mason University School of Nursing. Both organizations have mechanisms to communicate with our regional health care communities, including governing and advisory boards, newsletters and web sites, and public relations and media offices. All of these entities will be advised of the Kaiser Permanente sponsored POWAR project and provided quarterly updates on the progress of the project.

The CSB's governing board oversees the delivery of services to over 21,000 community residents and is comprised of sixteen members: one from each magisterial district in the county, one at-large Board of Supervisor Chairman's, three at-large; one from the City of Falls Church, one from the City of Fairfax, and one Sheriff's representative. The Board meets monthly and will serve as one vehicle for visibility.

The School of Nursing is part of the College of Health and Human Services (CHHS) at the George Mason University. CHHS has an Advisory Board, comprised of 22 members representing consumers, local hospitals and health care providers, businesses, and county organizations. The CHHS Advisory Board meets quarterly and will serve as another vehicle for visibility. The School of Nursing has a demonstrated track record of academic and community based project between Fairfax-Falls Church CSB and established primary care in local free clinics and a full complement of educational programs for nurses to meet the complex needs of underserved and underinsured county residents. CSB and Mason enjoy a positive reputation for service to the community.

POWAR presentations for local, regional, state and national conferences, including the American Psychiatric Nurses Association, and a manuscript to submit for publication in the

Journal of Psychiatric and Mental Health Nursing to disseminate the outcomes of the project will be developed.

2.11 Involvement

Kaiser Permanente has long standing and extensive expertise and experience in health promotion and prevention and a highly organized and integrated delivery system, making them an ideal partner for this project. This experience can assist us in establishing best practices for integrated care; implementing known solutions for the capture, exchange, and integration of somatic information within the new CSB electronic health record; and utilization review to assess achievement of project outcomes.

Past and existing Mason / Kaiser Permanente collaborators will advise the implementation of the POWAR project. Kaiser provides clinical sites and preceptors for Mason NP students and Cheryl Toulouse, ANP a Mason nursing instructor, is a former Kaiser NP. Sallie Eissler, MSN, RN, community advocate and Greater Prince William Community Health Center board chairman, and a long-standing collaborator and Mason supporter, is now part of the Kaiser health system. Mason is currently one of six universities across the country collaborating with June Levine RN MSN, National Consultant Ambulatory Services, Kaiser Permanente, to develop and implement an ambulatory care nurse residency program. Mason alum, Deborah Royalty, RN, is Medical Group Administrator for The Permanente Medical Group, Inc. who serves on Mason's College of Health and Human Services Advisory Board. Our Kaiser colleagues and the Foundation will be invited to serve or identify colleagues to serve on our nursing advisory committee and our EHR task force.

The POWAR Project may help to inform the development and implementation of the residency program, as we learn the challenges and potential barriers of retooling the CSB behavioral health nursing workforce to provide integrated somatic and behavioral health care. The tools and strategies we will be using, e.g., simulation and reflective seminars to build confidence, may provide valuable information about how to successfully engage novice nurses in skill development.

Logic Model: CSB/Mason University Partnership: Promotion of Wellness and Recovery (POWAR) Project

Please describe who will benefit from this work and who will be involved in creating the change you seek. Include relevant demographics, health status indicators, etc.

Low-income, uninsured seriously mentally ill (SMI) Fairfax residents with somatic health care needs who die on average 25 years younger than individuals without mental illness. Existing chronic conditions and risk factors include: metabolic syndrome (1,478 clients) tobacco use (3,080 clients), obesity (1,232 clients), hypertension (944 clients), and heart disease (452 clients).

Purpose: A concise statement of the purpose of the project

Increase the capacity of the Fairfax Community Services Board to offer integrated somatic and behavioral health services, by increasing nursing staff's capacity to provide somatic health care services.

Theory of Change: A concise statement of your assumptions about why your proposed strategy will lead to the change you are seeking

To provide integrated somatic and behavioral health services, behavioral health nurses need education and clinical skill training to develop competency in providing somatic care service; and the availability of timely and somatic medication information on their clients' health status facilitated by health information exchange between the electronic health records of CSB and local health facilities and providers.

Inputs <i>The major resources needed to achieve the change</i>	Activities <i>The major activities required to achieve the change</i>	Outputs <i>Expected productivity of the project activities</i>	Short-term Outcomes	Intermediate Outcomes	Long-Term Outcomes
<p>Nursing</p> <ul style="list-style-type: none"> Health assessment education Opportunities to practice newly learned assessment skills Health education Standards for screening and health assessments <p>Health Information Exchange</p> <ul style="list-style-type: none"> CSB electronic record that supports somatic health information and provides follow-up reminders and decision support Timely exchange of vital health information on client health status and needs. 	<p>Mason School of Nursing and CSB Team will:</p> <ul style="list-style-type: none"> Conduct health assessment courses Provide opportunities to practice newly learned assessment skills in the simulation lab and CSB clinics Design health education in diabetes and hypertension Develop and implement standards for screening and health assessments <p>Health Information Exchange</p> <ul style="list-style-type: none"> Establish workgroup to identify data to be exchanged, options for interface between the Electronic Health Records, and any required software to facilitate the collection and transfer of information. 	<p>50 CSB Nurses will:</p> <ul style="list-style-type: none"> Complete Comprehensive Skills List Demonstrate health assessment skills Pass exams and assignments in health promotion and prevention course Express confidence in performing health assessment and health promotion and prevention education <p>Health Information Exchange</p> <ul style="list-style-type: none"> Implementation of new bidirectional electronic information exchanges with hospitals and safety net clinics, to obtain timely transfer of clients' discharge and other key medical information to improve client somatic medical outcomes 	<p>Increase in:</p> <ul style="list-style-type: none"> Follow up and monitoring of health status Use of evidence based guidelines Care coordination with safety net clinics and hospitals Timely access to health care information <p>Changes in:</p> <ul style="list-style-type: none"> Nurses' knowledge, attitudes and behaviors Clients' knowledge, attitudes and behaviors 	<p>Increase in:</p> <ul style="list-style-type: none"> Number and percentage of consumers who are screened for risk factors Number and percentage consumers who receive health education and participate in wellness groups and activities Number and percentage of consumers who are referred for treatment for hypertension and diabetes 	<p>Achieve the CSB goal of reducing early mortality among people with severe mental illness by 10 years over the next 10 years</p> <p>Healthy People 2020 Indicators: e.g.</p> <ul style="list-style-type: none"> Number of clients diagnosed with diabetes and/or hypertension Number of clients completing health assessments Percent change in health indicators such as BMI, BP, glucose Number of agency partnerships with data sharing agreements Number of clients with primary care providers / medical home Number of clients with a chronic disease management plan

Contextual Factors: Demonstrated track record of shared academic and community projects between CSB and the George Mason University School of Nursing Collaborative Partnership; Mason's experience in NP faculty providing primary care in local free clinics and education of nurses to meet complex needs of clients.



School of Nursing

Robinson Hall A, 4400 University Drive, MS 3C4, Fairfax, Virginia 22030
Phone: 703-993-1938; Fax: 703-993-1949; Web: chhs.gmu.edu/nsg/

February 23, 2011

Judith Cornecelli, RN, LCSW
QI, Medical Services Unit
Woodburn MHC
3340 Woodburn Road, Annandale, VA 22003

Dear Ms. Cornecelli:

The purpose of this letter is to express my enthusiastic support for your Kaiser Permanente proposal to retool CSB nurses to implement integrated care for consumers with serious mental illness. This is a vulnerable and underserved population whose somatic care is challenging to manage.

I believe that our experience with the Jeanie Schmidt Free Clinic, Partners for Access to Healthcare (PATH), a partnership with the clinic to provide integrated somatic and behavioral health services will provide an excellent module for our partnership to develop and implement the Promotion of Wellness and Recovery (POWAR) Project.

I can commit to establishing faculty practice positions for Drs. Evans and Rodan, the use of our assessment course and simulation labs for the project. These faculty members bring outstanding leadership skills and experience and are eager to partner with you and the CSB nursing department to help retool nurses and establish best practices in the delivery of integrate care. Developing a bidirectional health information exchange with safety net clinics and hospitals is a critical element of the project and one I believe that the Mason Department of Health Information and Policy faculty who teach in our health information technology and informatics program will be eager to provide input.

In summary, I believe that George Mason University will be an ideal academic partner for the Kaiser Permanente project. This is an important initiative that will result in better care and outcomes for low income, uninsured CSB consumers.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin E. Rensburg".

Robin E. Rensburg, PhD, GCNS, AGSF, FAAN
Professor and Director, School of Nursing
Associate Dean, College of Health and Human Services

Board Agenda Item
May 10, 2011

ACTION - 1

Approval of 2011 School Bond Referendum

ISSUE:

Board of Supervisors approval of the Fairfax County Public Schools Referendum totaling \$252,750,000 as requested by the School Board and adoption of the enclosed resolutions requesting the Circuit Court to order a special election on the issuance of such bonds on November 8, 2011. A schedule of events is included as Attachment 1.

RECOMMENDATION:

The County Executive recommends that the Board adopt the enclosed School Bond Referendum Resolution (Attachment 2).

TIMING:

Adoption of the resolution is required prior to the filing of a petition with the Circuit Court to request the election. After the petition is filed and the order for a special election is entered, this special election will be submitted for pre-clearance in accordance with Section 5 of the federal Voting Rights Act of 1965, as amended. Board action on May 10, 2011 will allow staff adequate time to complete the necessary procedures.

BACKGROUND:

On April 28, 2011, the School Board approved a resolution for a School Referendum in the amount of \$252,750,000 (Attachment 3). Details of the projects expected to be funded are included in Attachment 4. The School Board sizes the referendum to include the full cost of new construction and renovation projects although spending for the projects is anticipated to occur over the course of a multi-year period. It is anticipated that the referendum amount can be accommodated within the FY 2012 - FY 2016 Capital Improvement Program (With Future Years to FY 2021) (CIP) as approved by the Board of Supervisors on April 12, 2011.

FISCAL IMPACT:

Sales of the bonds approved in the 2011 School Referendum will occur as needed to meet projected cash flow requirements as approved in the CIP.

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ENCLOSED DOCUMENTS:

Attachment 1 - Schedule of Events

Attachment 2 - Board of Supervisors Resolution Requesting an Order for Election on the Issuance of Bonds in the amount of \$252,750,000 for Schools

Attachment 3 - Resolution Adopted by School Board on April 28, 2011 Requesting Bond Referendum

Attachment 4 - 2012 School Bond Referendum Project List

STAFF:

Anthony H. Griffin, County Executive

Jack D. Dale, Superintendent of Fairfax County Public Schools

Edward L. Long, Jr., Deputy County Executive

Leonard P. Wales, Financing Advisor

Dean Tistadt, Chief Operating Officer, Fairfax County Public Schools

Michael Long, Deputy County Attorney

2011 FALL BOND REFERENDUM SCHEDULE

April 14, 2011	Proposal that School Board adopts a resolution requesting the BOS approve a referendum on November 8, 2011.
April 28, 2011	School Board Public Hearing on School Referendum.
April 28, 2011	School Board approves Referendum proposal.
May 10, 2011	Board of Supervisors approves School Bond Referendum.
May 13, 2011	Petition filed with Fairfax County Circuit Court.
May 18, 2011 (est)	Court orders referendum on November 8, 2011.
May 20, 2011 (est)	Preclearance filing with the U.S. Department of Justice.
July 20, 2011 (est)	Preclearance procedure complete.
September 23, 2011	Absentee ballots available to be mailed to voters upon request.
October 6, 2011	Notice of Election published in local newspaper.
November 8, 2011	Election Day; referendum held.
November 10, 2011	Election certified.
December 2011	Court issues final order authorizing the sale of the bonds.

Resolution to Request the Fairfax County Circuit Court to Order an Election on the Question of Whether Fairfax County, Virginia, Should be Authorized to Contract a Debt, Borrow Money, and Issue Bonds in the Maximum Aggregate Principal Amount of \$252,750,000 to Finance the Cost of School Improvements

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia on May 10, 2011, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, Virginia Code § 15.2-2640 provides that prior to seeking approval from the voters for contracting debt and issuing bonds for school purposes, the local school board of a county must first, by resolution, request the governing body of the county to take such action; and

WHEREAS, on April 28, 2011, the Fairfax County School Board (the "School Board") adopted a resolution requesting the Board of Supervisors of Fairfax County, Virginia, to adopt a resolution asking the Fairfax County Circuit Court to order an election on the question of contracting a debt, borrowing money, and issuing capital improvement bonds of Fairfax County, Virginia in the maximum aggregate principal amount of \$252,750,000 for the purposes of providing funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system; and

WHEREAS, the School Board has provided a certified copy of that resolution to the Clerk of the Board of Supervisors; and

WHEREAS, the Board of Supervisors concurs in the determinations and the request of the School Board, as set forth in its resolution; and

WHEREAS, Virginia Code §§ 15.2-2610, 15.2-2611, and 24.2-684 provide the Fairfax County Circuit Court with the authority to issue an order for the conduct of an election; now, therefore,

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia:

Section 1. That the Circuit Court of Fairfax County, Virginia, is hereby requested to order an election on November 8, 2011, on the question of whether Fairfax County, Virginia, should contract a debt, borrow money, and issue capital improvement bonds in the maximum aggregate principal amount of \$252,750,000 for the purposes of providing funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system.

Section 2. The County Attorney is hereby requested to petition the Fairfax County Circuit Court for an order to conduct such a referendum as a special election in conjunction with the general elections on November 8, 2011, and to provide the Fairfax County Circuit Court with certified copies of this resolution and the resolution of the School Board, which was adopted on April 28, 2011.

Section 3. The members, officers, legal counsel, agents and employees of the Board, and the County are hereby authorized and directed to do all acts and things required of them under Virginia law to ensure that the referendum will be held as a special election in conjunction with the general elections on November 8, 2011.

Given under my hand on this _____ day of ____ 2011.

Nancy Vehrs
Clerk, Board of Supervisors

**FAIRFAX COUNTY SCHOOL BOARD
BOND REFERENDUM RESOLUTION**

April 28, 2011

RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, TO ASK THE CIRCUIT COURT FOR THE COUNTY TO ORDER AN ELECTION ON THE QUESTION OF CONTRACTING A DEBT, BORROWING MONEY AND ISSUING CAPITAL IMPROVEMENT BONDS OF THE COUNTY IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$252,750,000 FOR THE PURPOSES OF PROVIDING FUNDS, WITH ANY OTHER AVAILABLE FUNDS, TO FINANCE THE COSTS OF IMPROVEMENTS FOR THE SCHOOL SYSTEM.

WHEREAS, the Fairfax County School Board of Fairfax County, Virginia, has determined that certain school improvements should be financed including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system; and

WHEREAS, the School Board has determined that, for the purpose of providing funds to pay the cost of such public school improvements and the cost of such public school property, Fairfax County should contract a debt, borrow money and issue bonds in the aggregate principal amount of \$252,750,000; and

BE IT RESOLVED by the School Board that:

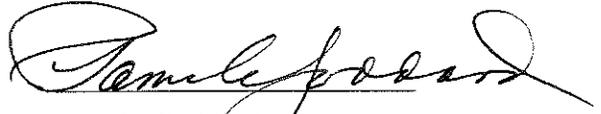
Section 1. The Board of Supervisors of Fairfax County, Virginia, is hereby requested to ask the Circuit Court of Fairfax County, Virginia, to order an election on the question of contracting a debt, borrowing money, and issuing capital improvement bonds of Fairfax County, Virginia, in the maximum aggregate principal amount of \$252,750,000 for the purposes of providing funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system.

Section 2. The Board of Supervisors is hereby advised that it is the desire of the School Board that the proposed referendum be scheduled for November 8, 2011.

Section 3. The Clerk of the School Board is hereby authorized and directed to file two certified copies of this resolution with the Board of Supervisors of Fairfax County, Virginia.

Given under my hand this 28th day of April 2011.

(SEAL)

A handwritten signature in black ink, appearing to read "Pamela Goddard", written in a cursive style with a large initial "P".

Pamela Goddard
Clerk, Fairfax County School Board

Fairfax County Public Schools Proposed 2011 School Bond Referendum

CAPACITY ENHANCEMENT

*Fairfax Villa ES	(6 rooms)	\$ 3,129,294
*Greenbriar East ES	(9 rooms)	\$ 3,889,687
*Union Mill ES	(8 rooms)	\$ 3,419,715
*Modular Relocations		\$ 3,250,000

Capacity Enhancement Subtotal: \$ 13,688,696

RENOVATIONS

Elementary School Renovation:

Canterbury Woods	(construction)	\$ 14,894,268
*Clermont	(planning & construction)	\$ 13,608,872
*Sunrise Valley	(planning & construction)	\$ 16,215,447
*Garfield	(planning & construction)	\$ 14,158,593
*Terra Centre	(planning & construction)	\$ 16,614,596
*Westgate	(planning & construction)	\$ 14,221,431
*Terraset	(planning)	\$ 1,053,799
*Haycock	(planning)	\$ 960,703
*Woodlawn	(planning)	\$ 1,189,450
*Forestville	(planning)	\$ 1,165,000
North Springfield	(planning)	\$ 899,000
Springfield Estates	(planning)	\$ 723,444
Keene Mill	(planning)	\$ 908,010
Bucknell	(planning)	\$ 1,131,776

Elementary School Renovation Subtotal: \$ 97,744,388

Middle School Renovation:

Sandburg	(construction)	\$ 44,293,958
*Thoreau	(planning)	\$ 2,175,000

Middle School Renovation Subtotal: \$ 46,468,958

High School Renovation:

Thomas Jefferson	(construction)	\$ 84,625,065
*Langley	(planning)	\$ 5,650,000
West Springfield	(planning)	\$ 5,950,000

High School Renovation Subtotal: \$ 96,225,065

INFRASTRUCTURE MANAGEMENT

Technology Upgrades	\$ 4,000,000
ADA Upgrades	\$ 2,500,000
Roof Replacement	\$ 6,500,000
Athletic Infrastructure	\$ 2,500,000
HVAC Replacement	\$ 7,500,000
Security Enhancements	\$ 1,050,000
Asphalt Paving	\$ 2,125,000

Infrastructure Management Subtotal: \$ 26,175,000

PROJECT SUBTOTAL: \$ 280,302,107

***PRIOR BOND SAVINGS: \$ (29,052,107)**

BOND COST: \$ 1,500,000

REFERENDUM TOTAL: \$ 252,750,000

***These projects were authorized by the School Board to proceed using the school system's construction reserve which represents voter authorized amounts in excess of actual costs. These projects are listed with their estimated costs but these same costs are deducted from the total amount of this referendum in the "Prior Bond Savings" line item.**

ACTION - 2

Approval of Parking Reduction for Circle Towers (Providence District)

ISSUE:

Board approval of a 26.5 percent reduction in required parking for Circle Towers, Tax Map No. 48-3 ((1)) 53 and 048-4 ((01)) 3 & 3A1, Providence District.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) approve a parking reduction of 26.5 percent (407 fewer spaces) for Circle Towers pursuant to paragraphs 4(B), 5, and 26 of Section 11-102 of Chapter 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia*, based on an analysis of the parking requirements for each use on the site and a parking reduction study, on condition that:

1. A minimum of 1,128 parking spaces plus any additional spaces required under condition #4 below must be maintained on site at all times.
2. The uses permitted per this parking reduction are:
 - 727 dwelling units (719 multifamily units and 8 townhouse style units)
 - 74,700 GSF office
 - 20,000 GSF shopping center (community-serving secondary retail space)
 - 6,000 GSF eating establishment (any combination of table seats, counter seats, and employees that does not exceed the parking requirement for 180 table seats and 30 employees)

Any additional uses must be parked at code and these uses must not exceed the approved F.A.R.

3. Any parking spaces for vanpools and car-sharing vendors (such as ZipCar/FlexCar) originating from the site shall be in addition to the minimum required spaces in condition #1.
4. The Transportation Demand Management (TDM) program proffered in conjunction with the approval of the Circle Towers development (PCA-B-993/FDPA-B-993-2) must be implemented. The TDM program shall include: a projected reduction in residential parking demand expressed as a percentage of overall residential parking demand and the basis for such projection; the TDM

program actions to be taken by the applicant to reduce the parking demand; a requirement by the applicant to periodically monitor and report to the County as to whether the projected reductions are being achieved; and a commitment and plan whereby the applicant shall provide additional parking spaces in an amount equivalent to the reduction should the TDM program not result in the projected reduction in parking demand. The TDM program shall include an explicit goal of reducing residential parking demand by a minimum of 1.9% (the projected reduction). Portions of those areas shown on the PCA/FDPA and labeled thereon as "Resident Storage and Building Service Area" shall be subject to conversion to parking spaces such that the number of new parking spaces created equals the percentage by which the projected parking reduction is not being met up to a maximum of 23 additional parking spaces. The number of residential units occupied and the results of an annual survey of car ownership by the residents shall be included as part of the annual report for the TDM program.

5. The current owners, their successors or assigns of the parcel identified as Fairfax County Tax Map No. 48-3 ((1)) 53 and 048-4 ((01)) 3, & 3A1, shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.
6. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of *The Code of the County of Fairfax, Virginia*, and the Zoning Ordinance in effect at the time of said parking utilization study submission.
7. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board's approval.
8. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act (ADA).
9. No parking spaces required to meet the shared parking requirements for the parking reduction conditions shall be restricted or reserved except for:

Board Agenda Item
May 10, 2011

- those required to meet the parking requirements of the Americans with Disabilities Act (ADA); or
- those reserved, during the hours from 8:00 a.m. to 7:00 p.m. only, for the areas of proposed or potential retail uses identified on the PCA/FDPA; or
- those reserved, with a time limit of 2 hours during the hours from 8:00 a.m. to 7:00 p.m. only, for office/retail uses.

In no case shall the number of parking spaces reserved for the proposed or potential retail uses exceed 90 spaces. In no case shall the number of time limited parking spaces reserved for the office/retail uses exceed 25 spaces.

10. The conditions of approval of this parking reduction shall run with the land and be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

TIMING:

Board action is requested on May 10, 2011.

BACKGROUND:

The Board previously approved a 9.7 percent reduction in required parking for the existing uses on the site on December 14, 1981. The applicant is requesting a 26.5 percent reduction in required parking to enable redevelopment of the Circle Towers mixed-use development. The proposed redevelopment consists of several residential, office, and retail buildings and eight townhouse units all with structured parking and some surface parking. The site is zoned PDH-12 Planned Development Housing. The following proposed mix of uses are analyzed in the parking study:

- 727 multifamily residential dwelling units (719 multifamily units and 8 townhouse-style rental units)
- 20,000 GSF of shopping center (community-serving secondary/retail space)
- 6,000 GSF of eating establishment (180 seats with 30 employees)
- 74,700 GSF of general office space

Although not a transit oriented development, the site is located within one mile of the Vienna/Fairfax-GMU Metro Station and the application includes a Transportation Demand Management (TDM) program. The applicant is requesting a 26.5 per cent reduction (407 spaces) of the required parking of 1535 spaces for the combined uses based on:

- 13.1% reduction for the residential uses based on proximity to mass transit;

Board Agenda Item
May 10, 2011

- An additional 1.9% reduction for the residential uses based on the TDM program; and
- An analysis of the hourly distribution of parking demand for the residential, office, retail, and eating establishment uses after applying the 15% reduction to the residential uses.

The 13.1% reduction for the residential uses, based on proximity to mass transit, is supported by a parking utilization study of the existing residential uses on the site. For the additional 1.9% reduction for the residential uses based on a TDM program, as required by paragraph 26 of Section 11-102 of the Zoning Ordinance, the applicant has provided a “commitment and plan whereby the applicant shall provide additional parking spaces in an amount equivalent to the reduction should the TDM program not result in the projected reduction in parking demand.” Although atypical for a parking reduction that relies on the sharing of spaces among the uses, the applicant is allowed to reserve up to 90 parking spaces for the proposed retail and eating establishment uses from 10:00 a.m. to 7:00 p.m. to help insure the viability of these uses.

A review of the parking analysis indicates the uses can share the available parking spaces based on the hourly parking accumulations for each of the uses on site. Therefore, the staff supports the applicant’s request for a 26.5 percent parking reduction subject to the conditions listed above. The recommended parking reduction reflects a coordinated review by the Department of Public Works and Environmental Services, the Department of Transportation, and the Office of the County Attorney.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Letter of Request for a Parking Code Reduction from William F. Johnson, P.E., Wells and Associates, dated March 15, 2011

Attachment II – Parking Reduction Study #8496-PKS-002-1w/o attachments by Wells and Associates dated August 19, 2010 (Revised March 15, 2011)

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Michelle A. Brickner, Director, Land Development Services, DPWES



March 15, 2011

Mr. John Friedman
Code Analysis Division
Department of Public Works &
Environmental Services
12055 Government Center Parkway
Fairfax, Virginia 22035-5503

SUBJECT: Parking Reduction for Circle Towers
(PCA-B-993; FDPA-B-993-2)
Providence District; Tax Map # 48-4((1))3, 48-3((1))53, 48-4((1))3A1, 3B, 3B1

Dear Mr. Friedman:

Enclosed please find a revised parking reduction study for the Circle Towers site. The subject site is located south of Lee Highway (Route 29), north of Arlington Boulevard (Route 50), and east of Blake Lane.

In order to facilitate redevelopment of the property, a proffer condition amendment (PCA) and final development plan amendment (FDPA) applications were recently filed with Fairfax County. The redevelopment plan submitted by BC Consultants on behalf of Circle Towers LLC reflects the following type and mix of land uses upon completion and occupancy:

- 727 multifamily residential dwelling units
- 26,000 GSF of community-serving secondary/retail space, and
- 74,700 GSF of general office space

As reflected on the submitted redevelopment plan, a total of 1,128 parking spaces are intended to serve the site's residential, retail, and office uses. Based on the calculations provided in the enclosed parking study, the site would require a total of 1,535 parking spaces according to the parking rates established in the Zoning Ordinance. Therefore, the applicant is requesting a parking reduction of 26.5% (or 407 fewer parking spaces) from the Ordinance requirement. The basis for such a request is the following three provisions established in the Ordinance:

1. The mix of on-site uses results in different peak parking demands; i.e. shared parking (Section 11-102.4).
2. The site's proximity to a mass transit station (Section 11-102.5).
3. The implementation of a Transportation Demand Management (TDM) program (Section 11-102.26).

Thank you for your help with this matter. It is, as always, greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "William F. Johnson".

William F. Johnson, P.E.

Senior Associate

Enclosures: a/s



WELLS + ASSOCIATES

MEMORANDUM

TO: John A. Friedman, P.E.
Code Analysis Division

FROM: Robin L. Antonucci
William F. Johnson, P.E.
John F. Cavan

SUBJECT: Parking Reduction

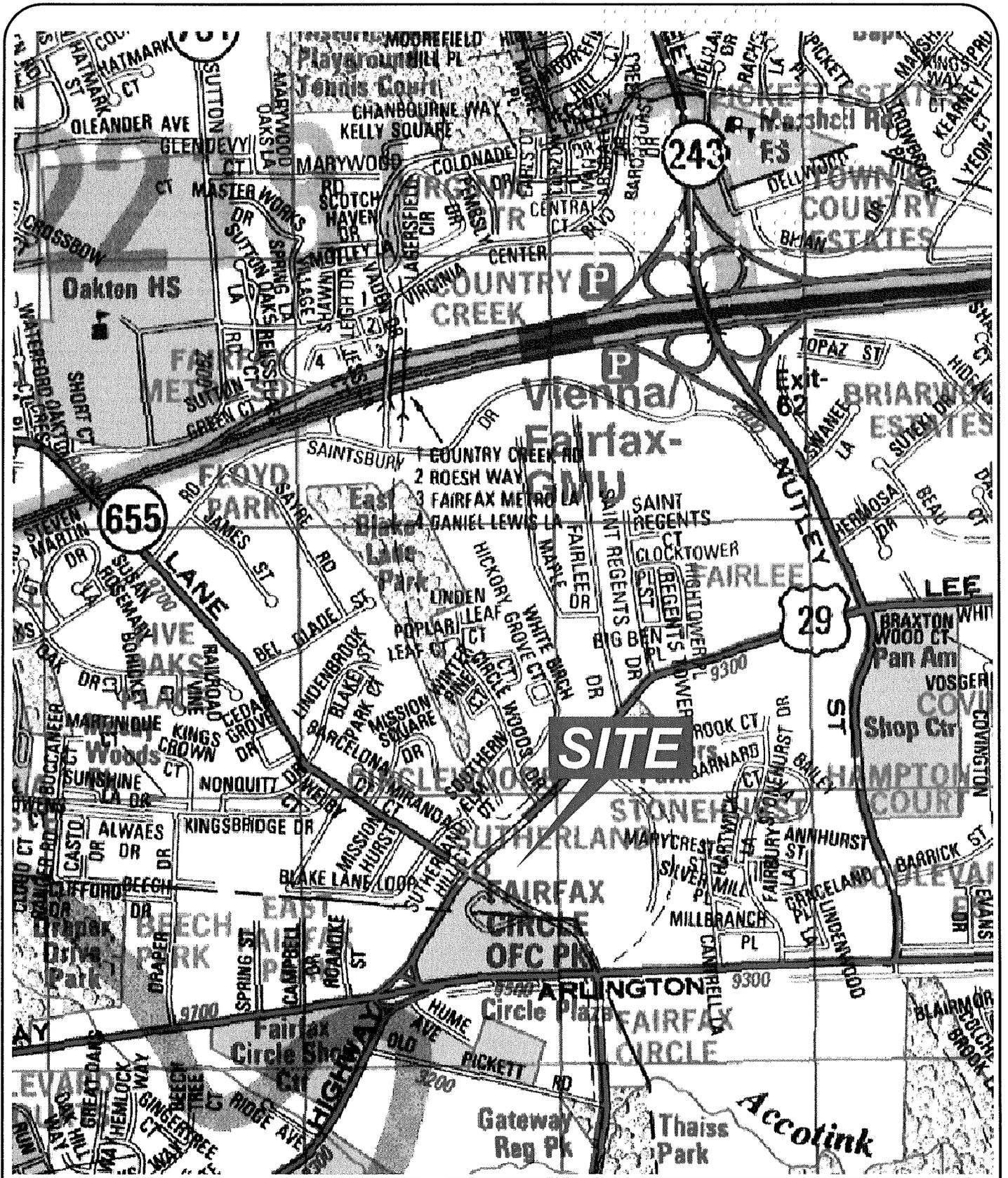
RE: PCA -B-993; FDPA-B-993-2; Circle Towers
Fairfax County, Virginia

DATE: August 19, 2010
Revised March 15, 2011

Introduction

This memorandum presents the results of a parking reduction analysis conducted in conjunction with the (re)development of an existing mixed-use development (referred to as "Circle Towers") in Fairfax County, Virginia. The approximate 16-acre parcel consolidation (Tax Maps 48-4 ((1)) 3, 48-3 ((1)) 53 and 48-4 ((1)) 3A1, 3B and 3B1) is located in the Lee Community Planning Sector and within one mile of the WMATA Vienna/Fairfax-GMU Metrorail station. Specifically, the subject site is located south of Lee Highway (Route 29), north of Arlington Boulevard (Route 50), and east of Blake Lane as shown on Figure I.

The subject site is zoned PDH-12 (Planned Development Housing) and is developed with three (3) 14-story residential towers totaling 554 multifamily dwelling units; 66,700 gross square feet (GSF) of commercial/retail/restaurant uses; and 52 townhouse-style multifamily dwelling units. There is currently no proffered plan associated with the subject parcels. In order to redevelop the site, the developer/owner, Circle Towers LLC, has filed a final development plan and proffer condition amendment application (FDPA/PCA) to allow for a (re)development of the property to include 121 new residential dwelling units and 34,000 GSF of additional/reconfigured office and community-serving retail uses.



G:\Projects\4501-5000\4529 Circle Towers Parking Study\Graphics\4529 Report Graphics.dwg

Figure 1
Site Location Map



11/15/2017 10:11 AM

11/15/2017 10:11 AM

Background

As stated above, the Circle Towers site is developed with 606 multifamily dwelling units (554 units located in the three residential towers and 52 townhouse-style units), as well as 66,700 GSF of commercial uses. In conjunction with the development of the property, a parking reduction of 9.7% was granted on December 14, 1981 (Attachment I). Therefore, the site provides 1,059 spaces in lieu of the 1,173 spaces which would have been required per the Zoning Ordinance at the time the site was originally approved/developed.

The (re)development plan submitted by BC Consultants on behalf of Circle Towers LLC reflects the following type and mix of land uses upon completion and occupancy:

- 727 multifamily residential dwelling units (719 multifamily units and 8 townhouse-style rental units),
- 26,000 GSF of community-serving secondary/retail space, and
- 74,700 GSF of general office space.

A reduced copy of the proposed final development plan (FDP) is provided as Figure 2. A full size copy is enclosed for staff's convenience as Attachment II. Parking for the project (residential, retail and/or office uses) is and would continue to be provided in both surface spaces and below-grade parking structures.

It should be noted that, for purposes of this analysis, an amount of potential restaurant uses are assumed as part of the community-serving retail space. Therefore, the analysis reflects 6,000 square feet of restaurant uses calculated as "Eating Establishment". The balance of the retail space (20,000 SF) is calculated as "Shopping Center" herein.

Proposed Parking Supply

As reflected on the (re)development plan, a total of 1,128 spaces are intended to serve the site's residential, retail, and office uses.

Fairfax County Parking Requirements

Article 11 of the Fairfax County Zoning Ordinance establishes parking requirements for various land uses by providing parking rates per unit of land use (i.e., per residential dwelling unit, per 1,000 GSF of retail uses, etc.). According to the Ordinance, all required parking spaces shall be located on the same lot as the structure or uses to which they are accessory or on a lot contiguous thereto which has the same zoning classification, and is either under the same ownership, or is subject to arrangements satisfactory to the Director that will ensure the permanent availability of such spaces. A copy of the relevant Ordinance text is provided herein as Attachment II. Table I summarizes the number of parking spaces required for the (re)development under a strict interpretation of the Zoning Ordinance.

Residential. Article 11, Section 11-103 of the Ordinance outlines the parking requirements for residential uses as follows:

Table I
 Circle Towers Parking Study
 Fairfax County Zoning Ordinance Parking Requirement

Land Use	Amount	Units ⁽¹⁾	Code Requirement ⁽²⁾	Required Parking by Code
Dwelling, Multiple Family	727	DU	"One and six-tenths (1.6) spaces per unit"	1,164
Shopping Center	20,000	SF	"100,000 square feet of gross floor area or less: Four and three-tenths (4.3) spaces per 1000 square feet of gross floor area."	86
Eating Establishment (6,000 SF)	180 / 30	Seats / Employees	"One (1) space per four (4) seats plus one (1) space per two (2) employees where seating is at tables"	60
Office	74,700	SF	"Greater than 50,000 but less than 125,000 square feet of gross floor area: Three (3.0) spaces per 1000 square feet of gross floor area"	225
Total Parking Required				1,535

Note(s):

(1) DU = Residential Dwelling Unit

(2) Code requirements from the Fairfax County Zoning Ordinance (Article 11).

Dwelling, Multiple Family – “One and six-tenths (1.6) spaces per unit”

As stated above and reflected on Table I, based on a strict application of the Zoning Ordinance, 1,164 parking spaces would be required to accommodate the parking demand associated with the proposed residential program.

Commercial. Article 11, Section 11-104 of the Ordinance outlines the requirements for shopping center (retail) and office uses as follows:

Shopping Center – “100,000 square feet of gross floor area or less: Four and three-tenths (4.3) spaces per 1000 square feet of gross floor area.”

Eating Establishment – “One (1) space per four (4) seats plus one (1) space per two (2) employees where seating is at tables.”

Office – “Greater than 50,000 but less than 125,000 square feet of gross floor area: Three (3.0) spaces per 1000 square feet of gross floor area”

As summarized in Table I, based on a strict application of the Zoning Ordinance, 86 parking spaces would be required to accommodate the parking demand associated with the proposed shopping center uses, 60 parking spaces would be required for the assumed restaurant uses, and 225 parking spaces would be required for the proposed office uses.

Total Parking Requirement. As reflected in Table I, a total of 1,535 parking spaces would be required to accommodate the total ultimate (re)development program currently proposed and reflected on the submitted FDPA based on a strict application of the Fairfax County Zoning Ordinance.

Requested Parking Reduction

As reflected in Table I, the proposed ultimate development program would require 1,535 parking spaces to meet the Ordinance. Based on a proposed parking supply of 1,128 parking spaces, the applicant is requesting a 26.5% reduction (or 407 fewer spaces) of the number of spaces that would be required by a strict application of the Ordinance. The basis for such a request is the following three provisions as established in the Ordinance:

1. The mix of on-site uses results in different peak parking demands; i.e. shared parking (Section 11-102.4)
2. The site’s proximity to a mass transit station (Section 11-102.5).
3. The implementation of of a Transportation Demand Management (TDM) program (Section 11-102.26).

The following sections evaluate the requested parking reduction with respect to these three provisions. Copies of the relevant Ordinance text are also included in Attachment III.

PROVISION I: SHARED PARKING

Shared Parking Concept

The Urban Land Institute (ULI) publication Shared Parking, 2nd edition has established a model and methodology for determining parking demand for various types of development. This methodology is especially useful in cases such as Circle Towers, where a single parking space may be used for the proposed retail, office, and/or residential parking. Because each land use within a development may experience a peak parking demand at different times of day, or different months of the year, relative to the other land uses on-site, the actual peak parking demand of the entire development may be less than if the peak parking demand of each land use was considered separately. For example, retail uses experience peak demand just after the noon hour while the demand for residential guest parking peaks in the evening.

Shared Parking Analysis: Fairfax County Parking Requirements

The Fairfax County Zoning Ordinance, Article 11-102(4), provides for application and approval of a parking reduction due to "shared parking" resulting from different peak hours for uses comprising a mixed-use scenario. According to data compiled by ULI, the peak demand associated with residential, retail, and office uses typically occurs at different times. Therefore, a shared parking scenario can be applied to the proposed uses due to variations in the hours of peak parking demand.

Paragraph 4 of the Zoning Ordinance states in part that:

"Off-street parking spaces may serve two (2) or more uses; however, in such case, the total number of such spaces must equal the sum of the spaces required for each separate use except:

That the Board may, subject to conditions it deems appropriate, reduce the total number of parking spaces required by the strict application of this Part when the applicant has demonstrated to the Board's satisfaction that fewer spaces than those required by this Part will adequately serve two (2) or more uses by reason of the hourly parking accumulation characteristics of such uses and such reduction will not adversely affect the site or the adjacent area."

ULI provides base weekday and weekend hourly parking accumulations for individual land uses for the purpose of establishing a base peak parking demand. The ULI parking demand results are based on Fairfax County parking rates and the proposed commercial development program. As Table I indicates, a maximum of 1,535 parking spaces are required for the proposed uses when each land use is considered separately.

The ULI model applies various hourly, monthly and weekday/weekend adjustment factors to the parking demands of each land use. For informational purposes, these adjustment factor tables are provided in Attachment IV. Please note that no synergy adjustment factors were assumed for purposes of this analysis. Based on the monthly and weekday adjustment calculations, the model establishes a peak demand hour and month during which the proposed new development's parking requirements would be

at their highest. The ULI model calculation summary of the subject site (only considering the shared parking hours) is provided in Table 2. When the project's parking demands (based on the Fairfax County Zoning Ordinance rates) are adjusted to reflect hourly, monthly, and weekday/weekend variations, a peak parking demand of 1,302 weekday and 1,275 weekend parking spaces results. The weekday shared parking figure represents a 15.2% (or 233 fewer parking spaces) reduction from the Fairfax County Zoning Ordinance. Figure 3 shows hourly parking demand as a composite of the demands of all proposed site land uses.

PROVISION 2: PROXIMITY TO MASS TRANSIT

Overview

As shown on Figure 1, the site is located within one mile of the existing Vienna/Fairfax-GMU Metrorail station portal. The Fairfax County Zoning Ordinance provides for a reduction in required off-street parking for sites located in close proximity to transit. Article 11, Section 11-102.5 states:

“Within the area in proximity to a mass transit station, which station either exists or is programmed for completion within the same time frame as the completion of the subject development, or along a corridor served by a mass transit facility, which facility is conveniently accessible to the proposed use and offers a regular scheduled service, the Board may, subject to conditions it deems appropriate, reduce the number of off-street parking spaces otherwise required by the strict application of the provisions of this Part. Such reduction may be approved when the applicant has demonstrated to the Board's satisfaction that the spaces proposed to be eliminated are unnecessary based on the projected reduction in the parking demand resulting from the proximity of the transit station or mass transit facility and such reduction in parking spaces will not adversely affect the site or the adjacent area.”

The Circle Towers property is located approximately ½ to ¾ miles from the Vienna/Fairfax-GMU metrorail station as reflected on Figure 1. Although not considered a transit-oriented development due to its location outside the ½ mile ring, the development could be considered transit related. As such, a number of its residents utilize existing sidewalks/trails proximate to the property to access the rail station. Additionally, bus stops are located along Route 29 and Route 50 adjacent to the site.

Auto Ownership

In harmony with the transit-related nature of the Circle Towers development, the residential units will be target marketed toward a demographic inclined to use transit on a regular basis. While the Circle Towers site does not fit the definition of a “Transit-Oriented Development” (TOD), certain elements of the plan would serve to make the project “transit related.” Therefore, a certain degree of transit usage (vs. auto-oriented usage) would be anticipated and further enhanced by committed transportation demand management (TDM) elements discussed later in this report.

