

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
January 10, 2012**

AGENDA

9:30	Done	Presentations
10:30	Done Supervisor Gross appointed Vice Chairman	Board Organization and Appointments of Board Members to Various Regional and Internal Boards and Committees
10:40	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Regarding Editorial and Minor Revisions
2	Approved	Extension of Review Periods for 2232 Review Applications (Mount Vernon, Springfield, and Sully Districts)
3	Approved	Streets into the Secondary System (Hunter Mill, Lee, Mason, Mount Vernon, Providence, Springfield, and Sully Districts)
4	Approved	Approval of Traffic Calming Measures and Installation of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Mason and Dranesville Districts)
5	Approved	Authorization to Advertise a Public Hearing to Convey a Portion of County-Owned Property to the Virginia Department of Transportation for the Telegraph Road Project (Lee District)
6	Approved	Supplemental Appropriation Resolution AS 12077 for the Fairfax County Economic Development Authority to Accept Grant Funding from the Commonwealth of Virginia – Governor's Opportunity Fund for Bechtel Corporation
7	Approved	Authorization to Advertise a Public Hearing on Adoption of the Northern Virginia Regional Water Supply Plan

ACTION ITEMS

1	Approved	Approval of the Board of Supervisors' Meeting Schedule for Calendar Year 2012
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**FAIRFAX COUNTY
BOARD OF SUPERVISORS
January 10, 2012**

**ACTION ITEMS
(Continued)**

- | | | |
|---|-----------------|--|
| 2 | Approved | Authorize the County Executive to Sign the Programmatic Agreement Relative to the Privatization of Army Lodging and Discontinuation of Lodging at Buildings 172 and 20 at Fort Belvoir (Mount Vernon District) |
| 3 | Approved | Authorize the County Executive to Sign the Memorandum of Agreement Relative to the Construction of the National Museum of the United States Army at Fort Belvoir (Mount Vernon District) |
| 4 | Approved | Amended Parking Reduction for the Buckman Road Apartments (Lee District) |
| 5 | Approved | Approval of an Agreement Between Fairfax County and INOVA Fairfax Hospital to Implement a Commuter Shuttle Pool Program |

**INFORMATION
ITEMS**

- | | | |
|-------|--------------|--|
| 1 | Noted | Recognition of Comprehensive Annual Financial Reports and the Annual Budget by the Government Finance Officers Association; Performance Measurement Program by the International City/County Management Association; and Investment Policy by the Association of Public Treasurers |
| 2 | Noted | Dolley Madison Library (Dranesville District) and Wiehle Avenue Metro Station Facility (Hunter Mill District) Projects Receive Awards of Excellence from the National Association of Industrial and Office Properties |
| 10:50 | Done | Matters Presented by Board Members |
| 11:40 | Done | Closed Session |

PUBLIC HEARINGS

- | | | |
|------|---|---|
| 3:30 | Deferred to 1/24/12
at 3:30 p.m. | Public Hearing on PCA 2008-PR-009 (Inova Health Care Services) to Amend the Proffers for RZ 2008-PR-009 Previously Approved for Medical Care and Related Facilities to Permit Building Additions and Associated Modifications to Proffers and Site Design (Providence District) |
|------|---|---|

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
January 10, 2012**

**PUBLIC HEARINGS
(Continued)**

- | | | |
|------|---|--|
| 3:30 | Deferred to 1/24/12
at 3:30 p.m. | Public Hearing on SEA 80-P-078-16 (Inova Health Care Services) to Amend SE 80-P-078 Previously Approved for a Medical Care Facility and Increase in Building Height to Permit Building Addition and Associated Modifications to Site Design and Development Conditions (Providence District) |
| 3:30 | Approved | Public Hearing on SE 2011-LE-011 (Buckman Road Development LLC) to Permit a Private School of Special Education with a Total Daily Enrollment of 95 Students (Lee District) |
| 3:30 | Approved | Public Hearing on RZ 2011-LE-019 (Clifton N. Morris, Jr. and Stephen L. Morris) to Rezone from R-1 and HC to R-12 and HC to Permit Residential Development at a Density of 9.82 Dwelling Units per Acre and a Waiver of the Minimum District (Lee District) |
| 3:30 | Deferred to 2/28/12
at 3:30 p.m. | Public Hearing on SE 2011-MV-006 (Hamdi H. Eslaquit D/B/A Hamdi's Child Care and Selim M. Eslaquit) to Permit a Home Child Care Facility with a Maximum of 10 Children (Mount Vernon District) |
| 3:30 | Approved | Public Hearing on RZ 2011-PR-021 (Page Annandale Road Associates, L.L.C.) to Rezone from C-5 and HC to C-8 and HC to Permit Vehicle Sales, Rental, and Ancillary Service Establishment (Providence District) |
| 3:30 | Approved | Public Hearing on SE 2011-PR-007(Page Annandale Road Associates, L.L.C.) to Permit a Vehicle Sale, Rental and Ancillary Service Establishment in a Highway Corridor Overlay District (Providence District) |
| 4:00 | Approved | Public Hearing on SEA 2007-SP-001(Costco Wholesale Corporation) to Amend SE 2007-SP-001 Previously Approved for a Retail Sales Establishment-Large to Permit the Option for a Service Station and Associated Modifications to Site Design and Development Conditions (Springfield District) |
| 4:00 | Approved | Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Planned Development District Recreational Fees |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
January 10, 2012**

**PUBLIC HEARINGS
(Continued)**

4:00	Approved	Public Hearing to Consider Adopting an Ordinance to Establish the Polo Fields Residential Permit Parking District, District 43 (Hunter Mill District)
4:00	Approved	Public Hearing to Expand the Zion Community Parking District (Braddock District)
4:00	Deferred to 2/28/12 at 4:30 p.m.	Public Hearing on PRC A-502-02 (Fairways I Residential, L.L.C. and Fairways II Residential, L.L.C.) to Approve a PRC Plan Associated with RZ A-502 to Redevelop Existing Multi-Family Dwellings with Single-Family Attached and Multi-Family Dwellings and Bonus Density for Providing ADUs, Located on Approximately 18.82 Acres Zoned PRC, Hunter Mill District
4:30	Approved	Public Hearing on Amendments to Chapter 62 (Fire Protection) of The Code of the County of Fairfax, Virginia
4:30	Approved	Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
January 10, 2012

9:30 a.m.

SPORTS/SCHOOLS

- CERTIFICATE – To recognize the Reston National Little League Team for winning the state tournament. Requested by Supervisor Hudgins.
- CERTIFICATE – To recognize Phyllis Pearce for 21 years of service as the Herndon High School field hockey coach. Requested by Supervisor Foust.
- CERTIFICATE – To recognize the Hidden Pond Envirothon team for its participation and placement in the Canon National Competition held in Canada. Requested by Supervisor Herrity.

RECOGNITIONS

- CERTIFICATE – To recognize the owners of the Stony Brook apartments for their environmentally responsible renovations and contributions to the Buckman Road neighborhood. Requested by Supervisor McKay.
- CERTIFICATE – To designate January 10, 2012, as Suzanne Harsel Day in the Braddock District and recognize her for her years of service to Fairfax County. Requested by Chairman Bulova and Supervisor Cook.

STAFF:

Merni Fitzgerald, Director, Office of Public Affairs
Bill Miller, Office of Public Affairs

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Board Agenda Item
January 10, 2012

10:30 a.m.

Board Organization and Appointments of Board Members to Various Regional and Internal Boards and Committees

ENCLOSED DOCUMENTS:

Attachment 1 - Listing of Interjurisdictional Committees and Inter- and Intra-Governmental Boards and Committees for Calendar Year 2012

STAFF:

Catherine A. Chianese, Assistant County Executive/Clerk to the Board of Supervisors

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**INTERJURISDICTIONAL COMMITTEES AND INTER- AND INTRA-
GOVERNMENTAL BOARDS AND COMMITTEES FOR CALENDAR
YEAR 2012 (Revised)**

INTERJURISDICTIONAL COMMITTEES

ALEXANDRIA

Gerald Hyland, Chairman
Sharon Bulova
Penelope Gross
Jeffrey McKay

ARLINGTON

Penelope Gross, Chairman
Sharon Bulova
John Foust
Linda Smyth

DISTRICT OF COLUMBIA

Sharon Bulova
Gerald Hyland
Jeffrey McKay
Linda Smyth

FAIRFAX CITY

John Cook, Chairman
Sharon Bulova
Linda Smyth

FALLS CHURCH

Penelope Gross, Chairman
Sharon Bulova
John Foust
Linda Smyth

**FORT BELVOIR (Board of Advisors/Base Realignment and
Closure)**

Sharon Bulova
Patrick Herrity
Gerald Hyland
Jeffrey McKay

HERNDON

John Foust, Chairman
Sharon Bulova
Catherine Hudgins

LOUDOUN COUNTY

Michael Frey, Chairman
Sharon Bulova
John Foust
Catherine Hudgins

PRINCE WILLIAM

(includes UOSA, City of Manassas, and City of Manassas Park)
Michael Frey, Chairman
Patrick Herrity
Sharon Bulova
Gerald Hyland

VIENNA

Catherine Hudgins, Chairman
Sharon Bulova
John Foust
Linda Smyth

INTERGOVERNMENTAL BOARDS AND COMMITTEES

(including Federal and State)

COMMUNITY CRIMINAL JUSTICE BOARD

Gerald Hyland

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
(COG)**

COG BOARD OF DIRECTORS

Sharon Bulova, Principal
John Foust, Principal
Penelope Gross, Principal
Michael Frey, Alternate
Patrick Herrity, Alternate
Catherine Hudgins, Alternate

**COG METROPOLITAN WASHINGTON AIR QUALITY
COMMITTEE**

Sharon Bulova, Principal
John Cook, Principal
Linda Smyth, Principal
Gerald Hyland, Alternate (for any member)

**COG CHESAPEAKE BAY AND WATER RESOURCES
POLICY COMMITTEE**

Penelope Gross, Principal
Gerald Hyland, Principal

**COG CLIMATE, ENERGY AND ENVIRONMENTAL
POLICY COMMITTEE**

Penelope Gross – Principal
Kambiz Agazi (Staff) - Principal

COG EMERGENCY PREPAREDNESS COUNCIL

John Foust, Principal

**COG HUMAN SERVICES AND PUBLIC SAFETY
COMMITTEE**

Penelope Gross
Catherine Hudgins

COG REGION FORWARD COMMITTEE

Sharon Bulova, Principal
John Cook, Principal
Michael Frey, Principal

**COG TASK FORCE ON REGIONAL WATER SUPPLY
ISSUES**

Penelope Gross

**COG NATIONAL CAPITAL REGION TRANSPORTATION
PLANNING BOARD**

Catherine Hudgins, Principal
Linda Smyth, Principal
Sharon Bulova, Alternate
Patrick Herrity, Alternate

CLEAN AIR PARTNERS

to be determined

COLUMBIA PIKE TRANSIT INITIATIVE POLICY COMMITTEE

Sharon Bulova
Penelope Gross

FAIRFAX PARTNERSHIP FOR YOUTH, INCORPORATED

John Foust
Michael Frey

GEORGE MASON UNIVERSITY FAIRFAX CAMPUS ADVISORY BOARD

Sharon Bulova
John Cook

INOVA HEALTH CARE SERVICES BOARD

Michael Frey
Gerald Hyland

INOVA HEALTH SYSTEMS BOARD

Penelope Gross

METROPOLITAN WASHINGTON AIR QUALITY COMMITTEE (MWAQC)- formerly Clean Air Partners

NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

Sharon Bulova
John Cook
Penelope Gross
Patrick Herrity
Catherine Hudgins
Jeffrey McKay
Linda Smyth

NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC)

(including WMATA and VRE Representatives)
Sharon Bulova, Principal (VRE Operation)
John Cook, Principal (VRE Operation)
John Foust
Catherine Hudgins, Principal (WMATA)
Jeffrey McKay (VRE Alternate)

PHASE I DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT COMMISSION

Sharon Bulova, Chairman
John Foust
Catherine Hudgins
Linda Smyth

PHASE II DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT COMMISSION

Sharon Bulova
John Foust
Catherine Hudgins

POTOMAC WATERSHED ROUNDTABLE

Penelope Gross

ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT DISTRICT COMMISSION

Sharon Bulova
John Foust
Michael Frey
Catherine Hudgins

VACo BOARD OF DIRECTORS (REGIONAL DIRECTORS)

Sharon Bulova
Penelope Gross (Secretary/Treasurer)
Catherine Hudgins (President)
Gerald Hyland
Jeffrey McKay
Linda Smyth

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)

(Appointed by NVTC. The Board of Supervisors makes recommendations for consideration.)
Catherine Hudgins, Principal

INTRAGOVERNMENTAL AND OTHER COMMITTEES

50+ COMMITTEE

(Committee of the Whole)
Patrick Herrity, Chairman
John Cook, Vice-Chairman

AUDIT COMMITTEE

John Foust, Chairman
Sharon Bulova
Michael Frey
Patrick Herrity

BOARD PROCEDURES COMMITTEE

Penelope Gross, Chairman
Michael Frey, Co-Chairman

BUDGET POLICY COMMITTEE

(Committee of the Whole)
Sharon Bulova, Chairman
John Foust, Vice-Chairman

COMMUNITY REVITALIZATION AND REINVESTMENT COMMITTEE

(Committee of the Whole)
Gerald Hyland, Co-Chairman
Jeffrey McKay, Co-Chairman

DEVELOPMENT PROCESS COMMITTEE

(Committee of the Whole)

Michael Frey, Chairman

Penelope Gross, Vice-Chairman

ECONOMIC ADVISORY COMMITTEE

(Committee of the Whole)

John Foust, Chairman

Patrick Herrity, Vice-Chairman

ENVIRONMENTAL COMMITTEE

(Committee of the Whole)

Penelope Gross, Chairman

HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

(Committee of the Whole)

Catherine Hudgins, Chairman

John Foust, Vice-Chairman

HUMAN SERVICES COMMITTEE

(Committee of the Whole)

Catherine Hudgins, Chairman

Penelope Gross, Vice-Chairman

INFORMATION TECHNOLOGY COMMITTEE

(Committee of the Whole)

Linda Smyth, Chairman

Catherine Hudgins, Vice-Chairman

LEGISLATIVE COMMITTEE

(Committee of the Whole)

Jeffrey McKay, Chairman

PERSONNEL AND REORGANIZATION COMMITTEE

(Committee of the Whole)

Penelope Gross, Chairman

Linda Smyth, Vice-Chairman

PUBLIC SAFETY COMMITTEE

(Committee of the Whole)

Gerald Hyland, Chairman

TRANSPORTATION COMMITTEE

(Committee of the Whole)

Jeffrey McKay, Chairman

John Foust, Vice-Chairman

Catherine Hudgins, Vice-Chairman

Board Agenda Item
January 10, 2012

10:40 a.m.