Table 2
 Project: Circle Towers Shared Parking
 Description: No Mode Adjustment

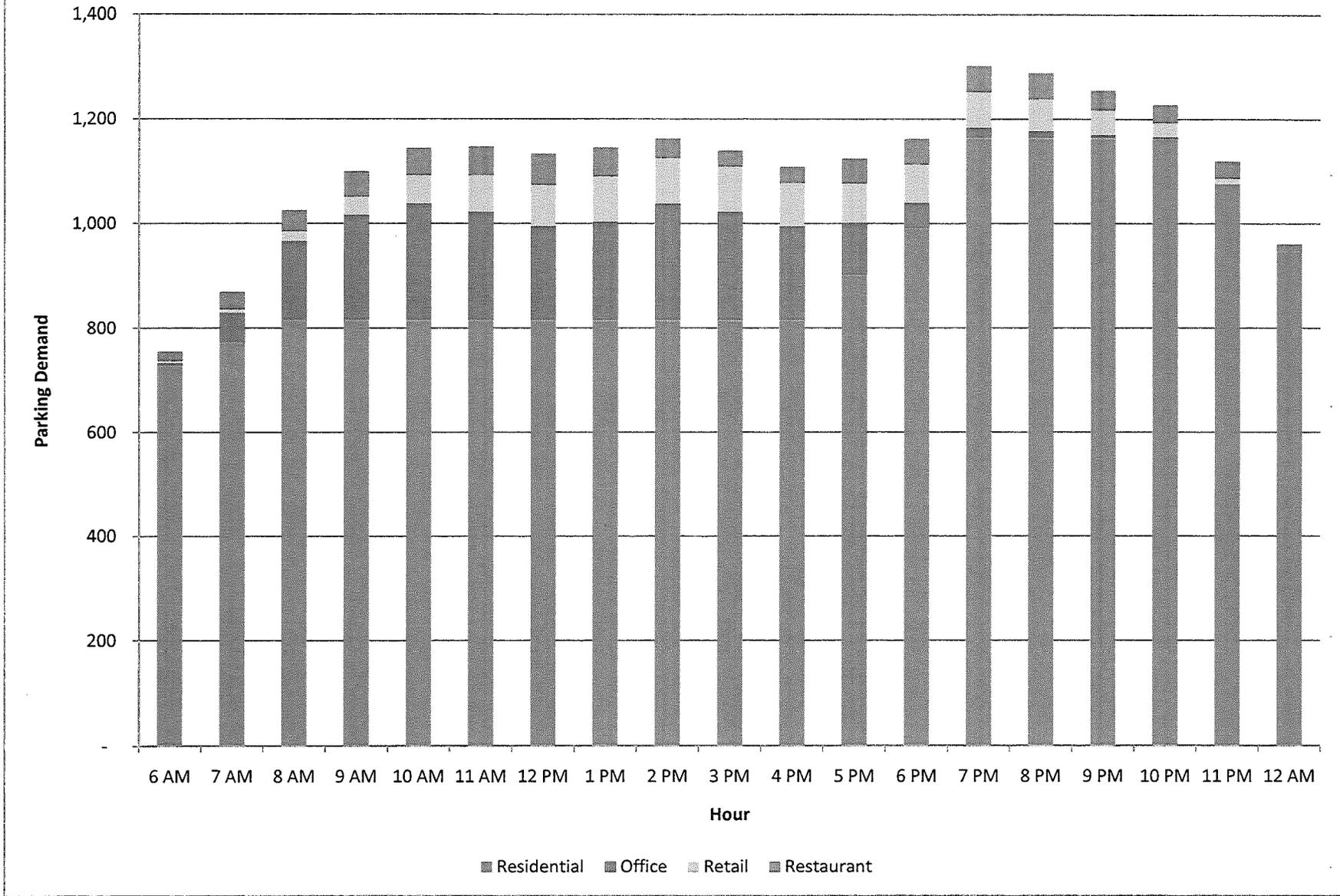
8/13/2010

SHARED PARKING DEMAND SUMMARY

PEAK MONTH: DECEMBER -- PEAK PERIOD: 7 PM, WEEKDAY

Land Use	Project Data Quantity Unit		Weekday					Weekend					Weekday			Weekend		
			Base Rate	Mode Adj	Non-Captive Ratio	Project Rate	Unit	Base Rate	Mode Adj	Non-Captive Ratio	Project Rate	Unit	Peak Hr Adj	Peak Mo Adj	Estimated Parking Demand	Peak Hr Adj	Peak Mo Adj	Estimated Parking Demand
													7 PM	December		7 PM	December	
Community Shopping Center (<400 ksf) Employee	20,000	sf GLA	3.30	1.00	1.00	3.30	/ksf GLA	3.30	1.00	1.00	3.30	/ksf GLA	0.75	1.00	50	0.75	1.00	50
Family Restaurant Employee	6,000	sf GLA	7.50	1.00	1.00	7.50	/ksf GLA	7.50	1.00	1.00	7.50	/ksf GLA	0.80	1.00	36	0.70	1.00	32
Residential, Rental, Shared Spaces Reserved	727	units	0.00	1.00	1.00	0.00	/unit	0.00	1.00	1.00	0.00	/unit	0.97	1.00	0	0.97	1.00	0
Guest	1	sp/unit	1.00	1.00	1.00	1.00	/unit	1.00	1.00	1.00	1.00	/unit	1.00	1.00	727	1.00	1.00	727
Office 25 to 100 ksf Employee	74,700	sf GLA	0.60	1.00	1.00	0.60	/unit	0.60	1.00	1.00	0.60	/unit	1.00	1.00	436	1.00	1.00	436
			0.40	1.00	1.00	0.40	/ksf GLA	0.40	1.00	1.00	0.40	/ksf GLA	0.02	1.00	1	0.00	1.00	0
			2.60	1.00	1.00	2.60	/ksf GLA	2.60	1.00	1.00	2.60	/ksf GLA	0.10	1.00	19	0.00	1.00	0
ULI base data have been modified from default values.												Customer		523	Customer		518	
												Employee		52	Employee		30	
												Reserved		727	Reserved		727	
												Total		1302	Total		1275	

Figure 3 - Hourly Shared Parking Demand



Dr. Robert Cervero of the University of California at Berkley has conducted extensive research over the past decade or more on residents of TOD's (primarily in California) and their travel behavior. Among Cervero's primary findings were the following:

- Most TOD residents are young professionals, singles, retirees, childless households, and immigrants from foreign countries.
- These groups tend to require less housing space than traditional "nuclear families", and are more likely to live in attached housing units for financial and convenience reasons, regardless of where the units are located.
- Most TOD residents tend to work downtown and in other locations that are well served by transit.

Cervero's findings in California were further supported by a study of vehicle ownership in TOD's in British Columbia. In this study, Bunt and Associates Engineering surveyed households are six "Skytrain" transit stations. Primary findings from this study found:

- Households located near Skytrain stations use transit much more often than more distant households (i.e., residential sorting is occurring).
- Households near stations generally owned 10% fewer vehicles than more distant households. Frequent users of Skytrain, however, owned 29% fewer vehicles than households using Skytrain less frequently. The difference in Skytrain use translates directly to lower car ownership rates.
- Other factors were found to affect car ownership in addition to transit proximity. These are: household income; number of people in a household; and the size of dwelling units (which was assumed to be correlated with the other two factors).

Locally, Wells + Associates completed similar surveys in June 2001 to assess the impact of transit proximity on parking demands associated with high-rise multifamily projects. The scope of that study was developed in close consultation with staff from the Department of Public Works & Environmental Services (DPW&ES) and the Fairfax County Department of Transportation. Steps undertaken in that study included, but were not limited to the following:

- Nine comparable sites were identified and parking demand counts conducted on a series of typical weekdays and Saturdays
- Demographic data was collected for each of the comparable sites in terms of number and type of units, tenant characteristics, auto ownership, parking spaces provided, availability of off-site parking and local ordinance requirements
- A description of parking controls/operations were provided, if available, for each of the comparable sites

- A review of national and local data sources to determine the impact of mass transit on area parking requirements

The results of our study were generally consistent with the findings of Cervero et al. Specifically, the data indicated auto ownership at high-rise multifamily developments was lower than other types of residential units, especially proximate to transit facilities. The data collected by Wells + Associates in 2001 was supplemented with demographic data from the Development – Related Ridership Survey II prepared by JHK + Associates for WMATA. Both the Development – Related Ridership Survey II and the 2005 Development – Related Ridership Survey assessed the impact of auto-ownership and metro ridership. Both reports found locating residential units in proximity to transit services resulted in reduced auto ownership and increased mode splits.

Auto ownership, as measured in the Wells study taken together with the Ridership Survey II data, ranged from a low of 0.25 vehicles per unit to a high of 1.87 vehicles per unit (as measured at Fairfax Towers, a non-TOD product). Average auto ownership was calculated at 1.07 vehicles per unit. Based on the information collected in 2001 with regard to average auto ownership, the projected number of vehicles associated with the proposed 727 units at Circle Towers would be 778. In addition to auto ownership, parking demand counts were collected at a number of metro and non-metro related sites. The results of the report, in the absence of any project related TDM commitments, supported a 16% reduction in parking from the County's Ordinance requirements. Excerpts from the June 2001, Wells study are included as Attachment V.

Existing Circle Towers Parking Demand.

Parking occupancy counts were conducted at the Circle Towers site to gain an understanding of existing parking demand that the community currently experiences given its proximity to the Vienna/Fairfax-GMU metrorail station. Counts were conducted hourly from 6:00 AM to 12:00 Midnight on each of the following days:

- Tuesday, April 20, 2010
- Thursday, April 22, 2010
- Saturday, April 24, 2010

The parking count results are provided as Attachment VI and summarized in Table 3. As shown in Table 3, the highest parking demand for the site was experienced at 6:00 AM on each day. This result indicates that the demand is derived primarily from the residential component of the site. Furthermore, the non-residential components of the site do not create constraints in the available parking supply during the course of the day.

Currently a total of 606 residential units are built and occupied on the site. Based on the Zoning Ordinance a total of 970 spaces would be required to serve those units. The highest on-site observed parking demand measured was 840 occupied spaces. The resulting parking demand rate (based on residential uses) is calculated at 1.39 spaces per dwelling unit. This rate represents a 13.1% reduction from the 1.6 spaces per dwelling unit required per the Zoning Ordinance that the site is currently

Table 3
 Circle Towers Parking Study
 Site Parking Occupancy Count Summary

Hour	Total Occupied Spaces		
	Tuesday April 20, 2010	Thursday April 22, 2010	Saturday April 24, 2010
6:00 AM	778	840	830
7:00 AM	726	830	818
8:00 AM	653	643	769
9:00 AM	569	540	716
10:00 AM	494	520	672
11:00 AM	465	471	587
12:00 PM	477	491	561
1:00 PM	462	469	584
2:00 PM	452	436	559
3:00 PM	462	454	535
4:00 PM	474	456	520
5:00 PM	493	447	546
6:00 PM	493	466	552
7:00 PM	570	550	570
8:00 PM	604	626	590
9:00 PM	675	685	597
10:00 PM	728	738	628
11:00 PM	753	784	698
12:00 AM	752	818	718
Max. Occupancy	778	840	830

experiencing due to its proximity to transit despite the lack of an established Transportation Demand Management (TDM) program that is currently proposed. When applied to the proposed development plan, a 13.1% residential demand reduction equates to an approximate 9.9% reduction in parking demand (or 152 fewer parking spaces) for the overall site when considering the site's proximity to transit.

PROVISION 3: TRANSPORTATION DEMAND MANAGEMENT (TDM)

Overview

In cases where an applicant has proffered (or intends to proffer) a TDM program, The Fairfax County Zoning Ordinance provides for a reduction in required off-street parking, as outlined in Article 11, Section 11-102.26 (see Attachment II). As stated:

“In conjunction with the approval of a proffer to establish a transportation demand management (TDM) program, or if a development is subject to an approved proffer for the establishment of a TDM program, the Board may, subject to conditions it deems appropriate, reduce the number of off-street parking spaces otherwise required by the strict application of the provisions of this Part when the applicant has demonstrated to the Board's satisfaction that, due to the proffered TDM program, the spaces proposed to be eliminated for a site are unnecessary and such reduction in parking spaces will not adversely affect the site or the adjacent area. In no event shall the reduction in the number of required spaces exceed the projected reduction in parking demand specified by the proffered TDM program.

For the purposes of this provision, a proffered TDM program shall include: a projected reduction in parking demand expressed as a percentage of overall parking demand and the basis for such projection; the TDM program actions to be taken by the applicant to reduce the parking demand; a requirement by the applicant to periodically monitor and report to the County as to whether the projected reductions are being achieved; and a commitment and plan whereby the applicant shall provide additional parking spaces in an amount equivalent to the reduction should the TDM program not result in the projected reduction in parking demand.”

Transportation Demand Management (TDM). The applicant has proposed a TDM proffer that is intended to reduce site-generated vehicle trips by 25% for the site's residential component and 20% for the site's office component. As part of this draft proffer, the applicant proposes to implement certain measures to reduce on-site vehicle parking demand. The proposed TDM plan takes advantage of the site's proximity to mass transit (as elaborated above) and would serve to enhance the residential parking demand reduction already evident on the site. With a TDM plan in place, it is anticipated that residential parking demand may be reduced by at least an additional 1.9% further than those reductions resulting from shared parking and the site's proximity to mass transit (Provisions 1 and 2, elaborated above). The 1.9% additional residential parking demand reduction equates to an approximate 1.4% reduction in parking demand (or 22 fewer parking spaces) for the overall site.

The draft TDM program proffer specifically provides for the designation of a TDM program manager for Circle Towers and the implementation of a TDM plan approved by FCDOT. The TDM plan, as currently drafted, includes the following:

- i. Information Dissemination. The PM shall make Metrorail and bus maps, schedules and forms, ridesharing and other relevant transit option information available to residents, employees, visitors and guests in a common area; such as the central lobby, leasing center, community room, and/or Property management office.
- ii. Ride Matching. The PM shall coordinate and assist with vanpool and carpool formation programs, ride matching services and established MWCOG (Metropolitan Washington Council of Governments) guaranteed ride home programs for employees and residents.
- iii. Internet Access. All residential units shall be prewired to provide internet access (or other technology that may become available) to permit residents to work from home.
- iv. Car Sharing Information. The PM shall make information available regarding the existence of local car sharing programs (such as ZipCar) at the Vienna-Fairfax-GMU metrorail station to residents, visitors and guests.
- v. Preferential Parking. Applicant shall provide preferential parking for car/van pools in all parking facilities within the Property.
- vi. Coordination. The PM shall work with FCDOT, and any other transportation management entities established in the local area of the development, to promote alternatives to single-occupant automobile commute trips.
- vii. Bicycle Facilities. The Applicant shall provide bicycle racks along the internal streets and parking structures as shown on the PCA/FDCP.
- viii. Pedestrian Connections. The Applicant shall provide an integrated system of on-site sidewalks and trails within the property as reflected on the PCA/FDPA. The PM shall provide information to residents and office tenants as to the best pedestrian and/or bicycle routes to take to and from the Vienna-Fairfax-GMU metrorail station.

Additionally, the draft TDM program proffer requires Circle Towers to perform an annual survey of its residents to measure the effectiveness of the TDM program. Finally, the draft TDM program proffer requires Circle Towers to distribute SmarTrip cards to new residents at the time of lease execution. Such SmarTrip cards will have a minimum of \$5.00 pre-loaded and shall be distributed to encourage and incentivize the use of Metrorail or bus.

The TDM Encyclopedia by the Victoria Transport Policy Institute recommends a variety of strategies that results in a more efficient use of parking resources, including shared parking, improved user information, parking pricing and use of alternative modes. According to the Institute, instituting transportation demand management strategies such as trip reduction programs, better bicycle parking, unbundling parking from units, and providing for car sharing can reduce parking requirements between

10% and 30%. The TDM program proffered (in draft) by the Applicant for Circle Towers includes such components.

ULI SHARED PARKING MODEL - INCORPORATING MODE SHARE AND TDM

As requested by staff, the ULI shared parking model was run incorporating the anticipated mode share and proffered TDM program. As stated above, the combined reductions in residential parking demand for both Provisions 2 and 3 (proximity to transit and TDM) is projected at 15%. In order to account for this reduction in residential demand in the shared parking model, the base residential parking rate was reduced by 15%, i.e. from an Ordinance rate of 1.6 spaces per unit to a reduced 1.36 spaces per unit. The ULI model calculation summary of the subject site accounting for mode share and the proposed TDM program is provided in Table 4. As shown, a peak parking demand of 1,128 spaces is calculated. This result reflects a parking reduction of 26.5% for the overall site (407 fewer parking spaces), which is consistent with the parking reduction request. Figure 4 shows hourly parking demand as a composite of the demands of all proposed site land uses.

CONCLUSIONS

Based on the documentation provided herein, the following can be concluded:

1. Under a strict application of the Zoning Ordinance, 1,535 parking spaces would be required to accommodate the proposed site uses.
2. The applicant is seeking a parking reduction of **26.5% (407 fewer parking spaces)** for a total of 1,128 parking spaces to serve the entire Circle Towers site.
3. The proposed mix of uses on site would promote shared parking among the various uses given the varying hourly demands associated with each use. According to the ULI model, a reduction of 15.2% (or 233 overall parking spaces) would be anticipated.
4. The location of the site in proximity to the Vienna/Fairfax-GMU metrorail station will continue to serve to reduce parking demand and attract residents who will be inclined to choose non-auto modes of travel. Based on existing data collected, the site's proximity to transit would reduce overall parking demand by 9.9% (or 152 fewer parking spaces).
5. The proposed transportation demand management (TDM) program for the site will further reduce the demand for residential parking by promoting and encouraging other modes of travel, as well as providing essential community-serving retail uses on-site. The TDM program, as proposed is anticipated to further reduce parking demand 1.4% for the overall site (or 22 fewer parking spaces).
6. Given the site's proposed mix of uses, its location to existing mass transit, and the applicant's proposed TDM program, the site parking reduction requested by the applicant should be supported.

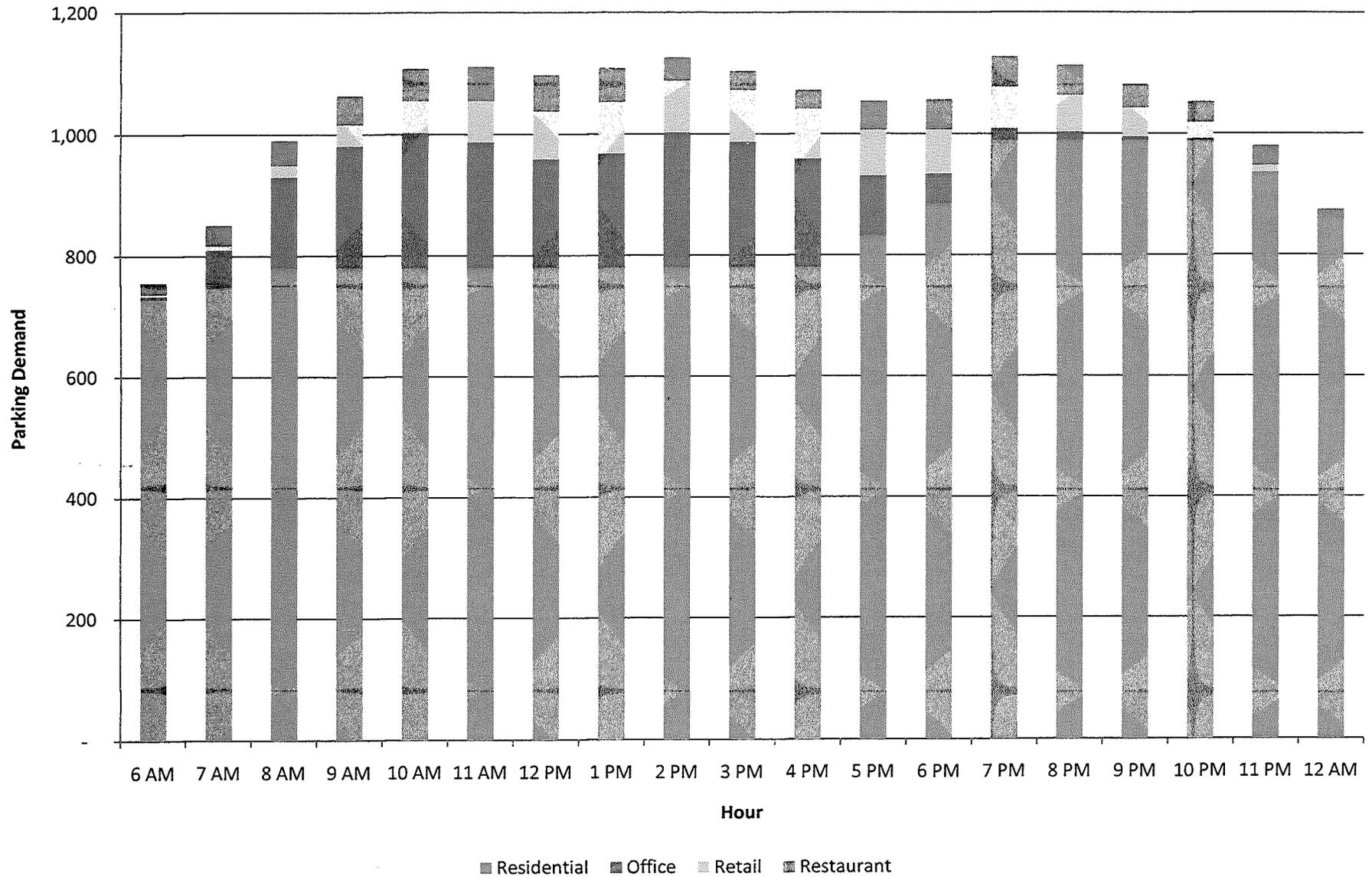
Table 4
Project: Circle Towers Shared Parking
Description: No Mode Adjustment

SHARED PARKING DEMAND SUMMARY - INCORPORATING MODE SHARE AND TDM

PEAK MONTH: DECEMBER -- PEAK PERIOD: 7 PM, WEEKDAY

Land Use	Project Data Quantity Unit		Weekday					Weekend					Weekday			Weekend		
			Base Rate	Mode Adj	Non-Captive Ratio	Project Rate	Unit	Base Rate	Mode Adj	Non-Captive Ratio	Project Rate	Unit	Peak Hr Adj	Peak Mo Adj	Estimated Parking Demand	Peak Hr Adj	Peak Mo Adj	Estimated Parking Demand
													7 PM	December		11 AM	December	
Community Shopping Center (<400 ksf) Employee	20,000	sf GLA	3.30 1.00	1.00 1.00	1.00 1.00	3.30 1.00	/ksf GLA /ksf GLA	3.30 1.00	1.00 1.00	1.00 1.00	3.30 1.00	/ksf GLA /ksf GLA	0.75 0.95	1.00 1.00	50 19	0.70 0.95	1.00 1.00	46 19
Family Restaurant Employee	6,000	sf GLA	7.50 2.50	1.00 1.00	1.00 1.00	7.50 2.50	/ksf GLA /ksf GLA	7.50 2.50	1.00 1.00	1.00 1.00	7.50 2.50	/ksf GLA /ksf GLA	0.80 0.95	1.00 1.00	36 14	0.90 1.00	1.00 1.00	41 15
Residential, Rental, Shared Spaces Reserved	727	units	0.00	1.00	1.00	0.00	/unit	0.00	1.00	1.00	0.00	/unit	0.97	1.00	0	0.70	1.00	0
Guest	1	sp/unit	1.00	1.00	1.00	1.00	/unit	1.00	1.00	1.00	1.00	/unit	1.00	1.00	727	1.00	1.00	727
Office 25 to 100 ksf Employee	727	units	0.36	1.00	1.00	0.36	/unit	0.36	1.00	1.00	0.36	/unit	1.00	1.00	262	0.20	1.00	52
Office 25 to 100 ksf Employee	74,700	sf GLA	0.40 2.60	1.00 1.00	1.00 1.00	0.40 2.60	/ksf GLA /ksf GLA	0.40 2.60	1.00 1.00	1.00 1.00	0.40 2.60	/ksf GLA /ksf GLA	0.02 0.10	1.00 1.00	1 19	1.00 1.00	1.00 1.00	30 194
ULI base data have been modified from default values.												Customer Employee Reserved Total	349 52 727 1128	Customer Employee Reserved Total	169 228 727 1124			

Figure 4 - Hourly Shared Parking Demand (Incorporating Mode Share and TDM)



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ACTION - 3

Award of Federal HOME Program Funds to Three Fairfax County Nonprofit Housing Organizations

ISSUE:

Approval by the Board of Supervisors to award federal HOME Program Community Housing Development Organization (CHDO) awards to NOVACO (\$480,000), Reston Interfaith Housing Corporation (\$249,271), and the Brain Foundation (\$309,271). The funds will be used for the acquisition and preservation of affordable housing for rental to low and very low-income households.

RECOMMENDATION:

The County Executive recommends that the Board approve the HOME CHDO allocations for FY 2011 as outlined in the item.

TIMING:

Board action is requested on May 10, 2011, in order to enable projects to proceed and to meet the CHDO funds reservation requirements of the HOME Program.

BACKGROUND:

Fairfax County receives funding each year from the U.S. Department of Housing and Urban Development (HUD) through the HOME Investment Partnerships Program. The HOME Program requires that at least 15% of each annual allocation be set aside for certified CHDOs. The Fairfax County Department of Housing and Community Development (HCD) issued a Request for Proposals (RFP) for funding up to \$1,114,001 on March 1, 2011, with responses due on March 29, 2011. Proposals from two current Fairfax County CHDOs and one prospective CHDO were received in response to this RFP. Besides meeting other criteria, preference was given to projects that served families and individuals at or below 30 percent of AMI and incorporated goals as outlined in Fairfax County's Consolidated Plan and the Housing Blueprint. These projects also demonstrated the ability to be completed within twelve months of funding. The following is a summary of the proposed projects approved by the Fairfax County Redevelopment and Housing Authority at its meeting April 28, 2010:

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- \$480,000 to NOVACO for the acquisition of three 2-bedroom condominiums to serve as transitional housing for victims of domestic abuse who are homeless and have children under the age of 18. Funds will not be disbursed until NOVACO has been approved for full CHDO status by HCD prior to contract execution.
- \$249,271 to Reston Interfaith Housing Corporation for the acquisition and rehabilitation of one 4-bedroom townhouse to serve a low-income family whose annual income is 50 percent or less of the Area Median Income (AMI).
- \$249,271 to The Brain Foundation to preserve an affordable unit by refinancing existing debt in conjunction with rehabilitation of one 4-bedroom townhouse unit to serve as a group home for four adult women with brain disease and whose annual income is 30 percent of AMI or less.
- \$60,000 to The Brain Foundation for the acquisition of one 4-bedroom townhouse unit to serve as a group home for four adult women with brain disease and whose annual income is 30 percent of AMI or less.

The following is a definition of the organizations recommended for funding under this award:

NOVACO

NOVACO is a non-profit 501(c) (3) organization founded in 1999. NOVACO assists homeless victims of domestic abuse and offers safe housing and supportive services to those victims and families, including education, child care, counseling and mentoring. NOVACO has been providing services to victims of abuse for 11 years. Clients and their children are permitted to reside in housing for up to 24 months while paying 30 percent of their income and learning new skills to help them succeed. As one family graduates from the program and moves out of the unit, another family moves in. NOVACO currently owns five affordable housing units for which the organization maintains and pays all associated fees. NOVACO currently does not have any debt on the existing units and has an annual operating budget of approximately \$700,000. NOVACO receives funding from a variety of different sources including private fundraising and federal grant programs.

NOVACO applied for funding in the amount of \$480,000 under this RFP to purchase no less than three 2-bedroom condominium units to serve as transitional housing for victims of domestic abuse who are homeless and have children under the age of 18. In addition to housing, clients will receive case management and vocational assistance.

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The HCD SAC award recommendation of \$480,000 will provide funding to assist NOVACO in acquiring the proposed three condominiums. The non-profit will still leverage private funds to finance other acquisition and rehabilitation costs in this project. Final disbursement of funds will be contingent upon NOVACO achieving full CHDO status approval by HCD prior the contract execution date. As permitted under the RFP, the organization has undertaken the appropriate steps to obtain CHDO status to include updating the organizational by-laws, operating procedures, and modifying the composition of its Board of Directors.

Reston Interfaith Housing Corporation (RIHC)

Reston Interfaith, Inc. is a non-profit 501(c) (3) organization founded in 1970. Reston Interfaith Housing Corporation (RIHC) is a wholly owned subsidiary of Reston Interfaith, Inc. For over 40 years, the combined work of these organizations has helped provide safe, decent and affordable housing, supported by individualized social services. Reston Interfaith, Inc. is recognized as a Community Based Development Organization (CDBO) for CDBG funding and is certified as a CHDO by Fairfax County. In addition to developing 48 affordable rental apartment units in partnership with a private developer, RIHC presently owns 47 properties, of which 45 are townhomes and two are condominium units, scattered primarily throughout the Reston and Herndon areas for which the organization maintains and pays all associated fees for the properties. RIHC has an annual operating budget of approximately \$7.6 million. RIHC receives funding from a variety of different sources including private fundraising and state and federal grant programs.

RIHC applied for funding in the amount of \$325,000 under this RFP to purchase at least one 4-bedroom townhouse unit to provide rental housing to a low-income family. This unit will also receive a project-based voucher through RIHC's Town House Program. In addition to housing, residents will receive comprehensive case management with an end goal of moving the family towards self-sufficiency.

The HCD SAC award recommendation of \$249,271, the maximum allowable HOME subsidy for one unit, will provide adequate funding to assist RIHC in the acquisition while allowing private funds to be leveraged towards the project.

The Brain Foundation

The Brain Foundation is an all-volunteer, non-profit 501(c)(3) organization, founded in 2003, and is certified as a CHDO by Fairfax County. The mission of the Brain Foundation is to enable those who are challenged with serious and persistent brain injury or illness to live with dignity and safety in communities that provide them recognition, acceptance, protection, healing, and opportunity. The organization uses almost 100% of all donations received to provide direct assistance to program participants and beneficiaries. The Brain Foundation currently owns six affordable housing units, also known as Laura's Houses. The

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organization purchases and operates each Laura's House as the landlord and Pathway Homes selects residents and provides ongoing supportive services. Rehabilitation and maintenance work are primarily completed by volunteers, often with supplies donated by local businesses. The organization has an annual operating budget of approximately \$185,000. The Brain Foundation receives funding from a variety of different sources including private grants and contributions.

The Brain Foundation applied for funding in the amount of \$309,271 under this RFP through two separate proposals. One proposal is a refinancing and rehabilitation project which consists of utilizing \$249,271 to renovate and provide permanent financing to a unit owned by the non-profit, preserving the unit as affordable. The second project consists of combining \$60,000 in HOME funds under this RFP with previously awarded Consolidated Community Funding Pool (CCFP) Community Development Block Grant (CDBG) funds to acquire at least one townhouse for adults with brain disease. Pathway Homes, Inc. will provide resident selection and supportive services through an independent funding source.

The HCD SAC recommended two separate awards, \$249,271 and \$60,000, to provide permanent financing and rehabilitate an existing unit, and provide subsidy to acquire an additional unit.

The FCRHA is authorized to expend funds approved by the Board of Supervisors and HUD for the purpose of undertaking HOME eligible activities that involve capital costs, or where a loan, deferred trust, or other restricting conditions need to be imposed.

Final terms of the loans to the NOVACO, RIHC, and the Brain Foundation will be taken to the HCD Loan Underwriting Committee (LUC) for review and approval. Terms will be in compliance with the requirements of the HOME Program, and will attempt to reflect RHA preferences as well. Any minor changes or adjustments made to project descriptions shall be subject to the review and approval of the LUC.

In order to assure compliance with federal HOME requirements, a deed of trust will be placed on each assisted property ensuring that these properties are used for the purpose of providing affordable housing. The affordability period imposed under each deed of trust shall endure for 30 years.

FISCAL IMPACT:

A current balance of \$777,657 is allocated to Fund 145, HOME Investment Partnership Program CHDO Undesignated (Project # 013954). Subject to the approval of the Board of Supervisors, an amount of \$336,344 will be re-allocated from Silver Lining Initiative (Project # 014275) which has a current balance of \$2,529,595, to CHDO Undesignated

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bringing the new balance to \$1,114,001, which includes \$75,459 in contingency funds. If any contingency funds are not used in a timely manner, the balance will be reallocated to the rehabilitation of FCHRA properties, to include Murraygate Village.

ENCLOSED DOCUMENTS:

None

STAFF:

Patricia D. Harrison, Deputy County Executive

Paula C. Sampson, Director, HCD

John Payne, Deputy Director, Real Estate and Development, HCD

Aseem K. Nigam, Director, Real Estate Finance and Grants Management Division, HCD

Robert C. Fields, Interim Associate Director, Grants Management, HCD

Kehinde Powell, HCD III, Grants Management, HCD

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CONSIDERATION - 1

Appeal of Va. Code Ann. § 15.2-2232 Determination - Application 2232-D11-3, Metropolitan Washington Airports Authority (MWAA) in Coordination with the Department of Rail and Public Transportation (DRPT) on Behalf of the Washington Metropolitan Area Transit Authority (WMATA) (Dranesville District)

ISSUE:

Consideration of an appeal filed by the Metropolitan Washington Airports Authority (MWAA) in coordination with the Department of Rail and Public Transportation (DRPT) on behalf of the Washington Metropolitan Area Transit Authority (WMATA) of an April 6, 2011 Va. Code Ann. § 15.2-2232 determination by the Fairfax County Planning Commission that Application 2232-D11-3, a proposal to construct a Train Control Room south of Fisher Avenue in the VDOT Right-of-Way, is not substantially in accord with the adopted Fairfax County Comprehensive Plan.

TIMING:

Board of Supervisors' action is required by the June 7, 2011 Board meeting to ensure compliance with the appeal procedures mandated by Va. Code Ann. § 15.2-2232.

BACKGROUND:

On January 18, 2007, the Fairfax County Planning Commission approved Application 2232-MD06-10 for the extension of Metrorail service through Fairfax County, including the rail line, and ancillary power and stormwater management facilities. Included in this approval was a location for a Train Control Room (TCR) located to the north of the existing Traction Power Substation (TPSS) near the intersection of Fisher Avenue and Great Falls Street.

The applicant has stated that once the size of the facility was finalized and connections identified with the existing TPSS and track switches in the median of I-66, site constraints at the previously approved location were recognized. The previously approved location of the TCR would allow only limited setback from Fisher Avenue and would conflict with underground electrical and water utilities. The applicant states that the electrical duct bank supplying service to the existing TPSS runs across the east end of the approved location and enters the TPSS on the Fisher Avenue side, and that new facilities could not be located over this existing electrical duct bank. The previously approved location would also require a new long duct bank from track switches in the median of I-66. To avoid outdoor transformers at the east end of the TPSS, the new duct banks would be routed along Fisher Avenue. The existing large canopy trees in front of the TPSS would be removed, and replacement trees could not be replanted

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over the new duct banks. In addition, the limited setback, a maximum of 10 feet from Fisher Avenue would not allow for large plantings at the east end of the facility.

On January 24, 2011, the applicant submitted Application 2232-D11-3, as amended through March 9, 2011, (included as part of the Staff Report in Attachment 1 – Exhibit 2) to the Department of Planning and Zoning (DPZ). As described, the applicant proposed to construct a Train Control Room with a communication room located south of Fisher Avenue.

The TCR is proposed to be located in the VDOT Right-of-Way, set back approximately 25 feet south on Fisher Avenue and approximately 100 feet east of the previously approved location. A new access point from Fisher Avenue is proposed to the west of the TCR. The TCR facility would be approximately 551 square feet, 12 feet in height and surrounded by a 15-foot high screen wall. The applicant proposes to screen the building within the 25 foot setback area by a combination of evergreen and deciduous trees and shrubs. Additional plantings are proposed to screen the existing Traction Power Substation.

Staff evaluated the proposal with regard to the location, character and extent of the proposed facility, to determine if the proposal is substantially in conformance with the Fairfax County Comprehensive Plan, pursuant to Va. Code Ann. § 15.2-2232. The proposed location is within the existing public VDOT Right-of-Way along I-66 and is located near the track crossover point for the Metrorail Orange Line and new Silver Line. Staff recognizes that the facility will have some visual impact on residential properties along Fisher Avenue. The facility is an accessory electrically-powered regional rail transit facility, and as such is not required to comply with specific setback requirements for the R-4 Zoning District, nor with transitional screening requirements. The facility is however, required to be designed in a manner that minimizes adverse impacts to the adjacent properties to the greatest extent practicable through the use of landscaping, screening, design and architectural techniques. Staff believes that the provision of landscaping in the 25' setback area meets these requirements. As detailed in the Staff Report published on March 16, 2011 and the Staff Report Addendum published on March 23, 2011, (Attachment 1 – Exhibit 2), staff concluded that the proposed facility satisfies the criteria of location, character and extent as specified in Section 15.2-2232 and recommended that the Planning Commission find the application substantially in accord with provisions of the adopted Comprehensive Plan.

The Planning Commission held a public hearing for Application 2232-D11-3 on March 23, 2011, during which nine speakers presented testimony regarding the proposal. Following the public hearing, the Planning Commission deferred its decision on the application to April 6, 2011. By a vote of 6-3-2, the Planning Commission denied Application 2232-D11-3 on April 6, 2011, finding that the proposed facility was not substantially in accord with the provisions of the adopted Comprehensive Plan. The

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May 10, 2011

Planning Commission's decision and discussion is detailed in the Planning Commission verbatim excerpt found in Attachment 2.

The staff position has not changed from that set forth in the March 16, 2011 Staff Report and March 23, 2011 Staff Report Addendum. Staff concluded that Application 2232-D11-3 satisfies the criteria of location, character and extent as specified in Va. Code Sec. 15.2-2232, as amended, and recommended that the Planning Commission approve Application 2232-D-11-3 by finding the application substantially in accord with the provisions of the adopted Comprehensive Plan.

As described in the appeal, MWAA has indicated that to return to the previously approved location rather than pursuing the proposed location will add approximately 8 months to the completion of the TCR and will delay the substantial completion of the rail line construction, now set for July 31, 2013.

FISCAL IMPACT:

The applicant states that the design-build agreement between MWAA and Dulles Transit Partners includes a schedule for completion of the project, and that under the terms of the contract, if completion is delayed, the contractor is entitled to extended overhead costs. The applicant estimates that these additional costs are as high as \$300,000 per day of delay and that delay of the schedule will result in substantial additional costs to the public partners funding the extension of rail to Dulles and ultimately, substantial costs to the public.

ENCLOSED DOCUMENTS:

Attachment 1: Appeal of Application 2232-D11-3 (includes Staff Report)

Attachment 2: April 6, 2011 Planning Commission Meeting Verbatim Excerpt

STAFF:

Robert A. Stalzer, Deputy County Executive

Fred R. Selden, Acting Director, Department of Planning and Zoning (DPZ)

Chris B. Caperton, Chief, Facilities Planning Branch, Planning Division (PD), DPZ

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April 15, 2011

VIA HAND DELIVERY

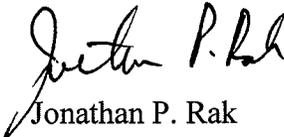
Nancy Vehrs, Clerk to the Fairfax County Board of Supervisors
Fairfax County Government
12000 Government Center Parkway
Suite 533
Fairfax, VA 22035

RE: Petition of Appeal to the Fairfax County Board of Supervisors

Dear Ms. Vehrs:

Please accept the accompanying documents submitted as an appeal to the Fairfax County Board of Supervisors of the denial by the Fairfax County Planning Commission on April 6, 2011 of Application 2232-D11-03.

Sincerely,


Jonathan P. Rak

Enclosures

cc: Members, Board of Supervisors

\30626844.1

Petition of Appeal to
The Fairfax County Board of Supervisors

Appealing the Denial of Application 2232-D11-3 – METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) IN COORDINATION WITH DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (Fisher Avenue Train Control Room)

Introduction

The Petitioners respectfully appeal the decision of the Fairfax County Planning Commission denying Application 2232-D11-3 (Fisher Avenue Train Control Room, TCR1) on April 6, 2011. The application requests a determination that the proposed Train Control Room #1 (TCR1) for the Dulles Corridor Metrorail Project to be located within the right-of-way for Interstate 66 (I-66) is substantially in accord with the adopted Fairfax County Comprehensive Plan. For the reasons described in this petition, the Planning Commission decision was in error and should be reversed.

Background

In January 2007, the Planning Commission approved Application 2232-MD06-10 (System-wide 2232 application for all track and ancillary facilities) for the extension of rail service through Fairfax County including the rail line and ancillary facilities needed for Metro's Silver Line to Dulles Airport. The approval included a preliminary location for TCR1 adjacent to an existing WMATA Traction Power Substation at the corner of Fisher Avenue and Great Falls Street. TCR1 is located near the tie-in of the Orange and Silver Lines and controls the switches and signals necessary for the tie-in.

The 2007 approvals for the proposed facilities were based on limited assessment of the sites through the Environmental Impact Statement (EIS). Changes to numerous features of the 2007 approvals were subsequently required based on more detailed engineering and design. Between April of 2008 and July of 2010, a long list of necessary changes was developed, additional design work conducted and the revisions were made, and submitted and reviewed by County staff. In August of 2010, the County staff made a recommendation to the Planning Commission that of all the changes, only two changes required an amendment of its prior approvals by the Planning Commission, TCR1 being one of them. The remainder could be approved administratively by the Planning Commission. In September of 2010, the Planning Commission requested that community meetings be held regarding the Fisher Avenue TCR. These meetings were held between September 2010 and January of 2011. A summary of community outreach is attached as

Exhibit 1. In January of 2011, the Dranesville Planning Commissioner determined that the proposed TCR1 location would require a public hearing and on February 1, 2011, an application for a 2232 determination was filed with County staff. After that time, additional community meetings were conducted through February 2011.

- I. The Planning Commission erred in denying the Application 2232-D11-3 because the location, character and extent of the proposed Train Control Room is in accord with the adopted Comprehensive Plan.

The Fairfax County Department of Planning and Zoning carefully reviewed the subject application and concluded that the proposal satisfies the criteria of location, character, and extent as specified in Va. Code Sec. 15.2-2232. See attached March 16, 2011 Staff Report and Addendum (*Exhibit 2*). Although much discussion occurred at the public hearing regarding a preference for the previously approved location, the only issue to be addressed by the Planning Commission was whether the location, character and extent of the current proposal is in accord with the adopted Comprehensive Plan.

A. Location

The Comprehensive Plan contains specific guidance for the location of rail transit facilities. The Plan recommends that such facilities be located within Enhanced Public Transportation Corridors shown on the Transportation Plan Map. I-66 is designated as an Enhanced Public Transportation Corridor. The proposed TCR1 location is not only within the I-66 right-of-way, but is also within the current "limited access line" of the interstate and on the highway-side of the existing fence at the top of the slope descending to the travel lanes of I-66. (See *Exhibit 3*)

The Plan also encourages co-location of public facilities, in this case, the co-location of the rail facilities with a major highway. The co-location requirement does not require that rail facilities be always co-located with other rail facilities. Their location within the Corridor is guided by their function within the rail system. TCR1 needs to be in the proposed location because of proximity to the connections to the switch and signal equipment it will control.

Arguments made by certain speakers at the public hearing that the proposal intrudes into the residential neighborhood are inaccurate. Although the proposed location is farther east of Great Falls Street than the previously approved location, it is closer to the highway lanes and farther from the nearby homes in the Brilyn Park subdivision.

B. Character

Evaluation of whether the character of the facility conforms to Comprehensive Plan guidance focused on ensuring that the proposed TCR1 will be properly screened and buffered in order to mitigate visual impact on the residential neighborhood across Fisher Avenue. To comply with plan guidance, the proposal includes a fifteen foot tall masonry

screen-wall around the TCR1 building. The screen-wall is set back a minimum of 25 feet from the curb of Fisher Avenue and is at least 110 feet from the nearest residence, which is located on the other side of Fisher Avenue from the proposed location of TCR1. (See *Exhibit 4*) The screen wall will be superior in appearance to the modern, high-quality sound barriers that have been installed along other segments of highways in Fairfax County at the request of residential neighbors.

The screen-wall itself will be buffered by extensive landscaping including overlapping rows of holly trees, evergreen shrubs and willow oak trees. Although clearing of several mature Virginia pine trees will be necessary for site development, new trees will be planted at four inch caliper to maximize their size at planting and hasten their growth. Two photo simulations of the proposed buffering and screening from Fisher Avenue are attached as *Exhibit 5* and the proposed landscape plan is attached as *Exhibit 6*.

In addition to the buffering and screening of TCR1, the application proposes new landscaping in front of the existing WMATA Traction Power Substation (TPSS) building as shown on *Exhibit 6*.

C. Extent

The proposed TCR1 has been efficiently designed to be as small in area and low in height as possible. Pursuant to Sect. 2-516 of the Fairfax County Zoning Ordinance, the proposed facility is not required to meet the minimum size requirement for such facilities because of its location within the right-of-way of an interstate highway. Regardless, the facility is roughly 20% smaller than that allowed by the Ordinance for such facilities located outside of the right-of-way and 25% shorter in height than that allowed by the Ordinance for the same. The proposed location allows for a screening yard, 25 feet in width, to mitigate the visual impact.

II. Denial of Application 2232-D11-3 would result in a reversion to the previously approved location for the Train Control Room. That location has greater visual impacts to the neighborhood than the proposed location and multiple disadvantages for development, operation and maintenance of the Train Control Room.