Items Presented by the County Executive

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ADMINISTRATIVE - 1

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Regarding Editorial and Minor Revisions

ISSUE:

The proposed amendment makes clarifying and minor revisions as well as correcting inconsistencies and errors that have resulted from the adoption of previous Zoning Ordinance amendments.

RECOMMENDATION:

The County Executive recommends the advertisement of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:

Board action is requested on January 10, 2012, to provide sufficient time to advertise the proposed Planning Commission public hearing on February 23, 2012, at 8:15 p.m., and the proposed Board of Supervisors public hearing on March 20, 2012 at 4:00 p.m.

BACKGROUND:

The proposed amendment is on the 2011 Priority 1 Zoning Ordinance Amendment Work Program and makes clarifying and minor revisions as well as correcting inconsistencies and errors that have resulted from the adoption of previous Zoning Ordinance amendments. Specifically, the amendment:

- (1) Revises Sect. 2-506 to allow rooftop guardrails as required by the Virginia Uniform Statewide Building Code for safety reasons to be excluded from the building height.
- (2) Revises Par. 6 of Sect. 10-103 to allow for a substitute child care provider to operate a home child facility in the absence of the provider for up to 240 hours per calendar year in accordance with Chapter 30 of the Fairfax County Code and/or Title 63.2 Chapter 17 of the Code of Virginia.
- (3) Reduces the special exception filing fee for home child care facilities in the PDH, PDC, PRM and PTC Districts from \$16,375 to \$1100.
- (4) Removes the maximum allowable 5 horsepower limitation for lawnmowers that can be repaired and serviced in a repair service establishment.

Board Agenda Item
January 10, 2012

- (5) Replaces the reference to “mentally retarded” persons with the term “intellectually disabled” in the group residential facility definition, and replaces the term “mental retardation facilities” in the medical care facility definition with “intellectual disability care facilities”.
- (6) Revises Par. 5 of Sect. 6-308 to clarify that the preceding Par. 3 does not apply to certain bonus units, bonus floor area, affordable dwelling units and workforce dwelling units.
- (7) Revises Par. 1A of Sect. 8-924 to clarify that the paragraph is referring to residential districts.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:

The proposed amendment enhances existing regulations, by providing clarification, resolving inconsistencies, and updating the Zoning Ordinance.

FISCAL IMPACT:

The proposed amendment will not require any additional review by staff or cost to the public and, as such, there will be no fiscal impact to applicants or staff.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Cathy S. Belgin, Senior Assistant to the Zoning Administrator, DPZ

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center Building, Fairfax, Virginia, on January 10, 2012, at which meeting a quorum was present and the following resolution was adopted:

WHEREAS, a few inconsistencies have resulted from the adoption of previous Zoning Ordinance amendments, and

WHEREAS, it is desirable to clarify the original intent and meaning of certain Zoning Ordinance provisions and to update certain provisions based on current practices and industry standards, and

WHEREAS, the public necessity, convenience, general welfare, and good zoning practice require consideration of the proposed revisions to Chapter 112 (Zoning Ordinance) of the County Code.

NOW THEREFORE BE IT RESOLVED, for the foregoing reasons and as further set forth in the Staff Report, the Board of Supervisors authorizes the advertisement of the proposed Zoning Ordinance amendment as recommended by staff.

A Copy Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors



STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Editorial and Minor Revisions

PUBLIC HEARING DATES

Planning Commission

February 23, 2012 at 8:15 p.m.

Board of Supervisors

March 20, 2012 at 4:00 p.m.

**PREPARED BY
ZONING ADMINISTRATION DIVISION
DEPARTMENT OF PLANNING AND ZONING
703-324-1314**

January 10, 2012

CSB



Americans With Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

STAFF COMMENT

The proposed amendment is on the 2011 Priority 1 Zoning Ordinance Amendment Work Program, corrects inconsistencies and errors that have resulted from the adoption of previous Zoning Ordinance amendments and makes other clarifying and minor revisions.

Exclusion of Certain Rooftop Guardrails from Building Height

Under Sect. 2-506 of the Zoning Ordinance certain rooftop structures are excluded from maximum building height restrictions, including parapet walls that do not exceed 3 feet in height. Parapet walls are provided on the perimeter of the building, protect the edge of the roof and help screen other rooftop structures. Guard rails around rooftop spaces with public access can function similarly to parapet walls; however, for safety reasons, the Virginia Uniform Statewide Building Code requires 3 ½ foot tall guardrails to be provided around public rooftop spaces. Although such guardrails are included in building height under the current regulations, due to safety reasons the current practice is to exclude guardrails from building height. As more rooftop recreational activities are being provided, and more green roofs are being constructed for environmental purposes, there will be an increased need for rooftop guardrails. Given the increased rooftop activity and the Building Code requirement, staff believes it appropriate to exempt certain rooftop guardrails from the building height requirements. As such, the proposed amendment codifies the existing practice and revises Sect. 2-506 to allow rooftop guardrails as required by the Building Code to be excluded from the building height.

Home Child Care Facilities Substitute Care Providers

Pursuant to the use limitations for home child care facilities contained in Par. 6B of Sect. 10-103 of the Zoning Ordinance, a home child care facility must be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider must be on the premises while the home child care facility is in operation. As written, this provision prohibits the home child care facility from operating at such times as the provider may take a vacation or for other nonemergency reasons not be present on the property during business hours. This presents a challenge to home child care providers if their business must be closed every time the operator needs to be away from the premises. Title 63.2, Chapter 17 of the *Code of Virginia*, which governs home child care facilities that provide care for more than 5 children, allows for a substitute provider to operate the facility for up to 240 hours per year in place of the owner/resident/provider, to accommodate vacation and other necessary absences.

Home child care facilities that provide care for 5 or fewer children are regulated by Chapter 30 of the County Code. A concurrent proposed amendment to Chapter 30 will allow substitute care for home child care facilities of up to 5 children. The proposed Zoning Ordinance and Chapter 30 amendments would align the County regulations with the State regulations already in effect and would allow home child care facilities to operate with a substitute care provider to accommodate reasonable absences of the resident care provider.

Home Child Care Facility Special Exception Application Fee

In the PDH, PDC, PRM and PTC Districts, a home child care facility is permitted by right if depicted on an approved development plan, or otherwise by special exception approval. Under the current fee structure in Sect. 18-106 of the Zoning Ordinance, the application fee for a special exception request for a home child care center in the PDH, PDC, PRM and PTC Districts is \$16,375, whereas the special exception application fee for a child care center with up to 100 students in the same zoning districts is \$1100. In all other districts where special permit approval is required to establish a home child care facility, the special permit application filing fee is \$1100. In order to be consistent with the application fee for home child care facilities requiring special permit approval and smaller child care facilities in the P districts, the proposed amendment reduces the special exception application fee for home child care facilities from \$16,375 to \$1100.

Repair Service Establishments

The Board requested staff to review the maximum allowable horsepower of lawnmowers that can be repaired and serviced in a repair service establishment. Under the current Zoning Ordinance definition, a repair service establishment is limited to 5000 square feet of net floor area wherein the primary occupation is the repair and general service of common home appliances, including lawnmowers not exceeding 5 horsepower. Further, it provides that a repair service establishment use no more than 3 vehicles that are not passenger cars.

The appropriateness of the 5 horsepower limitation has recently been questioned given that many lawnmowers currently contain engines with more than 5 horsepower. It is also recognized that riding lawnmowers have become increasingly more common as standard homeowner equipment. Staff research has found that currently manufactured push lawnmowers contain engines with 5 to 7 horsepower, and manufactured riding lawnmowers typically have engines with 20 to 25 horsepower.

The above discussion calls into question whether the current repair service establishment definition should be revised to reflect the higher horsepower ratings that are commonly found in residential lawnmowers. In response, staff reviewed the definition and the other applicable zoning regulations. As noted above, the repair service definition limits the size of the establishment, the kinds of appliances that can be repaired, and the number of non-passenger vehicles associated with the use. Repair services establishments are permitted by right in the C-5, C-6, C-7, C-8 and C-9 commercial retail districts subject to use limitations. One of the use limitations within these districts precludes the outdoor storage or outdoor repair of any appliance/equipment associated with a repair service establishment.

Staff believes that the existing definition and use limitations adequately limit the kinds of repair work that can take place in a repair service establishment, including lawnmower repair, and the 5 horsepower limitation for lawnmowers is unnecessary. As such, the proposed amendment deletes the 5 horsepower limitation for lawnmowers in the repair service definition.

Editorial Revisions

- On July 23, 1990, the Board adopted Zoning Ordinance Amendment ZO-90-193 which was a major revision of the affordable dwelling unit provisions. At that time, Par. 5 of 6-308 of the Zoning Ordinance was adopted with an error as the paragraph only references previous Paragraphs 1 and 4, but it was the intent to also reference Paragraph 3. The amendment revises Par. 5 of Sect. 6-308 to clarify that the preceding Par. 3 does not apply to certain bonus units, bonus floor area, affordable dwelling units and workforce dwelling units.
- On November 20, 2006, the Board adopted ZO-06-391 which established a special permit for certain additions to an existing single family dwelling when the existing dwelling extends in a minimum required yard by more than 50% and/or is closer than 5 feet to a lot line, by adding a new Sect. 8-924. The word “district” was inadvertently omitted from Par. 1A of Sect. 8-924. The proposed amendment revises Par. 1A to clarify that the paragraph is referring to residential districts.
- The Board requested staff to replace all references to “mental retardation” in the Zoning Ordinance with references to “intellectual disabilities” as this is more in keeping with the currently accepted terminology. The group residential facility definition contains several such references which are being updated. Additionally, the phrase “mental retardation facility” is contained in the medical care facility definition, and the proposed amendment replaces this phrase in the definition with “intellectual disability care facility”.

Conclusion

The proposed amendment clarifies certain provisions, corrects certain inconsistencies, and provides for a few minor revisions to the Zoning Ordinance. Staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of January 10, 2012 and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

1 **Amend Article 2, General Regulations, Part 5, Qualifying Use, Structure Regulations,**
 2 **Sect. 2-506, Structures Excluded From Maximum Height Regulations, by adding a new Par. 3**
 3 **to read as follows:**

- 4
 5 3. Rooftop guardrails required by the Virginia Uniform Statewide Building Code for safety
 6 reasons shall be excluded from building height.

7
 8
 9 **Amend Article 6, Planned Development District Regulations, Part 3, PRC Planned Residential**
 10 **Community District, Sect. 6-308, Maximum Density, by revising Par. 5 to read as follows:**

- 11
 12 5. The provisions of Paragraphs 1, 3 and 4 above shall not apply to affordable and market rate
 13 dwelling units which comprise the increased density pursuant to Part 8 of Article 2 or to
 14 proffered bonus market rate units and/or bonus floor area, any of which is associated with the
 15 provision of workforce dwelling units, as applicable.