A. The previously approved location cannot be effectively screened and is much closer to existing homes.

The previously approved location, in front of the existing TPSS building at the intersections of Fisher Avenue, Osborn Street and Great Falls Street, was determined based on the EIS, with approximately 5% engineering. Once the size of the facility was finalized and connections identified with the existing TPSS and track switches in the median of I-66, site constraints at this location were identified. Among those constraints is an existing high voltage electrical duct bank running along the north side of the

existing TPSS and an existing underground grounding grid associated with the TPSS. Because of these existing conditions, the TCR1 building cannot be closer than 13 feet to the TPSS, placing the building within 10 feet of the curb line of Fisher Avenue. Additionally, other duct banks and/or utility lines could be required in the area between the building and the curb line of Fisher Avenue. These conditions combine to severely restrict the ability to plant any landscaping for screening purposes between the building and the street. Without the ability to screen the massing of the combined structures, the full impact of the existing TPSS building together with the proposed TCR building would be borne by homes as close as 60 feet from the buildings at this prominent location.

The Planning Commission found that the proposed location, set back 25 feet from the curb of Fisher Avenue, was not in keeping with the residential character of the neighborhood, citing that most front yard setbacks are 40 to 50 feet. The approved location, within 10 feet of Fisher Avenue with little to no landscaping is clearly a worse location.

Further, the Planning Commission concluded that two separate buildings along Fisher Avenue were more of an impact than the buildings located together at the prominent corner. What the Planning Commission did not take into account when making this conclusion was the fact that locating the TCR as proposed in application 2232-D11-3 would allow for the installation of additional plantings in front of the existing TPSS. The result of locating the TCR as proposed by the applicant would be a screening yard of approximately 450 linear feet across the street frontage of the property. The result of denying the application 2232-D11-3 and thus reverting to the approved location, is no screening of the two buildings massed together at the corner location.

B. The previously approved location is operationally less desirable than the proposed location.

The ability to see the double crossover switch on the rail line directly from the TCR1 building is always preferred as this enables visual checks and inspections to occur after maintenance is performed. The previously approved location places TCR1 outside of the line of sight of the switch. While not all of the TCRs on the existing Metro line have this line of sight, all of the facilities in the new Silver Line have been specifically designed to have this preferred line of sight. The proposed location will allow direct line of sight from the TCR1 to the signals and switches.

C. The previously approved location is more costly to construct and maintain.

At the proposed location, cables and duct banks are much shorter than at the approved location due to the proposed location being in direct line from the rail guideway. Minimizing the length of underground conduit connecting the rail line and the TCR is preferred as the shorter length of cable results in less overall maintenance requirements, less disturbance of land, less construction cost and less construction time.

In the area of the approved location, there are several existing underground utilities as well as an overhead power line which would have to be relocated to areas outside of the footprint of TCR1, quite possibly, again, hindering the ability to plant around the new building.

III. The Train Control Room cannot be moved farther away from the residential neighborhood.

Commissioner Donahue's motion to deny Application 2232-D11-3 described the proposed location as extending into the residential neighborhood. In fact, the proposed location does not extend into the neighborhood and is the closest feasible location within the I-66 right-of-way to the Metro tracks. The applicants investigated whether TCR1 could be moved to the bottom of the slope near the travel lanes of I-66, so it could be accessed from I-66. Because of the reservation for the future widening of I-66 and insufficient distance for vehicle acceleration between the site and the Great Falls Street bridge abutment, VDOT denied a request to access the TCR from I-66.

Without access from I-66, access to TCR1 must come from Fisher Avenue. The combination of Fisher Avenue access and the location of future retaining walls for potential widening of I-66 limits the distance TCR1 can be moved down the slope.

IV. Denial of Application, 2232-D11-3, will result in substantial delay to the opening of rail service.

As shown on the attached chart (attached as Exhibit 7), if TCR1 must revert to the previously approved location, final design and engineering, permitting, utility relocations and additional construction will add approximately 8 months to the completion of TCR1. Because TCR1 is in the critical path to move trains onto the Silver line for testing and operations, this delay will delay the substantial completion of the rail line construction, now set for July 31, 2013.

In May 2009, Dulles Transit Partners, the design-build contractor for the rail project, informed MWAA that the previously approved location for TCR1 needed to be moved due to utility conflicts and other disadvantages to the site. Study of alternate locations continued during 2009 and the currently proposed location was included within the comprehensive list of changes to the prior application, 2232-MD06-10, in the spring of 2010. County staff evaluated the entire list to advise which, if any, changes would require amendment to 2232-MD06-10 by the Planning Commission. After continued review, the Department of Planning and Zoning recommended administrative approval of all changes, except TCR1 and TPSS10 in August 2010.

At the request of county staff and Planning Commissioner Donahue, the applicants engaged in a series of community meetings from September 2010 through January 2011. Following these meetings, Commissioner Donahue determined that the proposed location

for TCR1 would require a public hearing. The applicants then filed this application (2232-D11-3) on February 1, 2011 and a public hearing was held on March 23, 2011.

In order to maintain the schedule for the rail line's "substantial completion", the applicants have had to presume that the proposed location for TCR1 would be approved, a reasonable position for the applicants to take, in light of the County staff's position that TCR1 meets the 2232 standards. Denial of 2232-D11-3 means a substantial delay to this important public project.

V. Delay in completion of the Silver Line will result in substantial additional cost to the public.

The design-build agreement between MWAA and Dulles Transit Partners necessarily includes a schedule for completion of the project. Under the terms of this contract, if completion is delayed, the contractor is entitled to extended overhead costs. Estimates of these additional costs are as high as \$300,000 per day of delay. Although the applicants will make every effort to minimize the schedule delay and the resulting additional costs, denial of 2232-D11-3 will result in substantial additional costs to the public partners funding the extension of rail to Dulles and ultimately, substantial additional costs to the public.

Conclusion

The location, character and extent of the proposed location of TCR1, which was the location under consideration in Application 2232-D11-3, is in accord with the Comprehensive Plan. For the reasons described above, we respectfully request that the Board of Supervisors reverse the decision of the Planning Commission and approve Application 2232-D11-3.

Submitted by:


Jonathan P. Rak
McGuireWoods LLP

April 15, 2011

On behalf of the Applicants:

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) IN
COORDINATION WITH DEPARTMENT OF RAIL AND PUBLIC
TRANSPORTATION (DRPT) ON BEHALF OF WASHINGTON METROPOLITAN
AREA TRANSIT AUTHORITY (WMATA)

Exhibits:

1. Summary of Community Outreach
2. March 16, 2011 Staff Report and Addendum
3. Plan showing Proposed Location of TCR1
4. Plan showing Distances to Residences
5. Photo Simulation from Fisher Avenue
6. Proposed Landscape Plan
7. Schedule Impact Chart

Community Outreach Includes Notifications and Meetings Fisher Avenue Train Control Room				
Date	Event	Headline	Notification or Event	Location
Aug. 30, 2010	Fisher Avenue Invitation for meeting on control room	Information Meeting on Fisher Avenue Train Control Room Is Sept. 9	Direct Mail	
Sept. 9, 2010	Fisher Avenue Meeting	Fisher Avenue Informational Meeting	Meeting	Haycock Elementary
Nov. 2, 2010	Site Visit	Marcia & Leslie visited Fisher Ave. site to explain to neighborhood residents about the tree clearing	Meeting	
Dec. 3, 2010	DCMP meeting with John Foust, Ben Wiles and Fisher Ave. residents		Meeting	McLean Government Center
Dec. 7, 2010	Fisher Ave. Utility Notice	Rail crews to perform tests along Fisher Avenue starting Dec. 13 to confirm locations of existing underground utilities	Direct Mail	
Dec. 15, 2010	Fisher Ave. Community Meeting Invitation	REMINDER:Dulles Corridor Metrorail Project COMMUNITY MEETING on Jan. 5, 2011	Direct Mail	
Dec. 22, 2010	Fisher Ave. Utility Notice	Dulles Metrorail Crews to Perform Additional Utility Testing along Fisher Avenue	Email Blast to residents	
Dec. 27, 2010	Fisher Ave. Utility Notice	Utility Testing along Fisher Avenue	Door-to-door	
Dec. 29, 2010	Fisher Ave. Community Meeting Invitation	Fisher Ave. Meeting Rescheduled for Jan. 13, 2011	Email Blast to residents	
Dec. 29, 2010	Fisher Ave. Community Meeting Invitation	Fisher Ave. Meeting Rescheduled for Jan. 13, 2011	Direct Mail	
Jan. 12, 2011	Fisher Ave. Community Meeting Reminder	Dulles Corridor Metrorail Project Community Meeting Tomorrow Night	Door-to-door	

Jan. 12, 2011	Fisher Ave. Community Meeting Reminder	Dulles Corridor Metrorail Project Community Meeting Tomorrow Night	Email Blast to residents	
Jan. 13, 2011	Fisher Ave. Community Meeting		Meeting	Haycock Elementary
Jan. 25, 2011	Fisher Ave. Alternatives	Mailed Community Meeting presentation to Fisher Ave. neighborhood residents	Direct Mail	
Feb. 22, 2011	McLean Citizens Association Planning and Zoning Committee	Fisher Ave. Train Control Room meeting	Meeting	McLean Community Center
Mar. 23, 2011	Fairfax County Public Hearing	Fairfax County Planning Commission	Hearing	Fairfax County Government Center
Apr. 6, 2011	Fairfax County Planning Commission Decision	Fairfax County Planning Commission	Hearing	Fairfax County Government Center
Apr. 7, 2011	Notification of Tree Clearing to Fisher Ave. Residents	Duct Bank Construction to Begin Second Week of April	Direct Mail	
Apr. 8, 2011	Notification of Tree Clearing to Fisher Ave. Residents	Duct Bank Construction to Begin Second Week of April	Email Blast to residents	

DATE: April 12, 2011
Marcia McAllister
Communications Manager
Dulles Corridor Metrorail Project



FAIRFAX COUNTY PLANNING COMMISSION

March 16, 2011

**PUBLIC HEARING
FOR
PLANNING DETERMINATION**

Pursuant to
Va. Code Sec. 15.2 - 2232

Public Hearing Date: March 23, 2011 at 8:15 p.m.

Application Number: **2232-D11-3**

Applicant: Metropolitan Washington Airports Authority in coordination with the Department of Rail and Public Transportation on behalf of Washington Metropolitan Area Transit Authority

Proposed Use: Fisher Avenue Train Control Room

Supervisor District: Dranesville District

Subject Property: Tax Map 40-4 (VDOT Right-of-Way)

Size of Proposed Facility: Approximately 551 square feet

Application Accepted: February 1, 2011

Application Amended: February 3, 2011, February 8, 2011, and March 9, 2011

Recommendation: In accordance with Va. Code Sec. 15.2-2232, as amended, staff recommends that the Planning Commission find the proposal by the Metropolitan Washington Airports Authority in coordination with the Department of Rail and Public Transportation, on behalf of Washington Metropolitan Area Transit Authority, as amended, to construct a train control room south of Fisher Avenue in the VDOT Right-of Way, Falls Church, substantially in accord with provisions of the adopted Comprehensive Plan.

PLANNING DETERMINATION

Section 15.2 -2232 of the Code of Virginia



Number: 2232-D11-3

District: Dranesville

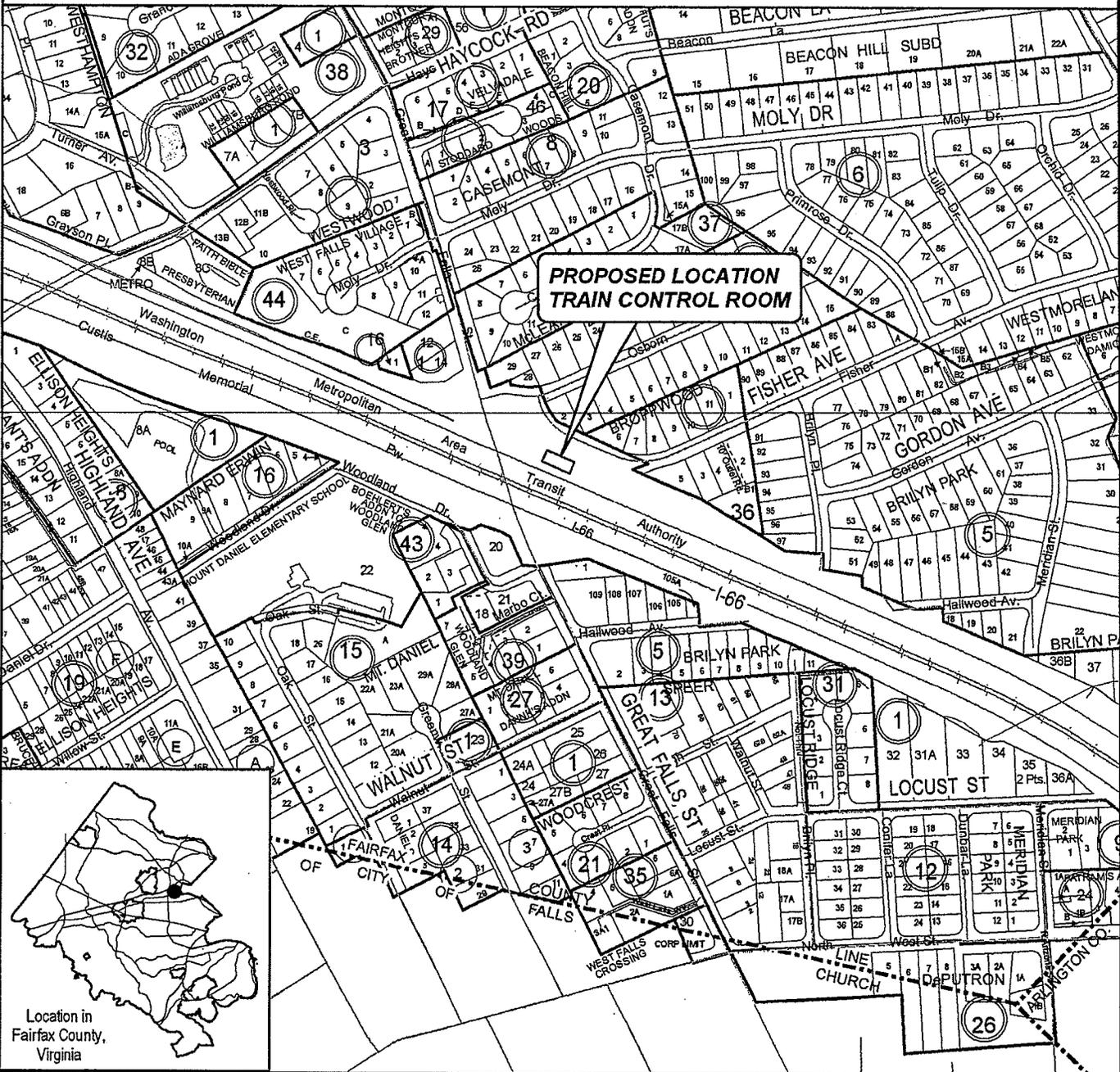
Acreage: Approx. 551 SF

Planned Use: VDOT (Right-of-Way)

Subject Property: 40-4

Applicant: Metropolitan Washington Airports Authority, Virginia Department of Rail and Public Transportation, and Washington Metropolitan Area Transit Authority

Proposed Use: Train Control Room Associated with Extension of Metrorail.



500 FEET

PREPARED BY THE DEPARTMENT OF PLANNING AND ZONING
USING FAIRFAX COUNTY GIS



APPLICATION*Attachment A*

PROPOSAL: Construct a Train Control Room (TCR) with a communication room located south of Fisher Avenue in the VDOT Right-of Way (ROW), associated with the extension of Metrorail service through Fairfax County

APPLICANT: Metropolitan Washington Airports Authority (MWAA) in coordination with the Department of Rail and Public Transportation (DRPT) on behalf of Washington Metropolitan Area Transit Authority (WMATA)

SUBJECT PROPERTY: Tax map 40-4 (VDOT ROW)

Zoning District: R-4

Existing conditions: VDOT ROW. The site is developed with an existing Traction Power Substation (TPSS)

PROJECT JUSTIFICATION: The applicant states that train control rooms house the equipment necessary for safe operation of Metrorail trains, specifically equipment for the automatic control of the trains, communications to collect and transmit data to the Metrorail Operations Center and backup electrical power for the control and communications systems. Train control rooms are also used to house equipment needed to operate Metrorail in situations when there is a failure or blockage of a track. The Fisher Avenue Train Control Room will house equipment needed to operate track crossovers on the Metrorail Orange Line and track turnouts for the new Silver Line.

The applicant states that the proposed train control room (TCR) at Fisher Avenue is strategically located near the tie-in of the Silver Line to the existing Orange Line, a critical location in the system ~~which improves the efficiency of the system and allows maintenance workers to observe the~~ performance of the switching system as periodic maintenance is performed at the TCR. The applicant states that the proposed location is not in conflict with existing utilities, minimizes the distance for underground cable to be placed between the facility and the rail line, avoids potential conflict with grounding systems, and allows for supplemental landscaping along Fisher Avenue in front of the facility. The applicant has also stated that the proposed location allows for a direct line of sight from the facility to the double crossover switch, which enables visual checks and inspections after maintenance is performed.

Previous 2232 Approval and Need for Relocation

A train control room co-located with a communication room was previously approved with 2232-MD06-10 (January 18, 2007). The TCR was to be located to the north of the existing Traction Power Substation (TPSS), near the intersection of Fisher Avenue and Osborn Street. The applicant states that the previously approved location was identified without detailed study, only approximately 5% engineering and little work on utilities and site conditions. Once the size of the facility was finalized and connections identified with the existing TPSS and track switches in the median of I-66, site constraints at the previously approved location were recognized. The location of the TCR would allow only limited setback from Fisher Avenue and would conflict with underground electrical and water utilities. The applicant states that the electrical ductbank supplying service to the existing TPSS runs across the east end of the approved location and enters the TPSS on the Fisher Avenue side, and that new facilities could not be located over this existing electrical ductbank. The previously approved location would also require a new long ductbank from track switches in the median of I-66. To avoid outdoor transformers at the east end of the TPSS, the new ductbanks would be routed along Fisher Avenue. The existing large canopy trees in front of the TPSS would be removed, and replacement trees could not be replanted over the new ductbanks. The limited setback,

a maximum of 10 feet from Fisher Avenue would not allow for large plantings at the east end of the facility.

PROPOSED USE: Train Control Room associated with extension of Metrorail.

Facility: See application (*Attachment A*) for full description; all dimensions are approximate:

- **Structure** – Preassembled modular building with a footprint of 551 square feet (52.5 feet long x 10.5 feet wide), consisting of a train control room and a communications room. The facility is proposed to be 12 feet in height and surrounded by a 15-foot tall screen wall. The screen wall (brick façade) will be constructed around the entire modular building with a set-out distance of 5 feet from the building face to the inside of the screen wall. The screen wall is approximately one foot thick.
 - **Location** – Approximately 25 feet south of Fisher Avenue in the VDOT Right-of-Way. The western edge of the facility's proposed screen wall will be located approximately 100 feet to the east of the existing TPSS.
 - **Screening** – 15-foot tall screen wall (brick façade) around the entire modular building. Applicant proposes landscaping in the 25' setback area immediately to the north of the facility, as well as landscaping to the east and to the west of the facility, and to the north of the existing TPSS structure, as shown on the landscape plan, consisting of a mix of deciduous and evergreen trees and shrubs.
-
- **Access and Parking** – New access point from Fisher Avenue located immediately to the west of the facility, includes two parking spaces.
 - **Operations** – unmanned; operates 24 hours/day, 7 days per week; routine maintenance visit once per week.

Off-Site Impacts: Applicant states that proposed facility will have no impact on air or water quality. Stormwater runoff will be included in the existing drainage system for I-66. The applicant states that the facility will not have an adverse impact on traffic, and that there is no noise associated with the facility. The building will have a light above the secured doorways and two lamppost style street lights will be installed along the south side of Fisher Avenue consistent with those located on the north side of Fisher Avenue. The applicant states that there will not be any adverse impact to environmental features of the site and that the proposed location will allow for more re-vegetation than the previously approved location.

Alternate locations: Applicant considered the following alternate locations (see *Attachment A* for full discussion and associated graphics); note this list includes the previously approved location:

- **Alternative 1a** – proposed location recessed 9 feet into hillside. Security concerns with enclosure wall and access challenges.
- **Alternative 1b** – placed at I-66 roadway elevation south of proposed location. Conflicted with plans for additional westbound lane on I-66.
- **Alternative 2** – previously approved location, north of existing TPSS. Conflicts noted previously.
- **Alternative 3** – west side of TPSS at corner of Great Falls Street and Osborn Street.

Obstructions to motorist line of sight and landscaping issues similar to Alternative 2 given long runs of underground electrical ductbanks.

- Alternative 4 – roof of existing TPSS. Increased building height to 40 feet, significant engineering modifications, and concerns with maintenance hazards.
- Alternative 5 – west of Great Falls Street. Closer to existing residence, utility conflicts, permanent removal of trees.

DESCRIPTION OF SURROUNDING AREA

LOCATION: VDOT Right-of-Way, south of Fisher Avenue, Tax Map 40-4

CHARACTER: Single family detached residential; transportation right-of-way and I-66

Adjacent and Nearby Land Uses:

- Subject property – VDOT ROW; existing TPSS
- North – single-family detached residential to the north, northeast and northwest
- East – ROW and single-family detached residential
- South – I-66
- West – ROW (existing TPSS); Great Falls Street

COMPREHENSIVE PLAN PROVISIONS

COMPREHENSIVE PLAN MAP:

Planning Area, District, and Sector: Area II, McLean Planning District, M3-Kirby Community Planning Sector

Land Use Recommendations:

- Subject property – transportation ROW
- North – residential 3-4 du/ac
- East – ROW and residential 3-4 du/ac
- South – ROW and I-66 enhanced public transportation corridor
- West – ROW and residential 3-4 du/ac to the northwest

The Transportation Plan Map identifies I-66 as an Enhanced Public Transportation Corridor.

COMPREHENSIVE PLAN CITATIONS: An assessment of this proposal for substantial conformance with land use and design recommendations of the Comprehensive Plan (“the Plan”) is guided by the following citations from the Plan:

Area Plan: There are no site specific recommendations for the subject property.

Fairfax County Comprehensive Plan, Area II, 2007 Edition; McLean Planning District as amended through March 9, 2010, M3-Kirby Community Planning Sector, Character, page 101:

“The entire sector is characterized by stable residential development...The predominant housing type in this well-established, stable area is single-family detached. The sector contains a mixture of old and new residential development. Most houses are generally well-maintained and most lots contain mature trees...”

Policy Plan:

Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition; Public Facilities, as amended through January 10, 2005; COUNTYWIDE OBJECTIVES AND POLICIES, pages 2-4:

“Objective 1: Locate new facilities to provide convenient service to the greatest number of people or service consumers and users.

Policy a. Site facilities appropriately to the area they are intended to serve...

Objective 4: Mitigate the impact of public facilities on adjacent planned and existing land uses.

Policy a. Locate public facilities in areas of compatible land use, if service efficiency and cost effectiveness can be achieved. Siting facilities in areas of different land uses is acceptable and at times required, to provide centrally located public facilities which are critical to the public interest as long as the integrity of the Comprehensive Plan is not impinged.

Policy b. Co-locate public facilities whenever appropriate to achieve convenience and economies of scale, as long as the integrity of the Comprehensive Plan is not impinged...

Policy d. Ensure that public facilities are properly screened and buffered in order to mitigate visual impact on adjacent planned development of a different use or nature.

Policy e. Ensure that site size and development conforms to all requirements of the Fairfax County Zoning Ordinance and exceeds site acreage requirements, as possible, to achieve maximum compatibility with surrounding land uses.

Objective 5: Acquire sites which are appropriate for the facility's specific purpose. Apply acceptable criteria when evaluating public facility sites...

Policy c. Avoid areas of environmental sensitivity except where site acquisition is in support of open space.

Policy d. Evaluate engineering considerations, such as slopes and soils and other factors pertinent to knowing the extent of the site's development cost...”

Policy Plan:

Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition; Transportation, as amended through March 9, 2009; COUNTYWIDE OBJECTIVES AND POLICIES, pages 2-8:

“Objective 2: Increase use of public transportation and non-motorized transportation.

Policies on Facilities

Policy a. Support the extension of the Metrorail system in the Dulles Corridor to the Dulles Airport and Loudoun County.

Policy b. Provide public transportation facilities (such as rail transit, commuter rail, bus rapid transit and/or HOV lanes) in major radial and intra-county commuter corridors designated as Enhanced Public Transportation Corridors in the Transportation Plan Map. Preserve land and rights-of-way where appropriate...

Policy f. Provide supporting facilities for the transit system, and provide resources to maintain County-owned equipments and facilities effectively...

Objective 7: Provide transportation facilities and services that minimize community disruption and adverse environmental impacts...

Policy b. Plan and design transportation facilities and services to minimize and mitigate adverse impacts to residents and neighborhoods.”

STAFF ANALYSIS: See *Attachments B - G* for detailed discussion.

Fairfax County Department of Planning and Zoning

- Zoning Administration Division – Ordinance Administration Branch *Attachment B*
 - Zoned R-4. The facility is an accessory electrically-powered regional rail transit facility that is permitted by right in any zoning district subject to Sect. 2-516 of the Zoning Ordinance. The proposed facility meets Sect. 2-516.
- Planning Division – Historic Preservation/Heritage Resources *Attachment C*
 - No action is required.

Fairfax County Department of Public Works and Environmental Services

- Environmental and Site Review Division *Attachment D*
 - Proposed construction is within VDOT ROW and is not reviewed by ESRD.
- Urban Forest Management Division *Attachment E*
 - Landscape screening should be provided at the northeast property boundary that meets the intent of Transitional Screening 3 to screen the proposed facility from the adjacent single family dwellings located across Fisher Avenue.

Fairfax County Department of Transportation

- Transportation Planning Section *Attachment F*
 - No action is required.

Fairfax County Water Authority

- Planning and Engineering Division *Attachment G*
 - No action is required.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Attachment H

Va. Code Sec. 15.2-2232, as amended, requires the Planning Commission to determine whether the general location or approximate location, character, and extent of the proposed facility, as amended, are substantially in accord with the adopted Comprehensive Plan.

Location

According to the applicant, train control rooms house the equipment necessary for safe operation of Metrorail trains, specifically equipment for the automatic control of the trains, communications to collect and transmit data, and backup electrical power for the control and communications systems. The proposed train control room will house equipment needed to operate track crossovers on the Metrorail Orange Line and track turnouts for the new Silver Line. As such, the applicant states that

the proposed train control room needs to be located near the track crossover point for the tie-in of the new Silver Line to the existing Orange Line, which conforms with Plan guidelines to site facilities appropriate to the area they are intended to serve, with Plan guidelines to support the extension of the Metrorail system in the Dulles Corridor to Dulles Airport and Loudoun County, and to provide supporting facilities for the transit system.

The proposed location is within the existing VDOT ROW along I-66, which serves as a major buffer to properties to the south. I-66 is identified as an Enhanced Public Transportation Corridor in the Comprehensive Plan. The location of the proposed train control room conforms to Plan guidelines to provide public transportation facilities in major radial and intra-county commuter corridors designed as Enhanced Public Transportation Corridors and to preserve land and rights-of-way where appropriate. The proposed location is adjacent to an existing rail facility (TPSS building) in VDOT ROW, which conforms to Plan guidelines to co-locate public facilities whenever appropriate to achieve conveniences and economies of scale. The proposed location of the facility on the site is directly across from the open portions of residential parcels (existing sheds in back yards) rather than immediately across from residential dwellings.

The applicant has investigated alternative sites, including the previously approved location, which conforms with Plan guidelines to evaluate engineering considerations pertinent to knowing the extent of the site's development cost. The proposed location also conforms with Plan guidelines to avoid areas of environmental sensitivity.

Character

~~Staff recognizes that the proposed facility will have some visual impact on residential properties along Fisher Avenue. While clearing of existing trees will be required for construction of the facility, a screen wall and re-vegetation are proposed with the new facility. Staff believes that with the proposed plantings and the screen wall, the facility's visual impact on adjacent properties will be minimized to the greatest extent practical. Given the proposed use as an accessory electrically-powered regional rail transit facility, the facility is not required to comply with the specific setback requirements for an R-4 Zoning District, nor with specific transitional screening requirements. However, according to Section 2-516 of the Zoning Ordinance, the facility must be designed in a manner that minimizes adverse impacts to the adjacent properties to the greatest extent practical through the use of landscaping, screening, design and architectural techniques, and the proposed facility meets this requirement given the proposed architectural treatment and landscaping with the 25-foot setback area. The setback area provides the maximum buffer possible for the proposed facility and helps to minimize the visual impact of the facility on nearby residential properties. Staff believes that these measures support Plan objectives to mitigate the impact of public facilities on adjacent planned and existing land uses. Staff believes that given the proposed screening, the facility also conforms to Plan guidelines to ensure that public facilities are properly screened and buffered in order to mitigate visual impact on adjacent development of a different use or nature. In staff's opinion, siting this ancillary facility in an area of a different land use is acceptable, and consistent with Plan guidelines, because the proposed facility is critical for the Metrorail expansion to function effectively and efficiently, and is critical to the public interest that the proposed extension is intended to serve.~~

Extent

The proposed facility is approximately 551 square feet and will be surrounded by a screen wall (one foot thick) set out approximately five feet from the building itself. The proposed building size is less

than the maximum permitted size (700 square feet) for freestanding train control rooms per the Zoning Ordinance. The building height is proposed to be 12 feet, surrounded by a 15-foot high screen wall, which is less than the maximum allowed building height of 20 feet for these facilities. The proposed facility conforms with Zoning Ordinance requirements for these ancillary facilities. Staff believes that the visual impact of the facility is mitigated by the proposed wall and landscaping, as discussed above. Staff believes that the proposed facility conforms with Plan guidelines to provide the necessary supporting facilities for the transit system.

CONCLUSIONS AND RECOMMENDATIONS

Staff concludes that the subject proposal by the Metropolitan Washington Airports Authority in coordination with the Department of Rail and Public Transportation, on behalf of Washington Metropolitan Area Transit Authority, as amended, to construct a train control room south of Fisher Avenue in the VDOT Right-of Way, Falls Church, satisfies the criteria of location, character, and extent as specified in Va. Code Sec. 15.2-2232, as amended.

Staff therefore recommends that the Planning Commission find the subject Application **2232-D11-3**, as amended, substantially in accord with provisions of the adopted Comprehensive Plan.

COUNTY OF FAIRFAX, VIRGINIA

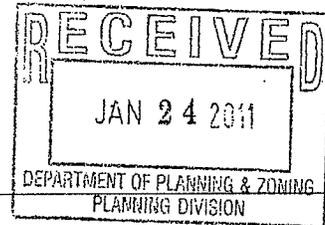
**APPLICATION FOR DETERMINATION
PURSUANT TO
SECTION 15.2-2232 OF THE CODE OF VIRGINIA**

Application Number: 2232-DIC-3
(assigned by staff)

The application contains three parts: I. Application Summary; II. Statement of Justification; and I Telecommunication Proposal Details. Please do not staple, bind or hole-punch this application. Please provide at least one copy of all pages, including maps and drawings, on 8.5 x 11 inch paper.

(Please Type or Print All Requested Information)

PART I: APPLICATION SUMMARY



ADDRESS OF PROPOSED USE

Street Address See attached property table

City/Town _____ Zip Code _____

APPLICANT(S)

Metropolitan Washington Airports Authority in coordination with the Department of Rail and Public Transportation on behalf of Washington Metropolitan Area Transit Authority

Name of Applicant _____

Street Address 1593 Springhill Road, Ste 300

City/Town Vienna State VA Zip Code 22182

Telephone Number: Work (703) 572-0500 Fax (____) _____

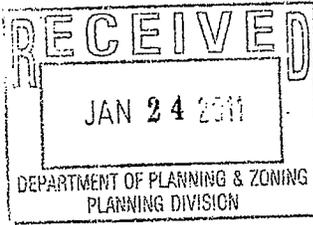
E-mail Address _____

Name of Applicant's Agent/Contact (if applicable) Jonathan P. Rak

Agent's Street Address McGuireWoods LLP, 1750 Tysons Blvd., Ste 1800

City/Town McLean State VA Zip Code 22102

Telephone: Work (703) 712-5000 Fax (____) _____



2232 REVIEW APPLICATION
10/2005

PROPOSED USE

Street Address See attached property table

Fairfax Co. Tax Map and Parcel Number(s) 40-4

Brief Description of Proposed Use _____

Change in location of previously approved Train Control Room located south of Fisher Avenue associated with the extension of Metrorail service through Fairfax County.

Total Area of Subject Parcel(s) N/A (acres or square feet)

Portion of Site Occupied by Proposed Use N/A (acres or square feet)

Fairfax County Supervisor District Dranesville

Planned Use of Subject Property (according to Fairfax County Comprehensive Plan)
Commonwealth of Virginia property

Zoning of Subject Property N/A

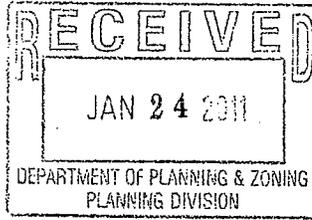
List all applicable Proffer Conditions, Development Plans, Special Exceptions, Special Permits or Variances previously approved and related to this site

PROPERTY OWNER(S) OF RECORD

Owner See attached

Street Address _____

City/Town _____ State _____ Zip Code _____



2232 REVIEW APPLICATION
10/2005

PART II, entitled "Statement of Justification," pages 4 through 6, shall be completed by all applicants and included as part of the application. **PART III**, entitled "Telecommunication Proposal Details," pages 7 through 9, also shall be completed and included for all proposed telecommunication uses.

Name of Applicant or Agent Charles S. Carnaggio

Signature of Applicant or Agent *Charles S. Carnaggio*

Date 1/20/11

Please do not staple, bind or hole-punch this application. Please provide at least one copy of all pages, including maps and drawings, on 8.5 x 11 inch paper.

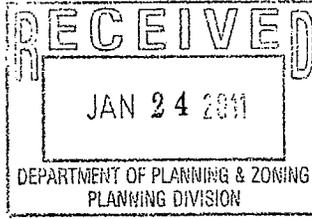
Submit completed application to:

**Fairfax County
Department of Planning and Zoning, Planning Division
Herrity Building
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035**

FOR STAFF USE ONLY
Date application received: <u>1/24/11</u>
By: <u><i>HO</i></u>
Additional information requested to complete application: _____ _____
Date application accepted: <u>2/1/11</u>
By: <u><i>HF</i></u>

**PROPERTY IDENTIFICATION TABLE FOR DULLES CORRIDOR METRORAIL PROJECT
 FISHER AVENUE TRAIN CONTROL ROOM
 SECTION 232 APPLICATION**

TAX MAP NUMBER	PROPOSED USE	MAGISTERIAL DISTRICT	PLANNED USE	ZONING	PROPERTY OWNER	PROPERTY LOCATION	OWNER ADDRESS
40-4		Dranesville			Commonwealth of Virginia	North side of I-66 at Osborne St and Fisher Avenue	



**Metropolitan Washington Airports Authority in coordination with the
Virginia Department of Rail and Public Transportation on behalf of
Washington Metropolitan Area Transit Authority (WMATA)**

Section 15.2-2232 Application

STATEMENT OF JUSTIFICATION

January 21, 2011

February 3, 2011

1. Description of Proposed Use

The proposed public use is a train control room/communications room (TCR) associated with the extension of Metrorail service through Fairfax County. This 2232 determination request is essentially an amendment to shift the previously approved location of the TCR, which was part of the system-wide 2232 approval on January 18, 2007 for the tracks and ancillary facilities, to a different location on the same site. The site is located on land owned by the Commonwealth of Virginia between Fisher Avenue and Interstate 66. There are single family residences located to the north and east.

Train control rooms house the equipment necessary for safe operation of Metrorail trains, specifically equipment for the automatic control of the trains, communications to collect and transmit data to the Metrorail Operations Center and backup electrical power for the control and communications systems. The Fisher Avenue Train Control Room will house equipment needed to operate track crossovers on the Metrorail Orange Line and track turnouts for the new Silver Line. Train control rooms are also used to house equipment needed to operate Metrorail in situations when there is a failure or blockage of a track. In these circumstances, Metrorail operations may continue by using crossovers to switch trains from one track to another. Safe operation involves track interlocking which is performed by signaling and switch equipment. The control of this equipment must be located near the track crossover point. The proposed train control room at Fisher Avenue is strategically located near the tie-in of the new Silver Line to the existing Orange Line, a critical location in the system which improves the efficiency of the system and allows maintenance workers to observe the performance of the switching system as periodic maintenance is being performed at the TCR.

The TCR will be a pre-constructed modular building 10 feet 6 inches wide by 52 feet 6 inches long, and will be 12 feet in height. A brick façade will be constructed as a screen wall 5 feet out around the entire modular building perimeter at a height of 15 feet. This brick façade is consistent with the treatment of all other ancillary facilities approved as part of the original 2232. The facility will operate, unmanned,

24 hours a day, 7 days a week. It is anticipated that a maintenance vehicle will visit the site once a week.

2. Requirements for Proposed Use

The Fisher Avenue TCR is located at the junction of the existing Metrorail Orange Line and the new Silver Line. It is required to interface with existing Orange Line operation as well as for switching trains to and from the Silver Line. Construction of the train control and communications rooms must begin this Spring in order to energize the system and begin the testing and commissioning of the Silver Line in 2012.

3. Anticipated Impacts on Adjoining Properties and On- and Off-site Environmental Features

Traffic Impacts

The relocation of the TCR will not change the anticipated traffic impact, and as indicated above, it was previously determined that the once a week maintenance visit would not create an adverse traffic impact to the neighborhood.

Noise and Light Impacts

There is no noise associated with the Train Control Room. The building will have a light above the secured doorways. Additionally, the Applicant will install 2 lamppost style street lights along the south side of Fisher Avenue to match those on the north side of Fisher Avenue.

Impacts on Air and Water Quality

The operation of the equipment within the TCR will not create any impact to air quality. Stormwater runoff will be included in the existing drainage system for Interstate 66.

Impacts on Environmental Features of Site

There will not be any adverse impact to any other environmental features of the property. The proposed location will allow for substantially more vegetative plantings than the previously approved location, thus enhancing this environmental feature. Specifically, the exhibit submitted which shows the approved location also shows the necessary underground ductbanks which connect with the median of Rt. 66 and with the existing traction power substation. The connection points for this ductbank are determined by location of track switches and by electrical equipment

within the existing substation. Under the previous approval, this area would have to be cleared and could not be revegetated over the new electrical ductbanks. The proposed location, while also requiring tree clearing, would not restrict revegetating along Fisher Avenue.

Visual Impacts

The train control room building will be surrounded by an architectural brick wall, specifically for screening purposes. Additionally, the area in front of the building, and to a significant distance to the east and west of the building, will be landscaped (revegetated) as noted above. This proposed location affords more room for landscaping than the previously approved location so not only can there be more plantings, but plantings of greater ultimate size and height can be planted. It is noted that the plantings that would have been possible under the approved locations are smaller trees and shrubs. The proposed location affords the ability to plant more larger canopy trees.

As previously discussed, any other location for the TCR would have required considerable clearing for pipes and conduits from the TCR to the median of Rt. 66, but this location affords the closest location to the pipe extensions and thus not only will require less piping but less clearing for that purpose.

4. Alternative Sites Considered for the Proposal

Five alternative sites were considered, including reconsideration of the site depicted in the original Section 2232 approval. The distance of the alternative sites from the location of track switches and/or conflicts with existing utilities made these alternative sites difficult to utilize. Required connections from the TCR to track in the median of I-66 and to the existing Metrorail Orange Line traction power substation limit the practicality of the alternative sites.

- 5. Property Identification on Fairfax County Tax Map – included in submission**
- 6. Proposed Facility Plan – included in submission**
- 7. Reduced Copy of Plans – included in submission**

Conclusion

The following is offered in addition to the foregoing information to specifically address the standards under Va. Code Sec. 15.202232, as amended:

Location: The shift of the location of the proposed location of the train control room on the property does not hinder the existing determination that its location is consistent with the recommendations of the Comprehensive Plan. The Policy Plan goal of reducing dependence on the automobile by increasing the efficiency and productivity of the mass transit system will also be furthered by providing this support service facility.

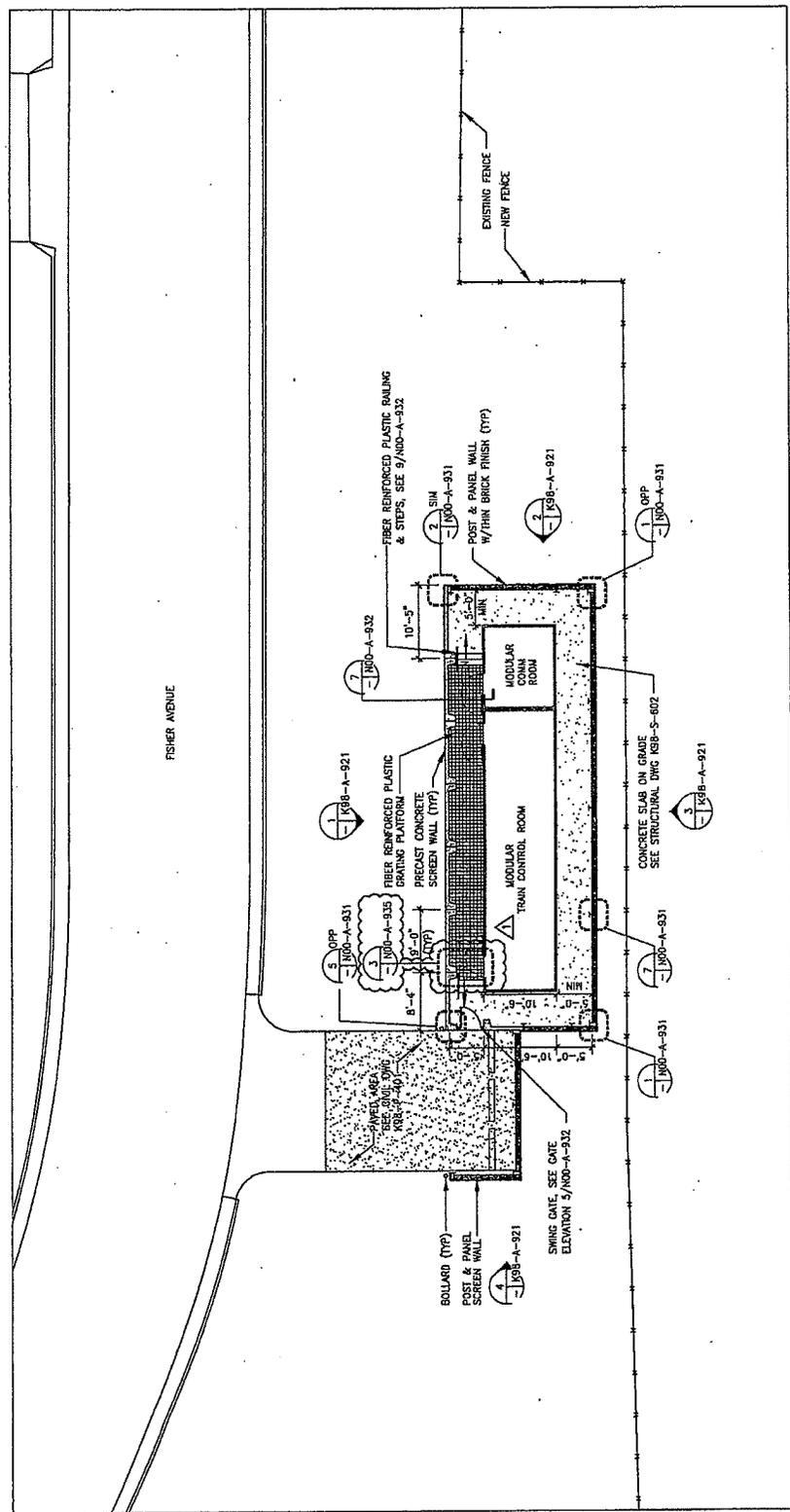
Character: The character of the facility has not changed with its new location. Actually, it is anticipated that the facility will be shorter in height than that previously approved and, in the new location, more landscaping and screening is possible than in the previously approved location.

Extent: The extent of the facility has not changed with its new location.

The proposed location for the Train Control Room meets the location, character and extent of the Comprehensive Plan and therefore, the Applicant respectfully requests support of this 2232 application by County Staff and the Planning Commission.

RECEIVED
 JAN 24 2011
 DEPARTMENT OF PLANNING & ZONING
 PLANNING DIVISION

Detail: Light blue lines printed on UNCOLORED and any brown ink. Refer to the outside drawing in REDWORK for correct details.



1 FLOOR PLAN
 SCALE: 1/8"=1'-0"

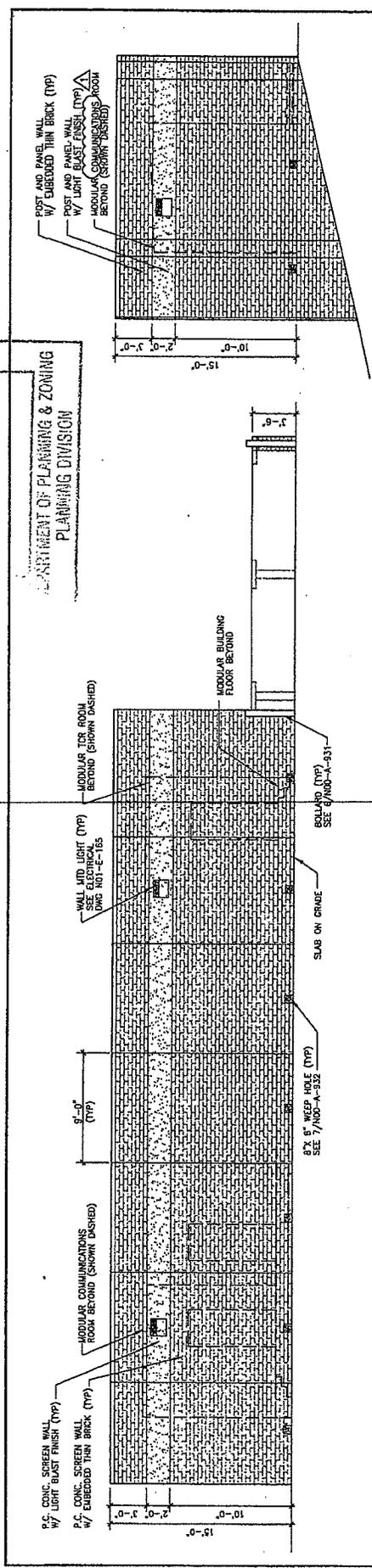
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WASHINGTON METROPOLITAN AIRPORTS AUTHORITY CONTRACT NO.		WMATA GRID	
505-08505-580 DGS PROJECT IDENTIFICATION CODE		EXTENSION TO WIEHLE AVE WAYSIDE BUILDINGS PACKAGE FISHER AVENUE TCR/ COMM. RM - FLOOR PLAN	
METROPOLITAN WASHINGTON AIRPORTS AUTHORITY		SCALE: 1/8"=1'-0" DRAWING NO. K98-A-911	
DULLES TRANSIT PARTNERS, LLC 1000 W. WOODBURN AVE., SUITE 200 WASHINGTON, DC 20007		DULLES CORRIDOR METROPOLITAN PROJECT	
REVISIONS			
NO.	DATE	DESCRIPTION	BY
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JAN 24 2011

DEPARTMENT OF PLANNING & ZONING
PLANNING DIVISION

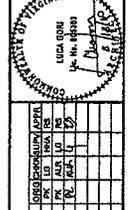


1 NORTH ELEVATION
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2 EAST ELEVATION
1/98-A-921 SCALE: 1/4"=1'-0"

3 SOUTH ELEVATION
1/98-A-921 SCALE: 1/4"=1'-0"

4 WEST ELEVATION
1/98-A-921 SCALE: 1/4"=1'-0"



REVISIONS

NO.	DATE	DESCRIPTION
1	06-18-13	REVISED AS NOTED & CORRECTED
2	07-11-13	FOR PERMIT

REFERENCE DRAWINGS

NUMBER	DESCRIPTION

CONTRACTOR

DESIGNER	11-20-09	DATE
DR	11-20-09	DATE
PROJECT MANAGER	11-20-09	DATE
PROJECT MANAGER	11-20-09	DATE
PROJECT MANAGER	11-20-09	DATE

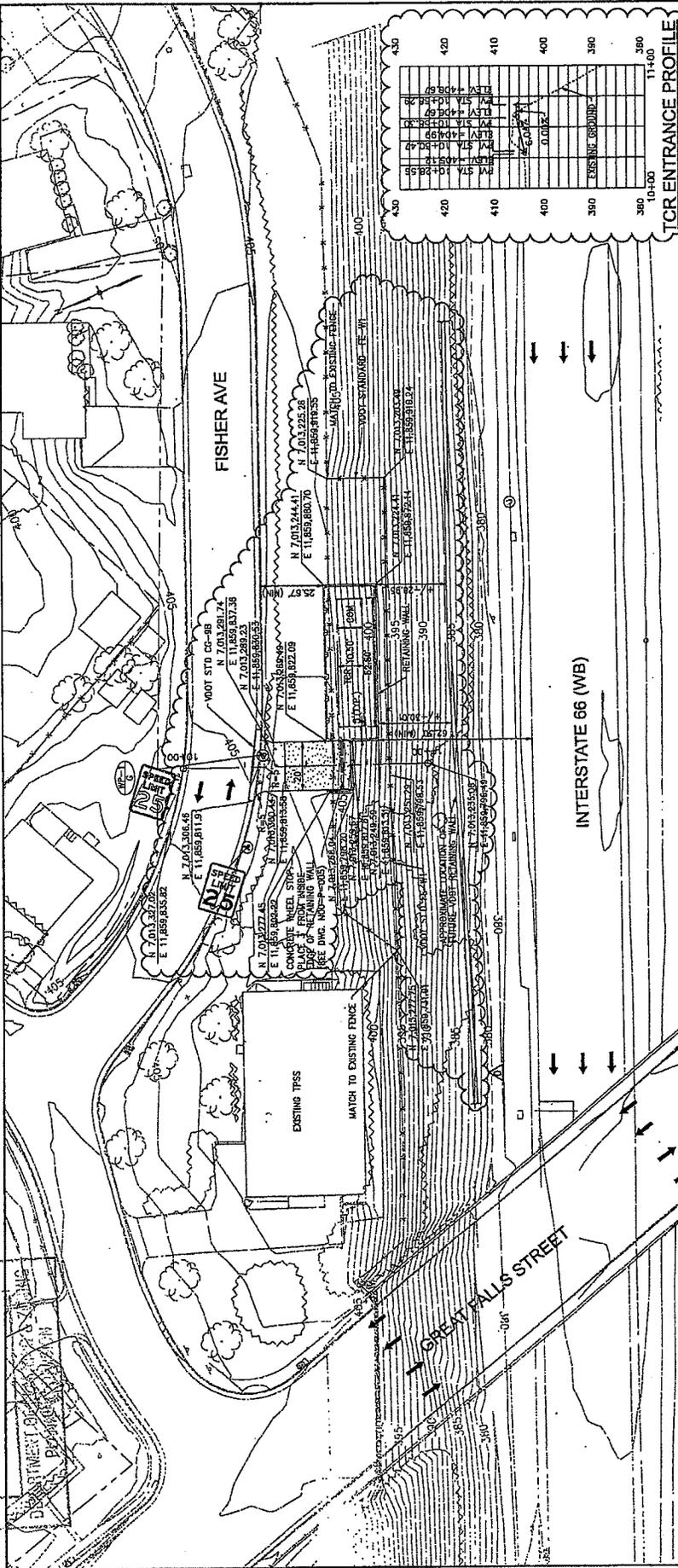
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISTRICT IDENTIFICATION CODE: 505-08505-580

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY
DULLES TRANSIT PARTNERS, LLC
1000 WOODBURN DRIVE, SUITE 200, FREDERICKSBURG, VA 22405

EXTENSION TO WIEHLE AVE
WAYSIDE BUILDINGS PACKAGE
FISHER AVENUE
TCR / COMM. RM - ELEVATIONS

DRAWING NO. K98-A-921
SCALE: 1/4"=1'-0"

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JAN 24 2011



PERMANENT SIGN SCHEDULE

TEXT	SIGN STRUCT. STD.	PANEL SIZE W x H	LETTER TYPE	COLOR COMB.	STD. NO.	SIGN AREA SFT. DL	REMARKS
SPEED LIMIT 25	A	24" x 30"	L-1 or L-2	C-1	R2-1	1	5

NOTES:
SEE DRG. NO. P-300 FOR SIGNING AND MARKING LEGENDS

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY	WMATA GRID
505-08505-580	EXTENSION TO WIEHLE AVE K&N JUNCTION ROADWAY PLAN FISHER AVE TCR/COM
DULLES CORRIDOR METROPOLITAN PROJECT	DRAWING NO. K98-P-401
SCALE AS NOTED	CONTRACT NO.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY	PROJECT IDENTIFICATION CODE: 505-08505-580
DULLES TRANSIT PARTNERS, LLC	SCALE AS NOTED
1000 W. WOODBURN AVENUE, SUITE 200 FALLS CHURCH, VA 22044	

NO.	DATE	BY	DESCRIPTION	REVISIONS
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DESIGNED BY: FRANK WALTER MATCHER III
CHECKED BY: [Signature]

CONTRACTOR: [Signature]

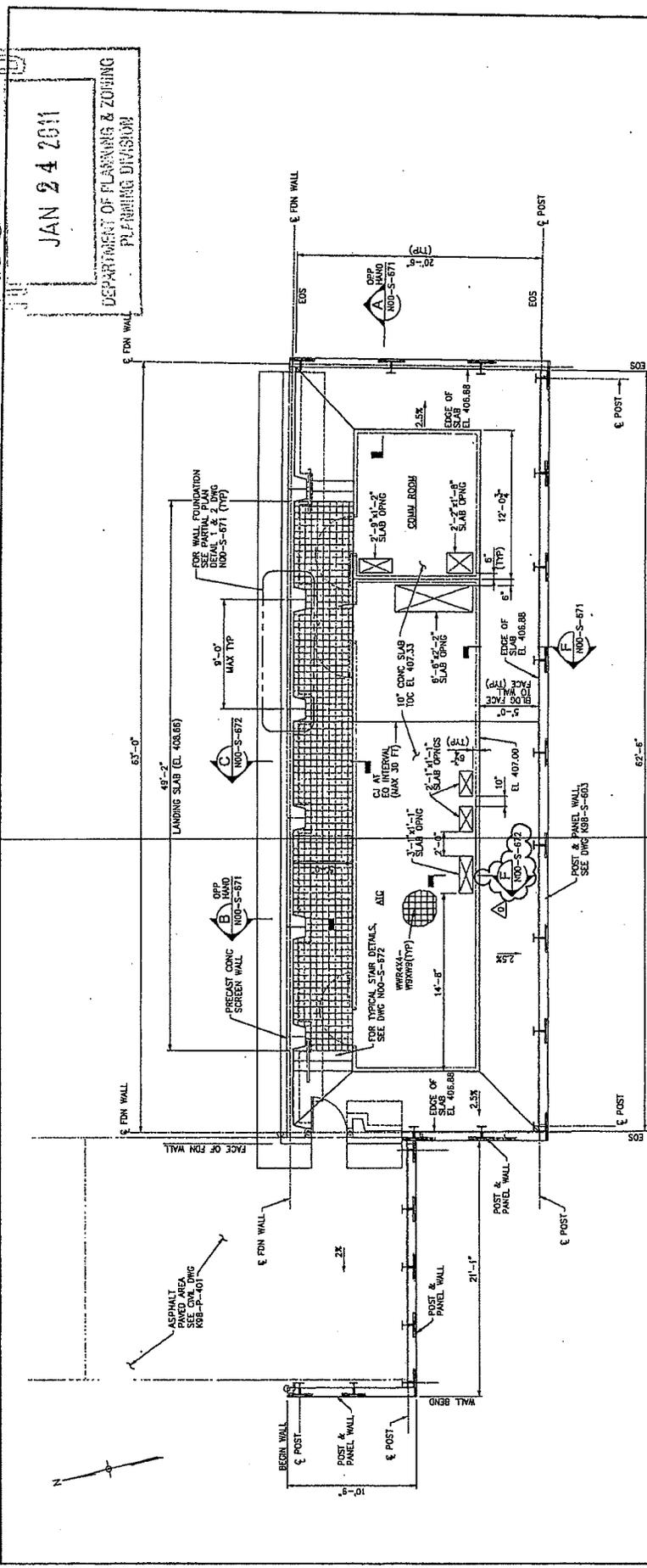
LEGEND

- CONCRETE PAVEMENT
- FULL DEPTH PAVEMENT
- MILL & OVERLAY
- OVERLAY
- PAVEMENT DEMOLITION

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JAN 24 2011

DEPARTMENT OF PLANNING & ZONING
PLANNING DIVISION

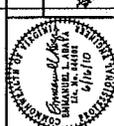


FISHER AVE TCR/COM - FOUNDATION PLAN

- NOTES:
- FOR GENERAL NOTES SEE DWGS. N00-S-031, S-022 & S-023.
 - FOR TYPICAL ABBREVIATIONS SEE DWGS. N00-S-031 & S-022.
 - MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS FOR ALL FOUNDATIONS AND STRUCTURES ON THIS DRAWING, $f_c = 4000$ PSI.
 - SURFACE SOIL BEARING CAPACITY SHALL BE REVIEWED BY CONTRACTOR'S GEOTECHNICAL ENGINEER. FOUNDATIONS SHALL BE REPLACED AS DIRECTED. MINIMUM DESIGN BEARING CAPACITY IS 2,500 PSF.
 - OUTER EDGE OF SLAB TEMP. TO BE PLACED IN LINE WITH INSIDE FACE OF PRECAST SCREEN WALL OR POST AND PANEL WALL.

10-2-4-8-10

OWNER/CLIENT		REFERENCE DRAWINGS		REVISIONS		METROPOLITAN WASHINGTON AIRPORTS AUTHORITY		WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY	
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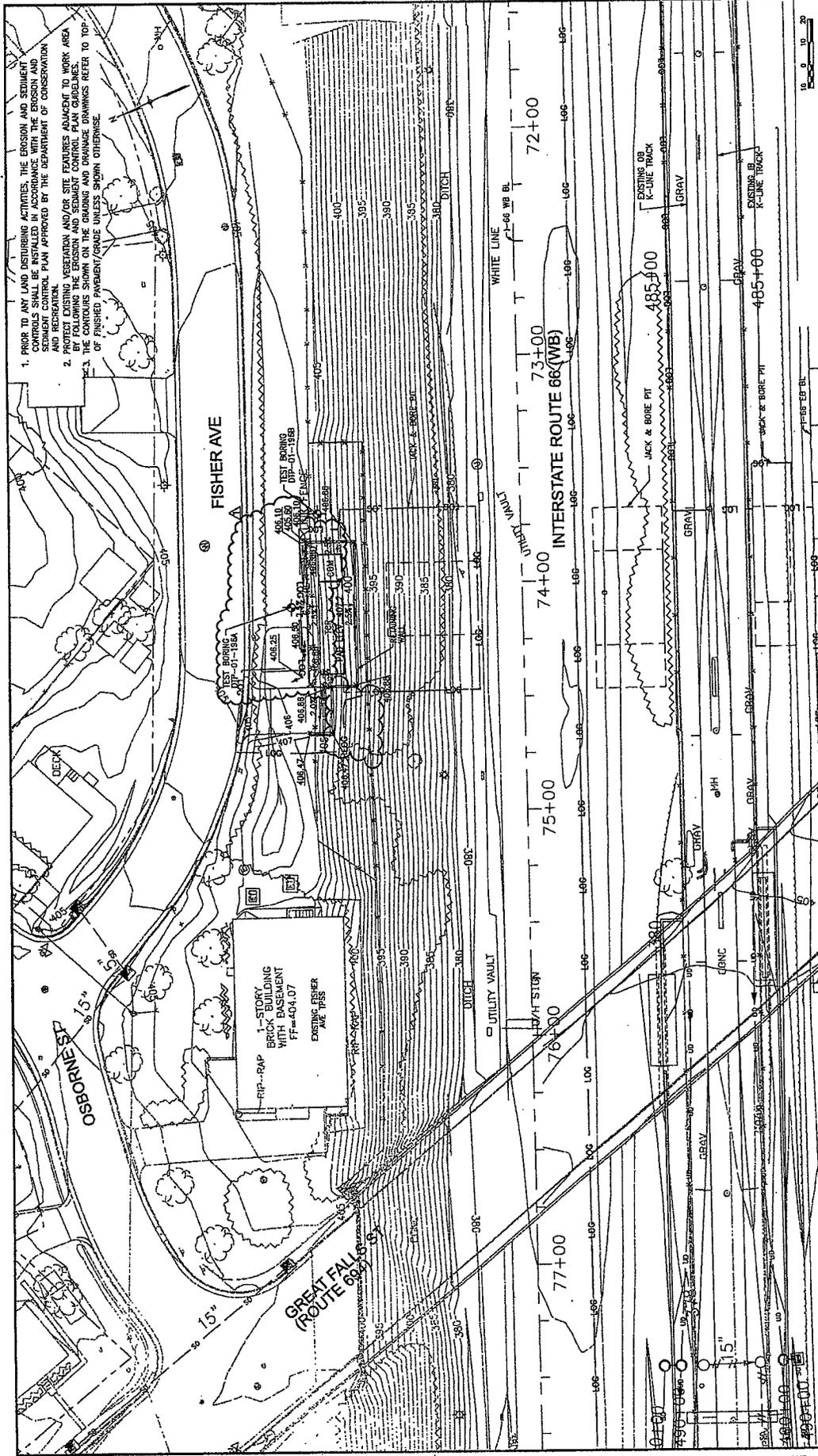
METROPOLITAN WASHINGTON AIRPORTS AUTHORITY
DULLES TRANSIT PARTNERS, LLC
1400 SMOKE HALL DR. 800
LYNCH, VA 24116

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DTP PROJECT IDENTIFICATION CODE: 505-08505-580
DULLES CORRIDOR METROBIOM PROJECT
SCALE: 1/4"=1'-0"
DRAWING NO.: K98-S-602

EXTENSION TO WIEHLE AVE
DULLES JUNCTION
STRUCTURAL - FISHER AVE TCR/COM
FOUNDATION LAYOUT PLAN
CONTRACT NO.:

STRUCTURAL NOTES SHOWN BELOW ARE BASED ON UNCORRECTED AND MAY BE SUBJECT TO CHANGE. REFER TO THE DRAWING FOR ANY CHANGES AND REVISIONS.

8/12/2010 4:04 130-S-022-Ayn



1. PRIOR TO ANY LAND DISTURBING ACTIVITIES, THE EROSION AND SEDIMENT CONTROL PLAN SHALL BE INSTALLED IN ACCORDANCE WITH THE EROSION AND SEDIMENT CONTROL PLAN APPROVED BY THE DEPARTMENT OF CONSERVATION AND FORESTRY.

2. PROTECT EXISTING VEGETATION AND/OR SITE FEATURES ADJACENT TO WORK AREA BY FOLLOWING THE EROSION AND SEDIMENT CONTROL PLAN CHAIRES.

3. THE CONTOURS SHOWN ON THE GRADING AND DRAINAGE DRAWINGS REFER TO TOP OF FINISHED PAVEMENT/GRADE UNLESS SHOWN OTHERWISE.

WASHINGTON METROPOLITAN AIRPORTS AUTHORITY
 305-08505-580

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY
 DULLES TRANSIT PARTNERS, LLC
 1448 POWER HALL DR, STE 800
 WASHINGTON, DC 20190

EXTENSION TO WIEHLE AVE
 K & N JUNCTION
 GRADING AND DRAINAGE PLAN
 FISHER AVE TCR/COM

SCALE: 1"=20'
 DRAWING NO: K98-GR-401

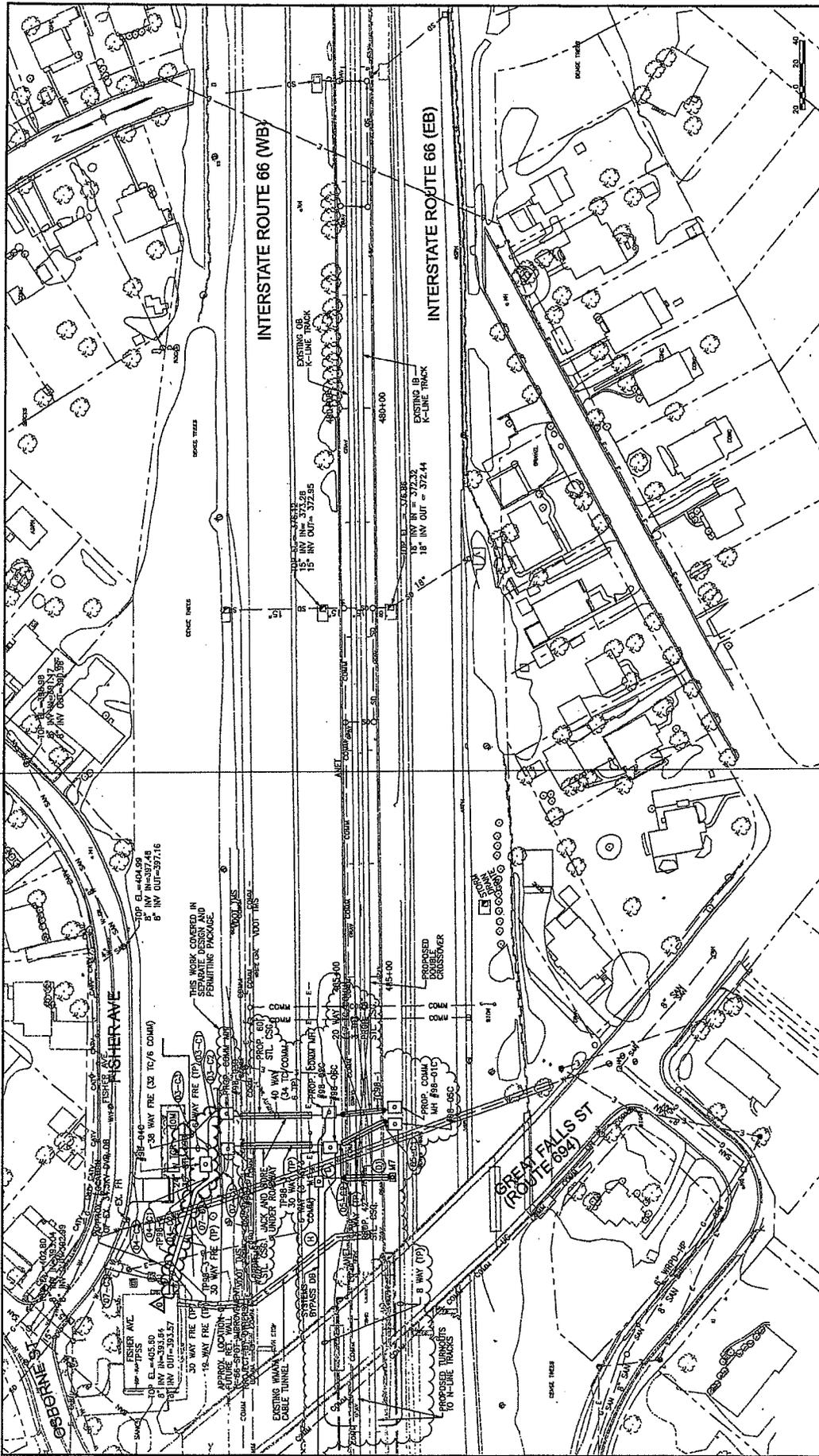
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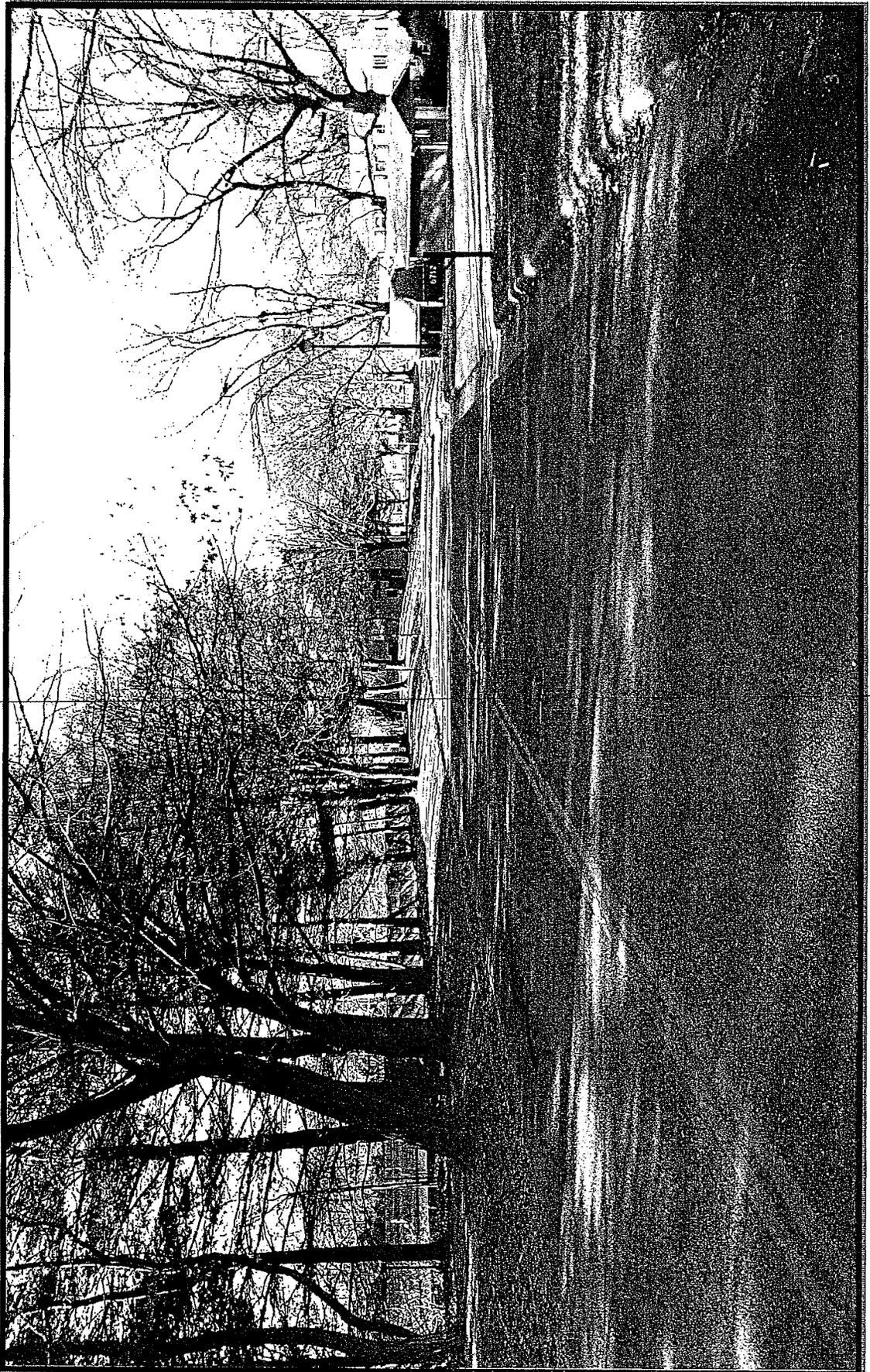
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E. M. HATCHER	SEAL NO. 12345																		
E. M. HATCHER																			

9/25/2010 10:18 K98-U-401.024

FISHER AVENUE TCR -- SITE PHOTOGRAPH
Existing-Looking West



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JAN 24 2011
DEPARTMENT OF PLANNING & ZONING
PLANNING DIVISION

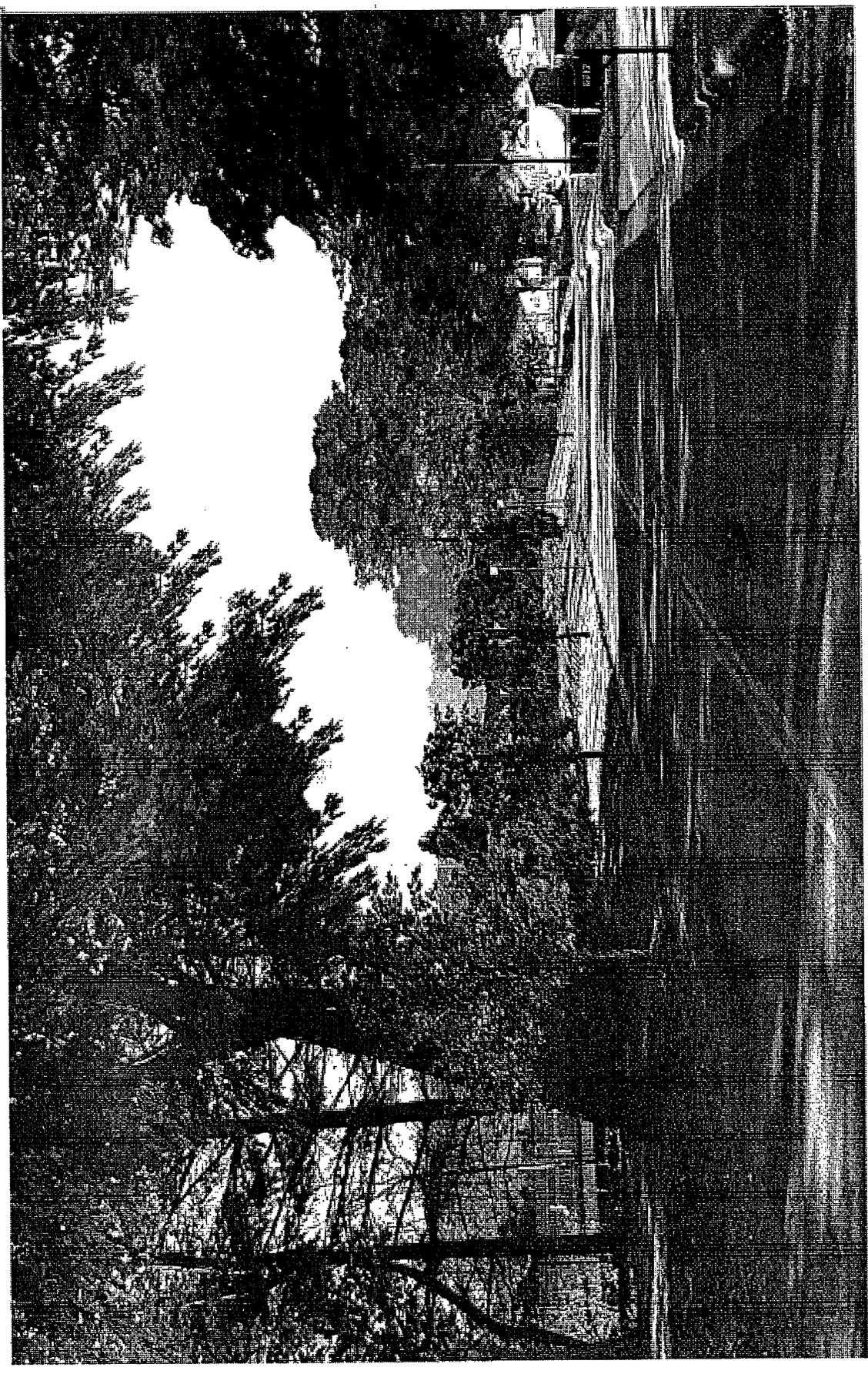


FISHER AVENUE TCR - ARTIST RENDERING

Planned-Looking West

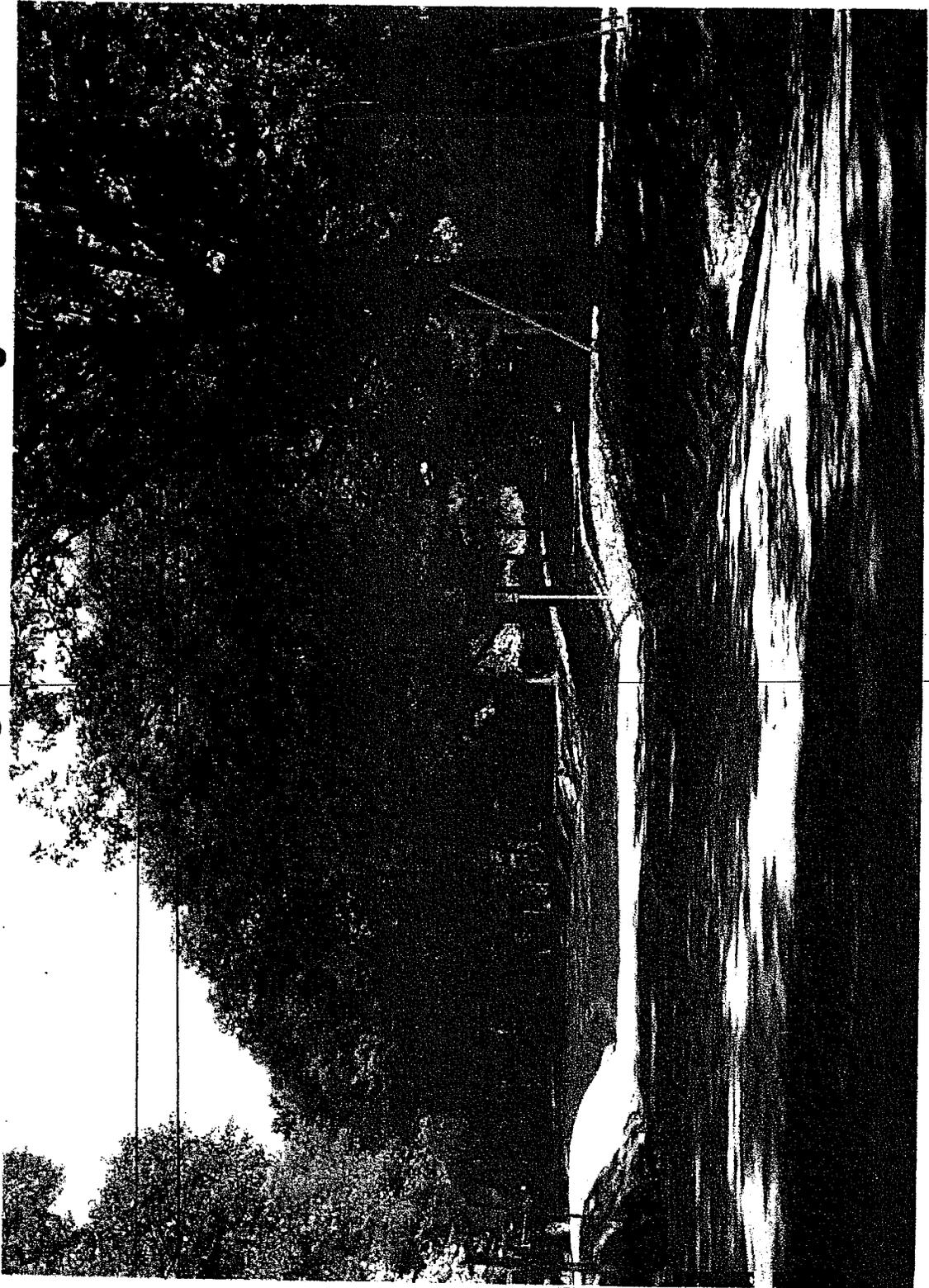


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DEPARTMENT OF TRANSPORTATION & ASSISTANT
PLANNING DIVISION



FISHER AVENUE TCR - SITE PHOTOGRAPH
Existing-Looking East with Existing TPSS

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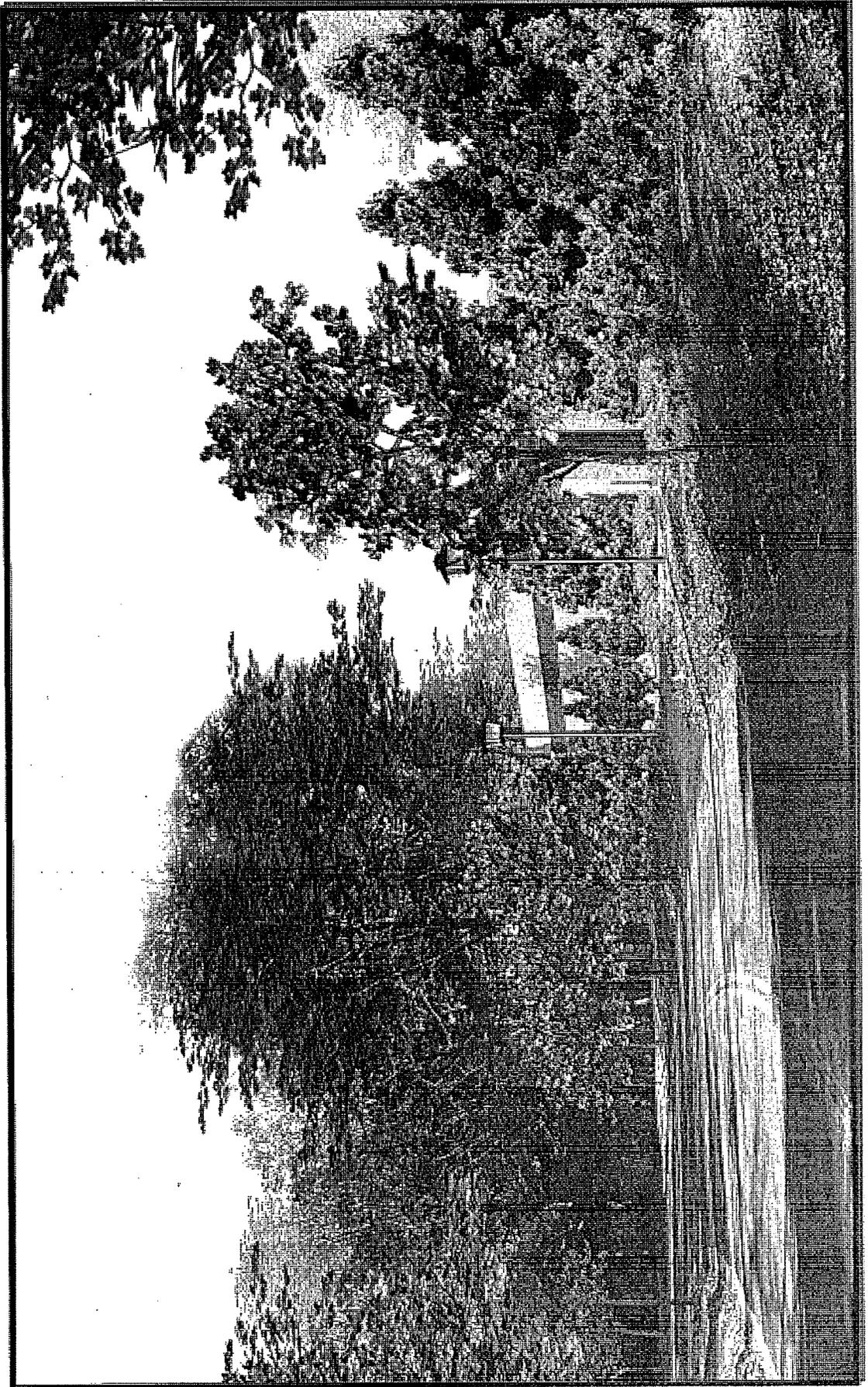


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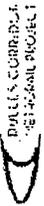
FISHER AVENUE TCR – ARTIST RENDERING
Planned-Looking East



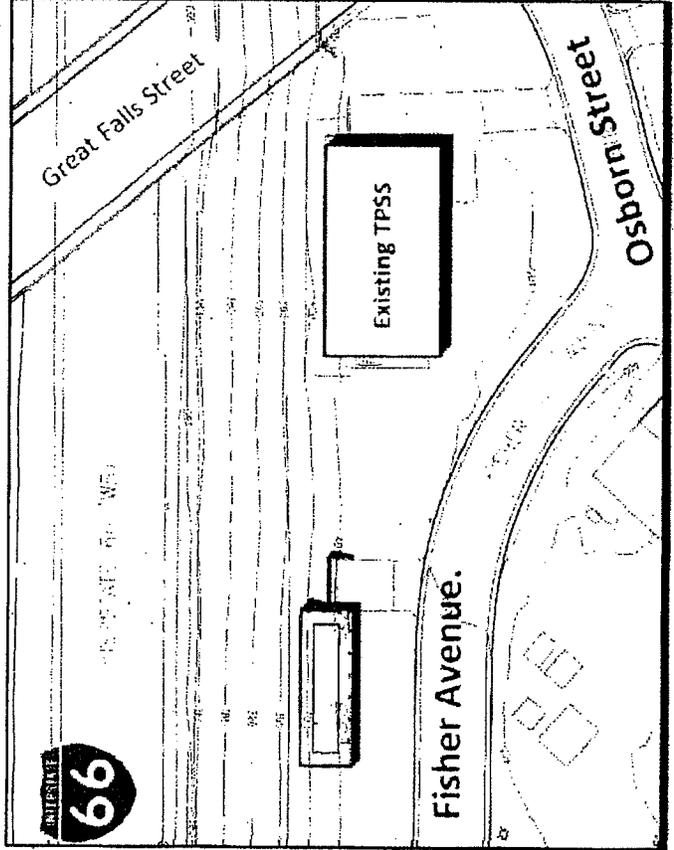
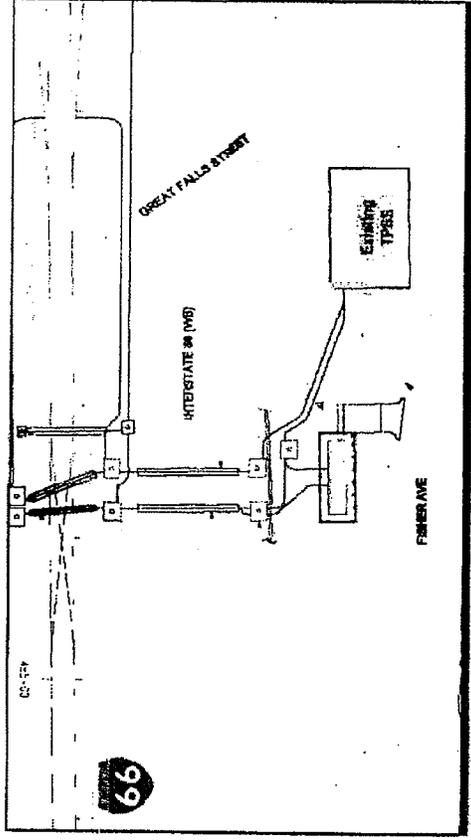
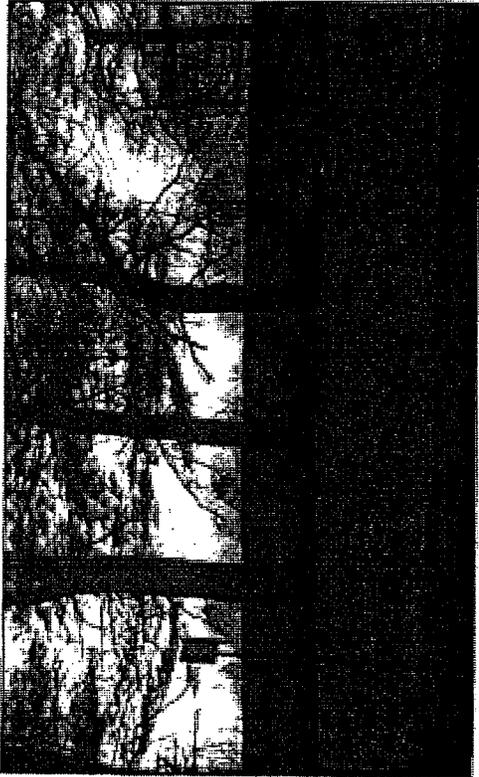
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PLANNING DIVISION



ALTERNATIVE 1 - PROPOSED LOCATION

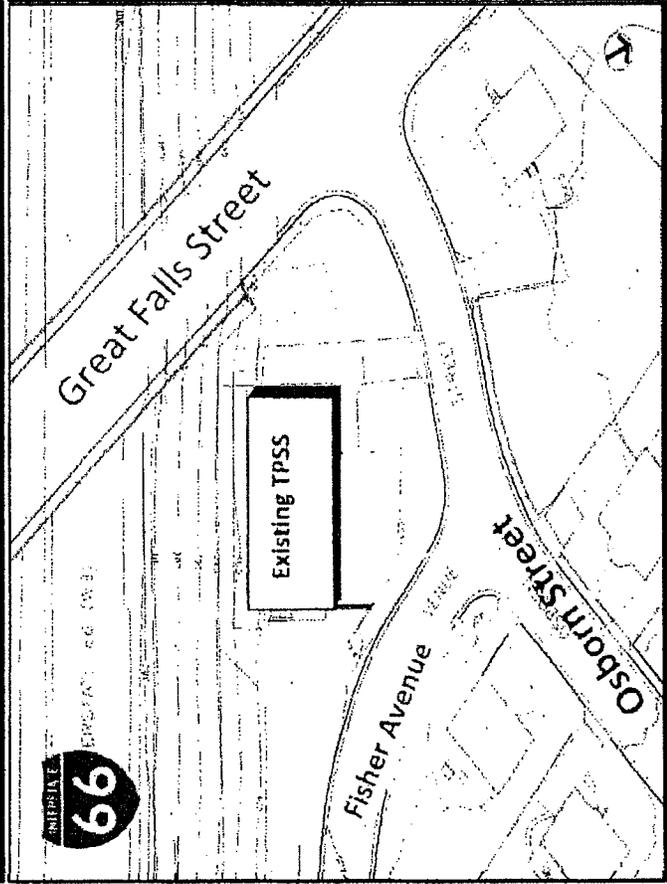
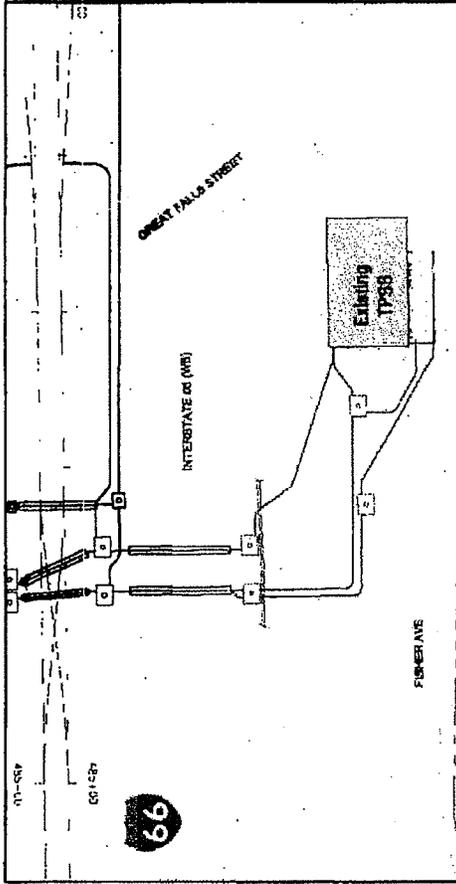
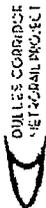


Current Design	
Location	100 feet east of existing TPSS
Setback	25 feet south of curb
Wall Ht.	15 feet (floor = driveway level)
Access	New driveway from Fisher Ave.