16
 17
 18 **Amend Article 8, Special Permits, Part 9, Group 9 Uses Requiring Special Regulations,**
 19 **Sect. 8-924, Certain Additions to an Existing Single Family Detached Dwelling When the**
 20 **Existing Dwelling Extends into a Minimum Required Yard by More Than Fifty (50) Percent**
 21 **and/or is Closer Than Five (5) Feet to a Lot Line, by revising Par. 1A as follows:**

22
 23 The BZA may approve certain additions to an existing single family detached dwelling when the
 24 existing dwelling extends into a minimum required yard by more than fifty (50) percent and/or is
 25 closer than five (5) feet to a lot line, but only in accordance with the following:

- 26
 27 1. Only the following yard requirements shall be subject to such special permit:
 28
 29 A. Minimum required yards, as specified in the residential districts in Article 3, provided
 30 such yards are not subject to proffered conditions or development conditions related to
 31 yards and/or such yards are not depicted on an approved special exception plat, special
 32 permit plat or variance plat or on a proffered generalized development plan.

33 **Amend Article 10, Accessory Uses, Accessory Service Uses, and Home Occupations, Part 1,**

1 **Accessory Uses and Structures, Sect. 10-103, Use Limitations, by revising Par. 6B as follows:**

2
3 6. The following use limitations shall apply to home child care facilities:

4
5 B. A home child care facility shall be operated by the licensed or permitted home child care
6 provider within the dwelling that is the primary residence of such provider, and except for
7 emergency situations, such provider shall be on the premises while the home child care
8 facility is in operation. Notwithstanding the above, a substitute care provider may operate
9 a home child care facility in the absence of the provider for a maximum of 240 hours per
10 calendar year.

11
12
13 **Amend Article 18, Administration, Amendments, Violations, and Penalties, Part 1,**
14 **Administration, Sect. 18-106, Application and Zoning Compliance Letter Fees, by revising the**
15 **Category 3 Special Exception Application filing fee set forth in Par. 1 to read as follows:**

16
17 All appeals and applications as provided for in this Ordinance and requests for zoning compliance
18 letters shall be accompanied by a filing fee in the amount to be determined by the following
19 paragraphs unless otherwise waived by the Board for good cause shown; except that no fee shall be
20 required where the applicant is the County of Fairfax or any agency, authority, commission or other
21 body specifically created by the County, State or Federal Government. All fees shall be made
22 payable to the County of Fairfax. Receipts therefore shall be issued in duplicate, one (1) copy of
23 which receipt shall be maintained on file with the Department of Planning and Zoning.

24
25 1. Application for a variance, appeal, special permit or special exception:

26 Application for a:

27 Category 3 special exception

- 28 • Child care centers, nursery schools and private schools which have an \$1100
29 an enrollment of less than 100 students daily, churches, chapels, temples,
30 synagogues and other such places of worship with a child care center,
31 nursery school or private school which has an enrollment of less than
32 100 students daily, home child care facilities
- 33 • Churches, chapels, temples, synagogues and other such places of \$11025
34 worship with a child care center, nursery school or private school which
35 has an enrollment of 100 or more students daily
- 36 • All other uses \$16375

37
38
39 **Amend Article 20, Ordinance Structure, Interpretations, and Definitions, Part 3, Definitions,**
40 **by revising the Group Residential Facility, Medical Care Facility and Repair Service**
41 **Establishment definitions to read as follows:**

42
43 **GROUP RESIDENTIAL FACILITY:** A group home or other residential facility, with one or more
44 resident counselors or other staff persons, in which no more than: (a) eight (8) mentally ill, ~~mentally~~

1 ~~retarded~~ intellectually disabled or developmentally disabled persons reside and such home is
 2 licensed by the Virginia Department of Behavioral Health and Developmental Services; or (b) eight
 3 (8) ~~mentally retarded~~ intellectually disabled persons or eight (8) aged, infirm or disabled persons
 4 reside and such home is licensed by the Virginia Department of Social Services; or (c) eight (8)
 5 handicapped persons reside, with handicapped defined in accordance with the Federal Fair Housing
 6 Amendments Act of 1988. The terms handicapped, mental illness and developmental disability shall
 7 not include current illegal use or addiction to a controlled substance as defined in Sect. 54.1-3401 of
 8 the Code of Virginia or as defined in Sect. 102 of the Controlled Substance Act (21 U.S.C. 802).

9 For the purpose of this Ordinance, a group residential facility shall not be deemed a group
 10 housekeeping unit, or ASSISTED LIVING FACILITY and a dwelling unit or facility for more than
 11 four (4) persons who do not meet the criteria set forth above or for more than eight (8) handicapped,
 12 mentally ill, ~~mentally retarded~~ intellectually disabled or developmentally disabled persons shall be
 13 deemed a CONGREGATE LIVING FACILITY.
 14

15 MEDICAL CARE FACILITY: Any institution, place, building, or agency, whether or not licensed
 16 or required to be licensed by the State Board of Health or the State Hospital Board, by or in which
 17 facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or
 18 treatment of human disease, pain, injury, deformity or physical condition, whether medical or
 19 surgical, of two (2) or more non-related mentally or physically sick or injured persons, or for the
 20 care of two (2) or more non-related persons requiring or receiving medical, surgical or nursing
 21 attention or service as acute, chronic, convalescent, aged, physically disabled, or crippled; including
 22 but not limited to general hospitals, sanatorium, sanitarium, assisted living facility, nursing home,
 23 intermediate care facility, extended care facility, mental hospital, ~~mental retardation~~ intellectual
 24 disability care facility, medical schools and other related institutions and facilities, whether operated
 25 for profit or nonprofit, and whether privately owned or operated by a local government unit. This
 26 term shall not include a physician's office, first aid station for emergency medical or surgical
 27 treatment, medical laboratory, CONGREGATE LIVING FACILITY, GROUP RESIDENTIAL
 28 FACILITY, or INDEPENDENT LIVING FACILITY.
 29

30 REPAIR SERVICE ESTABLISHMENT: Any establishment containing no more than 5000 square
 31 feet of net floor area wherein the primary occupation is the repair and general service of common
 32 home appliances such as musical instruments, sewing machines, televisions and radios, washing
 33 machines, vacuum cleaners, power tools, electric razors, refrigerators, and lawnmowers ~~not~~
 34 ~~exceeding five (5) horsepower~~; or any establishment wherein the primary occupation is interior
 35 decorating services which include reupholstering and/or the making of draperies, slipcovers and
 36 similar articles, but not to include furniture or cabinet-making establishments. Repair service
 37 establishments shall not include the use of more than three (3) vehicles other than passenger cars.

Board Agenda Item
January 10, 2012

ADMINISTRATIVE – 2

Extension of Review Periods for 2232 Review Applications (Mount Vernon, Springfield, and Sully 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: application FSA-V08-7-1 to March 16, 2012; application 2232A-S05-4-1 to March 17, 2012; application FSA-S99-12-1 to March 23, 2012; application 456A-Y94-7-1 to March 25, 2012; and application FS-S11-39 to July 20, 2012.

TIMING:

Board action is required on January 10, 2012, 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 period for applications FSA-V08-7-1, 2232A-S05-4-1, FSA-S99-12-1, and 456A-Y94-7-1 which were accepted for review by the Department of Planning and Zoning (DPZ) between October 4, 2011 and October 27, 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
January 10, 2012

The Board should extend the review period for application FS-S11-39 which was accepted for review by the DPZ on November 21, 2011. This application is for a non-telecommunication public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days. The review periods for the following applications should be extended:

- | | |
|---------------|---|
| FS-S11-39 | Dominion Virginia Power
Power line improvements
5400 Ox Road, Fairfax Station
Springfield District |
| FSA-V08-7-1 | AT&T Mobility Corporation
Antenna collocation on building rooftop
8009 Fort Hunt Road, Alexandria
Mount Vernon District |
| 2232A-S05-4-1 | AT&T Mobility Corporation
Antenna collocation on existing monopole
12700 Popes Head Road, Clifton
Springfield District |
| FSA-S99-12-1 | AT&T Mobility Corporation
Antenna collocation on existing monopole
8234 Roseland Drive, Fairfax Station
Springfield District |
| 456A-Y94-7-1 | Sprint
Antenna collocation on existing monopole
14005 Vernon Street, Chantilly
Sully 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

Board Agenda Item
January 10, 2012

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Chris B. Caperton, Chief, Facilities Planning Branch, Planning Division, DPZ

Sandi M. Beaulieu, Planner, Facilities Planning Branch, Planning Division, DPZ

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ADMINISTRATIVE – 3

Streets into the Secondary System (Hunter Mill, Lee, Mason, Mount Vernon, Providence, Springfield, and Sully 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>
Arthur Shipe, Trustee (Good Shepherd Lutheran Church)	Hunter Mill	Leesburg Pike (Route 7) (Additional Right-of-Way (ROW) Only)
		Reston Avenue (Route 7917) (Additional ROW Only)
Highgrove Estates Section 9	Lee	Deer Ridge Trail (Route 10189)
Arlington-Virginia Federal Credit Union	Mason	Spring Lane (Route 2988) (Additional ROW Only)
Lorton Station Boulevard (Phase II) Lorton Town Center	Mount Vernon	Lorton Station Boulevard (Route 7768)
		Pohick Road (Route 638) (Additional ROW Only)
Mount Vernon Walk	Mount Vernon	Old Mount Vernon Road (Route 623) (Additional ROW Only)
Lupo Property	Providence	Jawed Place
		Gallows Road (Route 650) (Additional ROW Only)
		Idylwood Road (Route 695) (Additional ROW Only)

Board Agenda Item
January 10, 2012

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Lupo Property	Providence	Elm Place (Route 974) (Additional ROW Only)
Madrillon Farms Lot 39	Providence	George Washington Road (Route 2794) (Additional ROW Only)
The Reserve at Tysons Corner	Providence	Capital Beltway (I-495) (Additional ROW Only)
		Gallows Road (Route 650) (Additional ROW Only)
St. Mark Coptic Church	Springfield	Braddock Road (Route 620) (Additional ROW Only)
Red Fox Plaza	Sully	Lee Jackson Memorial Highway (Route 50) (Additional ROW Only)

TIMING:
Routine.

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**

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

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.

REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.
PLAN NUMBER: 3642-SP-05
SUBDIVISION PLAT NAME: Lorton Station Boulevard (Phase II) "Lorton Town Center"
COUNTY MAGISTERIAL DISTRICT: Mount Vernon

ENGINEERING MANAGER: Terry Yates, P.E.

FOR OFFICIAL USE ONLY

BY: Nadia Alphonse

DATE OF VDOT INSPECTION APPROVAL: 09/30/2011

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Lorton Station Boulevard (Route 7768)	Existing Lorton Station Boulevard (Route 7768) - 3,632' NE CL Lorton Road (Route 642)	2,015' NE to CL Pohick Road (Route 638) - 603' NW CL Pollen Street (Route 3304)	0.38
Pohick Road (Route 638) (Additional Right-of-Way Only)	143' NW CL Pollen Street (Route 3304)	671' NW to Section Line	0.0
NOTES:			TOTALS:
Lorton Station Boulevard:			0.38
* North Side: 5' Concrete Sidewalk to be maintained by VDOT, Special Pavers to be maintained by Fairfax County.			
* South Side: 8' Asphalt Trail to be maintained by Fairfax County.			

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

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

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

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.

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

ENGINEERING MANAGER: Terry Yates, P.E.

PLAN NUMBER: 9413-SD-01-2
SUBDIVISION PLAT NAME: Mount Vernon Walk
COUNTY MAGISTERIAL DISTRICT: Mount Vernon

BY: *Nadia Alpheny*

FOR OFFICIAL USE ONLY
DATE OF VDOT INSPECTION APPROVAL: 10/14/2011

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Old Mount Vernon Road (Route 623) (Additional ROW Only)	500' N CL Adrienne Drive (Route 3124)	266' N to the section line.	0.0
NOTES:			TOTALS:
60' of 4' sidewalk on W side to be maintained by Fairfax County.			0.0

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

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

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

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.

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

ENGINEERING MANAGER: Terry Yates, P.E.

FOR OFFICIAL USE ONLY

BY: *Widia Alphonsi*

DATE OF VDOT INSPECTION APPROVAL: 10/18/2011

PLAN NUMBER: 0758-SD-01

SUBDIVISION PLAT NAME: Lupo Property

COUNTY MAGISTERIAL DISTRICT: Providence

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Jawed Place	CL Elm Street (Route 974) - 464' SE CL Gallows Road (Route 650)	595' SW to End of Cul-de-Sac	0.11
Gallows Road (Route 650) (Additional Right-of-Way Only)	26' S CL Elm Place (Route 974)	469' S to Section Line	0.0
Idylwood Road (Route 695) (Additional Right-of-Way Only)	72' SE CL Gallows Road (Route 650)	514' SE to Section Line	0.0
Elm Street (Route 974) (Additional Right-of-Way Only)	68' SE CL Gallows Road (Route 650)	479' NW to Section Line	0.0
TOTALS:			0.11

NOTES:

Jawed Place: 1,190' of 5' Concrete Sidewalk on Both Sides to be maintained by VDOT.