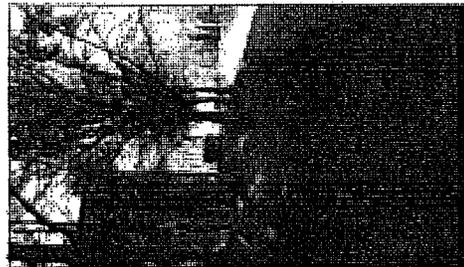


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 OFFICE OF PLANNING & ZONING
 1000 RAYBURN BLVD

ALTERNATIVE 2 - APPROVED LOCATION



North of Existing TPSS	
Location	North of existing TPSS; Approved FEIS location
Setback	10 feet south of curb
Wall Ht.	15 feet (floor = driveway level)
Access	Existing driveway from Osborn Street

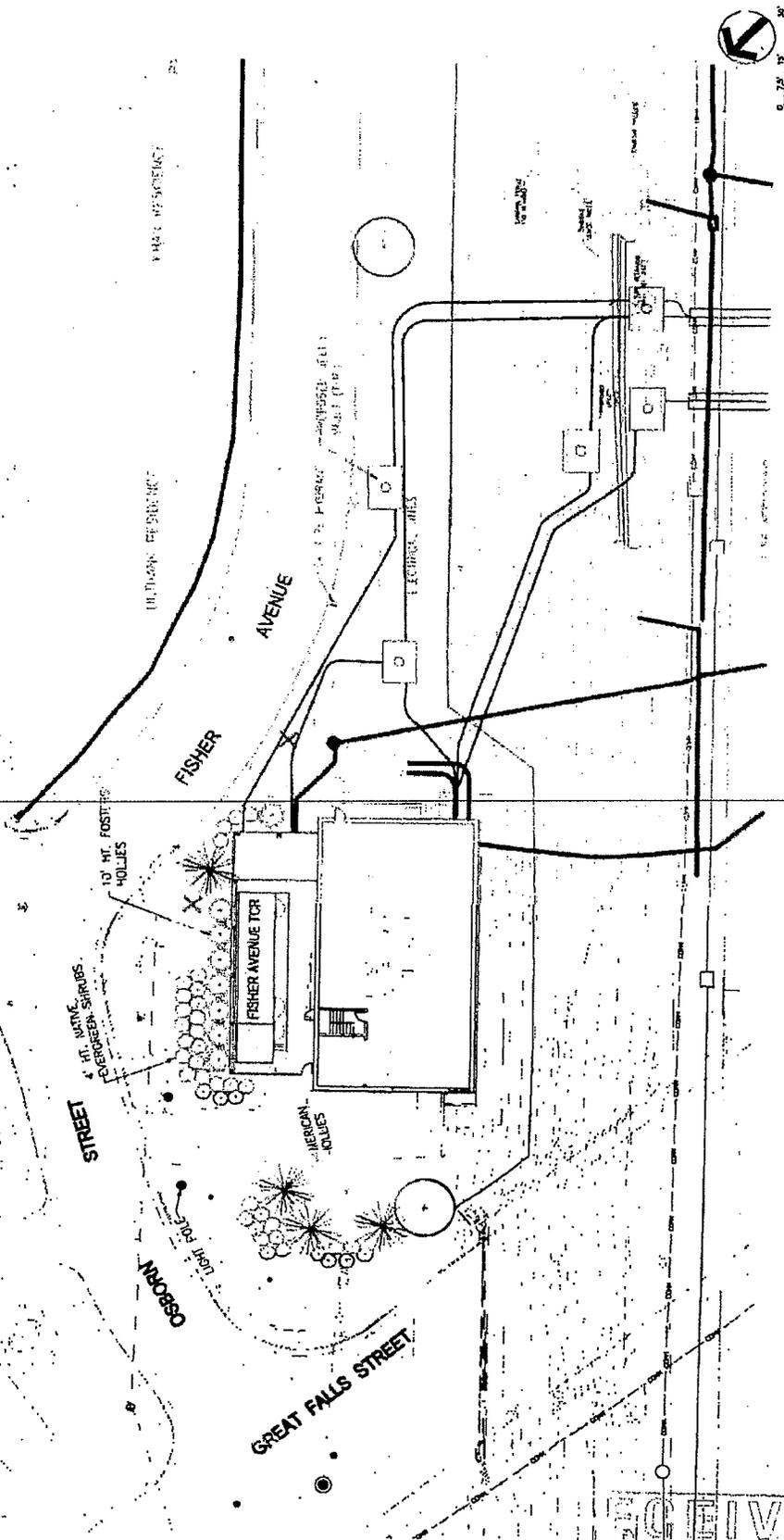


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ALTERNATIVE 2 - APPROVED LOCATION

VALLES CORRIDOR
METRO RAIL PROJECT

Landscape Plan

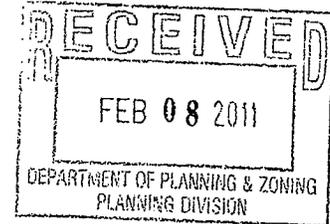


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PLANNING DIVISION
(182)

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1750 Tysons Boulevard
Suite 1800
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www.mcguirewoods.com

Lori Greenlief
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lgreenlief@mcguirewoods.com
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February 8, 2011

Leanna O'Donnell
Department of Planning and Zoning
12055 Government Center Parkway, 7th floor
Fairfax, Va 22035

RE: Additional information for 2232-D11-3

Dear Ms. O'Donnell:

This letter is in response to the questions asked in your email of January 27, 2010 regarding the above referenced 2232 application. It is noted that a revised statement of justification and additional exhibits were submitted ahead of this letter on Thursday, February 3, 2011. Your questions are reprinted followed by the Applicant's response in bold.

1. The previous 2232 approval for the Metrorail extension, 2232-MD06-10, approved by the Planning Commission on January 18, 2007, does not include details of the previously approved location of RTC 1, other than to show a small red/pink outline on the aerial for Sheet 1. The detailed plans begin at Great Falls Street -the project limit for those plans run through the middle of the existing building and do not show the new RTC building. Could you please provide a drawing showing the previously approved location - we will need something more detailed and at a larger scale than what is shown on the aerial. Since one of the statements in the SOJ notes that additional screening will be possible with the new location, we need a drawing showing the general location of the previous approval.

The previous 2232 approval (2232-MD06-10) was based on preliminary engineering drawings prepared for the project. The application included preliminary engineering drawing K56-R-001 which does show the new TC/RTC at Osborne Street and Fisher Avenue in the location identified in the project's Final Environmental Impact Statement. Attached is a larger scale drawing from the FEIS General Plans, which was provided to the public at 9 public hearings conducted in 2004 for the Dulles Rail Final Environmental Impact Statement and approved by the Fairfax County Board of Supervisors as the Locally Preferred Alternative (LPA), that shows the facility location in greater detail. No further design was prepared for the facility during preliminary

February 8, 2011

Page 2

engineering, recognizing that its location would need to be shifted. As described in the previous application, this facility consists of a train control room co-located with a communication room. A copy of that description from the approved submission is included with this letter.

2. There is an existing and planned artist rendering showing the facility from the west, but only a planned rendering for the view looking east - please provide the existing view looking east.

This exhibit was provided on Thursday, February 3, 2011. It is also reproduced with this response letter.

3. We will need more detail as to the alternative locations evaluated (the SOJ mentions five) - for example, were they all on-site in different location/orientations and why were they rejected.

Three meetings were held with members of the community to discuss the proposed location of the TCR. At the first meeting in September 2009, the community suggested alternative locations for the TCR. These locations were identified on site drawings, and evaluated based on criteria identified through discussions with the community and criteria identified by the rail project as being critical for the safe and efficient operation of the rail extension. An aerial photograph showing the location of the alternatives studied is attached as well as two sheets with plan drawings of the alternatives and a matrix indicating the criteria for evaluation. A total of six alternatives were proposed by the community and fully evaluated by MWAA.

Alternative 1a. The alternative at the proposed location that recessed the facility 9-feet into the hillside had the advantage of lower profile and less visibility to the neighborhood, but raised security concerns with an enclosure wall only 6-feet above ground along Fisher Avenue. Access for maintenance will be problematic with stairs required to be navigated with equipment and tools in order to access the facility floor level from the Fisher Avenue driveway, which is a hazard for maintenance personnel. This alternative was deemed infeasible.

Alternative 1b. The alternative at the proposed location with the facility placed at I-66 roadway elevation would have been out of view from Fisher Avenue but conflicted with plans by VDOT for an added westbound lane on I-66. Plans for a future I-66 lane require a retaining wall which would have to extend around the building. There would be insufficient room for a vehicle

pullover, which would require approval by VDOT for a 'limited access break'. With these restrictions, access to the facility was unsatisfactory, and the alternative is not feasible.

Alternative 2. The approved location north of the existing TPSS placed the facility close to Fisher Avenue and Osborn St. This location is in conflict with an existing underground electrical ductbank and a water utility. New ductbanks connecting the facility to track switches in the median of I-66 and to the existing TPSS required trees to be removed on the north and east sides of the TPSS, and created a strip along Fisher Avenue to the proposed location that could not be replanted with replacement trees.

Alternative 3. The alternative location on the west side of the existing TPSS placed the facility at the corner of Great Falls Street and Osborn Street. The clear distance needed from the Great Falls Street bridge abutment placed building too close to the Osborn Street curb, causing obstruction to motorist line of sight. It also required long runs of underground electrical ductbanks creating landscape issues similar to those of the approved alternative 2 location. This alternative is infeasible.

Alternative 4. The alternative location with the facility placed on the roof of the existing TPSS would have resulted in a building height of approximately 40 feet. This would require significant design and engineering modifications to the existing building and construction of a frame to support the new building. Maintenance of this facility would be extremely difficult because of the third story location, which is a hazard for maintenance personnel. Due to the construction work necessary to carry out building modifications, there is a strong likelihood that a major disruption to Orange Line service would occur during construction. This alternative was deemed infeasible.

Alternative 5. The alternative location west of Great Falls Street removed it entirely from Fisher Avenue but placed it closer in distance to an existing residence. This location also had utility conflicts, including an overhead electrical power line that crossed I-66. It required excessive length of underground electrical ductbank to connect with track switches in the median of I-66, which reduces the efficiency of the electrical system, and created landscaping issues along Fisher Avenue due to permanent removal of trees in the general proximity of the ductbanks. This alternative is not feasible.

4. We will need more detail as to why the previously approved location does not work - there is no detail provided in the SOJ as to why the building needs to be moved.

The previously approved location had been identified in the FEIS without

detail study, approximately 5% engineering and little, if any, work on utilities, and site conditions. Once the size of the facility was finalized and connections identified with the existing TPSS and track switches in the median of I-66, site constraints at the approved location were recognized. This location would have limited setback from Fisher Avenue and it conflicted with underground electrical and water utilities. The electrical ductbank supplying 34.5 kV service to the existing TPSS runs across the east end of the approved location and enters the TPSS on the Fisher Avenue side. New facilities could not be located over this existing electrical ductbank. The approved location would also require long ductbank runs from track switches in the median of I-66, and to avoid outdoor transformers at the east end of the TPSS, the new ductbanks would be routed along Fisher Avenue. The existing large canopy trees in front of the TPSS would have to be removed, and replacement trees could not be replanted over the new ductbanks. The limited setback, a maximum of 10 feet, from Fisher Avenue did not allow for large plantings at the east end of the facility.

The proposed location is not in conflict with existing utilities, and the ductbank runs could be located within the I-66 embankment. It also allows for landscaping along Fisher Avenue in front of the facility.

-
5. Please provide the square footage of the facility in the application form - I understand it is still below the required 700 SF, however it should not be categorized as N/A on the form.

The facility is a preassembled modular building with a footprint of 551 square feet (52.5 feet by 10.5 feet), consisting of a train control room and a communications room. A screen wall will be constructed around the entire facility with a set-out distance of 5 feet from the building face to the inside of the screen wall. The screen wall is approximately 1 foot thick. The facility is exempt from size limitations of Article 2-516 of the Zoning Ordinance by virtue of its location within the right of way of I-66 (last paragraph of 2-516).

6. Please provide additional information as to the environmental impacts, particularly related to tree loss.

For the proposed location, trees along the I-66 fence line and between the fence and Fisher Avenue will be removed for construction. This is a distance along Fisher Avenue of approximately 100 feet, including both the facility location and its adjacent driveway. The landscaping plan for the proposed location was included in the submission but is attached again together with the landscape plan for the proposed location. Landscaping for the proposed

February 8, 2011
Page 5

location can extend from the front of the existing TPSS along Fisher Avenue to east of the facility, and includes replanting of large canopy trees, evergreens, and shrubs

7. Please provide one set of full-size plans for our use.

Full size copies of the drawings contained in the submission are being provided separately.

For reference, below is a listing of the attachments referenced in this response letter:

Aerial drawing from FEIS showing location of RTC 1 (dated July 2004)
One page description of the functions of a Remote Train Control Room
Photograph looking east at proposed location
Aerial showing locations of 5 alternatives as red boxes
Two sheets labeled "Alternatives Studied" which show the locations
A chart labeled "Assessment of Alternatives"
Landscaping plan for proposed location
Landscaping plan for previously approved location

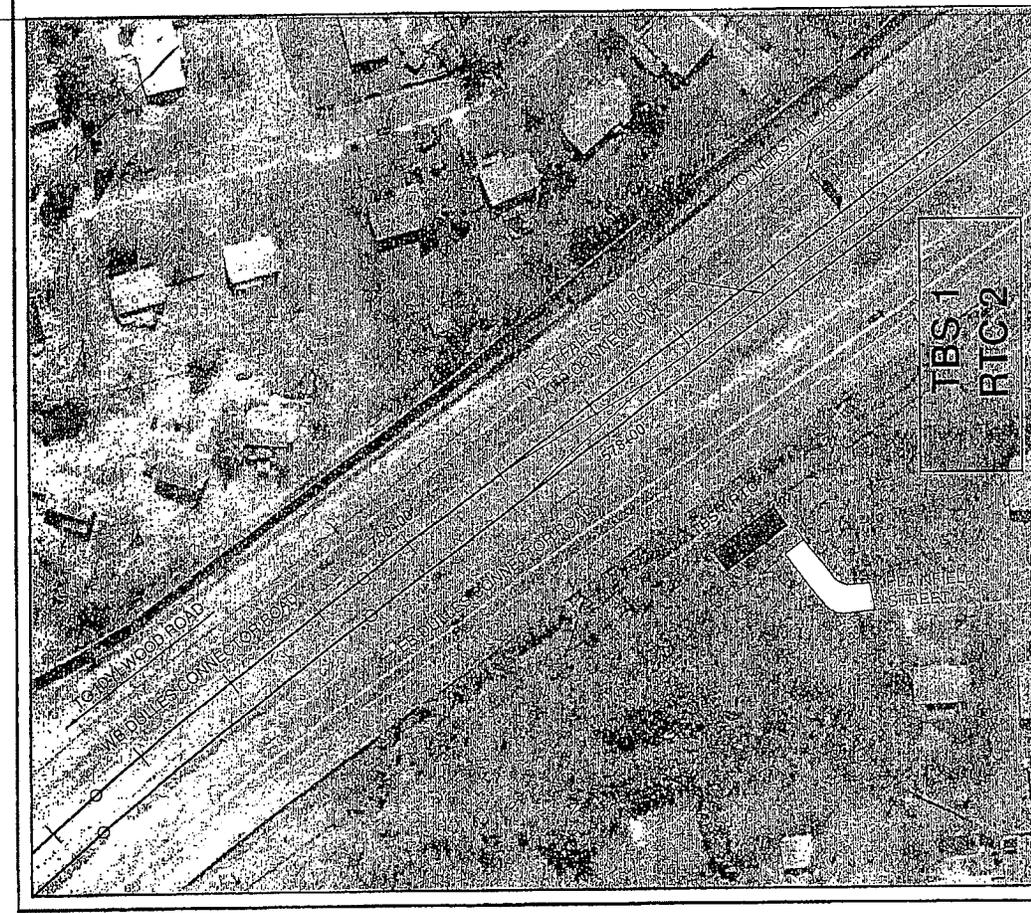
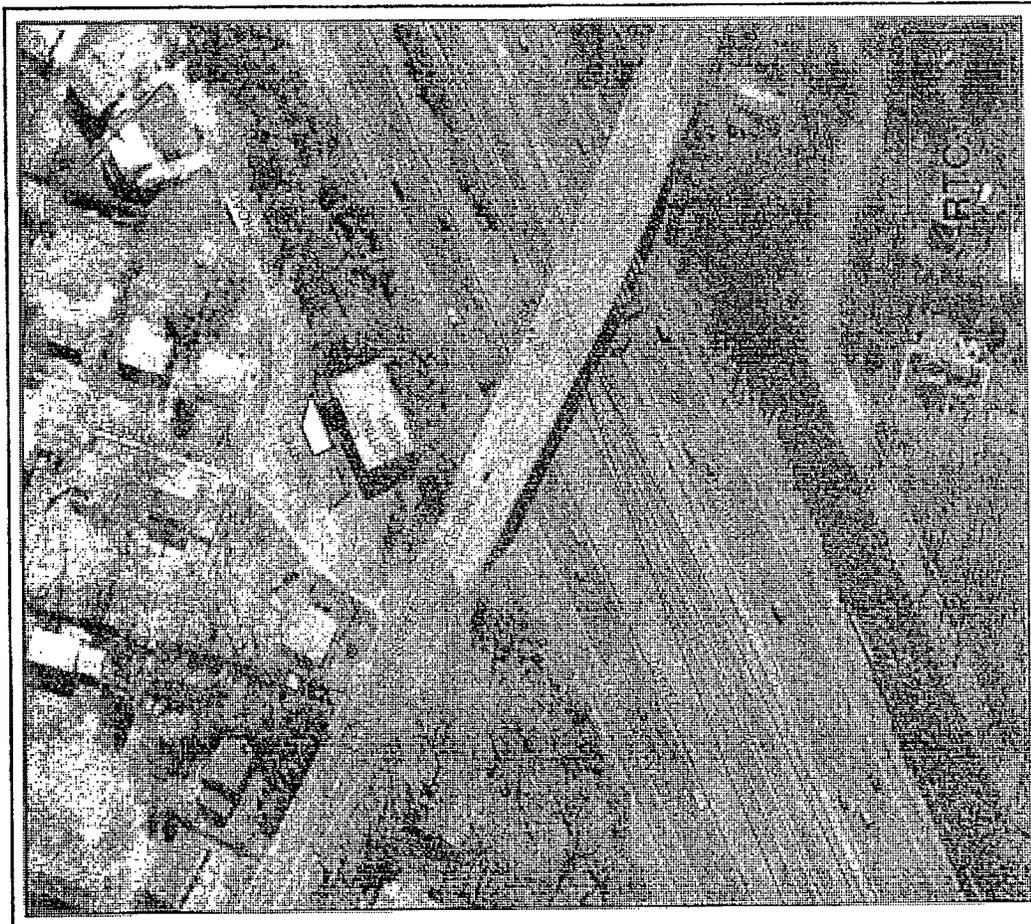
Thank you in advance for your review of these documents and please do not hesitate to call me if you have any questions.

Best Regards,



Lori Greenlief

cc: Jim Van Zee MWAA
Nancy Hsu, MWAA
Frank Turpin, DTP
Rick Stevens, FCDOT



ORDERED: I. BRAM DRAWN: A. WOOD CHECKED: A. WOOD APPROVED: A. WOOD		REFERENCE DRAWINGS NUMBER DESCRIPTION 	REVISIONS DATE BY DESCRIPTION 	DULLES CORRIDOR RAPID TRANSIT PROJECT CAPITAL TRANSIT CONSULTANTS  Dina Mendes PROJECT MANAGER	HALF-SIZE DRAWING TPSS & TBS/RTC LOCATION PLAN ORANGE LINE CONNECTION 01 ALIGNMENT TBS 1, RTC 2, RTC 1 SCALE: 1"=50' DRAWING NO.: GPN-C-110 CONTRACT NO.: 183
-----------------------------------------------------------------------------	--	------------------------------------------------------------------	------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Remote Train Control Room

Remote train control rooms house the equipment needed for safe operation of Metrorail trains. This includes equipment for automatic control of the trains, communications to collect and transmit data to the Metrorail Operations Center, and backup electrical power for the control and communications systems. Remote train control rooms are typically located in passenger stations where the equipment is readily accessible for maintenance. Remote train control rooms are necessary between passenger stations if the distance between stations exceeds the maximum length for control equipment to be effective. One is also located near the tie-in of the Dulles Extension to the existing Metrorail Orange Line.

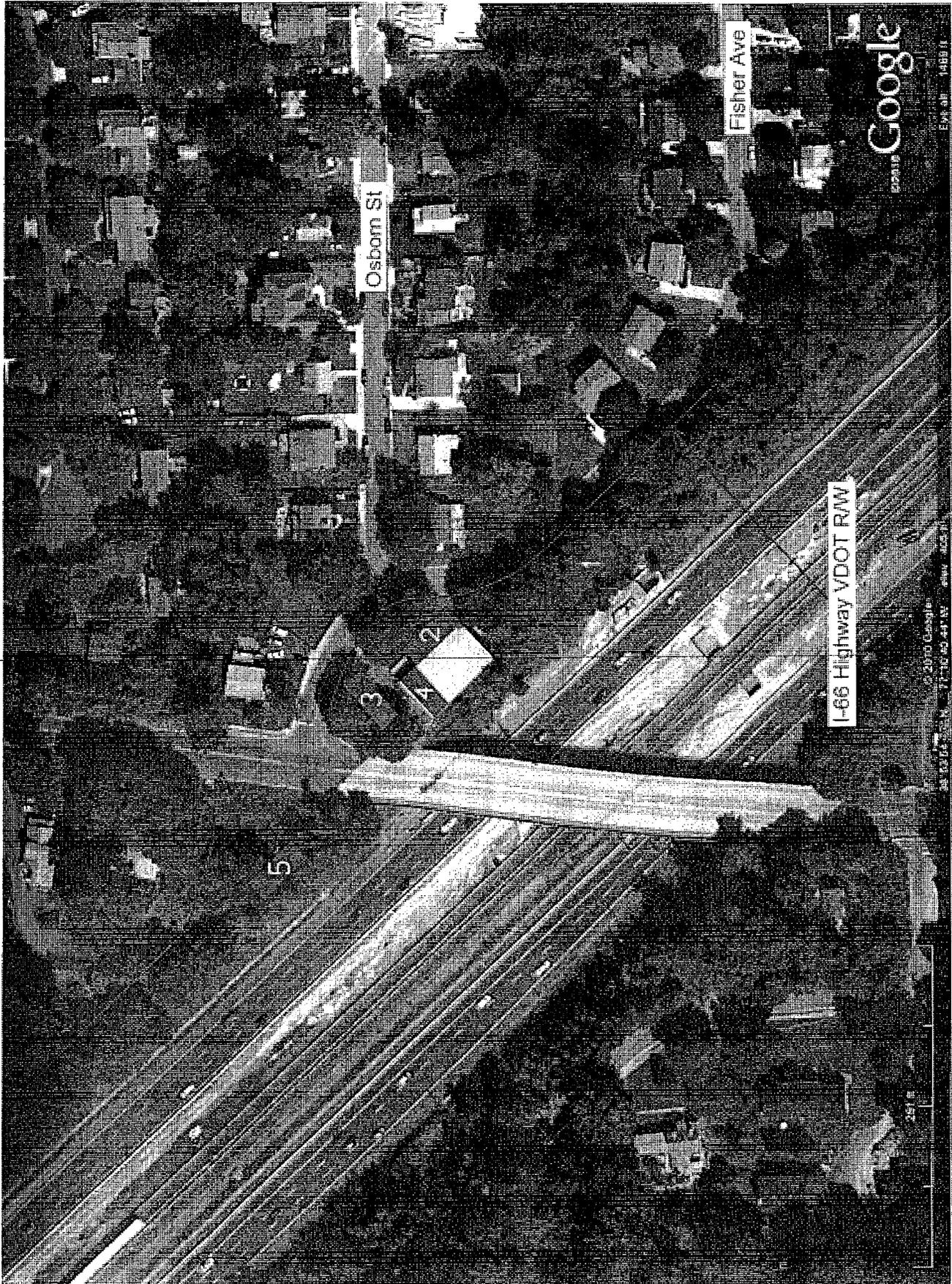
Remote train control rooms are also used to house equipment needed to operate Metrorail in situations when there is a failure or blockage of a track. In these circumstances Metrorail operations may continue by using emergency crossovers to switch trains from one track to another. Safe operation using crossovers involves track interlocking which is performed by signaling and switch equipment. The control of this equipment must be located near the track crossover point and remote train control rooms are used if crossovers are not near passenger stations.

Remote train control rooms and accompanying communications rooms are co-located with either a traction power substation or a tie breaker station, except for one facility located at the tie-in point to the existing Metrorail Orange Line. This remote train control room will be located at the existing Metrorail Fisher Avenue Substation in a new building approximately 14-foot wide by 43-foot length with a wall height of 16-feet. The building exterior will be finished in a neutral color brick similar to the existing Metrorail facilities at that location, and will be landscaped and screened in a similar manner.

No noise will be generated at a remote train control room and there will be no vibration. Lighting will be provided at the primary entry doors with no other area/site lighting. The buildings are locked and equipped with intrusion detection systems to deter vandalism.

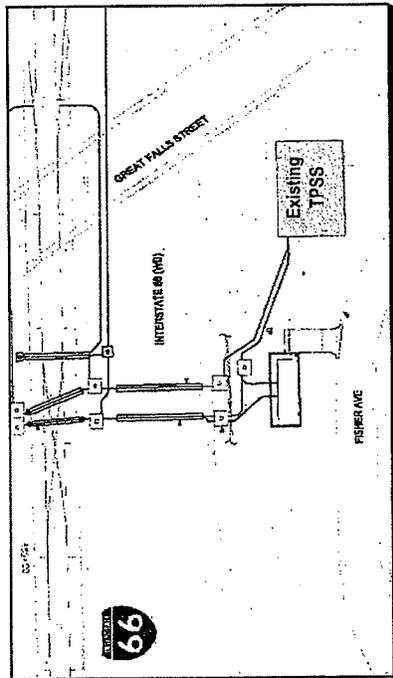
Stand alone remote train control rooms will generate approximately one visit per week from maintenance staff. Vehicles visiting the facility for routine maintenance will be heavy duty pickup trucks.

October 25, 2006

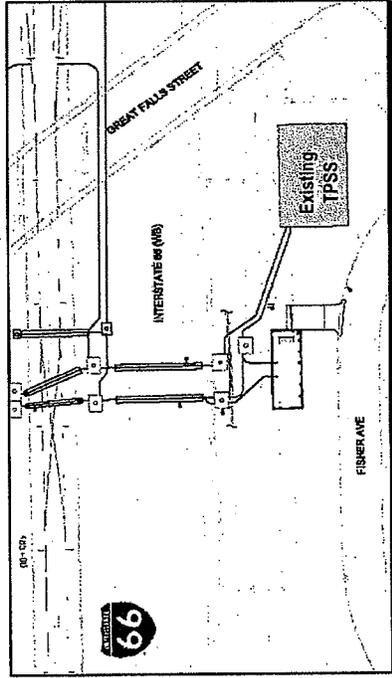


ALTERNATIVES STUDIED

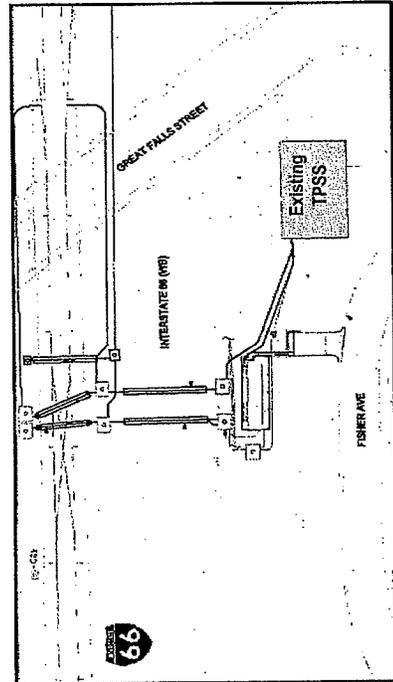
1 - Current Design



1a - Current Design Recessed



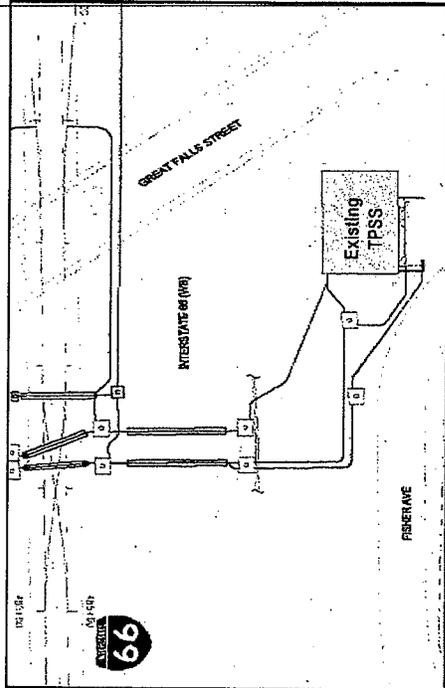
1b - I-66 Embankment



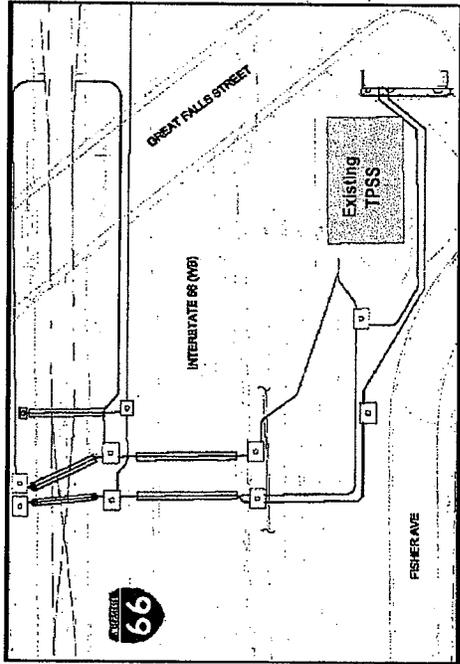
ALTERNATIVES STUDIED



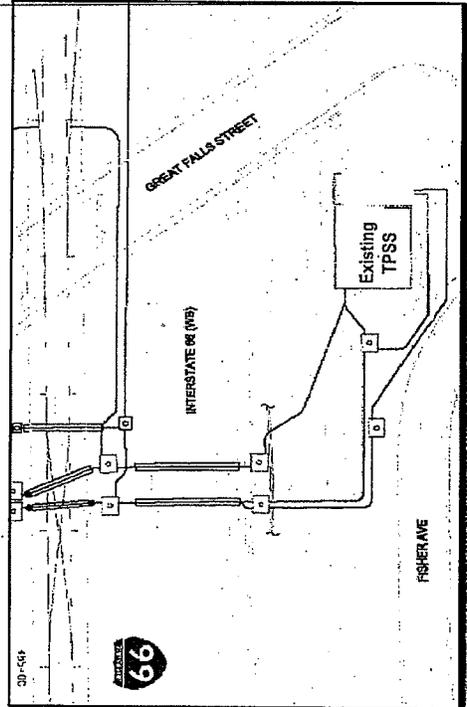
2 - North of TPSS



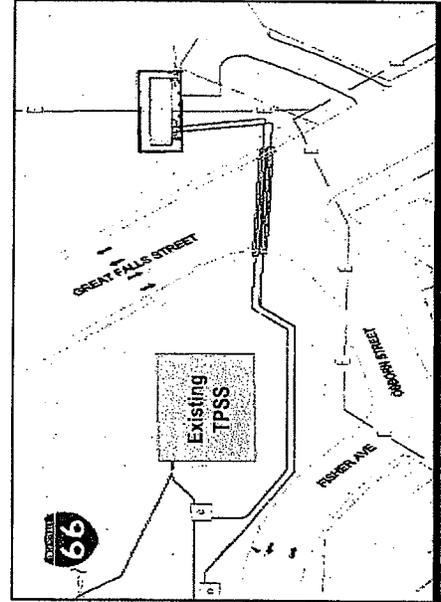
3 - West of TPSS



4 - Above TPSS



5 - West of Great Falls Street



ASSESSMENT OF ALTERNATIVES

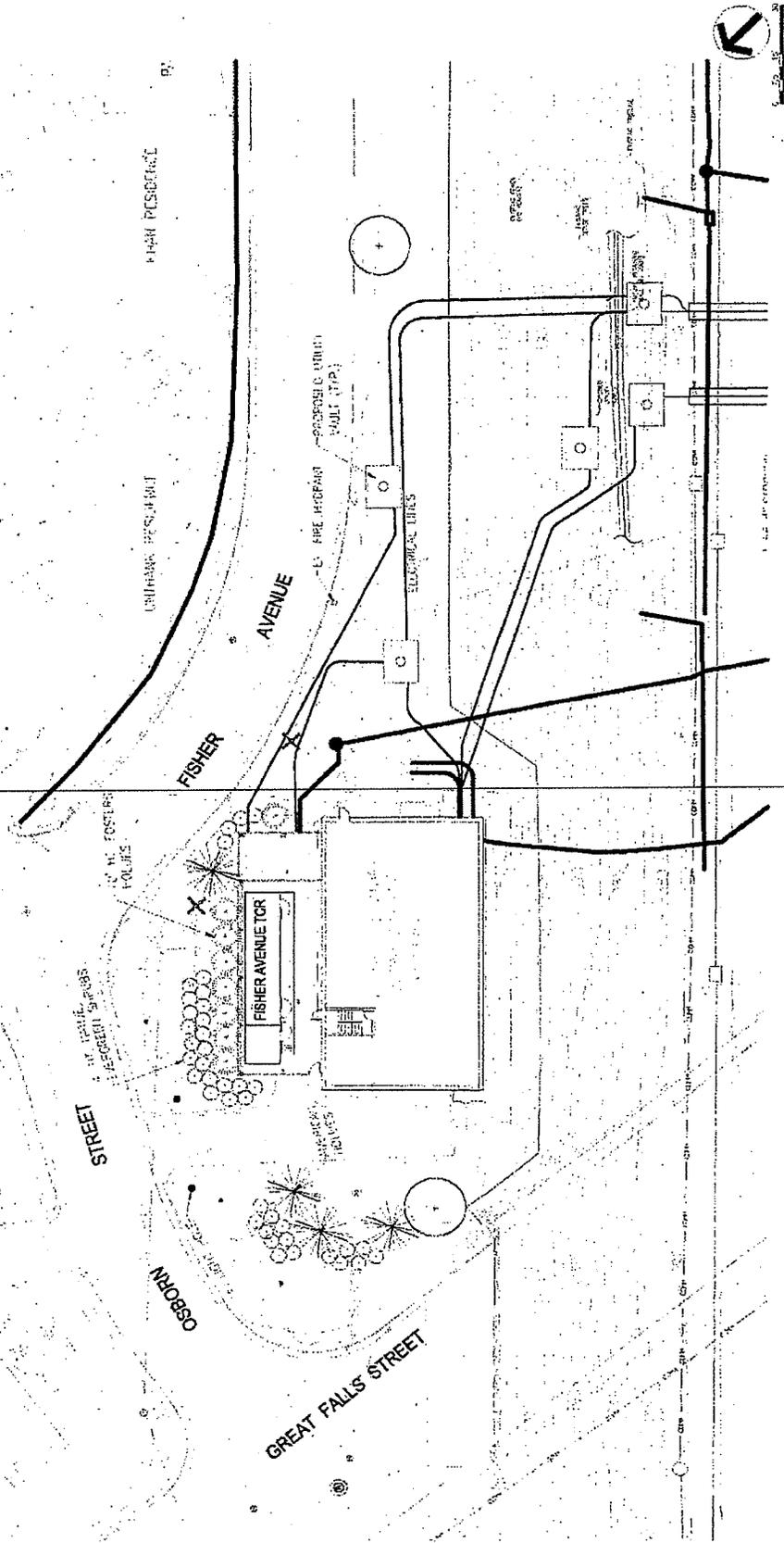


CRITERIA	1	1a	1b	2	3	4	5
	CURRENT DESIGN	CURRENT DESIGN, RECESSED	I-66 EMBANKMENT	NORTH OF EXISTING TPSS	WEST OF EXISTING TPSS	ABOVE EXISTING TPSS	WEST OF GREAT FALLS ST
COMMUNITY							
C1	+	+	+	-	+	0	0
C2	-	-	-				
C3	-	-	++	+	+	+	
C4	-	+	++	-	+		++
C5	-	-	-	+	+	+	-
C6	+	+	+	+	-	+	+
C7	-	-	-	+	+	+	+
TECHNICAL							
T1	+	+	+	-	-	-	
T2	+	+	+	+			+
T3	+	+	+	-	-	-	
T4	+	+	+	-	-	-	
T5	+	-		+	+		+
T6	+	+		+	+	+	+
T7	+	-	+	+	+	+	+
T8	+	+	+	-	-	+	+
T9	+	-		-	-		
T10	+	-	-	-	-	-	-
ALTERNATIVES RETAINED FOR FURTHER CONSIDERATION							
	1	1a		2			

ALTERNATIVE 2 - APPROVED LOCATION



Landscape Plan



METROPOLITAN WASHINGTON AIRPORTS AUTHORITY



March 9, 2011

Leanna H. O'Donnell, AICP
Fairfax County Department of Planning and Zoning
Herrity Building
12055 Government Center Parkway
Fairfax, Virginia 22035

Subject: Dulles Corridor Metrorail Project
Section 15.2-2232 Application
Fisher Avenue 2232-D11-3

Letter No.: MWAA-04598

Reference: Fairfax County's Request for Additional Information: E-mail from L. O'Donnell to
L. Greenlief and R. Stevens, dated March 4, 2011

Dear Ms. O'Donnell:

As requested, the Metropolitan Washington Airports Authority (Airports Authority) herewith provides additional information to supplement the application for shifting the new Train Control Room (TCR) from its originally approved location to a different location on the same site.

The need to shift the TCR from the originally approved location to the proposed location is based on conditions at the proposed location which are superior to the original location for meeting operational and functional needs, for minimizing the quantity of permanent underground structures which will restrict the amount and type of permanent landscaping on the site, for optimizing construction cost and schedule, and for eliminating any risk of having to revise the location after start of construction due to unknown subsurface conditions. The following factors were considered:

1. Ability to see the double crossover switch on the rail line directly from the TCR building is always preferred, as this enables visual checks and inspections to occur after maintenance is performed. The originally approved location for the new TCR in front of the existing substation building places the TCR outside the line of sight, whereas the proposed location allows a clear and direct line of sight to the switch location on the rail line.
2. Minimizing the distance for underground cable to be placed between the rail line and the new TCR is always preferred, as the shorter length of cable minimizes the amount of maintenance required in the future as well as land disturbance, construction cost and construction time. The originally approved location for the TCR will require much longer lengths of underground cable to be placed. Surrounding and protecting the cables are duct banks which are permanent concrete structures running the entire length of the cables between the rail line and the new TCR, as well as between the rail line and the existing substation. In addition to greater lengths of cable and duct banks, the originally approved location will require duct banks to be installed along the frontage of Fisher Avenue. The presence of these underground structures will restrict placement and growth of landscaping materials. At the proposed location, cables and duct banks are much shorter than at the currently approved

Dulles Corridor Metrorail Project, 1593 Spring Hill Road, Suite 300, Vienna, VA 22182

location due to the new TCR being in direct line from the rail guideway. The duct banks will be behind the new building and the building will be set back from the Fisher Avenue curb line approximately 25 feet, thereby allowing planting of a greater quantity and variety of landscaping materials, including new street trees, to enhance the appearance of the site and the street frontage.