Gallows Road: 450' of 8' Asphalt Trail on East Side to be maintained by Fairfax County.

Idylwood Road: 460' of 4' Asphalt Trail on North Side to be maintained by Fairfax County.

Elm Street: 475' of 5' Concrete Sidewalk on South 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 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: 2481-SP-06

SUBDIVISION PLAT NAME: The Reserve at Tysons Corner

COUNTY MAGISTERIAL DISTRICT: Providence

ENGINEERING MANAGER: Terry Yates, P.E.

FOR OFFICIAL USE ONLY

BY: *Widia Apphonz*

DATE OF VDOT INSPECTION APPROVAL: 11/04/2011

STREET NAME

LOCATION

**LENGTH
MILE**

FROM

TO

Capital Beltway (I-495)
(Additional Right-of-Way Only)

400' SE End of Leesburg Pike (Route 7) East Ramp to I-495 Southbound

550' SE to Section Line

0.0

Gallows Road (Route 650)
(Additional Right-of-Way Only)

740' NE CL Madron Lane (Route 1095)

373' NE to Section Line

0.0

NOTES:

Gallows Road: 373' of 8' Asphalt Trail on East Side to be maintained by Fairfax County.

TOTALS:

0.0

Board Agenda Item
January 10, 2012

ADMINISTRATIVE - 4

Approval of Traffic Calming Measures and Installation of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Mason and Dranesville Districts)

ISSUE:

Board endorsement of Traffic Calming plans and "\$200 Additional Fine for Speeding" signs, as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse a traffic calming plan for Glen Forest Drive (Attachment I), and Langley Farms (Attachment II) consisting of the following:

- Three Speed Humps on Glen Forest Drive (Mason District)
- One Speed Table on Chain Bridge Road (Dranesville District)
- One Speed Table on Waverly Way (Dranesville District)
- One Multi-Way Stop on Chain Bridge Road at Langley Lane (Dranesville District)
- One Multi-Way Stop on Waverly Way at Ridge Street (Dranesville District)

The County Executive further recommends that the Board approve a resolution (Attachment III) for the installation of "\$200 Additional Fine for Speeding" signs on Towlston Road between Leesburg Pike and Trap Road (Dranesville District).

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved measures as soon as possible.

TIMING:

Board action is requested on January 10, 2012.

BACKGROUND:

As part of the RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian

Board Agenda Item
January 10, 2012

crosswalks, all-way-stop, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. For Glen Forest Drive and for Langley Farms a traffic calming plan was developed by staff in concert with community representatives. The plans were subsequently submitted for approval to residents in the ballot areas from the adjacent communities. On November 17, 2011 (Glen Forest Drive), and on November 18, 2011 (Langley Farms) FCDOT received written verification from the appropriate local supervisors confirming community support.

Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Towlston Road between Leesburg Pike and Trap Road (Attachment IV) met the RTAP requirements for posting of the "\$200 Additional Fine for Speeding" signs. On November 2, 2011, FCDOT received written verification from the local supervisor confirming community support.

FISCAL IMPACT:

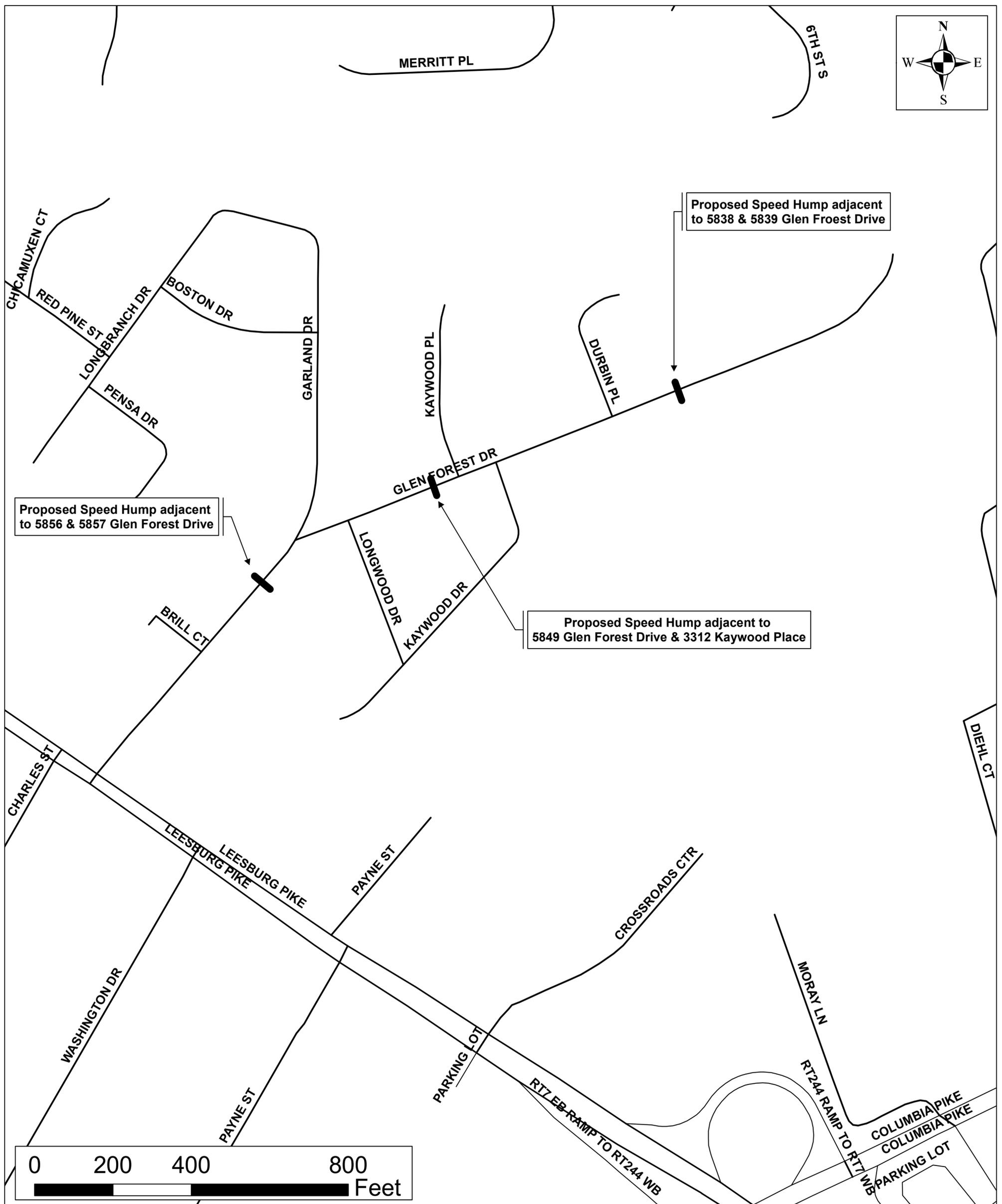
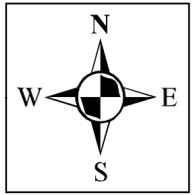
Funding in the amount of \$33,000 for the identified traffic calming measures is available in Fund 001, general fund, under Job Number 40TTCP and estimated cost of \$500.00 for the "\$200 Additional Fine for Speeding" signs is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Glen Forest Drive
Attachment II: Traffic Calming Plan for Langley Farms
Attachment III: "\$200 Additional Fine for Speeding" Signs Resolution –Towlston Road
Attachment IV: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs –
Towlston Road

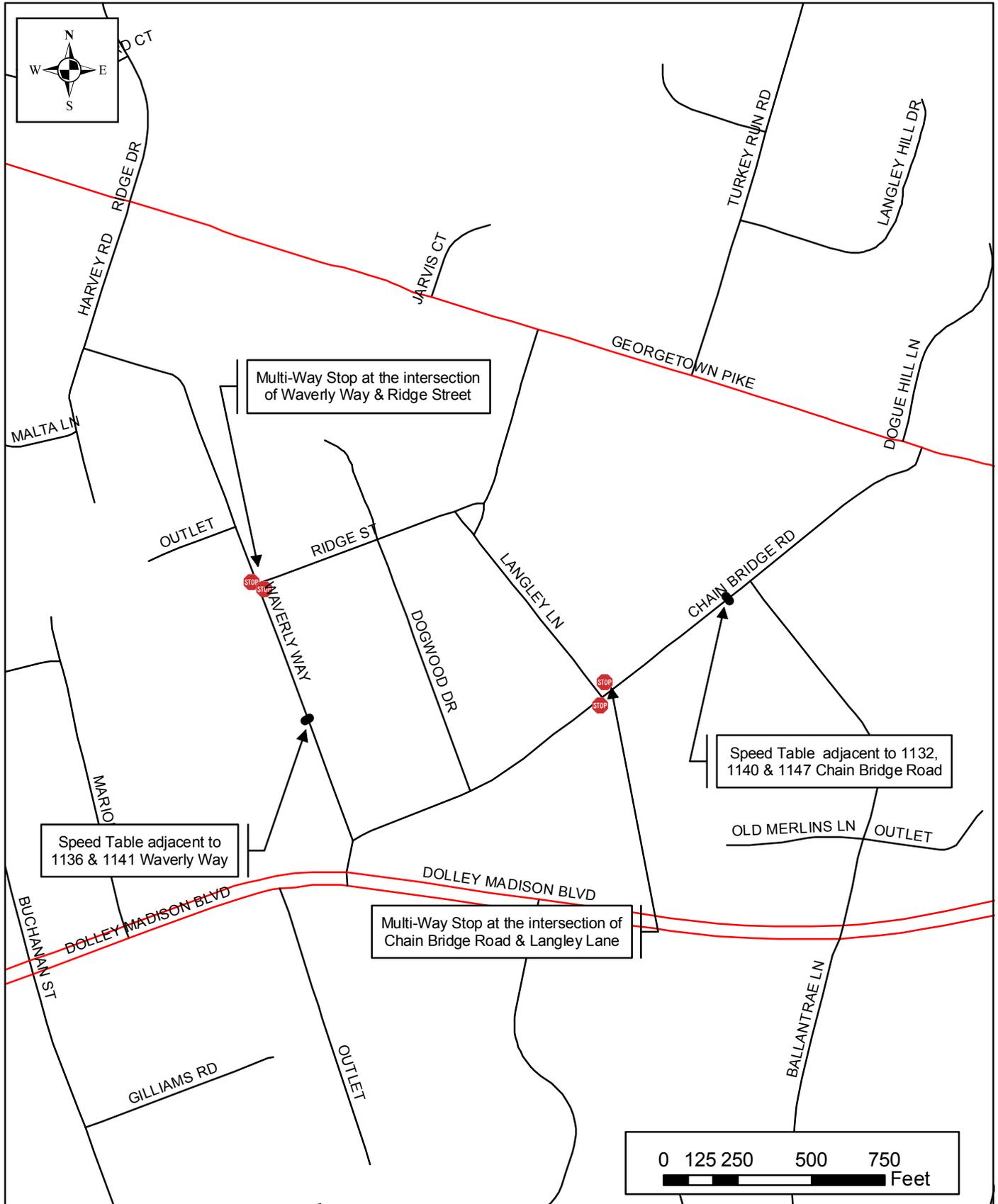
STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric M. Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Selby J. Thannikary, Chief, Traffic Operations Section, FCDOT



Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
TRAFFIC CALMING PLAN
GLEN FOREST DRIVE
Mason District





Fairfax County Department of Transportation
 Residential Traffic Administration Program (RTAP)
TRAFFIC CALMING PLAN
LANGLEY FARMS
Dranesville District



11/30/2011

TAX MAP: 21-4, 22-3, 30-2, 31-(46)



RESOLUTION

**FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
TOWLSTON ROAD BETWEEN LEESBURG PIKE AND
TRAP ROAD
(DRANESVILLE DISTRICT)**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, January 10, 2012, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Towlston Road between Leesburg Pike and Trap Road, such road also being identified as a Urban Collector; and

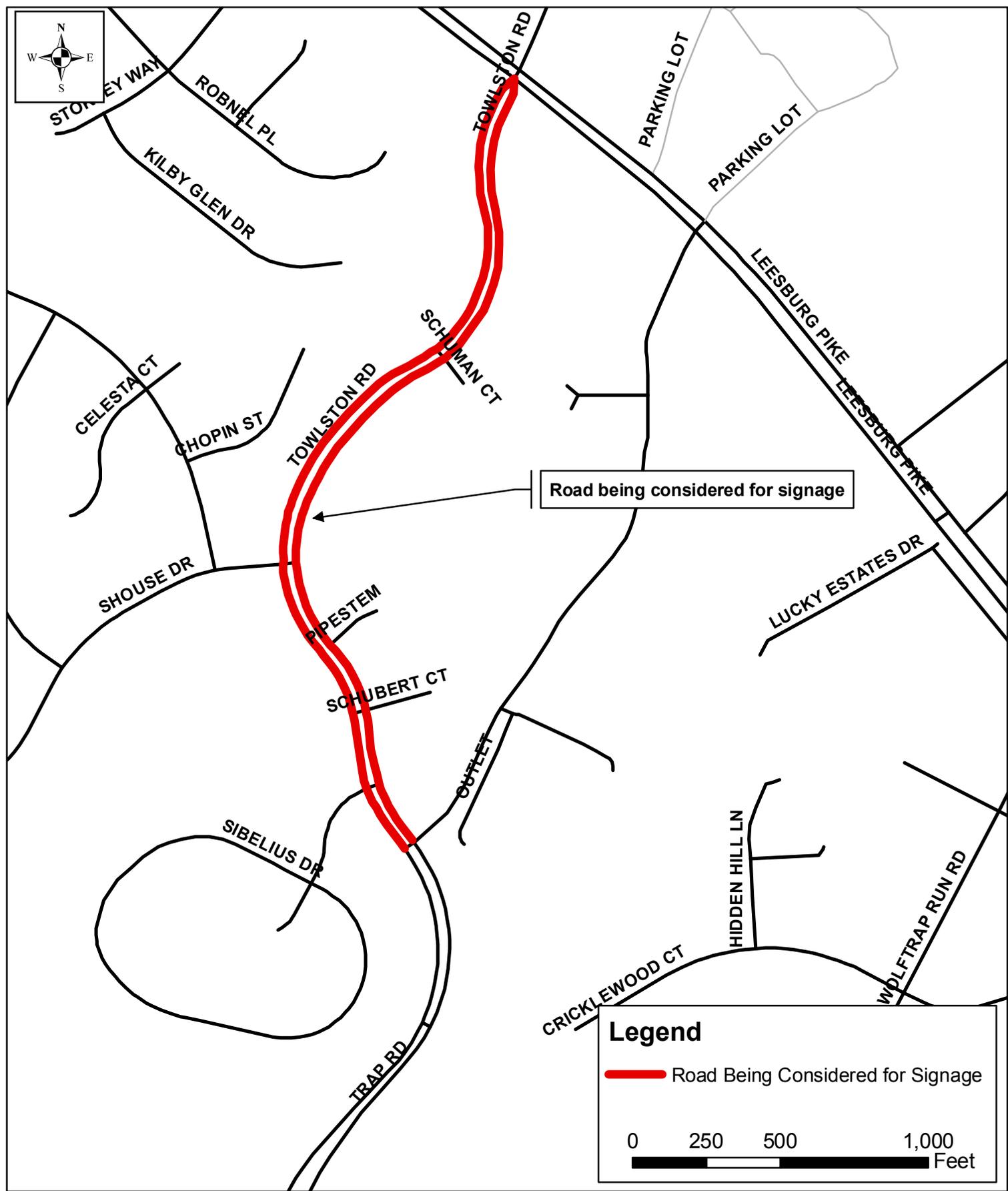
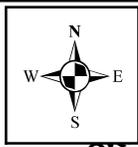
WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Towlston Road between Leesburg Pike Road and Trap Road.

NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Towlston Road between Leesburg Pike and Trap Road.

AND FURTHER, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding", and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

A Copy Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors



Road being considered for signage

Legend

 Road Being Considered for Signage

0 250 500 1,000
 Feet



Fairfax County Department of Transportation
 Residential Traffic Administration Program (RTAP)
PROPOSED \$200 FINE FOR SPEEDING
TOWLSTON ROAD
 Dranesville District



Board Agenda Item
January 10, 2012

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Convey a Portion of County-Owned Property to the Virginia Department of Transportation for the Telegraph Road Project (Lee District)

ISSUE:

Board authorization to advertise a 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 publish the advertisement of a public hearing.

TIMING:

Board action is requested for January 10, 2012, to provide sufficient time to advertise the proposed public hearing on February 28, 2012, at 4:30 p.m.

BACKGROUND:

The Board of Supervisors is the owner of two parcels of land identified as Tax Map Nos. 0912 09 H1 and 0921 01 0006.

The Virginia Department of Transportation ("VDOT") would like to acquire 1,014 square feet of land from parcel 0912 09 H1 and 1,682 square feet from parcel 0921 01 0006, as well as permanent and temporary easements to construct and maintain the Telegraph Road Project. This project is designed to improve a 0.2-mile segment of Telegraph Road from South Van Dorn Street to South Kings Highway with additional turn lanes and a raised median. VDOT is acting as project manager.

VDOT presented an offer of compensation of \$17,400 for the fee taking and easements. Since the project is 100 percent funded by the County through transportation bond funds approved by the voters, and the Commercial and Industrial property tax for transportation, the Department of Transportation recommends, and the Facilities Management Department concurs, that there should be no charge for the required land rights.

FISCAL IMPACT:

None.

Board Agenda Item
January 10, 2012

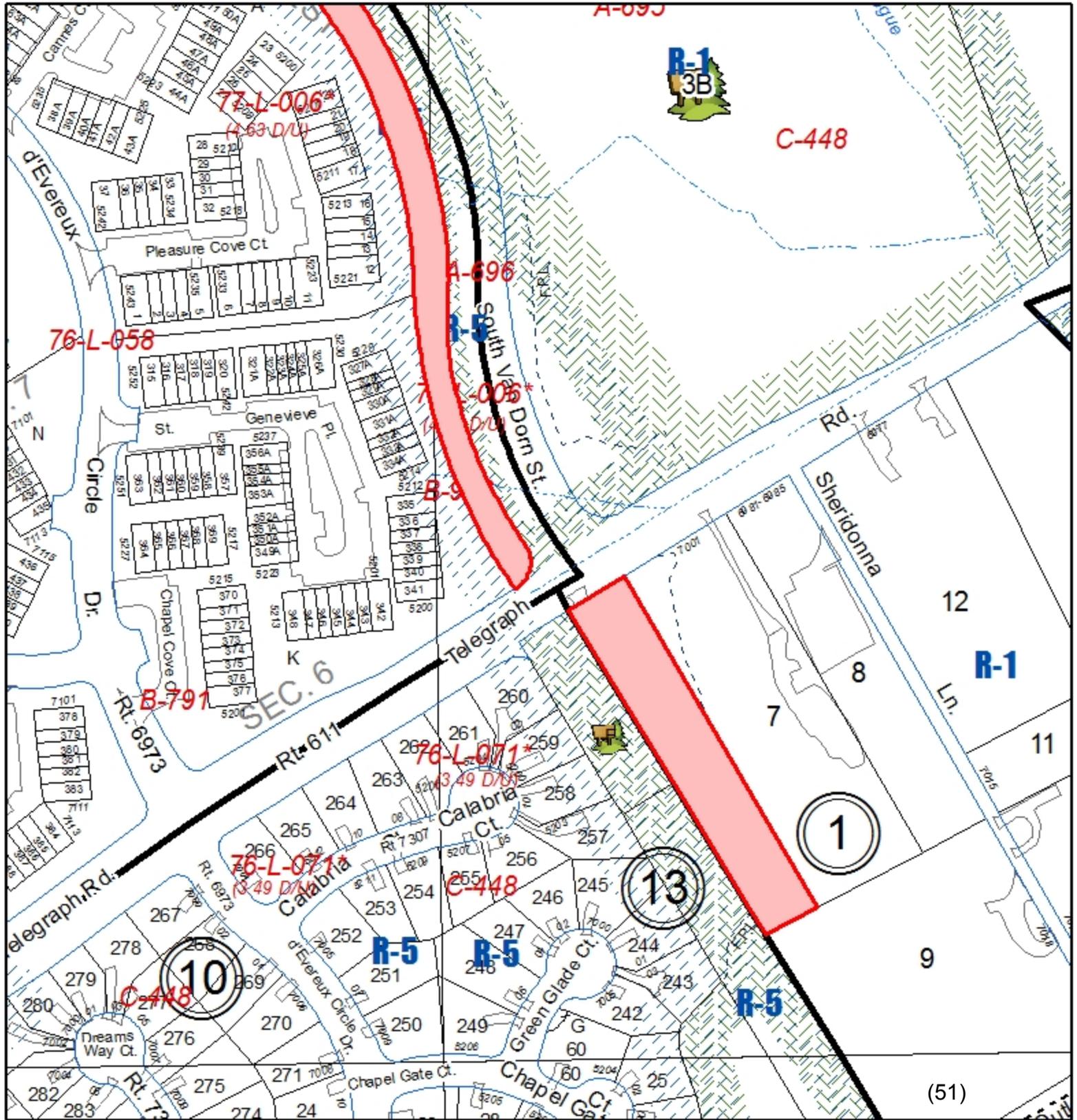
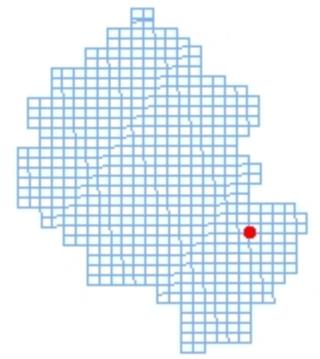
ENCLOSED DOCUMENTS:
Attachment 1: Location Map

STAFF:
David J. Molchany, Deputy County Executive, Office of the County Executive
Jose A. Comayagua, Director, Facilities Management Department



0 85 170 340 Feet

Subject Property: Parcels: 0912 09 H1 0921 01 0006



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ADMINISTRATIVE - 6

Supplemental Appropriation Resolution AS 12077 for the Fairfax County Economic Development Authority to Accept Grant Funding from the Commonwealth of Virginia – Governor’s Opportunity Fund for Bechtel Corporation

ISSUE:

Board of Supervisors’ approval of Supplemental Appropriation Resolution AS 12077 for the Fairfax County Economic Development Authority (FCEDA) to accept grant funding in the amount of \$1,500,000 from the Commonwealth of Virginia as part of the Governor’s Opportunity Fund (GOF) for Bechtel Corporation. This grant will assist the County with the establishment of the global operational headquarters of Bechtel. No local cash match is required. However, Fairfax County will provide transportation improvements in Reston in the Hunter Mill District.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 12077 for the FCEDA to accept grant funding in the amount of \$1,500,000 to convey to Bechtel as the state portion of this grant. No local cash match will be required. Fairfax County will provide transportation improvements in Reston in the Hunter Mill District. The transportation improvements identified for the GOF match are already planned and funded for Fairfax County.

TIMING:

Board approval is requested on January 10, 2012.

BACKGROUND:

Fairfax County competed with Maryland for the relocation of the Bechtel global operations headquarters. As part of the negotiations, the Commonwealth of Virginia supported the relocation of the operations to Fairfax County, Virginia with a Governor’s Opportunity Fund grant. The grant is a performance grant and a performance agreement has been executed to ensure, on behalf of Fairfax County and the Commonwealth of Virginia, that the projected growth occurs. As part of the Governor’s Opportunity Fund grant, Fairfax County must provide transportation improvements relevant to the firm’s location. Road improvements in Reston were identified to provide the match.

In addition, as stated in the Performance Agreement, the Commonwealth will provide the following incentives. Please note these do not pass through the County nor require a County match.

Board Agenda Item
January 10, 2012

- Estimated funding of \$347,400 from Virginia Jobs Investment Program;
- Estimated funding of \$5,000,000 from the Virginia Economic Development Incentive Grant

FISCAL IMPACT:

Funding in the amount of \$1,500,000 has been provided to Fairfax County to be made available to Bechtel Corporation for the costs of the tenant build out of the new headquarters facility in Reston, VA, as permitted by Section 2.2-115(C) of the Virginia Code and as permitted by the current Governor's Opportunity Fund statute. There is no local cash match required. However, Fairfax County must provide transportation improvements relevant to the firm's location. This action does not increase the expenditure level of Fund 500-C50000, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2012.

If Bechtel Corporation does not achieve its performance metrics as described in the Performance Agreement executed between Fairfax County and Bechtel, then Bechtel is responsible for paying that portion of the grant it did not achieve back to Fairfax County. Fairfax County, in turn, will then refund to the Commonwealth of Virginia the funds received from Bechtel Corporation. Fairfax County will not be held responsible for financial shortfalls associated with performance metrics not met. The FCEDA will monitor the performance metrics and will provide to the Office of the County Executive information annually on the number of jobs and capital investment achieved during that time.

CREATION OF NEW POSITIONS:

No positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1: Supplemental Appropriation Resolution AS 12077
Attachment 2: Bechtel Corporation GOF Performance Agreement
Attachment 3: GOF Award Letter

STAFF:

Robert A. Stalzer, Deputy County Executive
David J. Molchany, Deputy County Executive
Gerald L. Gordon, President, FCEDA
Catherine Riley, Vice President, FCEDA

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 12077

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 January 10, 2012, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2012, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund (formerly Fund 102, Federal/State Grant Fund)	
Agency:	G1616, Economic Development Authority	\$1,500,000
Grant:	1160001, Governor's Opportunity Fund	

Reduce Appropriation to:

Agency:	G8787, Unclassified Administrative Expenses	\$1,500,000
Fund:	500-C50000, Federal-State Grant Fund (formerly Fund 102, Federal/State Grant Fund)	

Source of Funds: Virginia Economic Development Partnership, \$1,500,000

A Copy - Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

GOVERNOR'S DEVELOPMENT OPPORTUNITY FUND

PERFORMANCE AGREEMENT

This **PERFORMANCE AGREEMENT** made and entered as of the 1st day of November, 2011, by and between the **COUNTY OF FAIRFAX, VIRGINIA** (the "Locality") a political subdivision of the Commonwealth of Virginia (the "Commonwealth"), and **BECHTEL CORPORATION** (the "Company"), a Nevada corporation authorized to transact business in the Commonwealth.