3. Site investigations conducted at the start of design indicated that there are several existing utilities at the location originally approved for the new TCR. These utilities include an underground water main and sanitary line, as well as an overhead electric power line. All would have to be removed and relocated to areas outside the footprint of the new TCR building. At the proposed location, there are no existing utility interferences and no utility relocations needed.
4. A high voltage electrical duct bank runs along the north side of the existing substation, which requires that the TCR, if located along the north side of the existing substation building, be located no closer than 13 feet from the north wall of the substation. In addition, there is a ground grid beneath the existing substation and it is not known if that ground grid extends beyond its north wall. The new TCR requires a grounding system and this new grounding system cannot overlap the existing substation ground grid. If set at the 13-foot offset from the existing north wall, the current expectation is that the northeast corner of the new TCR building would be and can be located with an approximate 10-foot clearance from the Fisher Avenue curb. It is presently not known precisely how far the edge of existing grid extends beyond the edge of the existing substation wall, and this will not be known until the area is excavated. As a result, there is a risk that the new TCR in its originally approved location may have to be moved farther away from the existing building, thereby moved closer to the curb. This could result in the new TCR being closer to the curb than the currently expected 10 feet. The currently proposed location for the new TCR is set back approximately 25 feet from the Fisher Avenue curb line, is well clear of the existing substation building and eliminates any risk of the new grounding system interfering with the existing ground grid.
5. Because of the new TCR building placement having limited setback from the curb, as well as the quantities and locations of new underground duct banks which are needed, the opportunity to provide enhanced landscaping is restricted at the originally approved location. Associated with the proposed location to the east is the ability to provide a substantially enhanced landscaping plan which will mitigate the impact of the new facility while providing an improved streetscape, including a row of canopy trees along the entire frontage of the site. A landscaping plan for the proposed location is enclosed.
6. The new TCR cannot be moved to the west side of the existing substation because construction at that location will interfere with the foundation of the existing bridge over I-66.
7. Returning to the originally approved location will require approximately 9 months additional time to complete the revised design and construction. This will extend the implementation of passenger service from 2013 to 2014, which is beyond the approved contract completion date for the opening of the Silver Line.

Leanna H. O'Donnell, AICP
Letter No. MWAA-04598
March 9, 2011
Page 3

Because of the above mentioned technical issues, which result in additional construction cost, time and unknown conditions associated with the originally approved location, the Airports Authority requests Fairfax County approval to shift the new TCR from the originally approved location to a new location on the same site to the east of the existing substation building.

Please contact James Van Zee at (703) 572-0504 if there are any questions.

Sincerely,

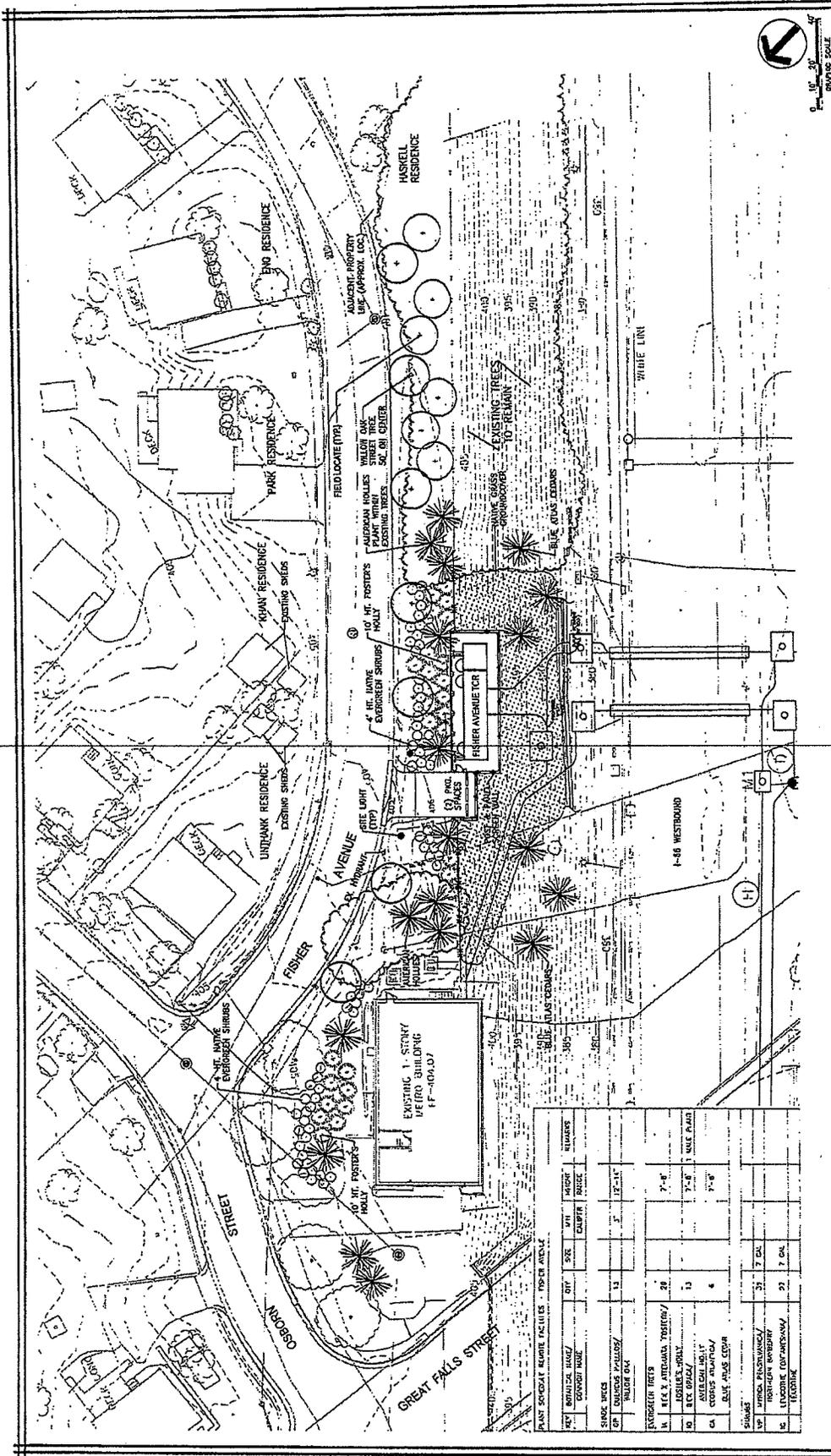


Charles S. Carnaggio, P.E.
Project Director
Dulles Corridor Metrorail Project

CSC/nh/als

Attachments: Alternative 1 Landscape Plan
Comparative Summary Schedule

cc: J. Van Zee
N. Hsu
R. Whedon
R. Werner
R. Stevens



EXTENSION TO WIEHLE AVE
WAYSIDE BUILDING PACKAGE
FISHER AVE
TCR/COMM. RM.

ALTERNATIVE 1 LANDSCAPE PLAN



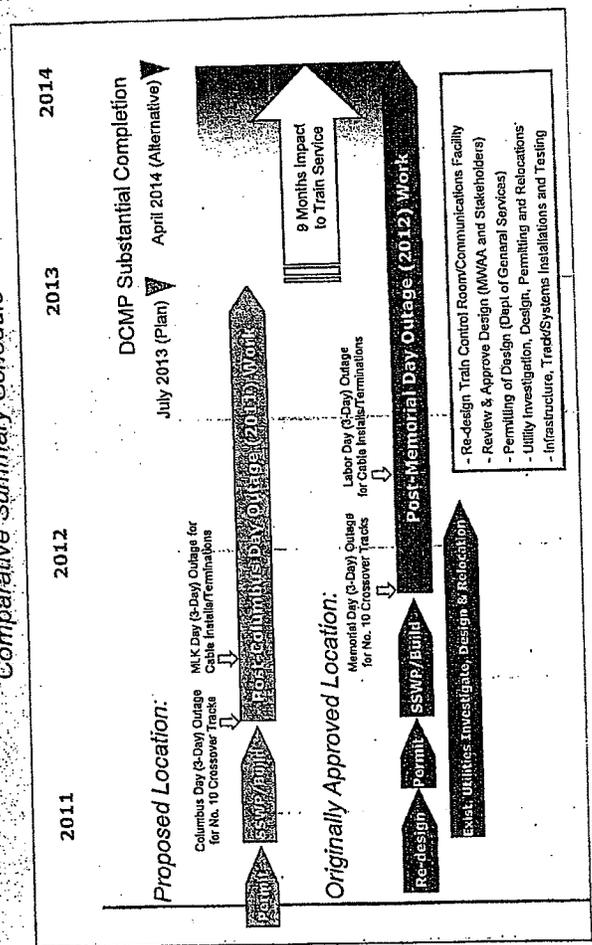
METROPOLITAN WASHINGTON
AIRPORTS AUTHORITY
DULLES TRANSIT
PARTNERS, LLC
103 PAVILION DR., FT. CO.
VA 22034

JACOBS
MARCH 9, 2011

PLANT SCHEDULE INCLUDES - TYPICAL SCHEDULE

KEY	SYMBOL	PLANT NAME	QTY	SIZE	WPI	WATER	REMARKS
1	(Symbol)	AMERICAN HOLLY	12	12-14"			
2	(Symbol)	FIELD LOCUST (NY)	2	12-14"			
3	(Symbol)	4" HT. NATIVE EVERGREEN SHRUBS	28	7-8"			
4	(Symbol)	6" HT. NATIVE EVERGREEN SHRUBS	13	7-8"			
5	(Symbol)	AMERICAN HOLLY	4	7-8"			
6	(Symbol)	4" HT. NATIVE EVERGREEN SHRUBS	35	7-8"			
7	(Symbol)	6" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
8	(Symbol)	AMERICAN HOLLY	25	7-8"			
9	(Symbol)	4" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
10	(Symbol)	6" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
11	(Symbol)	AMERICAN HOLLY	25	7-8"			
12	(Symbol)	4" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
13	(Symbol)	6" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
14	(Symbol)	AMERICAN HOLLY	25	7-8"			
15	(Symbol)	4" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
16	(Symbol)	6" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
17	(Symbol)	AMERICAN HOLLY	25	7-8"			
18	(Symbol)	4" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
19	(Symbol)	6" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
20	(Symbol)	AMERICAN HOLLY	25	7-8"			
21	(Symbol)	4" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
22	(Symbol)	6" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
23	(Symbol)	AMERICAN HOLLY	25	7-8"			
24	(Symbol)	4" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
25	(Symbol)	6" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
26	(Symbol)	AMERICAN HOLLY	25	7-8"			
27	(Symbol)	4" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
28	(Symbol)	6" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
29	(Symbol)	AMERICAN HOLLY	25	7-8"			
30	(Symbol)	4" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
31	(Symbol)	6" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
32	(Symbol)	AMERICAN HOLLY	25	7-8"			
33	(Symbol)	4" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
34	(Symbol)	6" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
35	(Symbol)	AMERICAN HOLLY	25	7-8"			
36	(Symbol)	4" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
37	(Symbol)	6" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
38	(Symbol)	AMERICAN HOLLY	25	7-8"			
39	(Symbol)	4" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
40	(Symbol)	6" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
41	(Symbol)	AMERICAN HOLLY	25	7-8"			
42	(Symbol)	4" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
43	(Symbol)	6" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
44	(Symbol)	AMERICAN HOLLY	25	7-8"			
45	(Symbol)	4" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
46	(Symbol)	6" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
47	(Symbol)	AMERICAN HOLLY	25	7-8"			
48	(Symbol)	4" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
49	(Symbol)	6" HT. NATIVE EVERGREEN SHRUBS	25	7-8"			
50	(Symbol)	AMERICAN HOLLY	25	7-8"			

Fisher Avenue TCR Comparative Summary Schedule



Attachment B

O'Donnell, Leanna

From: Kirst, Lorrie

Sent: Wednesday, January 26, 2011 7:51 AM

To: O'Donnell, Leanna

Subject: 2232-D11-3

2232-D11-3

Map: 40-4 (ROW)

Zoning District: R-4

The proposed remote train control room is an accessory electrically-powered regional rail transit facility that is permitted by right in any zoning district subject to Sect. 2-516 of the Zoning Ordinance. The proposed facility meets Sect. 2-516.

Prepared by Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch



County of Fairfax, Virginia

MEMORANDUM

DATE: 17 February 2011

TO: Leanna Hush O'Donnell, Planner, Facilities Planning Branch

FROM: Linda Cornish Blank
Historic Preservation Planner 

SUBJECT: 2232-D11-3, between Fisher Avenue & I-66, Tax Map 40-4 (VDOT R-O-W); relocate a previously approved Train Control Room south of Fisher Avenue associated with Metrorail service.

Finding: The subject property is not included within the boundaries of a Fairfax County Historic Overlay District, is not listed on the Fairfax County Inventory of Historic Sites or the National Register of Historic Places or documented in the historic structures survey file. There are no properties in the immediate vicinity of the property which is the subject of this application that are within the boundaries of a Fairfax County Historic Overlay District, listed on the Fairfax County Inventory of Historic Sites or the National Register of Historic Places or documented in the historic structures survey file that would be negatively impacted by the proposed location of a train control room.

Recommendation: No action concerning heritage resources is required.

O'Donnell, Leanna

From: Regmi, Sharad
Sent: Friday, February 18, 2011 2:38 PM
To: O'Donnell, Leanna
Cc: Stonefield, Jerry; McLaughlin, Greg
Subject: 2232 Review Application # 2232-D11-3 for WMATA : Tax Map # 40-4

Leanna,

Proposed construction is within VDOT Right of Way (ROW). Typically, we do not receive site plan for review within VDOT ROW.

If you need further information, please contact me.

Sharad Regmi, P.E.
Stormwater and Geotechnical Section
DPWES - LDS
X324-7179



County of Fairfax, Virginia

MEMORANDUM

March 4, 2011

TO: Ms. Leanna Hush O'Donnell AICP, Planner III
Department of Planning and Zoning, Planning Division

FROM: Craig Herwig, Urban Forester III *CH*
Forest Conservation Branch, DPWES

SUBJECT: Extension to Wiehle Ave., K&N Junction, Fisher Ave.,

RE: Request for assistance dated February 28, 2011

This review is based upon the 2232-D11-3 application for the Fisher Avenue Remote Train Control Room grading and drainage plan. A site visit was conducted on March 2, 2011.

General Comment: Comments of the previously submitted landscape plan for the 2232-D11-3 application were provided to Chris Caperton, Planning Branch Chief in my memo dated February 14, 2011. The comments contained in that memo are still valid for the latest submission of the latest submission of the grading and drainage plan. Additional comments are provided to address the tree preservation requirements.

1. **Comment:** Transitional Screening 3 and Barrier requirement E, F, or G should be provided at the northeast property boundary to screen the proposed facility from the adjacent single family dwellings located across Fisher Avenue.

Recommendation: Landscape screening should be provided at the northeast property boundary that meets the intent of Transitional Screening 3 as found in ZO 13-303.3C to screen the proposed facility from the adjacent single family dwellings.

2. **Comment:** There are approximately 25 existing mature trees including white pines, white oaks, ash, and tulip trees, ranging in size from 4 to 22-inch in diameter, in poor to fair condition, located adjacent to the northeast property boundary, between Fisher Avenue and the proposed facility that should be considered for preservation.

Recommendation: It is unclear if the trees noted above are proposed for preservation or removal. The applicant should show and identify these trees as "to be preserved" or "to be removed."

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes



Extension to Wiehle Ave. K&N Junction, Fisher Ave.
2232-D11-3
March 4, 2011
Page 2 of 2

3. **Comment:** A tree preservation plan has not been included with this application.

Recommendation: If the trees identified in comment #2 are proposed for preservation, a tree preservation plan and narrative incorporating required plan elements found in PFM 12-0509.3 should be provided.

Please feel free to contact me at 703-324-1770 if you have further questions or concerns.

CSH/
UFMID #: 158923

cc: RA File
DPZ File





County of Fairfax, Virginia

MEMORANDUM

February 14, 2011

TO: Chris B. Caperton, Planning Branch Chief
Facilities Planning Branch, Planning Division, DPZ

FROM: Craig Herwig, Urban Forester III *CSH*
Forest Conservation Branch, DPWES

SUBJECT: Fisher Avenue Remote Train Control Room, 2232-D11-3

RE: Request for assistance dated February 8, 2011

This review is based on the 2232-D11-3 application for the Fisher Avenue Remote Train Control Room, stamped "Received, Department of Planning and Zoning, Planning Division, January 24, 2011."

1. **Comment:** Transitional Screening 3 and Barrier requirement E, F, or G should be provided at the northeast property boundary to screen the proposed facility from the adjacent single family dwellings located across Fisher Avenue.

Recommendation: Landscape screening should be provided at the northeast property boundary that meets the intent of Transitional Screening 3 as found in ZO 13-303.3C to screen the proposed facility from the adjacent single family dwellings.

2. **Comment:** The proposed limits of clearing and grading have not been shown or identified. It is not possible to provide recommendations regarding tree preservation activities and treatments without providing the location of the proposed limits of clearing and grading.

Recommendation: The location of the limits of clearing and grading should be shown and identified on the plan sheets so it is possible to make comments and recommendations regarding tree preservation activities and treatments such as tree protection fence and root pruning.

Please feel free to contact me at 703-324-1770 if you have any questions or concerns.

CSH/
UFMID #: 158400

cc: RA File

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes





County of Fairfax, Virginia

MEMORANDUM

DATE: February 24, 2011

TO: Chris Caperton, Chief
Facilities Planning Branch, DPZ

FROM: Leonard Wolfenstein, Chief *L.W.*
Transportation Planning Section
Department of Transportation

FILE: 10-5

SUBJECT: Application for 15.2-2232 determination – 2232-D11+3 MWAA relocation of a previously approved Train Control Room (TCR) south of Fisher Avenue

The Fairfax County Department of Transportation (FCDOT) has reviewed the above 2232 application and has the following comments:

There are no road improvements or trail facilities shown for or in the vicinity of Fisher Avenue in the Fairfax County Transportation Plan Map or the Countywide Trails Plan that affect this site. The construction of the Fisher Avenue Train Control Room is expected to have a minimal impact on the surrounding road network. Fisher Avenue, which is the only vehicular access to the site, has capacity to handle any increase in trips associated with the proposed use. Given the unmanned nature of Train Control Rooms, Fairfax Connector bus service to the site is unnecessary.

Due to the overall nature of Train Control Rooms, there appears to be no other significant traffic impacts resulting from the proposed use for the site. Additionally, the proposed Train Control Room does not have any design features associated with it that would involve any VDOT road design standards.

If you have any questions please feel free to contact Kris Morley-Nikfar (tel. 703-877-5672) Kris.Morley-Nikfar@fairfaxcounty.gov.

Cc: Leanna O'Donnell, DPZ
Dan Rathbone, FCDOT
Angela Rodeheaver, FCDOT
Karyn Moreland, FCDOT
Charlie Strunk, FCDOT
Kris Morley-Nikfar, FCDOT

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877 5723
www.fairfaxcounty.gov/fcdot



Fairfax Water

Attachment G

FAIRFAX COUNTY WATER AUTHORITY
8560 Arlington Boulevard, Fairfax, Virginia 22031
www.fairfaxwater.org

**PLANNING & ENGINEERING
DIVISION**

Jamie Bain Hedges, P.E.
Director
(703) 289-6325
Fax (703) 289-6382

February 17, 2011

Mr. Chris Caperton
Facilities Planning Branch Chief
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035

Re: Application No. 2232-D11-3
40-4

Dear Mr. Caperton:

Fairfax Water has reviewed the above referenced application and has no comments.

If you have any questions regarding this information please contact Dave Guerra at
(703) 289-6343.

Sincerely,



Traci K. Goldberg, P.E.
Manager, Planning

Enclosure

§ 15.2-2232. Legal status of plan.

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.1-23.03 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within sixty days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within ten days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within sixty days from its filing. A majority vote of the governing body shall overrule the commission.

~~C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.~~

D. Any public area, facility or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.

E. Approval and funding of a public telecommunications facility by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Virginia Public Broadcasting Board shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within ninety days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than sixty additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

(Code 1950, §§ 15-909, 15-923, 15-964.10; 1958, c. 389; 1960, c. 567; 1962, c. 407, § 15.1-456; 1964, c. 528; 1966, c. 596; 1968, c. 290; 1975, c. 641; 1976, c. 291; 1978, c. 584; 1982, c. 39; 1987, c. 312; 1989, c. 532; 1990, c. 633; 1997, cc. 587, 858; 1998, c. 683; 2007, c. 801; 2009, cc. 670, 690.)



FAIRFAX COUNTY PLANNING COMMISSION

March 23, 2011

PUBLIC HEARING FOR PLANNING DETERMINATION

Pursuant to
Va. Code Sec. 15.2 - 2232

Public Hearing Date: March 23, 2011 at 8:15 p.m.

ADDENDUM

Application Number: 2232-D11-3

Applicant: Metropolitan Washington Airports Authority in coordination with the Department of Rail and Public Transportation on behalf of Washington Metropolitan Area Transit Authority

Proposed Use: Fisher Avenue Train Control Room

Supervisor District: Dranesville District

Subject Property: Tax Map 40-4 (VDOT Right-of-Way)

Size of Proposed Facility: Approximately 551 square feet

Application Accepted: February 1, 2011

Application Amended: Feb. 3, 2011, Feb. 8, 2011, March 9, 2011, March 17, 2011

Recommendation: In accordance with Va. Code Sec. 15.2-2232, as amended, staff recommends that the Planning Commission find the proposal by the Metropolitan Washington Airports Authority in coordination with the Department of Rail and Public Transportation, on behalf of Washington Metropolitan Area Transit Authority, as amended, to construct a train control room south of Fisher Avenue in the VDOT Right-of Way, Falls Church, substantially in accord with provisions of the adopted Comprehensive Plan.

PLANNING DETERMINATION

Section 15.2 -2232 of the Code of Virginia



Number: 2232-D11-3

District: Dranesville

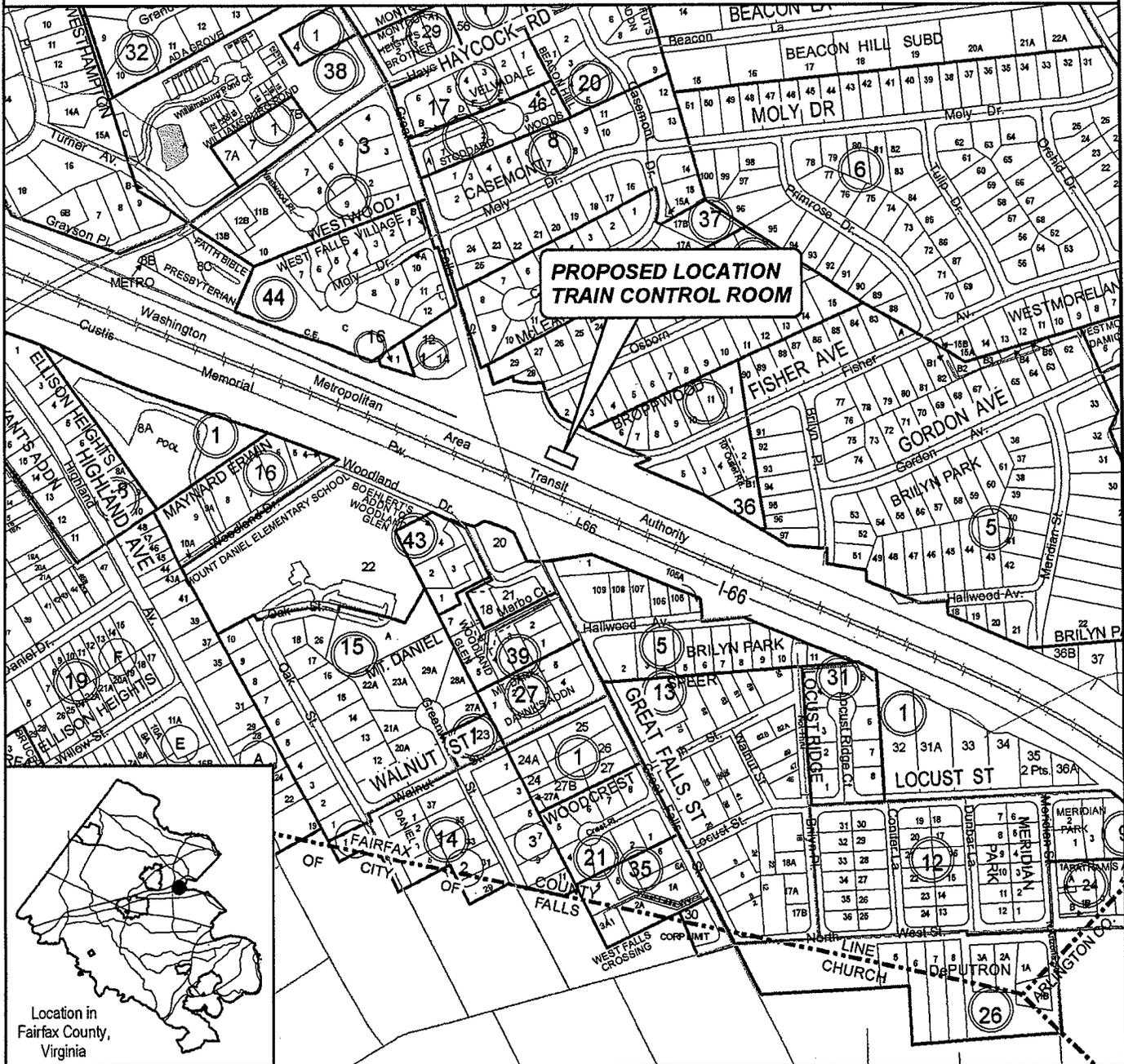
Acreage: Approx. 551 SF

Planned Use: VDOT (Right-of-Way)

Subject Property: 40-4

Applicant: Metropolitan Washington Airports Authority, Virginia Department of Rail and Public Transportation, and Washington Metropolitan Area Transit Authority

Proposed Use: Train Control Room Associated with Extension of Metrorail



500 FEET

PREPARED BY THE DEPARTMENT OF PLANNING AND ZONING
USING FAIRFAX COUNTY GIS



BACKGROUND

Under subject Application 2232-D11-3, the applicant, the Metropolitan Washington Airports Authority in coordination with the Department of Rail and Public Transportation, on behalf of Washington Metropolitan Area Transit Authority, proposes to construct a Train Control Room with a communication room located south of Fisher Avenue in the VDOT Right-of-Way, Falls Church. The staff report for Application 2232-D11-3 was published on March 16, 2011. This Addendum updates the staff report for Application 2232-D11-3, based on supplemental material provided by the applicant.

AMENDED APPLICATION

A revised drawing received from the applicant, received on March 17, 2011, amends Application 2232-D11-3 as described below:

- **Attachment A** – A revised landscape plan, entitled “Proposed Location - Landscape Plan” (date stamped March 17, 2011) shows an additional variety of evergreen tree species to be planted between the facility and Fisher Avenue. The earlier landscape plan, entitled “Alternative 1 Landscape Plan”, published with the staff report, should be replaced by this updated plan.

The entire set of updated 2232 plans is included as Attachment A.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

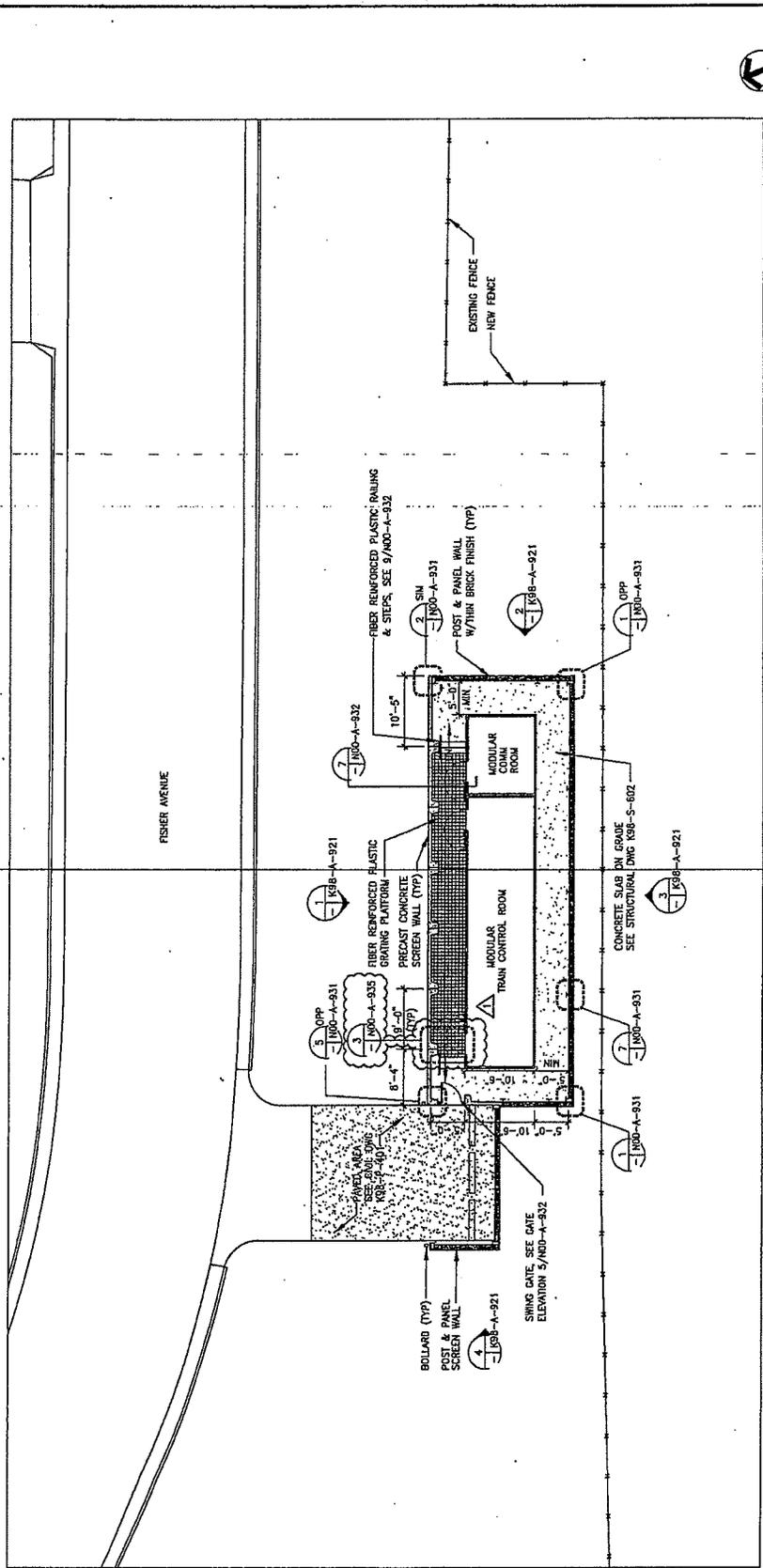
Va. Code Sec. 15.2-2232, as amended, requires the Planning Commission to determine whether the general location or approximate location, character, and extent of the proposed facility, as amended, are substantially in accord with the adopted Comprehensive Plan.

Location, Character and Extent: Based on information shown on the revised landscape plan included with **Attachment A**, the only change to the proposed facility is that an additional variety of evergreen tree species will be planted to screen the proposed facility from nearby properties. The variety of evergreen tree species provides additional screening to minimize visual impacts of the facility. Staff from the Urban Forest Management Division of the Department of Public Works and Environmental Services confirmed that the intent of the transitional screening requirements have been met for this application. Staff believes the proposed location, character and extent of the proposed facility, as shown in the amended drawing, are consistent with Plan guidelines to ensure that public facilities are properly screened and buffered to minimize the visual impact on adjacent development of a different use or nature.

CONCLUSIONS AND RECOMMENDATIONS

Staff concludes that the subject proposal by the Metropolitan Washington Airports Authority in coordination with the Department of Rail and Public Transportation, on behalf of Washington Metropolitan Area Transit Authority, as amended, to construct a train control room south of Fisher Avenue in the VDOT Right-of Way, Falls Church, satisfies the criteria of location, character, and extent as specified in Va. Code Sec. 15.2-2232, as amended. Staff therefore recommends that the Planning Commission find the subject Application **2232-D11-3**, as herein amended, substantially in accord with provisions of the adopted Comprehensive Plan.

RECEIVED
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 DEPARTMENT OF PLANNING & ZONING
 PLANNING DIVISION



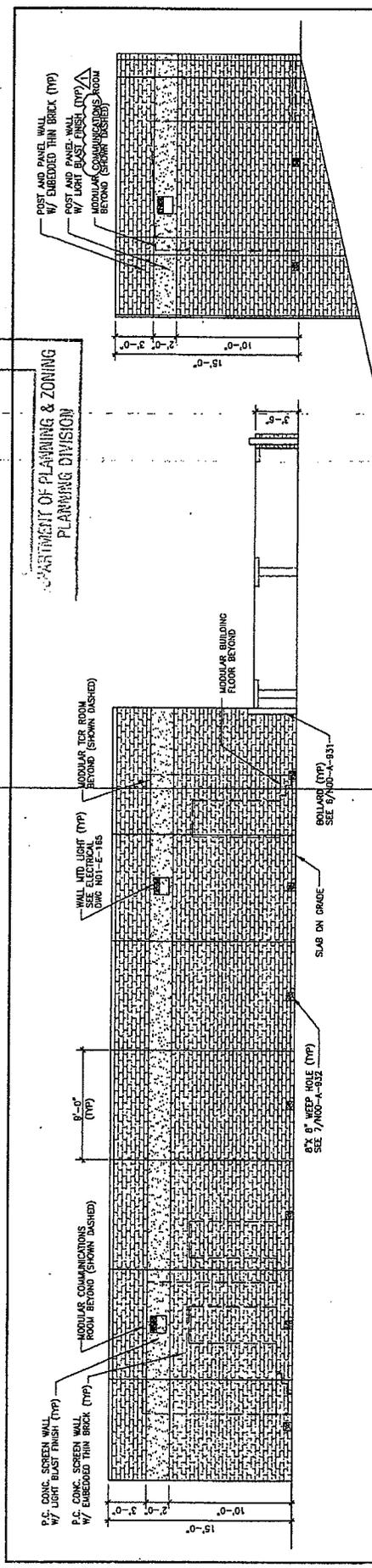
1 FLOOR PLAN
 SCALE: 1/8"=1'-0"

10 2 4 6 8 10
 SCALE: 1/8" = 1'-0"

CONTRACTOR: EXTENSION TO WIEHLE AVE WAYSIDE BUILDINGS PACKAGE FISHER AVENUE TCR/COMM. RM - FLOOR PLAN		CONTRACT NO.: K98-A-911													
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY 505-08506-580		METROPOLITAN WASHINGTON AIRPORTS AUTHORITY													
DULLES CORRIDOR METROPOLITAN PROJECT		DULLES TRANSIT PARTNERS, LLC 1000 WOODBURN DRIVE, SUITE 200 WASHINGTON, DC 20004													
REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>11/24/00</td> <td>ISSUE FOR PERMIT</td> </tr> <tr> <td>2</td> <td>11/24/00</td> <td>ISSUE FOR PERMIT</td> </tr> <tr> <td>3</td> <td>11/24/00</td> <td>ISSUE FOR PERMIT</td> </tr> </tbody> </table>		NO.	DATE	DESCRIPTION	1	11/24/00	ISSUE FOR PERMIT	2	11/24/00	ISSUE FOR PERMIT	3	11/24/00	ISSUE FOR PERMIT	CITY OF WASHINGTON USE FOR 11/24/00	
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NUMBER	DESCRIPTION														

RECEIVED
JAN 24 2011

DEPARTMENT OF PLANNING & ZONING
PLANNING DIVISION



1 NORTH ELEVATION
K98-A-921 SCALE 1/4"=1'-0"

2 EAST ELEVATION
K98-A-921 SCALE 1/4"=1'-0"

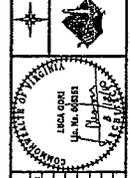
3 SOUTH ELEVATION
K98-A-921 SCALE 1/4"=1'-0"

4 WEST ELEVATION
K98-A-921 SCALE 1/4"=1'-0"

NO.	DATE	REVISIONS
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2	08-14-10	REVISED FOR PERMIT
3	08-14-10	REVISED FOR PERMIT
4	08-14-10	REVISED FOR PERMIT
5	08-14-10	REVISED FOR PERMIT

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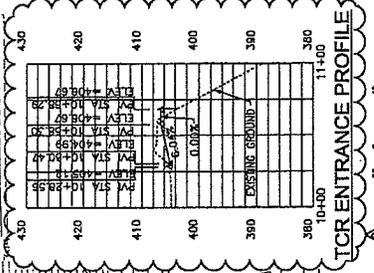
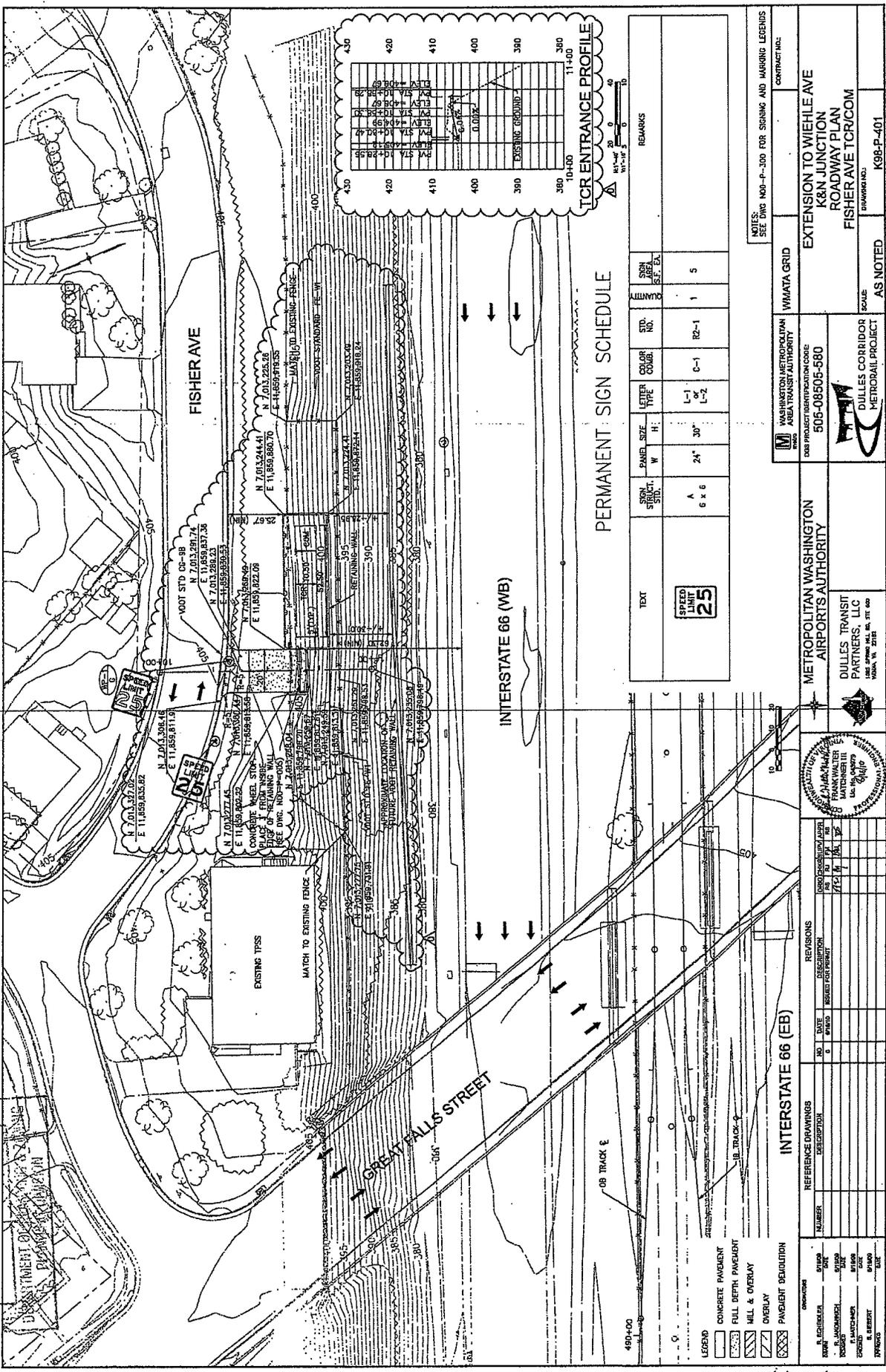


METROPOLITAN WASHINGTON AIRPORTS AUTHORITY
DULLES TRANSIT PARTNERS, LLC
1400 WOODBURN DRIVE, SUITE 200
DULLES, VA 20146

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
JOB PROJECT IDENTIFICATION CODE
505-08505-580
DULLES CORRIDOR METROPOLITAN PROJECT

EXTENSION TO WIEHLE AVE
WAYSIDE BUILDINGS PACKAGE
FISHER AVENUE
TCR / COMM. RM - ELEVATIONS
DRAWING NO. K98-A-921
SCALE 1/4"=1'-0"

RECEIVED
JAN 24 2011



PERMANENT SIGN SCHEDULE

TEXT	SIGN SYMBOL	W	H	LETTER TYPE	COLOR COMB.	STD. NO.	SEE PLAN	REMARKS
SPEED LIMIT 25	A	24"	30"	L-1	C-1	102-1	5	

NOTES: SEE DWG. NO. P-300 FOR SIGNING AND MARKING LEGENDS

CONTRACT NO.: K98-P-401

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
 DOTS PROJECT IDENTIFICATION CODE: 505-08505-580

EXTENSION TO WIEHLE AVE
 K&N JUNCTION
 ROADWAY PLAN
 FISHER AVE TCR/COM

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY
 DULLES TRANSIT PARTNERS, LLC
 1400 SULLY ROAD, SUITE 400
 WASHINGTON, DC 20190