WITNESSETH:

WHEREAS, the Locality has been awarded a grant of and expects to receive \$1,500,000 from the Governor's Development Opportunity Fund (a "GOF Grant") through the Virginia Economic Development Partnership Authority ("VEDP") for the purpose of inducing the Company to relocate its global operations headquarters, its Government Services Business subsidiary and certain other business operations from Maryland to an office facility located in the Locality at Reston Overlook I and II at 12011 Sunset Hills Road (the "Facility") (as further identified by Fairfax County Tax Map No. 0173 01 0035B), thereby making a significant Capital Investment, as hereinafter defined, and creating a significant number of New Jobs, as hereinafter defined;

WHEREAS, the Locality is willing to provide the funds to the Company, with the expectation that the Company will meet certain criteria relating to Capital Investment and New Jobs;

WHEREAS, the Locality and the Company desire to set forth their understanding and agreement as to the payout of the GOF Grant, the use of the GOF Grant proceeds, the obligations of the Company regarding Capital Investment and New Job creation, the obligation of the Locality to provide a local match for the GOF Grant, and the obligation of the Company to repay all or part of the GOF Grant under certain circumstances;

WHEREAS, it is anticipated that the improvement, equipping and operation of the Facility will entail a capital expenditure by or on behalf of the Company of approximately \$18,000,000, of which approximately \$4,000,000 will be invested in furniture, fixtures and equipment, and approximately \$14,000,000 will be invested in the up-fit of existing buildings;

WHEREAS, it is anticipated that the improvement, equipping and operation of the Facility will further present opportunities to create New Jobs at the Facility;

WHEREAS the Locality has determined that the current average annual wage in the Locality is \$73,760 and the average annual wage required for a New Job will be \$134,200;
and

WHEREAS, the Locality has determined that the stimulation of the additional tax revenue and economic activity to be generated by the Capital Investment and New Jobs constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for the GOF Grant:

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows.

Section 1. Definitions.

For the purposes of this Agreement, the following terms shall have the following definitions:

“Average Annual Wage” means the average salary of all New Jobs as determined by dividing total payroll (W-2 compensation) for New Jobs by total New Jobs.

“Capital Investment” means a capital expenditure by or on behalf of the Company in real property, tangible personal property, or both, at the Facility, excluding the purchase of land or existing real property improvements. A capital expenditure related to a leasehold interest in real property will be considered to be made “on behalf of the Company” if a lease between a developer and the Company is a capital lease, or is an operating lease having a term of at least ten years, and the real property would not have been constructed or improved but for the Company’s interest in leasing some or all of the real property. Only the capital expenditures allocated to the portion of the real property to be leased by the Company will count as “Capital Investment.” The purchase or lease of furniture, fixtures, machinery and equipment, including under an operating lease, and expected building up-fit and tenant improvements by or on behalf of the Company will qualify as Capital Investment. The Capital Investment must be in addition to the capital improvements at the Facility as of November 1, 2011.

“Maintain” means that the New Jobs created pursuant to the GOF Grant will be those that are in effect as of the Performance Date and have continued without interruption for a period of 90 days prior to the Performance Date.

“New Job” means permanent full-time employment for a position of an indefinite duration by the Company or its subsidiaries of a Virginia Resident at the Facility for which the Company’s standard fringe benefits are paid by the Company for the employee, and for which the Company pays an Average Annual Wage of at least \$134,200. Each New Job must be for a position that requires a minimum of either (i) 35 hours of an employee’s time per week for the entire normal year of the Company’s operations, which “normal year” must consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth (unless that job is backfilled by a job held by a Virginia Resident), and positions with construction contractors, vendors, suppliers and similar multiplier or spin-off jobs shall not qualify as New Jobs. Net new jobs in the Commonwealth held by Virginia Residents for contractors or employees of

contractors who provide dedicated full-time service to the Company (such as maintenance or security contractors) may count as New Jobs, even though the Company is not directly paying the wages or providing the fringe benefits, if the other conditions set forth in this paragraph have been satisfied.

“Performance Date” means January 31, 2016. The Performance Date may not be extended.

“Targets” means the Company’s obligations to make or cause to be made Capital Investments at the Facility of at least \$18,000,000 and to create and Maintain at least 625 New Jobs at the Facility, all as of the Performance Date.

“Virginia Code” means the Code of Virginia of 1950, as amended.

“Virginia Resident” will mean any Resident, as defined in Section 58.1-302 of the Virginia Code, as amended or supplemented.

Section 2. Targets.

The Target obligations of the Company are to develop and operate the Facility in the Locality, relocate and maintain its global operations headquarters for its Government Services Business subsidiary or other business operations at the Facility, make or cause to be made a Capital Investment of at least \$18,000,000, and create and Maintain at least 625 New Jobs at the Facility, all as of the Performance Date. In the event of a failure to meet these targets, the Company’s sole obligation shall be to make repayments as specified in Section 5 of this Agreement.

Section 3. Disbursement of GOF Grant.

By no later than December 31, 2011, the Locality will request the disbursement to it of the GOF Grant. If not so requested by the Locality by December 31, 2011, this Agreement will terminate. The Locality and the Company will be entitled to reapply for a GOF Grant thereafter, based upon the terms, conditions and availability of funds at that time.

The GOF Grant in the amount of \$1,500,000 will be paid to the Locality, upon its request. Within 30 days of its receipt of the GOF Grant proceeds, the Locality will disburse the GOF Grant proceeds to the Company as an inducement to the Company to achieve the Targets at the Facility. If payment is not received by the Company by February 29, 2012, then the Company will have the option to terminate this Agreement. The Company will use the GOF Grant proceeds to defray the cost of the build-out of the Facility, as permitted by Section 2.2-115(C) of the Virginia Code.

Section 4. Break-Even Point; State and Local Incentives.

VEDP has estimated that the Commonwealth will reach its “break-even point” by the Performance Date. The break-even point compares new revenues expected as a result of the Capital Investment and New Jobs at the Facility with the Commonwealth’s expenditures on incentives, including but not limited to the GOF Grant. With regard to the Facility, the Commonwealth expects to provide incentives in the following amounts:

<u>Category of Incentive:</u>	<u>Total Amount</u>
GOF Grant	\$1,500,000
Virginia Jobs Investment Program (“VJIP”) (Estimated)	347,400
Virginia Economic Development Incentive Grant (“VEDIG”)	5,000,000

Matching Grants:

In addition to the GOF Grant to be provided by the Commonwealth, the Locality expects to provide the following incentives, as matching grants or otherwise, for the Facility:

<u>Category of Incentive (Estimated):</u>	<u>Total Amount</u>
Reston Transit Center Trail	\$150,000
Sunset Hills Roadway Walkway	250,000
Wiehle Avenue Walkway north Shore Drive (North) to Baron Cameron Avenue	350,000
Wiehle Avenue Walkway Chestnut Grove Square to North Shore Drive (South)	480,000
Feasibility study for multi-modal connections including Soapstone Drive to Sunset Hills, Reston Parkway to Wiehle Avenue, and between Reston-Wiehle Avenue Metro Stations	300,000- 350,000

If, by the Performance Date, the funds disbursed or committed to be disbursed by the Locality for the items listed above as incentives provided as matching grants total less than the \$1,500,000 GOF Grant local match requirement, the Locality, subject to appropriation, will make an additional non-cash grant to the Company of the difference at the Performance Date, so long as the Company has met its Targets. Any changes to the Locality’s incentives from the incentives described above will require the prior approval of the Company and VEDP.

The proceeds of the GOF Grant shall be used for the purposes described in Section 3. The VJIP grant proceeds shall be used by the Company to pay or reimburse itself for recruitment and training costs. The VEDIG Grant proceeds may be used by the Company for any lawful purpose. The Locality and the Company have agreed that the Locality’s incentives are intended to provide a direct benefit to the Company.

To the extent that any of the incentives above are subject to appropriation, the Commonwealth has agreed, and the Locality hereby agrees to use their respective best efforts to ensure that proper appropriation is made by the applicable legislative body.

Section 5. Repayment Obligation.

(a) *If Statutory Minimum Requirements are Not Met:* Section 2.2-115 of the Virginia Code requires that the Company make a Capital Investment of at least \$5,000,000 in the Facility and create and Maintain at least 50 New Jobs at the Facility in order to be eligible for the GOF Grant. In the event of a failure by the Company to meet either of these eligibility requirements by the Performance Date the entire GOF Grant must be repaid by the Company to the Locality.

(b) *If Statutory Minimum Requirements are Met:* Solely for purposes of repayment, the GOF Grant is to be allocated as \$750,000 (50%) for the Company's Capital Investment Target and \$750,000 (50%) for its New Jobs Target. If the Company has met at least ninety percent (90%) of both of the Targets at the Performance Date, then and thereafter the Company is no longer obligated to repay any portion the GOF Grant. If the Company has not met at least ninety percent (90%) of either or both of its Targets, the Company shall repay to the Locality that part of the GOF Grant that is proportional to the Target or Targets for which there is a shortfall. For example, if at the Performance Date, the Capital Investment is only \$10,800,000 and only 500 New Jobs have been created and Maintained, the Company shall repay to the Locality forty percent (40%) of the moneys allocated to the Capital Investment Target (\$300,000) and twenty percent (20%) of the moneys allocated to the New Jobs Target (\$150,000).

(c) *Determination of Inability to Comply:* If the Locality or VEDP shall determine at any time prior to the Performance Date (a "Determination Date") that the Company is unable or unwilling to meet and Maintain its Targets by and through the Performance Date, and if the Locality or VEDP shall have promptly notified the Company of such determination, the Company must repay the entire GOF Grant to the Locality. Such a determination will be based on such circumstances as a filing by or on behalf of the Company under Chapter 7 of the U.S. Bankruptcy Code, the liquidation of the Company, an abandonment of the Facility by the Company or other similar significant event that demonstrates the Company will be unable or is unwilling to satisfy the Targets for the GOF Grant. Such a determination will be subject to the Disputes provision of this Agreement.

(d) *Repayment Dates:* ***Such repayment shall be due from the Company to the Locality within thirty days of the Performance Date or the Determination Date, as applicable.*** Any moneys repaid by the Company to the Locality hereunder shall be repaid by the Locality promptly to VEDP for redeposit into the Governor's Development Opportunity Fund. The Locality shall use its best efforts to recover such funds, including legal action for breach of the Company's obligation to make repayments as required by this Agreement.

Section 6. Company Reporting.

The Company shall provide, at the Company's expense, detailed verification reasonably satisfactory to the Locality and VEDP of the Company's progress on the Targets. Such progress

reports will be provided annually on or before each March 31, commencing March 31, 2012, and covering the period through the prior January 31, and at such other times as the Locality may reasonably require. Such progress reports will substantiate the amount of the Capital Investment at the Facility, the number of New Jobs created at the Facility, the average annual wages paid to those employees, the residency of those employees and the average level of fringe benefits provided to those employees. In no event will the Company be required to provide information that the Company determines would breach Company policies relating to information privacy.

If the Company wishes to count as New Jobs employees of contractors, to the extent permitted in the definition of "New Jobs" in Section 1, the Company is responsible for assembling and distributing the documentation necessary to verify such New Jobs, including whether such jobs are net New Jobs for Virginia Residents in the Commonwealth. If the Company wishes to count as Capital Investments the capital expenditures made on its behalf by the lessor or developer of the Facility, the Company is responsible for assembling and distributing the documentation necessary to verify the capital expenditures made on behalf of the Company.

Section 7. Dispute Resolution.

In the event of any dispute, controversy or claim of any kind or nature arising under or in connection with this Agreement (including disputes as to the creation, validity, or interpretation of this Agreement) (a "Dispute"), then upon the written request of any party, each of the parties will appoint a designated senior executive whose task it will be to meet for the purpose of endeavoring to resolve the Dispute. The designated executives will meet as often as the parties reasonably deem necessary in order to gather and furnish to the other all information with respect to the matter in issue which the parties believe to be appropriate and germane in connection with its resolution. Such executives will discuss the Dispute and will negotiate in good faith in an effort to resolve the Dispute without the necessity of any formal proceeding relating thereto. The specific format for such discussions will be left to the discretion of the executives but may include the preparation of agreed upon statements of fact or written statements of position furnished to the other parties. No formal proceedings for the resolution of the Dispute may be commenced until the earlier to occur of (a) a good faith mutual conclusion by the executives that amicable resolution through continued negotiation of the matter in issue does not appear likely or (b) the 90th day after the initial request to negotiate the Dispute. If the resolution of the Dispute requires any party to take, or cause to be taken or to cease taking, some action, such party shall be provided a reasonable period of time, not to exceed ninety (90) days, to take, to cause, or to cease taking, such action.