LEGEND

- CONCRETE PAVEMENT
- FULL DEPTH PAVEMENT
- MILL & OVERLAY
- OVERLAY
- PAVEMENT DEGRADATION

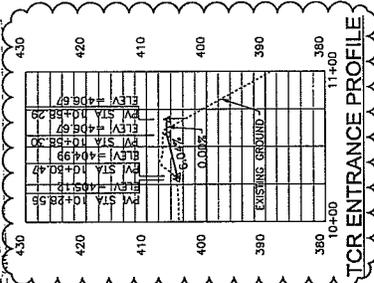
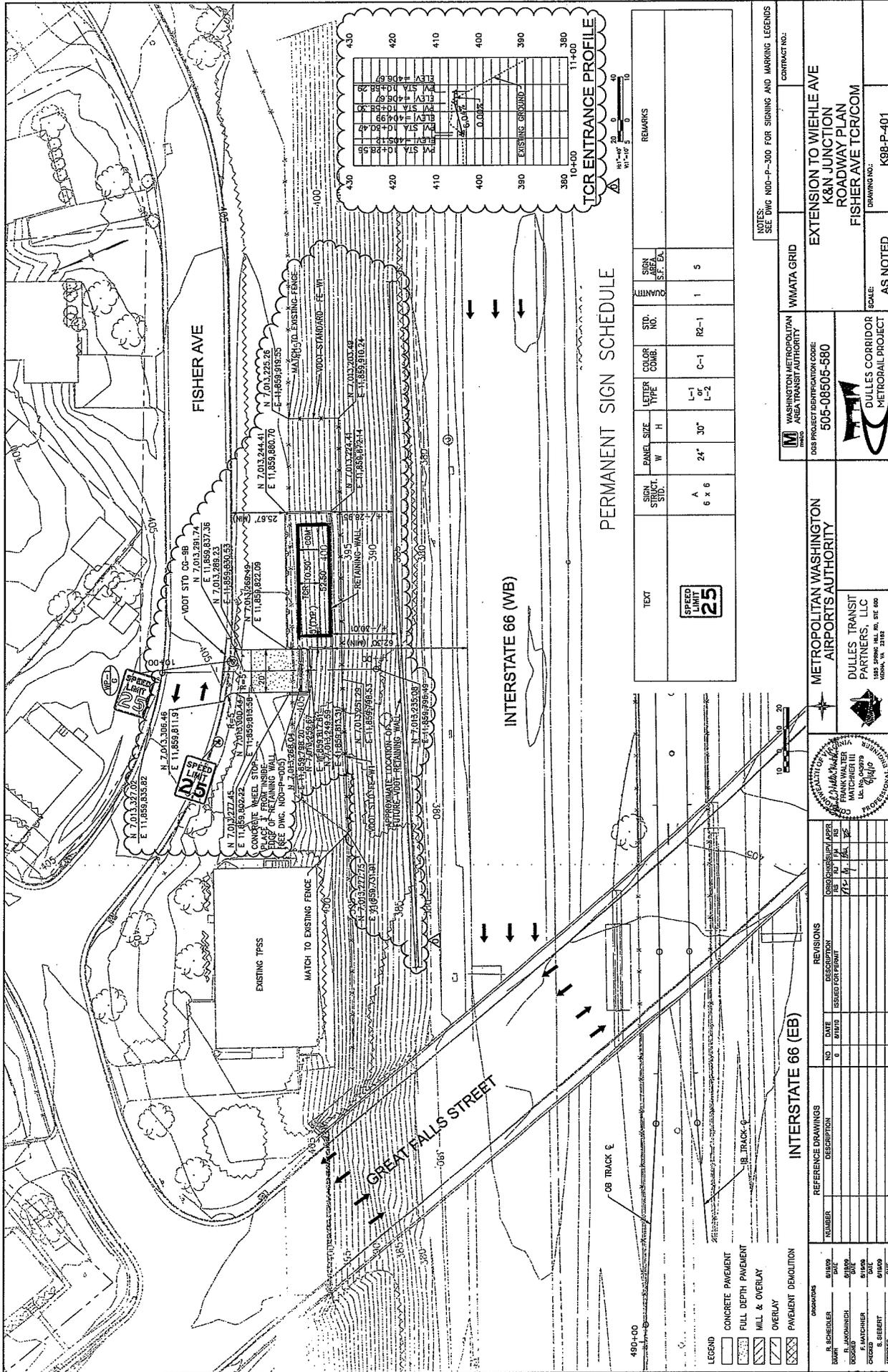
REVISIONS

NO.	DATE	DESCRIPTION
1		ISSUED FOR PERMIT

INTERSTATE 66 (EB)

APPROVED: [Signature]

DATE: 1/19/2010



PERMANENT SIGN SCHEDULE

TEXT	SIGN STRUCT. STD.	PANEL SIZE W x H	LETTER TYPE	COLOR COMB.	STD. NO.	LEN/NUM	SIGN AREA (S.F.)	REMARKS
SPEED LIMIT 25	A	24" x 30"	L-1 or L-2	C-1	R2-1	1	5	

NOTES: SEE DWG NO. P-300 FOR SIGNING AND MARKING LEGENDS

WASHINGTON METROPOLITAN AREA TRANSPORT AUTHORITY
 PROJECT IDENTIFICATION CODE: 505-08505-580
 METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

DULLES TRANSPORT PARTNERS, LLC
 1000 W. WISCONSIN AVE. STE. 500
 WASHINGTON, DC 20142

CONTRACT NO.:
 EXTENSION TO WIEHLE AVE
 K&N JUNCTION
 ROADWAY PLAN
 FISHER AVE TCR/COM
 DRAWING NO.: K98-P-401

SCALE: AS NOTED

DATE: 9/18/2010

OPERATORS:
 B. SCHEIDT
 R. JAKOVICH
 C. GREGG
 S. SIEBERT

REVISIONS:
 NO. DATE BY DESCRIPTION

REFERENCE DRAWINGS:
 NO. DATE BY DESCRIPTION

CONTRACTOR:
 DATE

APPROVED:
 DATE

FISHER AVENUE TCR – ARTIST RENDERING

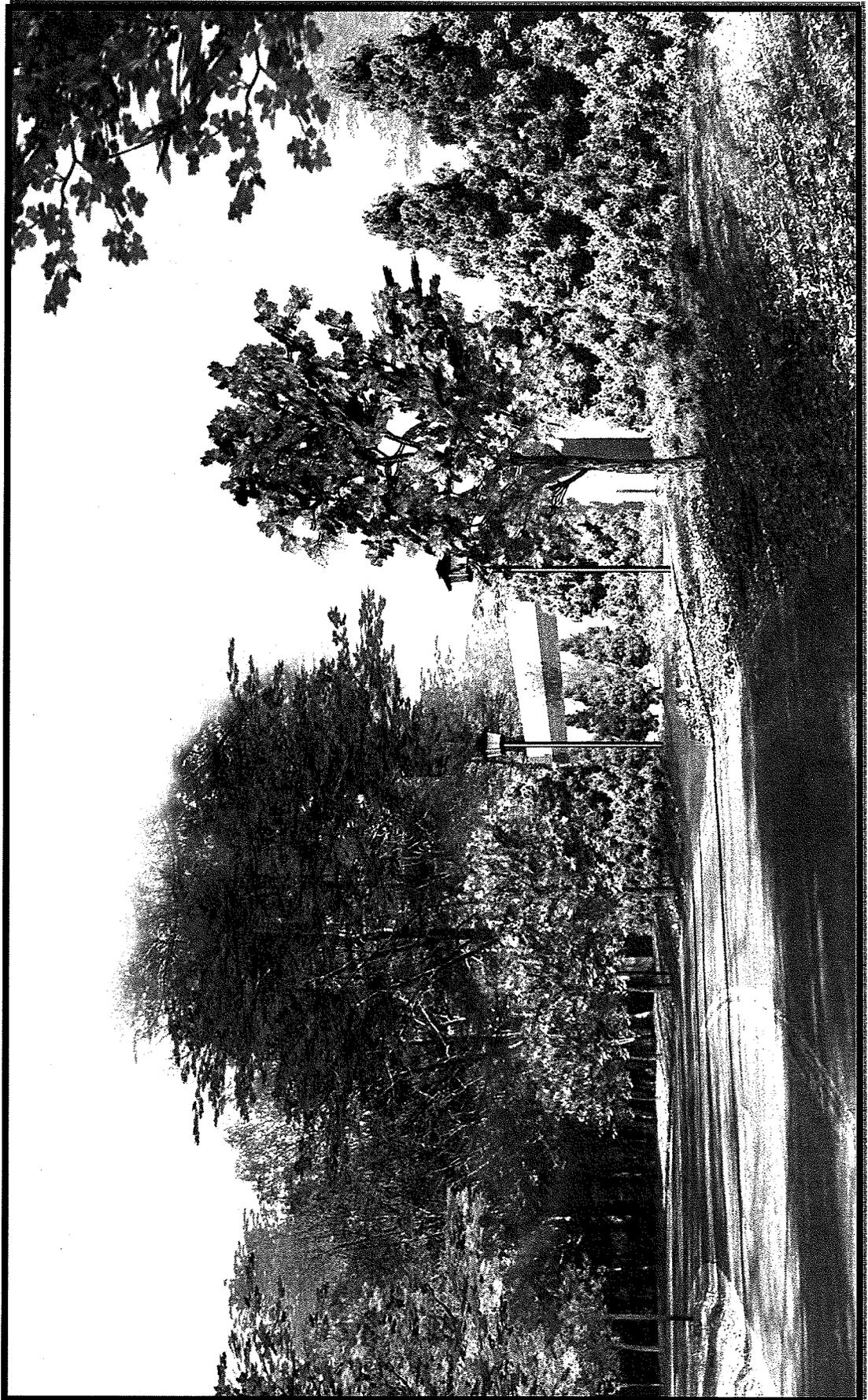
Planned-Looking West

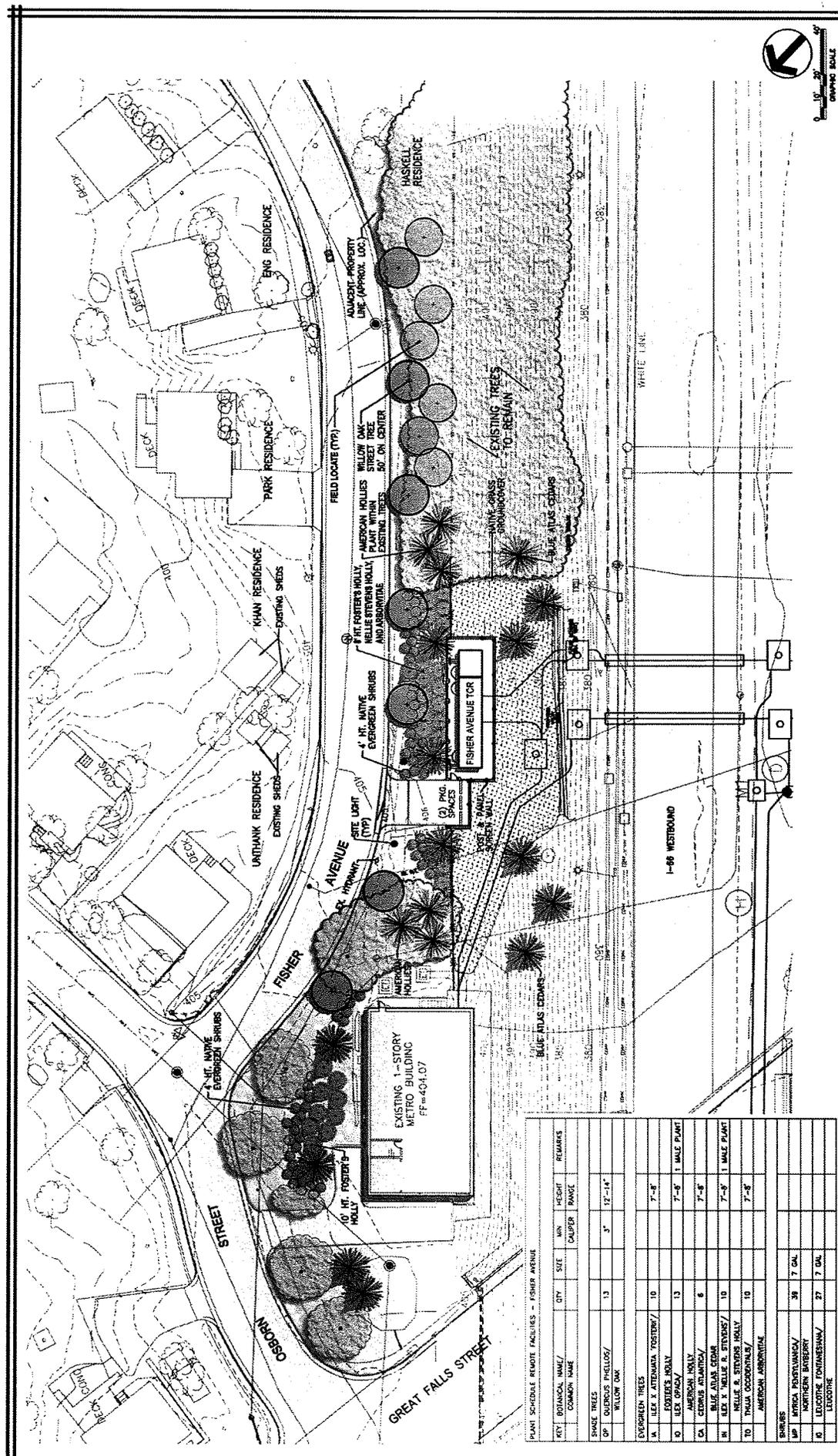




FISHER AVENUE TCR – ARTIST RENDERING

Planned-Looking East



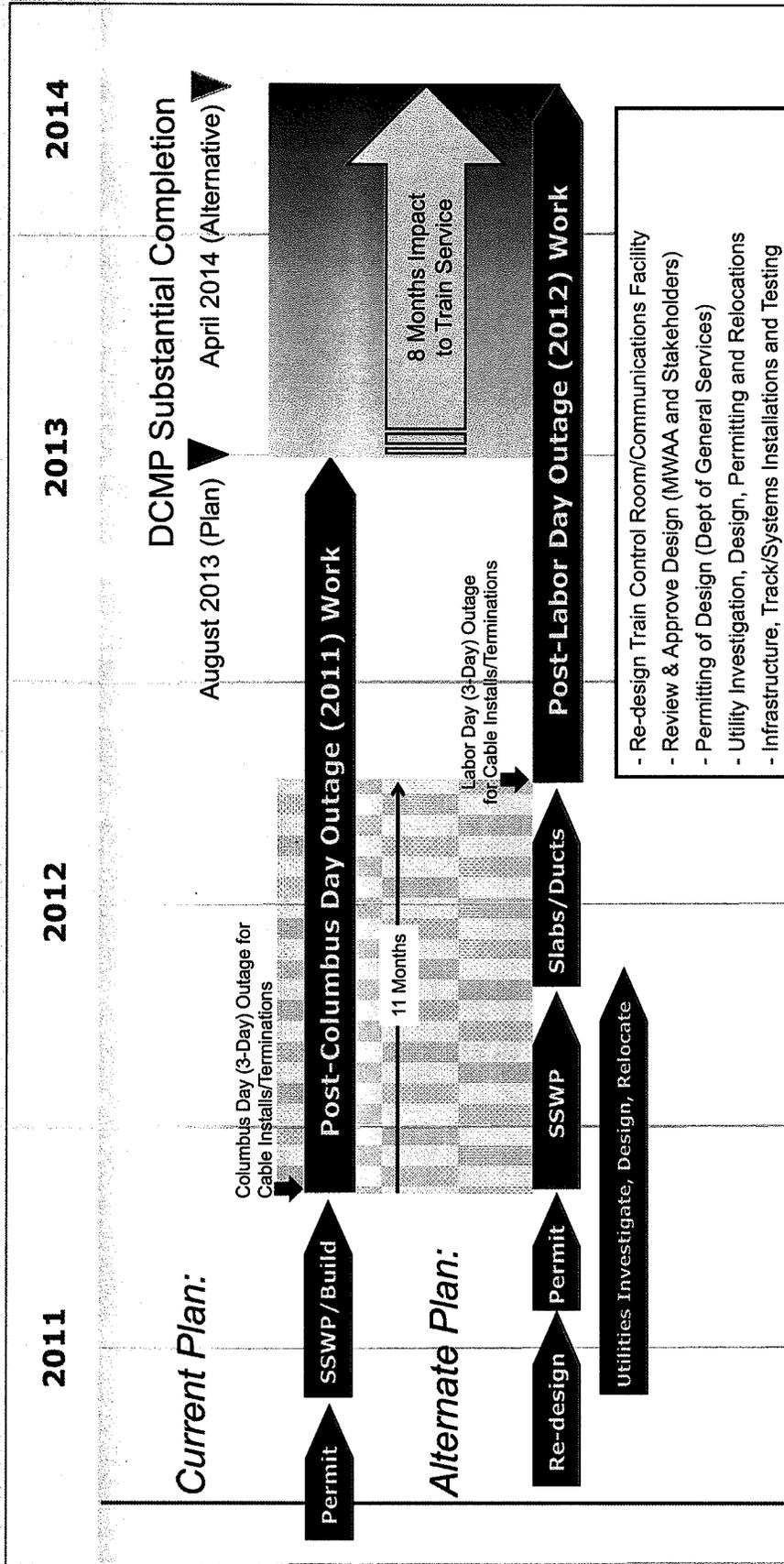


JACOBS
 EXTENSION TO WIEHLE AVE
 WAYSIDE BUILDING PACKAGE
 FISHER AVE
 TCR/COMM. RM.
 MARCH 23, 2011

**PROPOSED LOCATION
 LANDSCAPE PLAN**

**METROPOLITAN WASHINGTON
 AIRPORTS AUTHORITY**
**DULLES CORRIDOR
 METRO RAIL PROJECT**

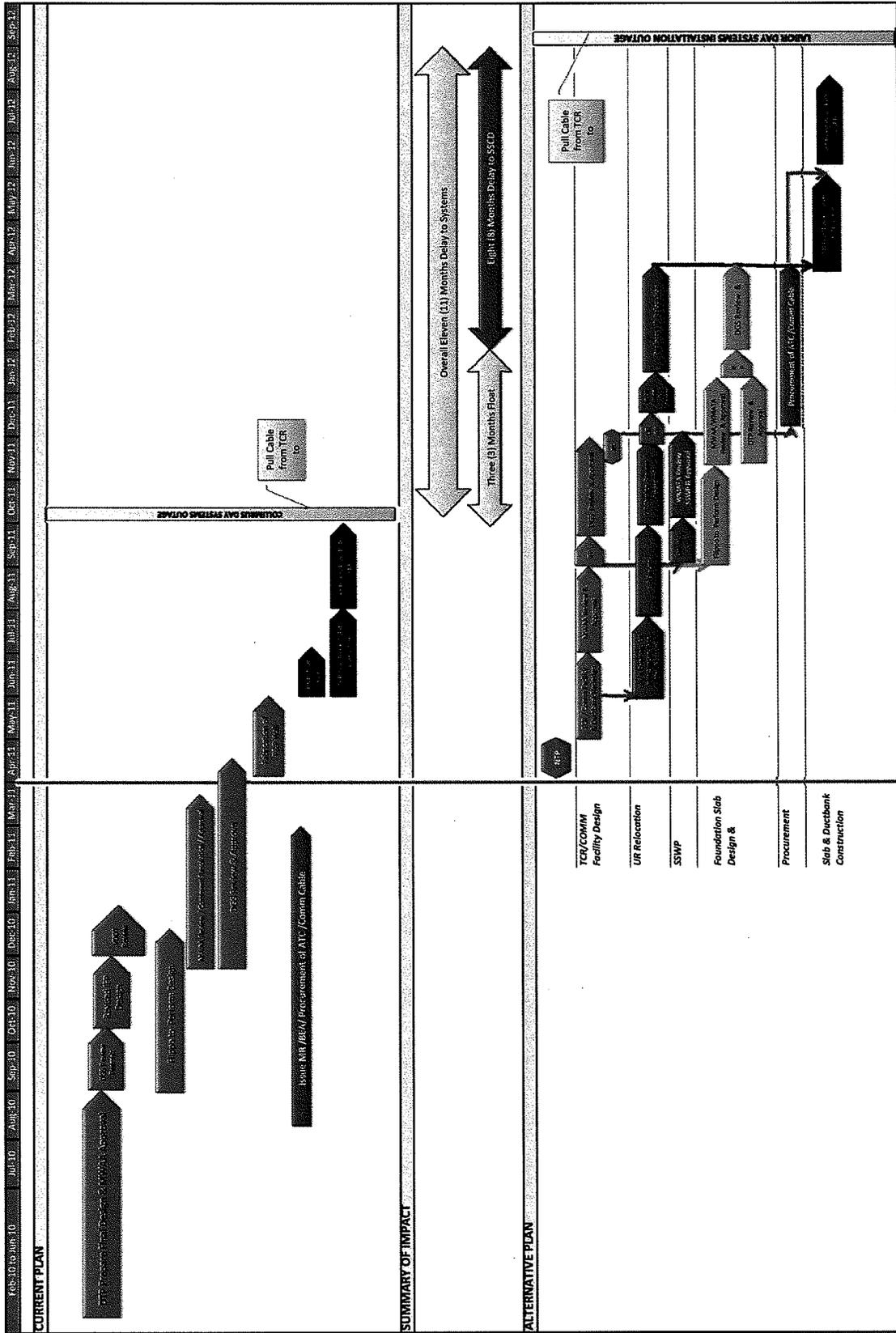
Fisher Street TPSS Comparative Summary Schedule (March 2011)



DULLES CORRIDOR
METRO RAIL PROJECT



DCMP FISHER AVENUE TCR/COM ROOM ALTERNATIVE LOCATION - SCHEDULE IMPACT



Planning Commission Meeting
April 6, 2011
Verbatim Excerpt

2232-D11-3 – METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) IN COORDINATION WITH DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (Fisher Avenue Train Control Room)

Decision Only During Commission Matters
(Public Hearing held on March 23, 2011)

Commissioner Donahue: Thank you, sir. I have a decision only tonight. Mr. Chairman, on Wednesday, March 23rd, the Planning Commission held a public hearing on application 2232-D11-3, the Fisher Avenue Train Control Room. The applicants request approval of a new location for a proposed train control room –

Chairman Murphy: Hello?

Vice Chairman Alcorn: Go ahead, please.

Commissioner Donahue: That wasn't another email or something for me, was it for this case?

Vice Chairman Alcorn: Not that we're aware of.

Commissioner Donahue: – a late opinion coming in.

Commissioner Hall: That doesn't happen often.

Commissioner Donahue: The applicants request approval of a new location for a proposed – for a proposed train control room, which will allow a relocation from its currently approved site to a site farther east along Fisher Avenue, a location more central to the residential community. For reasons I will explain, I am unable to support this application. Pursuant to *Virginia Code* Section 15.2-2232, the Commission must conclude that the location, character, and extent of the proposed new site is substantially in accord with our Fairfax County adopted Comprehensive Plan. The Comprehensive Plan specifically states that the Kirby Community Planning Sector at issue in this application is characterized by stable residential development. The predominant housing type in this well-established area is single-family detached. Most lots are complemented by mature trees and 40- to 50-foot front-yard setbacks. This application will clear all existing trees from this site and construct a 15-foot high and 1-foot thick screen wall entirely around the TCR structure, an industrial building not at all compatible or in character with existing single-family dwellings. The 15-foot high wall along the entire front and sides of the building is clearly not the kind of front-yard bordering found in this residential neighborhood or, indeed, in other residential neighborhoods in Fairfax County. As such, it is far out of character with the provision – provisions of our County's adopted Comprehensive Plan and thereby fails the character criterion. The applicant will install plantings and trees in an attempt to screen and camouflage the

wall and TCR structure but the long-term effectiveness of such plantings is uncertain and, in any event, will require years if they survive to grow to sufficient height and maturity. Mr. Chairman, as noted in the March 23rd staff report on page 5, Objective 7 of the Policy Plan of the Fairfax County Comprehensive Plan is to provide transportation facilities and services that minimize community disruption and adverse environmental impacts. Policy b. of Objective 7 requires us to plan and design transportation facilities and services to mitigate and minimize adverse impacts to residents and neighborhoods. This proposal fails the requirement to minimize and mitigate, especially given the intent to abandon an already approved site favored by residents who have studied this proposal for the last many months. Given its increased proximity to the community's more central regions, this site actually maximizes rather than minimizes adverse impacts. Further, of the seven alternatives considered by the applicant, one of which is currently approved and has been approved since 2007, this proposed site has the most severe impacts of any of the seven. It was for this reason that the McLean Citizens Association strongly urged this Commission to deny this proposal. Finally, Mr. Chairman, this proposal excessively extends this public facility use and as such is not in substantial conformance with the adopted provisions of our Comprehensive Plan. The approved site immediately adjacent to the traction power substation at the outer edge of the Brilyn Park community consolidates the facilities in one edge location. The applicant has never claimed the approved location to be unfeasible and has actually agreed on a number of occasions that the approved site can work. The proposed site extends the location of this use an additional 150 feet or so into the residential neighborhood, an extension not necessary for the facility to operate properly and effectively deliver the required service necessary for Metrorail operation. The neighborhood would be effectively encumbered by two sites stretching 200 feet or more down the block of a currently tree-lined, quiet, and stable community. This reality by itself removes the proposal from substantial compliance with the provisions of the County's adopted Comprehensive Plan. This lack of compliance and the existence of an approved and more qualified alternative require denial of this application. Mr. Chairman, for the reasons that I have stated, I conclude that the subject proposal fails to satisfy the criteria of location, character, and extent as specified in *Virginia Code* Section 15.2-2232, as amended. And therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DENY THE PROPOSAL BY FINDING SUBJECT APPLICATION 2232-D11-3, AS AMENDED, NOT SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion?

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. I had expected and hoped that, after the public hearing, we would hear that a solution had been reached as to the problem of siting this –

this – this building. So far from that, it appears now that any action except that that the applicant wants will lead to delay of the project. Mr. Chairman, I feel very strongly that it is not the action of this body which may delay this project. We have a Comprehensive land use Plan. That Plan belongs to every citizen in the County; we are a million strong and growing. These people are entitled to expect the guidance of that Plan in their stable residential neighborhoods. This is a large and important project. I have no more desire than any of you, I'm sure, to delay it, but I repeat: It is not this body that is the cause of the delay. Thank you, Mr. Chairman.

Chairman Murphy: Further discussion? Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I will not be supporting the motion and I'd like to articulate my reasons. This is a very significant 2232 application in a number of ways. It is not a perfect case by any stretch of the imagination. And I think we heard at the public hearing some of the frustration from some of the neighbors about a number of issues: the current facility and how it's maintained; or the way that this amendment has been treated from a public relations standpoint. I think I would agree that more could have been done and, probably, more should have been done early on. I frankly don't understand at this point why the applicant seems to have put all of their eggs in one basket, that they would have assumed that the amendment, or that – that this 2232 would have been approved and that there not be some contingency plan to go forward with the original approval at – at some cost to the applicant and perhaps some additional time. But it sounds like, from the material that we have received, that what will happen if this is denied is that there is going to be a nine-month delay in the Silver line and a cost to the County of \$300,000 a day, which is a pretty fancy ticket item. And if – if this is really upwards of \$70 million, if we denied the 2232 tonight, I guess that's for the Board of Supervisors to sort out. I don't know that this ought to have been a \$72 million problem. I think that with the landscaping, the impacts are about as mitigated for the new site as they would have been at the other site, which is no prize winner either. For me, the bottom line was that in both the staff report and the addendum, our professional staff concluded that this was in accordance with the Comprehensive Plan. The relocation of the facility, as I understood it, was because of a very expensive sub-surface utility problem that wasn't known at the time of the original application, and only blossomed as the engineering progressed. We evaluated – or we were to evaluate Site Number 2 in this 2232, not necessarily decide whether there were other sites that could have been of less impact to the community or whether the first site was a better site in some respects. Our function on a 2232, when an applicant comes in, is to look at the site that's in front of us and determine yes or no, does it meet these criteria. In staff's judgment, this one does, and given all the consequences that – that flow from the denial, I would have a lot of trouble supporting the denial. That's not to say that there aren't additional things that the applicant still could do to address some of these impacts. And whether, within the context of the current approval the 15-foot wall at the beginning – at the front of the site could be mitigated in some respects, the structure itself could be shifted perhaps slightly down the hill without necessarily creating very expensive foundationing problems on the slope, or access problems because of the different level from the street, or whatever it is – there are probably - - with some additional attention to this, within the context of what's been asked for, I think some of the impacts could be further

mitigated. But this is a pretty important 2232 and we are perhaps, I think, losing sight of also the impacts to the County – the consequences, if this is denied. So I will – I will not be supporting the motion. Thank you, Mr. Chairman.

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Ms. Hall, then Mr. de la Fe, then Mr. Flanagan.

Commissioner Hall: I'm not – I will not be - - I'll be abstaining from the vote because –

Chairman Murphy: Okay.

Commissioner Hall: – I wasn't present for the hearing.

Chairman Murphy: Mr. de la Fe.

Commissioner de la Fe: Yes, Mr. Chairman, I will not be able to support the motion as made. Frankly, when I saw the – and having sat through the public hearing and seeing all of the issues that the neighbors had with the current facility, I frankly thought that putting more stuff there made it even worse than it is already – so, you know, aside from all the other stuff. However, my main reason for not supporting the motion is, frankly, the impact on the Silver line schedule. We broke ground on the Weihle Station project yesterday with the expectation that train - - a train would arrive there on – some time in 2013. According to the information that we have received now, if we deny this it will be some time well into 2014 before a train arrives at that station. So I cannot support this.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. I will be supporting the motion, and primarily because I'm restricted to considering only location, character, and extent with regard to this application. I'm not here to make judgments on financing, timetables, or any other consideration other than location, character, and extent. So consequently, I find the – Commissioner Donahue's motion very persuasive, and that's why I'm going to – have to vote in favor.

Chairman Murphy: Further discussion of the motion? Mr. Donahue, please.

Commissioner Donahue: Thank you, Mr. Chairman. Just a couple of points with respect to the comments of Commissioner Hart and Commissioner de la Fe. I would associate myself - - on the delay issue, I would associate myself with the comments of Commissioner Lawrence. The delay – the delay – to the degree there may be one, I think has to lay at the feet of the applicant. The applicant has had an approved location since January 18th, 2007, okay. So what delay has come

up, I believe, is a result of the failure of the applicant to move in a timely fashion to develop the site. I'd also like to associate myself with the comments of Commissioner Flanagan. I did note in the email that came out today, which – which we requested in Supervisor Foust's Office last Monday; we had a meeting with the applicant. There was talk about a charge of \$300,000 a day; not sure whether that's accurate or how it was gotten to. But more importantly to me, there was talk about the County bearing that cost of \$300,000 a day. And for the best of me, I'm not a practicing attorney anyway, I don't know how that cost ends up getting paid by the County. Supervisor Foust was also concerned about the statement, called the County Attorney, and the County Attorney also doesn't know how that cost ends up getting charged to the County. So I'm not sure how legitimate an issue that is. Or at least I shouldn't say it that way. I'm not sure it is firmly decided that the County would pick up that cost. I guess that's all I have to say right now. Thank you.

Chairman Murphy: Further discussion? All right. All those in favor of the motion to deny 2232-D11-3, say aye.

Commissioners Donahue, Flanagan, Lawrence, Litzenberger, Migliaccio, and Murphy: Aye.

Chairman Murphy: Opposed?

Commissioners de la Fe, Hart, and Sargeant: No.

Commissioners Alcorn and Hall: Abstain, not present for the public hearing.

Chairman Murphy: The motion carries; Mr. Hart, Mr. de la Fe, and Mr. Sargeant vote no. Ms. Hall and Mr. Alcorn abstain.

//

(The motion carried by a vote of 6-3-2, with Commissioners de la Fe, Hart, and Sargeant opposed; Commissioners Alcorn and Hall abstaining; Commissioner Harsel absent from the meeting.)

JN

INFORMATION - 1

Contract Award – Professional Audit Services

The Fairfax County Redevelopment and Housing Authority (FCRHA), as a political subdivision of the Commonwealth of Virginia and a component unit of the County, is required to complete an annual, independent financial audit. Additionally, FCRHA receives grants directly from the United States Department of Housing and Urban Development (HUD) under various Housing programs. HUD requires an annual financial statement audit to be conducted by an independent certified public accountant in order for FCRHA to be eligible to receive grants. FCRHA also operates four projects within its Housing programs that require annual project financial statement audits under regulatory agreements from HUD, Virginia Housing Development Authority and Partnership Agreements. These are highly specialized audit areas. FCRHA also has the option to have three additional projects within its Housing programs audited.

Clifton Gunderson LLP is a well-known and respected auditing services firm located in Timonium, Maryland. They operate in over 45 offices around the country including Washington, DC and Maryland locations. They have unparalleled depth of experience serving public housing authorities similar to FCRHA. Their local professionals have provided financial audit, single audit and consulting services to more than 15 large, multi-unit housing projects, such as the District of Columbia Housing Authority, Housing Opportunities Commission of Montgomery County, and Baltimore City Housing Authority. Their extensive expertise in the auditing of housing authorities around the country will result in efficient, effective services.

The Department of Housing and Community Development (HCD), which provides administrative support to the FCRHA and operates its programs, has requested that a “piggyback” contract be established with Clifton Gunderson using the Anne Arundel County, Maryland contract with Clifton Gunderson LLP for audit services. The Anne Arundel County contract was awarded as a result of a competitive solicitation and allows for other public bodies to purchase from the contract under the same terms. The Fairfax County Purchasing Resolution, Article 1, Section 5, authorizes this type of cooperative procurement.

The Fairfax County Department of Tax Administration has verified that Clifton Gunderson LLP is not required to have a Fairfax County Business, Professional and Occupational License (BPOL).

Board Agenda Item
May 10, 2011

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award the contract to Clifton Gunderson LLP. The contract is approximately a three-year contract with two one-year renewal options. The total estimated amount of the audits is \$165,425 each year for the first and second year audits and \$172,580 for the third-year audit. The total amount for the optional three project audits is \$30,450 for each of the first and second year audits and \$35,100 for the third year audit.

FISCAL IMPACT:

A maximum of \$195,875 is required for the FY 2011 audits. Funding is available in the FY 2011 and FY 2012 budget in the following funds: Fund 141, Elderly Housing Program; Fund 940, FCRHA General Operating; Fund 941, Fairfax County Rental Program; Fund 966, Section 8 Annual Contributions; and Fund 967, Public Housing Program – Projects Under Management. A portion of each fiscal year audit fees will be charged to the above funds based on each fiscal year's actual audit cost.

ENCLOSED DOCUMENTS:

None

STAFF:

Edward L. Long, Deputy County Executive
Cathy A. Muse, Director, Department of Purchasing and Supply Management
Paula C. Sampson, Director, Department of Housing and Community Development

Board Agenda Item
May 10, 2011

INFORMATION - 2

Contract Award – NoVi Trail Segment D (Hunter Mill District)

Seven sealed bids were received and opened on March 30, 2011, for construction of NoVi Trail - Segment D, Project W00300, Hunter Mill District Walkways, in Fund 307, Pedestrian Walkway Improvements. The NoVi Trail - Segment D Walkway project provides for construction of approximately 600 linear feet of asphalt trail along Beulah Road. This project is included in the FY 2012 - FY 2016 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is E. E. Lyons Construction Company, Inc. The firm's bid of \$121,646 is \$6,801 or 5.92% higher than the Engineer's Estimate of \$114,845. The second lowest bid of \$127,775 is \$6,129 or 5.04% above the low bid. The highest bid of \$208,964 is \$87,318 or 71.78% above the low bid.

It is noted that the apparent low bidder, Resurfacing, Inc. was determined to be a non-responsive bidder for this solicitation and their bid was therefore rejected. The second bidder, E.E. Lyons Construction Company, Inc. was then determined to be the lowest responsive and responsible bidder.

E. E. Lyons Construction Company, Inc. has satisfactorily completed several County projects and is considered a responsible bidder. The Department of Tax Administration has verified that E. E. Lyons Construction Company, Inc. has the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after May 28, 2011.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to E. E. Lyons Construction Company, Inc. in the amount of \$121,646.

FISCAL IMPACT:

Funding in the amount of \$173,399 is necessary to award this contract and to fund the associated contingency and other project costs. Funding is available in Project W00300, Hunter Mill District Walkways, Subproject W3110, Beulah Road Trail in Fund 307, Pedestrian Walkway Improvements, and in Project 009470, Hunter Mill District Capital Projects, Subproject WT003, Beulah Road Trail in Fund 303, County Construction.

Board Agenda Item
May 10, 2011

ENCLOSED DOCUMENTS:

Attachment 1 - Order of Bidders

Attachment 2 - Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

DEPARTMENT OF PUBLIC WORKS
& ENVIRONMENTAL SERVICES
CONSTRUCTION MANAGEMENT DIVISION

COUNTY OF FAIRFAX
VIRGINIA

DATE OF BID OPENING: March 30, 2011
NO AWARD OF CONTRACT YET MADE

NOVI TRAIL – SEGMENT D
CONTRACT NO. CN11307294
PROJECT NO. W00300 (W3110)

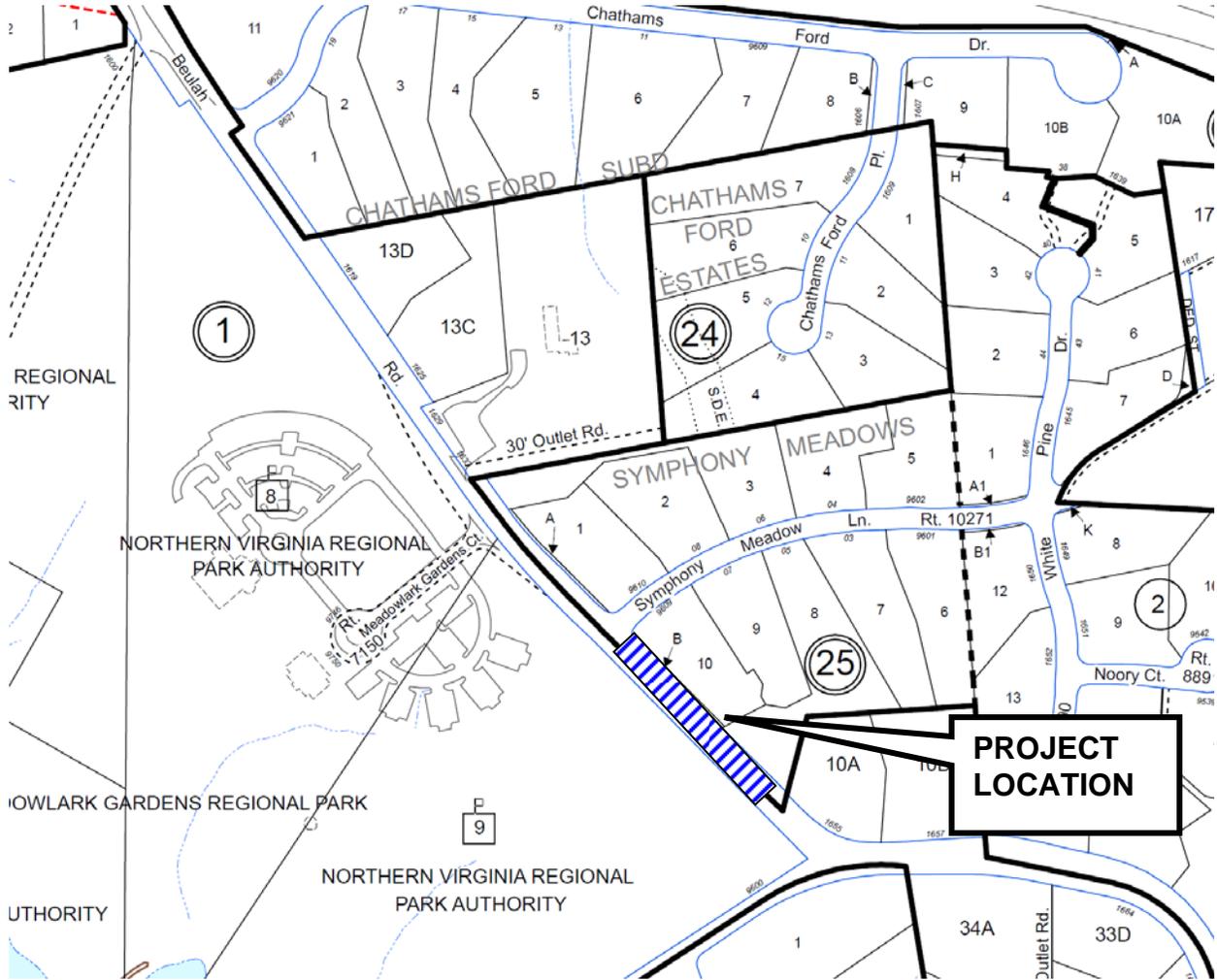
ORDER OF BIDDERS

- *1. Resurface, Inc.\$100,738.70
10486 Colonel Ct.
Manassas, Virginia 20110
- 2. E.E. Lyons Construction Company, Inc.\$121,646.00
9325 Leesburg Pike
Vienna, Virginia 22182
- 3. Sagres Construction Corporation\$127,775.00
5420 Oakwood Road
Alexandria, Virginia 22310
- 4. Ashburn Contracting Corporation.....\$132,557.00
20666 Coppersmith Drive
Ashburn, Virginia 20147
- 5. I-Con International Contractors, Inc.\$137,959.98
10122 Saddleridge Drive
Myersville, MD 21773
- 6. Jeffery Stack, Inc.\$161,979.00
P.O. Box 280
Jersey, Virginia 22481
- 7. Jireh Construction Company, Inc.\$208,964.00
20 LaBrook Drive
Richmond, Virginia 23255

*Resurfacing, Inc. was determined to be a non-responsive bidder for this contract.

ENGINEER’S ESTIMATE\$114,845.00

Contract Time: 90 Calendar Days



NOVI TRAIL – SEGMENT D

CONTRACT NO. CN11307294, PROJECT NO. W00300 (W3110)
VDOT PROJECT NO. EN02-029-133 (UPC63577)
HUNTER MILL DISTRICT
TAX MAP NO. 28-1

INFORMATION - 3

Contract Award – Dogue Creek Force Main Replacement (Mount Vernon District)

Five sealed bids were received and opened on Tuesday, April 12, 2011, for the construction of Project L00117, Dogue Creek Force Main Replacement, Fund 402, Sewer Construction Improvements. This contract award will provide for the construction of approximately 4,400 feet of 36-inch sanitary sewer force main. A micro-tunneling technique will be utilized for the majority of the force main installation to avoid impacts to environmentally sensitive areas. This project is included in the FY 2012 - FY 2016 Adopted Capital Improvement Program (with future Fiscal Years to 2021).

The lowest responsive and responsible bidder is Michels Corporation. The firm's bid of \$12,790,920 is \$179,380 or 1.4% lower than the Engineer's Estimate of \$12,970,300. The second lowest bid of \$14,655,300 is \$1,864,380 or 14.6% above the low bid. The highest bid of \$16,988,150 is \$4,197,230 or 32.8% above the low bid.

The firm of Michels Corporation has not performed any projects for Fairfax County, but has successfully completed similar projects for other governmental jurisdictions and is considered to be a responsible contractor. The Department of Tax Administration has verified that Michels Corporation has the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after May 27, 2011.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Michels Corporation in the amount of \$12,790,920.

FISCAL IMPACT:

Based on the post-bid update, funding in the amount of \$15,796,542 is necessary to award this contract and to fund the associated contingency and other project costs. Funds are currently available in the amount of \$5,473,684 in Project L00117 in Fund 402, Sewer Bond Extension and Improvement, an additional \$4,300,000 is included in the FY 2012 Adopted Budget Plan, and the remaining \$6,022,858 will be reallocated from Project X00998, Sewer Contingency Project, to fund this project and to fund the associated contingency and other project costs.