Section 8. Notices.

Any notices required or permitted under this Agreement shall be given in writing, and shall be deemed to be received upon receipt or refusal after mailing of the same in the United States Mail by certified mail, postage fully pre-paid or by overnight courier (refusal shall mean return of certified mail or overnight courier package not accepted by the addressee):

if to the Company, to:

Bechtel Corporation
50 Beale St
San Francisco, CA 94105
Attention: Manager, Corporate Facilities

with a copy to:

Bechtel Corporation
50 Beale St
San Francisco, CA 94105
Attention: Legal Dept—Office of
General Counsel

if to the Locality, to:

Mr. Anthony H. Griffin
County Executive
County of Fairfax, Virginia
12000 Government Center Parkway, Suite 552
Fairfax, Virginia 22035-0066

with a copy to:

David P. Bobzien, Esquire
County Attorney
County of Fairfax, Virginia
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035-0066

if to VEDP, to:

Virginia Economic Development Partnership
901 East Byrd Street, 19th Floor
Post Office Box 798 (zip: 23218-0798)
Richmond, Virginia 23219
Attention: President and CEO

with a copy to:

Virginia Economic Development Partnership
901 East Byrd Street, 19th Floor
Post Office Box 798 (zip: 23218-0798)
Richmond, Virginia 23219
Attention: General Counsel

Section 9. Miscellaneous.

(a) *Entire Agreement; Amendments:* This Agreement constitutes the entire agreement between the parties hereto as to the GOF Grant and may not be amended or modified, except in writing, signed by each of the parties hereto. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The Company may not assign its rights and obligations under this Agreement without the prior written consent of the Locality and VEDP; provided that the Company shall have the right, without consent of the Locality or VEDP, to assign this Agreement to any entity that controls, is controlled by, or is under common control with, the Company if the Company remains liable for the performance of any such assignee of its obligations under this Agreement and provides written notice to the Locality and VEDP of its intention to make such assignment.

(b) *Governing Law; Venue:* This Agreement is made, and is intended to be performed, in the Commonwealth and shall be construed and enforced by the laws of the Commonwealth. Jurisdiction and venue for any litigation arising out of or involving this Agreement shall lie in the Circuit Court of the County of Fairfax, Virginia, and such litigation shall be brought only in such court. In the event of any such litigation, the Locality shall notify the President and Chief Executive Officer of VEDP in writing.

(c) *Counterparts*: This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.

(d) *Severability*: If any provision of this Agreement is determined to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

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IN WITNESS WHEREOF, the parties hereto have executed this Performance Agreement as of the date first written above.

COUNTY OF FAIRFAX, VIRGINIA

By _____
Name: _____
Title: _____
Date: October __, 2011

BECHTEL CORPORATION

By  _____
Name: W. N. DUDLEY
Title: PRESIDENT & COO
Date: October 28, 2011



COMMONWEALTH of VIRGINIA

Office of the Governor

James S. Cheng
Secretary of Commerce and Trade

October 25, 2011

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

Dear Mr. Griffin:

I am delighted to inform you that Governor McDonnell has preliminarily approved a \$1,500,000 grant from the Governor's Opportunity Fund to assist Fairfax County with the expansion of Bechtel Corporation. Formal approval will occur when Bechtel finalizes its decision and we can jointly announce this significant accomplishment for your community.

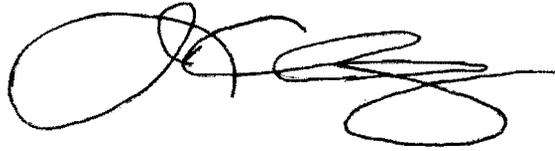
The Bechtel facility is extremely important to both the Commonwealth and Fairfax County, and we are hopeful that the Opportunity Fund Grant will encourage Bechtel to make a favorable decision. You certainly have our full support as we work to this end. If you are successful in securing this commitment from Bechtel to expand in Fairfax County, please notify Suzanne West at the Virginia Economic Development Partnership (804-545-5806) so that the announcement of their decision can be coordinated with the company and you. Governor McDonnell has followed this project closely and would like to participate in the official announcement if his schedule permits. If not, a mutually agreed upon joint press release is the appropriate vehicle for the public disclosure of this project.

We would like to remind you that in accordance with the Governor's Opportunity Fund guidelines, a performance agreement between the County and Bechtel is essential prior to the actual payment of this grant. This item will be required when your payment request is submitted.

Mr. Anthony H. Griffin
October 25, 2011
Page Two

I want to thank you for your efforts in working on this project to bring economic growth to Fairfax.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

James S. Cheng

JSC:kme

cc Mr. Martin J. Briley
Virginia Economic Development Partnership

Ms. Suzanne West
Virginia Economic Development Partnership

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Board Agenda Item
January 10, 2012

ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing on Adoption of the Northern Virginia Regional Water Supply Plan

ISSUE:

Board authorization to advertise a public hearing on adoption of the Northern Virginia Regional Water Supply Plan. The proposed plan addresses state requirements for localities to have such a plan adopted through a public hearing process.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on adoption of the Northern Virginia Regional Water Supply Plan.

The water supply plan has been developed by the Northern Virginia Regional Commission (NVRC) in coordination with the 21 jurisdictions covered by the plan and local water utilities. This Board Item has been prepared by the Department of Public Works and Environmental Services and coordinated with the Office of the County Attorney and the County's Environmental Coordinator. Staff of Fairfax Water reviewed the final draft of the water supply plan for technical content and accuracy as it relates to Fairfax Water and Fairfax County and advised that it is acceptable. The water supply plan indicates that existing water supplies will be sufficient to meet Fairfax County needs through the 2040 planning period.

TIMING:

Board action is requested on January 10, 2012, to provide sufficient time to advertise a public hearing on February 28, 2012, at 4:00 p.m.

BACKGROUND:

In November 2005, the Commonwealth enacted the Local and Regional Water Supply Planning Regulation (9 VAC 25-780-10). The regulation was developed largely as a result of the droughts experienced in 1999 and 2002. Its purpose is to: (i) ensure that adequate and safe drinking water is available to all citizens of the Commonwealth; (ii) encourage, promote, and protect all other beneficial uses of the Commonwealth's water resources; and (iii) encourage, promote, and develop incentives for alternative water sources, including but not limited to desalinization.

Board Agenda Item
January 10, 2012

On January 22, 2007, the Board approved entering into a Memorandum of Agreement (MOA) among NVRC, the County, and other Northern Virginia jurisdictions to designate the NVRC as the lead agency for the development of a regional water supply plan for the participating Northern Virginia jurisdictions. The Board also designated Fairfax Water as the County's agent responsible for representing the County in the development of the regional WSP and directed the County Executive to appoint an Advisory Committee comprised of appropriate County staff lead by the County's Environmental Coordinator to assist Fairfax Water in data collection and other County activities that may be required for the development of the County's portion of the regional plan. The County's share of the costs incurred by NVRC for managing the project, preparing the regional WSP, and engaging consultant services is \$50,000 funded within the Office of the County Executive's budget in 2007.

Under Virginia's Local and Regional Water Supply Planning Regulations (9 VAC 25-780-10), local governments must adopt a local program, including any revisions to comprehensive plans, water supply plans, water and sewer plans, and other local authorities necessary to implement the regulations. A local public hearing consistent with § 15.2-1427 of the Code of Virginia is required during the development of the local program. Adoption of a water supply plan is the only program element that the County needs to address to implement the regulations. Local governments have the choice of submitting water supply plans independently or regionally as has been done by the 21 jurisdictions that cooperated in the development of the regional water supply plan. Water supply plans were required to be submitted to the Virginia Department of Environmental Quality (DEQ) no later than November 2, 2011. The plan has been submitted to the DEQ and the Board needs to adopt a resolution approving the plan as it relates to Fairfax County. The resolution and a record of the public hearing will be incorporated into the plan prior to final approval of the plan by DEQ.

All local programs shall be reviewed no later than five years after a compliance determination by the State Water Control Board in accordance with 9 VAC 25-780-140. Revised plans must be submitted when this review indicates that circumstances have changed or new information has been made available that will result in water demands that will not be met by alternatives contained in the water plan. These circumstances may be caused by changes in demands, the availability of the anticipated source, cumulative impacts, in-stream beneficial uses, or other factors. In the case where the review by the local government or regional planning unit indicates that the circumstances have not changed sufficiently to warrant a revision of the water plan after five years, the locality shall notify DEQ that the existing plan is still in effect. Notwithstanding the above, all local programs must be reviewed, revised and resubmitted to DEQ every 10 years after the date of last approval.

NORTHERN VIRGINIA REGIONAL WATER SUPPLY PLAN:

The regional water supply plan was prepared by Draper Aden Associates with NVRC serving as project manager. The participating Northern Virginia jurisdictions are the Towns of Clifton, Dumfries, Hamilton, Haymarket, Herndon, Hillsboro, Leesburg, Lovettsville, Middleburg, Occoquan, Purcellville, Quantico, Round Hill, and Vienna; the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; and the Counties of Arlington, Fairfax, Loudoun and Prince William. The regional water supply plan has a planning horizon of 30 years to the year 2040.

The plan includes the following elements:

1. A description of existing water sources.
2. A description of existing water use.
3. A description of existing water resource conditions.
4. An assessment of projected water demand.
5. A description of water management actions that address water conservation generally and drought response and contingency plans.
6. A statement of water supply needs and alternatives (i.e. adequacy of water supplies.).
7. An alternatives analysis that identifies potential alternatives to address projected deficits in water supplies.
8. A map or maps identifying important elements of the program that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources.
9. A copy of the adopted program documents including any local plans or ordinances or amendments that incorporate the local program elements required by this chapter.
10. A resolution approving the plan from each local government that is party to the plan.
11. A record of the local public hearing, a copy of all written comments and the submitter's response to all written comments received.

Board Agenda Item
January 10, 2012

The majority of County residents are served by Fairfax Water. Fairfax water gets approximately 60 percent of its water from a stream intake on the Potomac River and the remaining 40 percent from the Occoquan Reservoir. Portions of the County are served by the City of Falls Church, the City of Fairfax, and the Town of Vienna which operate their own systems. The City of Falls Church purchases water from the Washington Aqueduct and the City of Fairfax gets its water from Goose Creek in Loudoun County. The Town of Vienna purchases water from the City of Falls Church. In Fairfax County, the regional water supply plan identifies eight self-supplied nonagricultural users of 300,000 gallons or more per day (e.g. Dulles Airport), one community system utilizing groundwater (Tauxemont), one community system (Fort Belvoir) that purchases water from Fairfax Water, and approximately 15,000 homes and business served by wells.

Fairfax Water is one of the major water suppliers in this region serving approximately 1.6 million people throughout Northern Virginia, including portions of the counties of Fairfax, Loudoun, and Prince William, the City of Alexandria, and the Town of Herndon. Fairfax Water is a signatory to the Water Supply Coordination Agreement of 1982. The three signatories to the Water Supply Coordination Agreement, which also include the Washington Aqueduct and the Washington Suburban Sanitary Commission, cooperate on water supply operations in the Potomac, Patuxent, and Occoquan basins during periods of low flow. The cooperative work is coordinated by a special section of the Interstate Commission on the Potomac River Basin (ICPRB), the "Section for Cooperative Water Supply Operations on the Potomac" (CO-OP). The Northern Virginia Water Supply Plan incorporates planning information previously prepared by the CO-OP covering areas of Northern Virginia served by Fairfax Water and the Washington Aqueduct. Fairfax County's emergency water use restrictions, located in Chapter 113 (Water Use, Emergency Regulations) of the County Code, satisfy the requirements of the state regulations for drought response and contingency plans.

Based on water demand forecasting by the ICPRB, Fairfax County will have sufficient water supply through the 2040 planning period, although the regional system as a whole may have difficulty meeting demands during droughts. Fairfax Water has performed water supply studies to consider other potential supplemental water sources. It should be noted that the water demand forecasts are based on population projections that were made prior to the economic downturn and future demand may be less than the estimates in the regional water supply plan for the 30 year planning period.

REGULATORY IMPACT:
None.

Board Agenda Item
January 10, 2012

FISCAL IMPACT:

None. The Water Supply Plan does not commit the County to any specific expenditure of funds. The County's cost-share for preparation of the plan, \$50,000, was expensed in 2007.

ENCLOSED DOCUMENTS:

Attachment I – Northern Virginia Regional Water Supply Plan (Delivered to Board Members under separate cover.)

Available online at: <http://novaregion.org/index.aspx?NID=1214>

STAFF:

Robert A. Stalzer, Deputy County Executive

Kambiz Agazi, Environmental Coordinator

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

Michelle A. Brickner, Deputy Director, DPWES

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Board Agenda Item
January 10, 2012

ACTION – 1

Approval of the Board of Supervisors' Meeting Schedule for Calendar Year 2012

ISSUE:

Board approval of its meeting schedule for January through December, 2012.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the meeting schedule for January through December, 2012.