Board Agenda Item
May 10, 2011

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

DEPARTMENT OF PUBLIC WORKS
AND ENVIRONMENTAL SERVICES
CONSTRUCTION MANAGEMENT DIVISION

COUNTY OF FAIRFAX
VIRGINIA

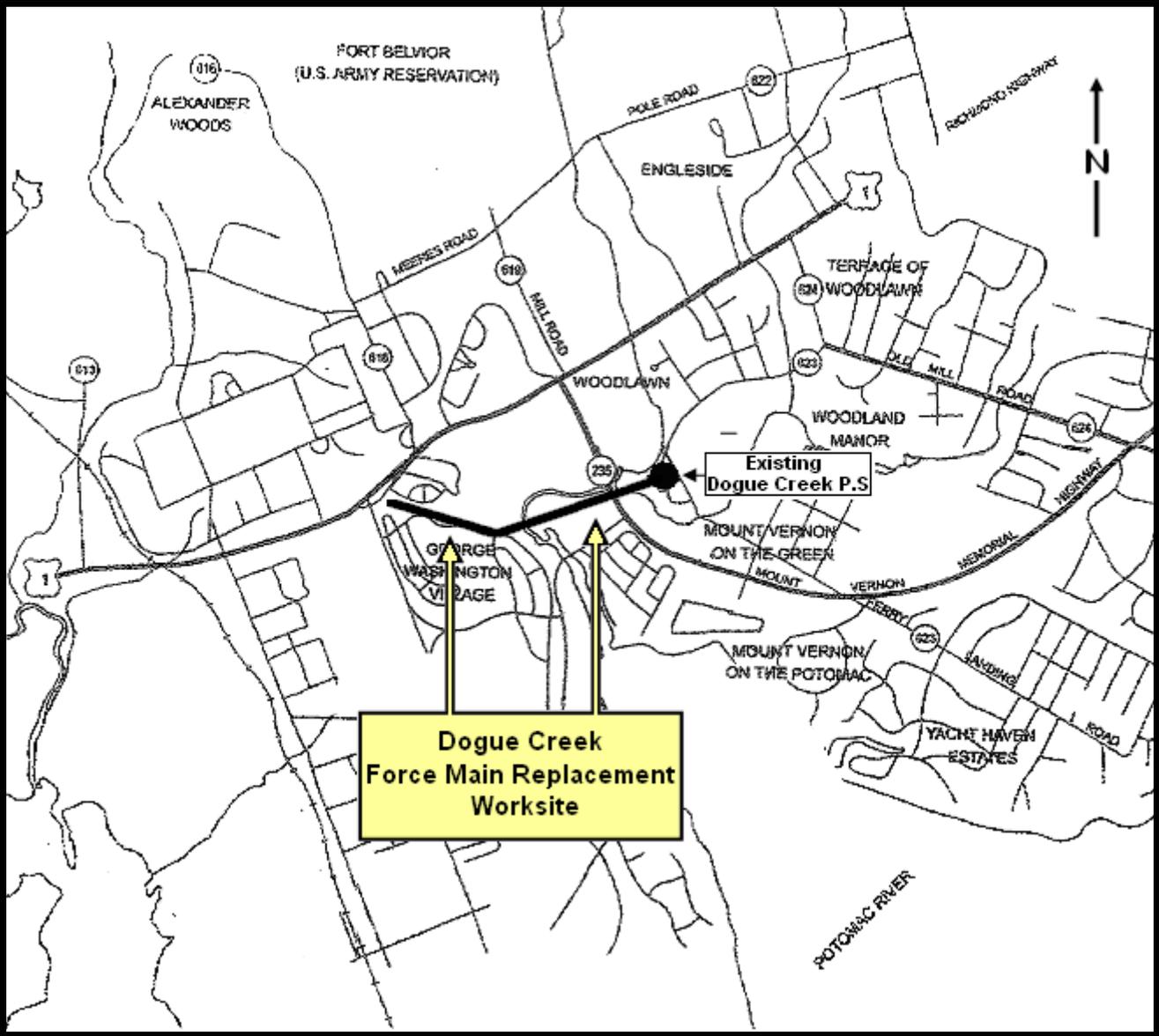
BID OPENING: April 12, 2011
NO AWARD OF CONTRACT YET MADE

DOGUE CREEK FORCE MAIN REPLACEMENT
CONTRACT NO. CN10402005
PROJECT NO. 402/L00117

ORDER OF BIDDERS

1.	Michels Corporation..... 16500 W. Rogers Drive New Berlin, WI 53151	\$12,790,920
2.	Northeast Remsco Construction, Inc. 1433 Route 34 South, Building B Farmingdale, NJ 07727	\$14,655,300
3.	Super Excavators, Inc. N59 W14601 Bobolink Ave. Menomonee Falls, WI 53051	\$14,773,160
4.	Flippo Construction Company, Inc..... 3820 Penn-Belt Place Forestville, MD 20747	\$15,112,106
5.	Bradshaw Construction Corporation..... 175 West Liberty Road Eldersburg, MD 21784	\$16,988,150
	ENGINEER'S ESTIMATE.....	\$12,970,300

Contract Time: 540 Calendar Days



**DOGUE CREEK FORCE MAIN REPLACEMENT
CONTRACT NO. CN10402005
PROJECT NO. 402/L00117**

DISTRICT: MOUNT VERNON

TAX MAP NO.: 109-2

Board Agenda Item
May 10, 2011

INFORMATION - 4

Planning Commission Action on Application 2232A-MD06-10-1, Metropolitan Washington Airports Authority in coordination with the Department of Rail and Public Transportation on Behalf of Washington Metropolitan Area Transit Authority (Hunter Mill District)

On Thursday, April 28, 2011, the Planning Commission voted 7-1-1 (Commissioner Hall opposed; Commissioner Flanagan abstaining; Commissioners Harsel, Lawrence, and Migliaccio absent from the meeting) to approve 2232A-MD06-10-1, as amended.

The Commission noted that the application met the criteria of character, location and extent, and therefore was in conformance with Section 15.2-2232 of the Code of Virginia, as amended.

Application 2232A-MD06-10-1 sought approval to construct a Traction Power Substation south of Sunset Hills Road and west of Hunter Mill Road in the VDOT Right-of-Way, Reston, associated with the extension of Metrorail service through Fairfax County. (Tax Map 18-3 (VDOT Right-of-Way)).

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 4/28/11 Commission meeting

Attachment 2: Vicinity map

STAFF:

Robert A. Stalzer, Deputy County Executive

Fred R. Selden, Acting Director, Department of Planning and Zoning (DPZ)

Chris Caperton, Chief, Public Facilities Branch, Planning Division, DPZ

Richard Stevens, Project Coordinator, Dulles Corridor Rapid Transit Project, Fairfax County Department of Transportation

Barbara J. Lippa, Executive Director, Planning Commission Office

2232A-MD06-10-1 – METROPOLITAN WASHINGTON AIRPORTS AUTHORITY IN COORDINATION WITH THE DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (Sunset Hills Road and Dulles Airport Access Road Traction Power Substation and Train Control Room) (Hunter Mill District)

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. de la Fe.

Commissioner de la Fe: Thank you, Mr. Chairman. Mr. Chairman, I - - first of all, I want to once again address the issue of the trees that were there and were cut back, and frankly, that should never have happened but it did, and I'm sorry but - - that occurred. With respect to the decision on moving the - - the facilities that are being proposed from the original location to another location within the VDOT area, they have to be moved because VDOT built salt domes where this was going to go. The - - in looking at other locations within VDOT area, this was determined to be the least disruptive to VDOT operations and still meet the requirements of the Metro project. I recognize that this is not an attractive area, but it isn't already. It is a VDOT maintenance yard with salt domes and there is a cell phone tower there. So, I believe that as far as character, location, and extent, this is an appropriate place to locate this Metro facility. I also believe that, although this is not a SE or a rezoning and we cannot require conditions, the applicant has met with members of the community to provide as much landscaping as possible to mitigate the - - not only the new facility, but also if I understand correctly, even the existing facilities already, should VDOT agree to it with site distance and so forth. The other thing that was of concern to me initially when this was proposed was whether this would interfere with the expansion of Sunset Hills Road to what is called for in the Comprehensive Plan, and I - - I am satisfied according to the documents in both in the staff report and what has been - - what we have been told that Sunset Hills can be expanded even if this is built at this location. I'm not saying that - - I don't know when there will be money to expand Sunset Hills Road or - - you know - - when. We've been talking about this for at least 20 years, if not longer. I might add from - - and this is purely from memory - - the minor trail that is called for in the Comprehensive Plan, if I remember correctly what was envisioned was a continuation of what exists already and farther up Sunset Hills Road, which is really a part of almost original Reston and is really a sidewalk. And we call them "minor trails." Minor trail is around six feet. The sidewalk that exists is either four or five feet, depending on when it was built, but I believe that that minor trail, should it ever come to pass, can be accommodated even if this facility is there without necessarily affecting the - - you know - - landscaping that is being provided. So, Mr. Chairman, I concur with staff's conclusion that the proposal by the Metropolitan Washington Airports Authority in coordination - - in coordination with the Department of Rail and Public Transportation, on behalf of the Washington Metropolitan Area Transit Authority, as amended, for the construction of a traction power substation, trail control room, and communication room, located in the VDOT right-of-way to the south of Sunset Hills Road in Reston, satisfy the criteria of location, character, and extent as specified in *Virginia Code* Section 15.2-2232, as amended.

Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION, 2232A-MD06-10-1, AS AMENDED, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Hart and Alcorn: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Alcorn. Is there a discussion of the motion?

Commissioner Hall: Mr. Chairman?

Chairman Murphy: Ms. Hall.

Commissioner Hall: I am not supporting the motion. As far as I'm concerned, I understand this is a 2232, it is a public hearing, and we do have the three criteria, and I'm not looking for conditions. But what really upset me was basically Mr. Rak's assumption of "Well, it was going to happen anyway," like this is a rubber stamp. The purpose of a 2232 is for us to look at the three criteria and as far as I'm concerned, when they removed those trees they interfered with the extent of this application. They took away our ability to make the assessment whether that was in fact in keeping and therefore, I'm not going to support the application because this is not a rubber stamp. We're actually looking at these things and we're making decisions. With that, I'll be quiet.

Chairman Murphy: Further discussion of the motion?

Commissioners Flanagan and Hart: Mr. Chairman?

Chairman Murphy: All those in - - yes, Mr. Flanagan.

Commissioner Flanagan: Yes, I would like to also indicate that I think that this is just bad planning, and so consequently, I will not vote against the motion but I'm going to abstain.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you. I will be supporting the motion. I think that the problem has to do primarily with the cell tower and the screening for the cell tower, which really isn't the issue on the 2232. The - - the relocation of the rail facility, I think is sufficiently screened. I think staff has sufficiently addressed the questions about the dimensions and the trail and that sort of thing, and that's the application that's before us tonight. Whether there are consequences as a result of a contractor clearing the site and there probably should be or there's some implications for the existing cell tower, I don't know, but the question before us is to do with - - has to do with the rail facility and not the screening of the existing cell tower. Thank you.

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: Yes, I'll be supporting this motion as well. And I just want to point out that in the original Reston Master Plan, this property was designated for industry and government reserve, that's a plan that's been there some 48 years or so. So, if it's bad planning, it's been bad an awful long time.

Chairman Murphy: Further discussion? All those in favor of the motion to approve 2232A-MD06-10-1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: No.

Commissioner Flanagan: Abstain.

Chairman Murphy: Ms. Hall votes no. Mr. Flanagan abstains. Is there any other business on this application? Thank you very much. Thank you, Mr. Caperton, Ms. Maier.

//

(The motion carried by a vote of 7-1-1 with Commissioner Hall opposed; Commissioner Flanagan abstaining; Commissioners Harsel, Lawrence, and Migliaccio absent from the meeting.)

KAD

PLANNING DETERMINATION

Section 15.2 -2232 of the Code of Virginia



Number: 2232A-MD06-10-1

District: Hunter Mill

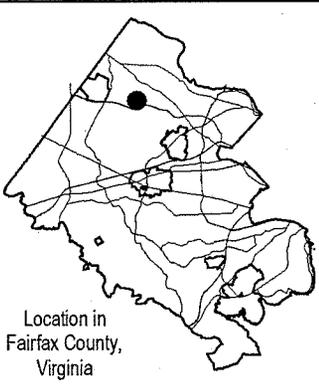
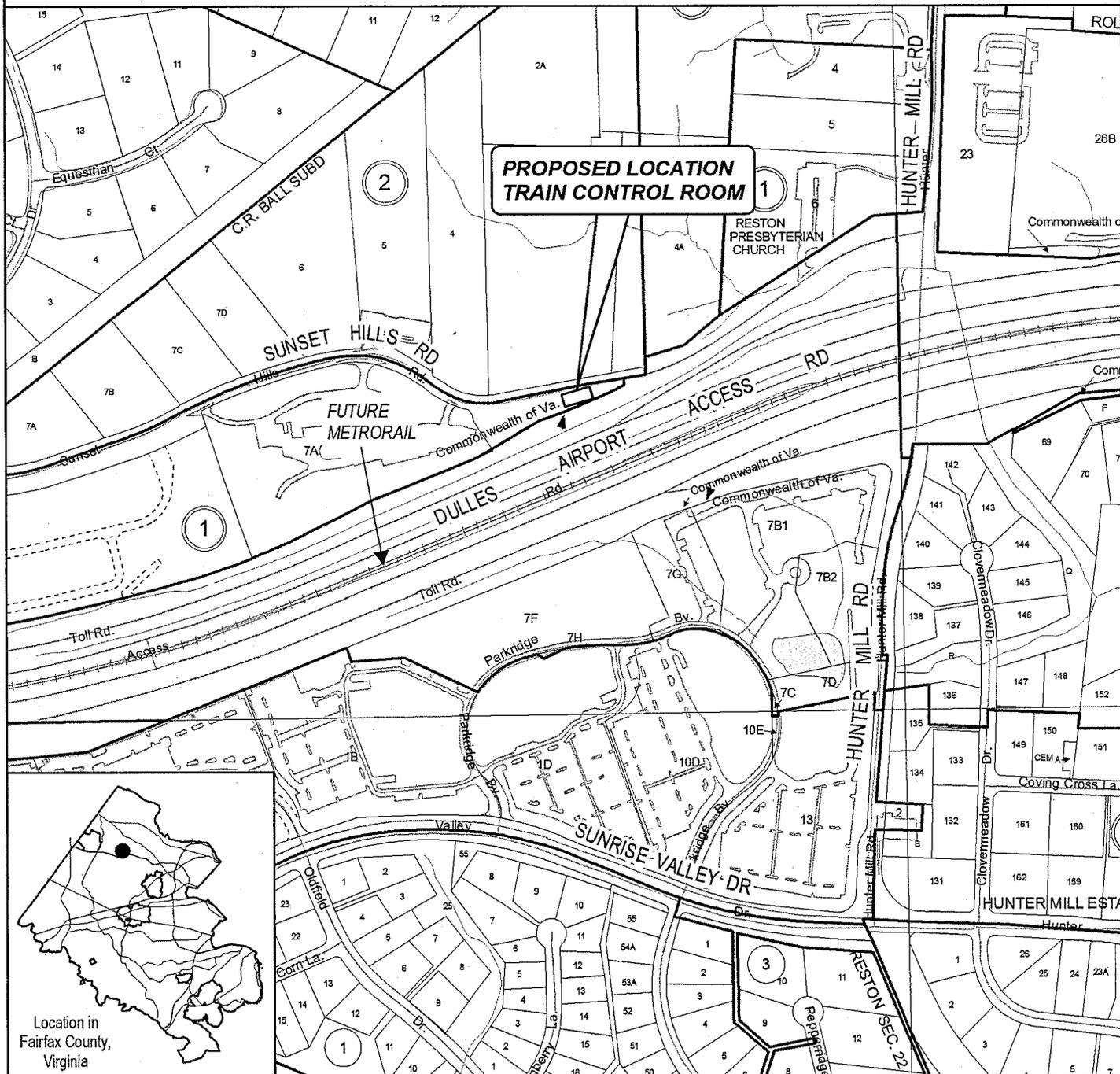
Acreeage: Approx. 500 SF

Planned Use: VDOT (Right-of-Way)

Subject Property: 18-3

Applicant: Metropolitan Washington Airports Authority (MWAA)

Proposed Use: Train Control Room Associated with Extension of Metrorail



Location in Fairfax County, Virginia

500 FEET

PREPARED BY THE DEPARTMENT OF PLANNING AND ZONING
USING FAIRFAX COUNTY GIS



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Board Agenda Item
May 10, 2011

11:00 a.m.

Matters Presented by Board Members

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11:50 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *T-Mobile Northeast LLC v. Fairfax County, Virginia, and the Board of Supervisors of Fairfax County, Virginia*, Case No. 11-1060 (U.S. Ct. of App. for the Fourth Cir.) (Dranesville District)
 - 2. *Andrew Chiles, et al. v. Melvin M. Dunn, Jr., et al.*, Case No. CL-2009-007555 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 3. *Xuli Zhang v. Police S. Regan and Police PEC M. Green, Mason Station, Fairfax County Police Department*, C.A. No. 1:10-cv-1329 (E.D. Va.)
 - 4. *County of Fairfax, Virginia v. Flashover Systems, Inc.*, Case No. CL-2011-0000557 (Fx. Co. Cir. Ct.)
 - 5. *Diana Konadu v. Fairfax County Department of Family Services*, Case Nos. JA-2010-0000374 and 0000375 (Fx. Co. Cir. Ct.)
 - 6. *The Newberry Station Homeowners Association, Inc., Brandon Farlander, and Michael Miller v. Board of Supervisors of Fairfax County, Virginia, Iskalo CBR LLC, and the Washington Metropolitan Area Transit Authority*, Case No. CL-2011-0005030 (Fx. Co. Cir. Ct.) (Lee District)

7. *Joseph F. and Juliana Campagna, Fairfax Christian School, Inc., Hunter Mill East, LLC, Hunter Mill West, LLC, Robert L. and Rosemary S. Thoburn, and Thoburn Limited Partnership v. Fairfax County Board of Supervisors, Case No. CL-2010-0005862 (Fx. Co. Cir. Ct.) (Dranesville District)*
8. *Renni Zhao and Suli Wang v. Board of Supervisors of Fairfax County, Virginia, Case No. CL-2011-0003980 (Fx. Co. Cir. Ct.) (Providence District)*
9. *SNSA, Inc., d/b/a Fast Eddies Billiard Cafe v. County of Fairfax, Case No. CL-2011-0005615 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
10. *Norma Bostick Hartwell, Elizabeth Ann Bostick, Warren E. Bostick, and Wycliffe on the Potomac Homeowners Association, Inc. v. The County of Fairfax and the Board of Supervisors of Fairfax County, Case No. CL-2011-0003349 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bernard C. Cox, Case No. CL-2010-0016983 (Fx. Co. Cir. Ct.) (Providence District)*
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derlis A. Arnez, Rosario Arnez, and Carmen R. Arnez, Case No. CL-2008-0016093 (Fx. Co. Cir. Ct.) (Lee District)*
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ronald Tonstad, Case No. CL-2009-0013132 (Fx. Co. Cir. Ct.) (Mason District)*
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Nelson G. Lameles, Case No. CL-2009-0017503 (Fx. Co. Cir. Ct.) (Braddock District)*
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chau Quynh Nguyen and Sarah K. Nguyen, Case No. CL-2009-0016344 (Fx. Co. Cir. Ct.) (Mason District)*
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Naomi E. Winkler, Case No. CL-2010-0007025 (Fx. Co. Cir. Ct.) (Braddock District)*
17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. George W. Garber and Mary L. Garber, Case No. CL-2010-0015516 (Fx. Co. Cir. Ct.) (Hunter Mill District)*

18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Toetie Jones*, Case No. CL-2010-0010295 (Fx. Co. Cir. Ct.) (Braddock District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. LM734, LC, Case No. 2010-0014340; LM 734, LC, trading as Comstock Tree Farm v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0011474 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose R. Loza and Maria C. Loza*, Case No. CL-2010-0017377 (Fx. Co. Cir. Ct.) (Mason District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. 4005 Hummer Road, LLC*, Case No. CL-2011-0000354 (Fx. Co. Cir. Ct.) (Mason District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. KF Bailey's Crossroads, LLC*, Case No. CL-2011-0000048 (Fx. Co. Cir. Ct.) (Mason District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Khanh Quach and Dao Tran*, Case No. CL-2010-0014970 (Fx. Co. Cir. Ct.) (Mason District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ruben Perez and Sonia M. Montecinos*, Case No. CL-2010-0017148 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose D. Peralta-Lima*, Case No. CL-2010-0016335 (Fx. Co. Cir. Ct.) (Lee District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mehdi Molaei, a.k.a. Molaei Mehdi*, Case No. CL-2010-0017937 (Fx. Co. Cir. Ct.) (Hunter Mill District)
27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert C. Ruecroft, Trustee of the George Ruecroft Trust*, Case No. CL-2010-0017674 (Fx. Co. Cir. Ct.) (Mason District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel P. Sachs*, Case No. CL-2011-0000050 (Fx. Co. Cir. Ct.) (Dranesville District)

29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Francisco Garcia and Irma Garcia*, Case No. CL-2010-0015751 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cheryl A. Padilla*, Case No. CL-2011-0005000 (Fx. Co. Cir. Ct.) (Mason District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cornerstone Church of Christ Bibleway World Wide, Arthur Cotton, Al M. Stith, James Sanders, and Morris A. Mills*, Trustees, Case No. CL-2011-0004999 (Fx. Co. Cir. Ct.) (Mount Vernon District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Martin M. Yapur and Elizabeth Corvera Acha*, Case No. CL-2011-0005132 (Fx. Co. Cir. Ct.) (Mason District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. First Church of Christ, Scientist, Mount Vernon, Virginia, Walter O. Bachus, Anita Christiane West Little, and Joyce K. Clevenger*, Trustees, Case No. CL-2011-0005401 (Fx. Co. Cir. Ct.) (Mount Vernon District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Teresa D. Cruz and Walter Y. Pereira*, Case No. CL-2010-0005538 (Fx. Co. Cir. Ct.) (Lee District)
35. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. R. Michael Lehner*, Case No. CL-2011-0005796 (Fx. Co. Cir. Ct.) (Mount Vernon District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Faical Rihane*, Case No. CL-2011-0005795 (Fx. Co. Cir. Ct.) (Providence District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ghassem Sharifi and Souren Hakopian*, Case No. CL-2011-0005857 (Fx. Co. Cir. Ct.) (Providence District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ross Spagnolo*, Case No. CL-2011-0005847 (Fx. Co. Cir. Ct.) (Providence District)
39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul D. Robertson*, Case Nos. 10-0021259 and 10-0021260 (Fx. Co. Gen. Dist. Ct.) (Lee District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Trung Dinh-Chi Phan*, Case No. 11-0007388 (Fx. Co. Gen. Dist. Ct.) (Lee District)

Board Agenda Item
May 10, 2011

3:30 p.m.

Public Hearing on the Approval of Financing for the Purchase of a New Fire Pumper Truck by the Fair Oaks Volunteer Fire and Rescue Company, Inc. (Sully District)

ISSUE:

Public hearing on the financing of an amount of up to \$500,000 for the purchase of a 2011 Pierce Velocity Fire Truck by the Fair Oaks Volunteer Fire and Rescue Company, Inc. ("FOVFR"). In order to utilize favorable tax-exempt financing for this purchase, the United States Internal Revenue Code requires a governmental unit, such as the County, to approve of this purchase and financing arrangement.

RECOMMENDATION:

The County Executive recommends that the Board approve the resolution included in the Enclosed Documents.

TIMING:

On April 26, 2011, the Board authorized advertisement of a public hearing to consider this matter on May 10, 2011.

BACKGROUND:

FOVFR seeks to purchase a new 2011 Pierce Velocity Fire Truck and to finance that purchase using tax-exempt bonds with a private bank. Such a purchase will reduce costs for FOVFR. In order for those bonds to be exempt from federal income taxes, such bonds must be approved by a governmental unit, and the volunteer fire department must be "a qualified volunteer fire department," which means it is organized to provide firefighting or emergency rescue services. FOVFR meets the statutory requirements to be a qualified department. Approval of this financing by the Board will not make the County responsible for repayment of this financing.

FISCAL IMPACT:

None to Fairfax County

ENCLOSED DOCUMENT:

Attachment 1 – Draft Board Resolution

Board Agenda Item
May 10, 2011

STAFF:

Robert A. Stalzer, Deputy County Executive

Chief Ronald L. Mastin, Fire and Rescue Department

Jeffrey F. Katz, Volunteer Coordinator, Fire and Rescue Department

Michael Long, Deputy County Attorney

33 WHEREAS, Sections 147(f) and 150(e) of the United States Internal
34 Revenue Code require that such bonds be given public approval by a
35 governmental unit, and FOVFR has requested the Board of Supervisors to
36 approve this transaction; and

37 WHEREAS, approval by a governmental unit of the financing of this
38 purchase using tax-exempt bonds will not make Fairfax County, Virginia,
39 responsible for the repayment of such bonds; now therefore, be it

40 RESOLVED, that the Fairfax County Board of Supervisors, the governing
41 body of a political subdivision of Virginia, hereby approves the proposed
42 purchase and financing of the previously described Fire Truck using tax-exempt
43 bonds in an amount of up to \$500,000; and now be it

44 FURTHER RESOLVED, that the Clerk to the Board shall provide a
45 certified copy of this resolution to FOVFR.

46 GIVEN under my hand this _____ day of May 2011.

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By: _____
Nancy Vehrs
Clerk to the Board of Supervisors

Board Agenda Item
May 10, 2011

3:30 p.m.

Board Decision on SE 2009-MA-026 (Gossom Family Limited Partnership I, RLLLP) to Permit Uses in a Floodplain, Located on Approximately 21,784 Square Feet Zoned R-4, Mason District

Also under the Board's Consideration will be the applicant's Resource Protection Area Encroachment Exception (RPA) Request # 25172-WRPA-001-2, accompanied by a Water Quality Impact Assessment # 25172-WQ-001-4 under Section 118-6-7 (Chesapeake Bay Preservation Ordinance) of Chapter 118 of the Code of the County of Fairfax to permit encroachment within an RPA to allow modifications to a single family detached dwelling unit.

The application property is located at 3404 Hockett Street, Tax Map 60-1 ((1)) 58A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 13, 2011, the Planning Commission voted unanimously (Commissioner Murphy absent for the votes) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2009-MA-026, subject to the Development Conditions dated December 29, 2010; and
- Approval of RPA Encroachment Exception 25172-WRPA-001-2, subject to the Development Conditions contained in Attachment A of Appendix 1 of the staff report.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4337621.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

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SE 2009-MA-026 – GOSSOM FAMILY LIMITED PARTNERSHIP I, RLLLP

After the Close of the Public Hearing

Vice Chairman Alcorn: Close the public hearing; recognize Commissioner Hall.

Commissioner Hall: Just when you learn one system, they replace it with another one. And it will take awhile to get used to it. Very quickly, I don't think anyone of us are in favor of building on a floodplain. If this was a new application, it would not probably be receiving my support or the Mason District's support, but as you saw this is an existing dwelling unit. The neighbors have been waiting a very long time for somebody to do something with it to correct the problems and the applicant has stepped forward to do so. The application was reviewed by the Mason District Land Use Committee and it does receive their support. And after reviewing the application, I also am willing to support the application. So, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2010-MA-026 [sic], SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED DECEMBER 29, 2010.

Commissioner Litzenberger: Second.

Cathy Lewis, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ): Commissioner Hall, is that 2009-MA-026? It should be.

Commissioner Hall: Well, let's just - -

Vice Chairman Alcorn: It is 2009 but not in the motion.

William O'Donnell, ZED, DPZ: Yes. It's 2009.

Commissioner Hall: I'm going to get you.

Mr. O'Donnell: I apologize.

Commissioner Hall: The other application is 2010. This one is 2009. That's correct.

Vice Chairman Alcorn: Okay. That motion's been made and clarified as 2009. Is there a second to the motion?

Commissioner Litzenberger: Second.

Vice Chairman Alcorn: Seconded by Commissioner Litzenberger. Any discussion on that motion? All those in favor of recommending approval of SE 2009-MA-026, subject to the proposed development conditions dated December 29, 2010, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All those opposed? That motion carries. Commissioner Hall.

Commissioner Hall: Thank you, Mr. Chairman. Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RPA ENCROACHMENT EXCEPTION NUMBER 25172-WRPA-001-2, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN ATTACHMENT A OF APPENDIX 1 OF THE STAFF REPORT.

Commissioner Litzenberger: Second.

Vice Chairman Alcorn: Seconded by Commissioner Litzenberger. Any discussion on that motion? All those in favor of recommending approval of the RPA Encroachment Exception, subject to development conditions in the staff report as articulated by Commissioner Hall, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries.

Commissioner Hall: Thank you, Mr. Chairman. I'm sure the neighbors who've been looking at this eyesore for many, many years will appreciate an improvement, and that's what we're hoping for. Thank you.

Vice Chairman Alcorn: Thank you. Thank you, Mr. Farrell.

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(The motions carried unanimously with Commissioner Murphy not present for the votes.)

KAD

Board Agenda Item
May 10, 2011

3:30 p.m.

Public Hearing on PCA-B-993 (United Dominion Realty, L.P. Circle Towers, LLC) to Amend the Proffers and Conceptual Development Plan for RZ-B-993 Previously Approved for Residential Development to Permit Building Additions, Site Modifications and Associated Modifications to Proffers and Site Design at a Maximum Density of 727 Units On Site Including ADU and WDU Bonus Density, Located on Approximately 16.03 Acres Zoned PDH-12 and HC, Providence District

The application property is located on the south side of Lee Highway, east of Blake Lane, Tax Map 48-3 ((1)) 53; 48-4 ((1)) 3, 3A1, 3B and 3B1.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 6, 2011, the Planning Commission voted unanimously (Commissioner Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA B-993, subject to the execution of proffers consistent with those dated March 29, 2011, as revised to add the words “in disaggregated form” following the words “will not be shared” in the fifth sentence of Proffer 21h;
- Modification of the transitional screening requirements and waiver of the barrier requirements along the north property line in favor of the treatments depicted on the FDPA;
- Modification of the transitional screening requirements and waiver of the barrier requirements between on-site residential and non-residential uses in favor of the treatments depicted on the FDPA;
- Waiver of the 4-foot peripheral parking lot landscaping requirement for the southern and eastern property lines;
- Approval of Waiver Number 8496-WPFM-001-1 to locate underground facilities for residential developments;
- Approval of Resource Protection Area Waiver 8496-WRPA-001-1; and
- Waiver of the service drive along the Lee Highway frontage.

In a related action, the Planning Commission voted unanimously (Commissioner Harsel absent from the meeting) to approve FDPA B-993-02.

Board Agenda Item
May 10, 2011

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at
<http://lds.fairfaxcounty.gov/ldsdfw/4345419.pdf>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Bob Katai, Staff Coordinator, Zoning Evaluation Division, DPZ

PCA B-993/FDPA B-993-02 – UNITED DOMINION REALTY L.P., CIRCLE TOWERS, LLC

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. We have nearly got it just right. Unfortunately, I cannot think of any way that we can resolve a possible overflow parking problem, short of the development in question – Circle Woods defending themselves – but a permit system. I wish I could. But the request for a reduction is perfectly consistent with the idea of making this thing shine on parking – residential parking – because it's in a TOD-influenced area. So I think we've reached the kind of balance that we need to reach. And I think the issue of the trail and the sidewalks was addressed. Farther up toward Pan Am, they are in fact putting in the sidewalks where the - - as we get close to Nutley. So I think there will be a much safer path in the future for those pedestrians on that side. Therefore, Mr. Chairman, for the reasons given in the staff report, I have a series of motions to make. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA B-993, SUBJECT TO THE PROFFERS DATED MARCH 29TH, 2011, WITH PROFFER NUMBER 21h, AMENDED IN ITS FIFTH SENTENCE, AFTER THE WORDS "WILL NOT BE SHARED" TO ADD THE WORDS, "IN DIS-AGGREGATED FORM." End of amendment. End of motion.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA B-993, subject to the proffers dated March 29th, as amended, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Lawrence.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA B-993-02.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion to approve FDPA B-993-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Lawrence.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE PROJECT SITE'S NORTH PROPERTY LINE IN FAVOR OF THE TREATMENTS DEPICTED ON THE FDPA.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Lawrence.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENTS BETWEEN ONSITE RESIDENTIAL AND NON-RESIDENTIAL USES IN FAVOR OF THE TREATMENTS DEPICTED ON THE FDPA.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE FOUR-FOOT PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENT FOR THE SOUTHERLY AND EASTERLY PROPERTY LINES.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER TO LOCATE UNDERGROUND FACILITIES FOR RESIDENTIAL DEVELOPMENTS, SUBJECT TO WAIVER NUMBER 8496-WPFM-001-1.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE ENCROACHMENT INTO THE RESOURCE PROTECTION AREA, SUBJECT TO RPA ENCROACHMENT EXCEPTION NUMBER 8496-WRPA-001-1.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE SERVICE DRIVE ALONG THE LEE HIGHWAY FRONTAGE.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motions carried unanimously with Commissioner Harsel absent from the meeting.)

JN

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Board Agenda Item
May 10, 2011

4:00 p.m.

Public Hearing on Proposed Area Plans Review (APR) Item APR 09-IV-2S, Located North of Franconia-Springfield Parkway and East of Walker Lane (Lee District)

ISSUE:

South County Area Plans Review (APR) nomination 09-IV-2S proposes to amend the Comprehensive Plan recommendations for Land Unit A of the Beulah Community Planning Sector within the Springfield Planning District. The land unit is planned for residential use at 3-4 dwelling units per acre (du/ac) or office use up to .25 floor-area ratio (FAR) with an option for office and support retail use up to .55 FAR and up to 110,000 square feet (SF) of office use and a child care facility. The nomination proposes to expand the existing medical care facility, offices, and accessory uses up to a total of 296,000 SF.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 14, 2011, the Planning Commission voted unanimously (Commissioner Alcorn not present for the vote; Commissioners Flanagan and Hall absent from the meeting) to recommend that the Board of Supervisors adopt South County APR nomination APR 09-IV-2S, as set forth on pages 13 and 14 of the staff report (and as shown in Attachment 2), with the following modification:

In the second paragraph on page 13 of the staff report (and in the second paragraph of Attachment 2 dated April 14, 2011), revise the last sentence to read, "Development also should contribute toward necessary off-site transportation improvements in the area."

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation for 09-IV-2S.

TIMING:

Planning Commission public hearing – April 14, 2011
Board of Supervisors' public hearing – May 10, 2011

Board Agenda Item
May 10, 2011

BACKGROUND:

The Board of Supervisors designated 2009-2010 as the years to review and evaluate recommendations contained in the Comprehensive Plan for the southern part of the County.

Staff recommends an alternative that would provide for medical care facilities, medical office use, and ancillary retail uses on the subject property up to 296,000 SF with a building height limitation of 8 stories or 100 feet and 60-foot height maximum for the parking structure. Staff also recommends that conditions be included within this development, related to design, connectivity, circulation, urban parks, and transportation. These conditions are similar to recommendations in the adjacent land units.

On March 15, 2010, the Lee District APR Task Force voted to support the staff alternative with several modifications. The task force recommended medical office use, medical care facilities, and ancillary retail uses, and clarified that this does not include general office uses. The task force also voted to eliminate the preliminary staff recommendation for interparcel access and refined the recommendation about stormwater management. Staff concurs with the task force recommendations and reflected these changes in the final staff report.

The staff analysis and recommendation for South County APR item 09-IV-2S are found in Attachment 3. The Lee District APR Task Force Report is shown in Attachment 4.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim

Attachment 2: Planning Commission Recommended Text

Attachment 3: Staff Report for South County APR item 09-IV-2S (Available on line at <http://www.fairfaxcounty.gov/dpz/apr/2009southcounty/finalstaffreports/2s.pdf>)

Attachment 4: Lee District APR Task Force Report for APR Item 09-IV-2S (available on line at <http://www.fairfaxcounty.gov/dpz/apr/2009southcounty/taskforcereports/2s.pdf>)

STAFF:

Fred R. Selden, Acting Director, Department of Planning and Zoning (DPZ)

Marianne R. Gardner, Chief, Policy and Plan Development Branch, Planning Division (PD), DPZ

Meghan Van Dam, Planner III, Policy and Plan Development Branch, PD, DPZ

APR 09-IV-2S – SOUTH COUNTY AREA PLANS REVIEW 527 ITEM (Lee District)

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I - - I think I agree - - while I do agree with the applicant - - the nominator, not on the first part but on the second part with regards - - with regards to the traffic. So, I am going to make a motion that will incorporate a portion of her red line. South County APR Item 09-IV-2S, Land Unit A, part of the Beulah Community Planning Sector within the Springfield Planning District, generally located north of Franconia-Springfield Parkway and east of Walker Lane. The Lee District APR Task Force and staff recommend an alternative to APR nomination 09-IV-2S that involves the approximately eight-acre portion of Land Unit A in the Beulah Community Planning Sector. The alternative would provide an option for medical care facilities, medical office use, and retail uses on the subject property up to 296,000 square feet with conditions related to building and parking structure heights, circulation, urban parks, and stormwater management. Therefore, Mr. Chairman, FOR APR ITEM 09-IV-2S, I SUPPORT THE STAFF AND TASK FORCE RECOMMENDATION, WITH A SLIGHT MODIFICATION THAT IN THE SECOND PARAGRAPH, THE LAST SENTENCE WILL READ, "DEVELOPMENT ALSO SHOULD CONTRIBUTE TOWARD NECESSARY OFF-SITE TRANSPORTATION IMPROVEMENTS IN THE AREA." Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE NOMINATION BE ADOPTED AS AMENDED, SHOWN ON PAGES 13 THROUGH 14 OF THE STAFF REPORT.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that they adopt APR Item 09-IV-2S, as amended this evening by Mr. Migliaccio, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. Ms. Hall, thank you.

//

(The motion carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Flanagan and Hall absent from the meeting.)

KAD

APR 09-IV-2S RECOMMENDED TEXT**April 14, 2011**

(Excerpt from pages 13-14 of final staff report)

As an alternative to the nominations, staff recommends the following text be added:

MODIFY: Fairfax County Comprehensive Plan, 2007 Edition, Area IV, Springfield Planning District, S9 Beulah Community planning Sector, Land Unit A, page 97, as amended through 7-27-10:

“LAND UNIT A

At the baseline, Land Unit A, located east of the CSX Railroad tracks, north of the Franconia-Springfield Parkway, and at the terminus of Lewin Drive, is planned for residential use at 3-4 dwelling units per acre or for low-intensity office use up to .25 FAR. In all instances, the portion of the land unit located south of the Franconia Springfield Parkway should be dedicated to the County for open space with the intensity associated with this area shifted to the portion of the land unit north of the Parkway.

Tax Map parcel 91-1 ((1)) 11A is the location of the Springfield Inova Healthplex. As an option, the health care facility is planned for expansion to include medical care facilities, medical office use, and ancillary uses up to 296,000 square feet of total development at such time that the rezoning of Land Unit C (Lewin Park) is approved for non-residential use. Medical office use may include administrative services, related to the medical care facilities and medical office uses. In order to foster consistent standards for development, this option should be implemented using the conditions for redevelopment at the optional level of Land Unit C, including high-quality design, connectivity, circulation, urban parks, and park features. Building heights should not exceed 8 stories or a maximum of 100 feet with the height of above-ground parking structures limited to a maximum of 60 feet. Stormwater management should be enhanced on the site through infiltration, retention, and other Low Impact Development techniques, including rain gardens and green roofs, or, if this cannot be accommodated, off-site through contributions to stormwater management pond retrofits. Green building/energy efficient certification, such as Leadership in Energy and Environmental Design, is encouraged. Development should connect internal pedestrian circulation facilities to onsite amenities, adjacent uses, and the existing major paved trail parallel to the Franconia-Springfield Parkway to facilitate pedestrian and bicycle access to the Joe Alexander Transportation Center. Vehicular conflicts with pedestrian traffic should be minimized. Development also should contribute toward the future interchange at Beulah Road and the Franconia-Springfield Parkway and other necessary off-site transportation improvements.

Any development, either under the base or the option, should provide well-designed interior circulation with no direct vehicular access through Land Unit C (the Lewin Park community) or to the Parkway. Access from the Parkway for emergency vehicles associated with an urgent care facility and a shuttle bus linking the Metro Station, and a right-in/right-out vehicular connection from Land Unit A to the Parkway may be appropriate provided that such are approved by the Commonwealth Transportation Board and reviewed by the Fairfax County Department of Transportation. Attention should be paid to proper siting of structures to enhance the relationship to the transportation center.”

Board Agenda Item
May 10, 2011

4:00 p.m.

Public Hearing to Authorize the Conveyance of a Portion of County-Owned Property to the Virginia Department of Transportation for the Telegraph Road Project (Lee District)

ISSUE:

Public hearing to convey a portion of County-owned property to the Virginia Department of Transportation (VDOT) for the Telegraph Road Project.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to convey a portion of County-owned property to VDOT for the Telegraph Road Project.

TIMING:

On March 29, 2011, the Board of Supervisors authorized the advertisement of a public hearing to convey County-owned property to VDOT.

BACKGROUND:

The Board of Supervisors is the owner of property located at 7936 Telegraph Road, Alexandria, Virginia 22315 and identified as Tax Map No. 1001 01 0016. The Kingstowne Fire Station (Station #37) is located on the property.

The Virginia Department of Transportation (VDOT) would like to acquire 6,229 square feet of land from parcel 1001 01 0016 and permanent and temporary easements to construct and maintain the Telegraph Road Project. This project is one of the transportation improvements being funded by the Federal Highway Administration (FHWA) as part of the Base Realignment and Closure Act (BRAC). VDOT is acting as project manager. This square footage is not required by the Fire Station.

VDOT presented an offer of compensation of \$141,430 for the fee taking and easements. The Department of Transportation recommends, and the Facilities Management Department concurs, that the Board of Supervisors accepts the offer of \$141,430.

Board Agenda Item
May 10, 2011

FISCAL IMPACT:

There will be no fiscal impact to the County resulting from the conveyance of this land to VDOT. The revenue associated with this VDOT payment will be reflected and appropriated at a future quarterly review within Fund 124, County and Regional Transportation Projects, where County funding for BRAC transportation projects is located.

ENCLOSED DOCUMENTS:

Attachment A: Resolution

Attachment B: Location Map 1001 01 0016

STAFF:

Jose A. Comayagua, Director, Facilities Management Department

Tom Biesiadny, Acting Director, Fairfax County Department of Transportation

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, May 10, 2011, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Board of Supervisors owns a parcel of land identified as Tax Map Number 100-1-01-0016,

WHEREAS, the Virginia Department of Transportation seeks to acquire, either in whole or in part, the fee simple interest in the parcel identified as Tax Map Number 100-1-01-0016 for the construction of the Telegraph Road Project,

WHEREAS, the Virginia Department of Transportation seeks to acquire temporary and permanent easements over the parcel identified as Tax Map Number 100-1-01-0016 for the same purpose,

WHEREAS, the acquisition of the fee simple interest in and easements over a portion of the parcel identified as Tax Map Number 100-1-01-0016 require compensation, and the fair market value of the portion of property and easements required for the improvements was determined by an appraiser to be \$141,430.00,

WHEREAS, the Board of Supervisors finds that it would be in the best interest of the citizens of Fairfax County to convey in consideration of \$141,430, the real property and real property interests, as described above, to the Virginia Department of Transportation for the Telegraph Road Project,

NOW, THEREFORE, upon public hearing duly advertised according to law, it is **RESOLVED** that, in consideration of \$141,430.00, the County Executive or Deputy County Executive is hereby authorized to execute all necessary documents to convey the real property and real property interests described above to the Virginia Department of Transportation.

A Copy Teste:

Nancy Vehrs
Clerk to the Board of Supervisors

1001 01 0016