TIMING:

The Board should take action on January 10, 2012, in order that the calendar can be implemented immediately.

BACKGROUND:

The *Code of Virginia*, Section 15.2-1416, requires the governing body to establish the days, times and places of its regular meetings at the annual meeting, which is the first meeting of the year. Therefore, the schedule for the entire 2012 calendar is presented for Board approval. The section further states that “meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.”

Scheduled meetings may be adjourned and reconvened as the Board may deem necessary, and the Board may schedule additional meetings or adjust the schedule of meetings approved at the annual meeting, after notice required by Virginia law, as the need arises.

On September 12, 2011, the Board approved a draft 2012 meeting calendar.

ENCLOSED DOCUMENTS:

Attachment 1: January-December, 2012 Schedule for Board of Supervisors' Meetings

STAFF:

Catherine A. Chianese, Assistant County Executive

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2012 Board of Supervisors Meeting Schedule

January 10, 2012
January 24, 2012
February 28, 2012 Public Comment
March 6, 2012
March 20, 2012
April 10, 2012 9:30 to 6:00 pm Board Meeting 6:00 pm – Budget Public Hearings
April 11 and April 12, 2012 3:00 pm – Budget Public Hearings
April 24 2012 Budget Markup
May 1, 2012 Budget Adoption/ Public Comment
May 22, 2012
June 5, 2012

June 19, 2012 Public Comment
July 10, 2012
July 31, 2012 Public Comment
September 11, 2012
September 25, 2012 (Public Hearings to conclude by 5:00 PM)
October 16, 2012
October 30, 2012 Public Comment
November 20, 2012
December 4, 2012 Public Comment

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Board Agenda Item
January 10, 2012

ACTION - 2

Authorize the County Executive to Sign the Programmatic Agreement Relative to the Privatization of Army Lodging and Discontinuation of Lodging at Buildings 172 and 20 at Fort Belvoir (Mount Vernon District)

ISSUE:

Authorize the County Executive to sign the Programmatic Agreement (PA) among the Fairfax County Board of Supervisors, the Virginia Department of Historic Resources (DHR), the US Army Garrison Fort Belvoir (Fort Belvoir), the Advisory Council on Historic Preservation (ACHP), and Rest Easy LLC relative to the privatization of Army lodging and discontinuation of lodging at Buildings 172 and 20 at Fort Belvoir, Virginia, which has the potential to cause adverse effect to contributing resources to the National Register-eligible Fort Belvoir Historic District and, individually, National Register-eligible Building 172.

RECOMMENDATION:

The County Executive recommends that the Board authorize him to sign the PA among the Fairfax County Board of Supervisors, the DHR, Fort Belvoir, the ACHP, and Rest Easy LLC relative to the privatization of Army lodging and discontinuation of lodging at Buildings 172 and 20, US Army Garrison at Fort Belvoir, as shown in Attachment 1.

TIMING:

Board action is requested on January 10, 2012.

BACKGROUND:

The United States Army plans to privatize lodging and discontinue lodging at Buildings 172 and 20 at Fort Belvoir, Virginia (Project). Fort Belvoir, in consultation with the DHR, determined that the Project has the potential to cause adverse effect on the National Register-eligible Fort Belvoir Historic District and, individually, National Register-eligible Building 172. To resolve this, Fort Belvoir and the DHR in consultation with the County of Fairfax and the ACHP, agree that the Project be implemented in accordance with certain stipulations, which take into account the Project's potential effect on historic properties and drafted the attached PA to ensure the stipulations be carried out.

Board Agenda Item
January 10, 2012

The principal stipulations in the PA require Fort Belvoir to:

- ensure review and comment on draft reports and designs by the designated entities;
- provide qualified cultural resources staff and ensure baseline documentation is completed in accordance with recognized standards;
- incorporate the PA into the lease with the private entity and convey pertinent information on historic properties to the private entity;
- ensure conformance by the private entity to the Secretary of the Interior's Standards and recognized design guidelines;
- ensure the private entity develops annual reports;
- provide for management and appropriate adaptive reuse of buildings 172 and 20 in order to protect these historic properties; and
- implement an action plan which addresses post-review archaeological discoveries that may be discovered during construction.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 – Programmatic Agreement Relative to Avoiding Potential Adverse Effects of the Privatization of Army Lodging and Discontinuation of Lodging at Buildings 172 and 20, Fort Belvoir

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Marianne Gardner, Acting Director, Planning Division (PD), DPZ

Sterling Wheeler, Chief, Policy and Plan Development Branch, PD, DPZ

Linda Cornish Blank, Planner IV, Policy and Plan Development Branch, PD, DPZ

**PROGRAMMATIC AGREEMENT
AMONG
US ARMY GARRISON FORT BELVOIR, VIRGINIA,
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
FOR THE
PRIVATIZATION OF ARMY LODGING AND
DISCONTINUATION OF LODGING AT BUILDINGS 172 AND 20
FORT BELVOIR, VIRGINIA**

WHEREAS, US Army Garrison Fort Belvoir (Fort Belvoir), Virginia, has determined to privatize lodging at Fort Belvoir through the Privatization of Army Lodging Initiative (PAL) resulting in the transfer of long-term interest in the construction, demolition, renovation, rehabilitation, operation, maintenance and management of lodging and other ancillary facilities at Fort Belvoir, through the issuance of a ground lease on certain facilities and lands, as described and depicted in Attachment A, to Rest Easy, LLC (Project); and

WHEREAS, following execution of the Ground Lease, Army lodging functions shall discontinue at Building 172 (Thermo-Con House) and Building 20 (Officer's Club) (Project); and

WHEREAS, Fort Belvoir plans to carry out these Projects pursuant to the Military Housing Privatization Initiative (P.L. 104-106, 110 Stat. 544, Title XXVIII, Subtitle A, Section 2801), which amends 10 U.S.C. Chapter 169, by addition of a new Subchapter IV—Alternative Authority for Acquisition and Improvement of Military Housing, codified at 10 U.S.C. § 2871, et seq., thereby making the Projects Undertakings subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations, 36 CFR Part 800; and

WHEREAS, Rest Easy, LLC (Rest Easy) is the qualified private entity that has been chosen to implement PAL; and

WHEREAS, Rest Easy shall be contractually required to provide Fort Belvoir with 65% and 98% design iterations for all new construction and major rehabilitation work performed under the project, Rest Easy is not required to provide schematic design; and

WHEREAS, the Area of Potential Effects (APE) for the PAL program at Fort Belvoir includes existing lodging areas and any areas proposed for development of new lodging and supporting amenities (Attachment A); and

WHEREAS, Fort Belvoir has determined that implementation of the Undertaking has the potential to effect Buildings 20, 80 and 81, contributing resources to the National Register of Historic Places (NRHP) eligible Fort Belvoir Historic District and individually NRHP-eligible Building 172 and has consulted with the Virginia State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800; and

WHEREAS, Fort Belvoir provided the Catawba Tribal Historic Preservation Office (THPO) with opportunity to consult on the Undertaking through the National Environmental Policy Act (NEPA) compliance and the THPO elected not to participate; and

WHEREAS, Fort Belvoir has invited Rest Easy and the County of Fairfax, Virginia (Fairfax County) to participate in this Programmatic Agreement (PA) on December 29, 2010 and November 17, 2010, respectively, in accordance with 36 CFR § 800.6(b)(2) and they have been invited to sign this PA as concurring parties; and

WHEREAS, Rest Easy agreed to participate in the consultation process on January 10, 2011; and

WHEREAS, Fairfax County agreed to participate in the consultation process in a letter dated December 09, 2010; and

WHEREAS, the Army has undertaken Section 106 compliance for this undertaking through 36 CFR § 800.8(c) and has provided the public an opportunity to comment on this Undertaking through the National Environmental Policy Act process via an Environment Assessment; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), Fort Belvoir has notified the Advisory Council on Historic Preservation (ACHP) of its determination that the Project has the potential to cause adverse effect and providing the specified documentation, and the ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii);

WHEREAS, Buildings 505, 506, 507, 508, 509, 806, and 807 are not part of this PA as they are covered by the *Program Comment for Cold War-Era Unaccompanied Personnel Housing (1946-1974)* issued by the ACHP on 18 August 2006; and

NOW THEREFORE, Fort Belvoir, the SHPO, and the ACHP agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the Undertaking on historic properties.

STIPULATIONS

Fort Belvoir shall ensure that the following measures are carried out:

I. ROLES AND RESPONSIBILITIES

A. The SHPO will review and comment on all draft reports and designs submitted in accordance with Stipulations II(C), IV, V, and IX. The SHPO may raise and resolve objections according to Stipulation XII. The SHPO may participate in periodic review of, and may amend or terminate this PA according to Stipulation XIII.

B. Fairfax County will review and comment on draft designs submitted in accordance with Stipulation IV(B) and VIII(B). Fairfax County may raise and resolve objections according to Stipulation XII and may participate in the periodic review of this PA according to Stipulation XIII(A). Fairfax County will not participate in report or design reviews described in Stipulations II(C), IV(C), V, and IX.

C. The ACHP may raise and resolve objections according to Stipulation XII. The ACHP may participate in periodic review of and may amend or terminate this PA according to Stipulation XIII. The ACHP will not participate in report or design reviews described under Stipulations II(C), IV, V, VII and IX.

II. PROFESSIONAL QUALIFICATIONS STANDARDS AND BASELINE INFORMATION FOR DESIGN DEVELOPMENT

A. Fort Belvoir Cultural Resource Management Staff.

1. Staff shall consist of a Cultural Resource Manager (CRM) at Fort Belvoir. The Fort Belvoir CRM shall serve as the primary point of contact for this Undertaking and shall be responsible for all internal Fort Belvoir review and coordination of historic properties between Fort Belvoir, the SHPO and other consulting parties under this PA.
2. The Fort Belvoir CRM shall have access to Qualified Staff. For the purposes of this PA, "Qualified Staff" is defined as an individual who meets the Secretary of the Interior's *Professional Qualification Standards* (48 FR 44716, Sept., 1983). Qualified Staff shall have professional qualifications, training, and experience relevant to the technical requirements of a given undertaking. For example: Architectural Historians or Historical Architects will be utilized to survey historic buildings, while Archaeologists or Anthropologists will be utilized to perform archaeological investigations.

B. Rest Easy's Cultural Resource Management Staff. Fort Belvoir shall require Rest Easy staff to utilize individuals, who meet the Secretary of the Interior's *Professional Qualification Standards* (48 FR 44716, Sept., 1983). Fort Belvoir shall require that Rest Easy's qualified staff coordinate the preparation, development and review of rehabilitation plans, proposed projects and work requirements that affect historic properties.

C. Baseline Documentation for Buildings 80 and 81. Fort Belvoir shall require Rest Easy to document existing interior and exterior conditions of Buildings 80 and 81 in an Existing Conditions Survey and Assessment (ECSA) prior to commencement of rehabilitation work within six (6) months of execution of the Ground Lease.

1. The ECSA, a reference of baseline documentation, shall record all character defining elements that qualify the structure for the NRHP, interior and exterior, through written materials, available existing drawings, diagrams and photographs (both current conditions and historic views). All photographic documentation shall be consistent with the SHPO guidance found in "Photographic Documentation for National Park Service (NPS) Register Nominations and Virginia Department of Historic Resources (DHR) Basic Survey" (Updated September 13, 2006) or subsequent revisions or replacements of this document.
2. The Fort Belvoir CRM shall provide the draft ECSA to the SHPO for a thirty (30) day review and comment period.
3. The Fort Belvoir CRM shall ensure that any comments received from the SHPO on the draft ECSA within the thirty (30) day review period shall be considered and incorporated into the final ECSA. Fort Belvoir may assume that the SHPO has no comment if it does not receive comments within the thirty (30) day review period
4. The Fort Belvoir CRM shall provide a copy of the final ECSA to the SHPO and Fairfax County within thirty (30) days of finalizing the document. The final ECSA shall be bound and on acid-free archival paper.

III. CONVEYANCE ACTIVITIES

A. PA to Become Part of the Ground Lease. This PA in its entirety shall be incorporated into and made part of the Ground Lease to make it binding, as applicable, on Rest Easy or their successors in interest.

B. Background Information Provided by Army. Fort Belvoir shall provide Rest Easy access to all previously compiled information on Buildings 80 and 81 any other historic properties within the APE and shall indicate which historic

properties are subject to alternate and more stringent management requirements pursuant to Stipulation IV within six (6) weeks of execution of this PA.

C. Changes in the Ground Lease. Fort Belvoir's CRM shall review any renewal of or modifications to the Ground Lease to determine whether such renewal or modification constitutes a new federal undertaking or has the potential to effect historic properties.

1. If the CRM determines that the renewal or modification constitutes a new federal undertaking Fort Belvoir shall initiate consultation in accordance with 36 CFR Part 800.
2. If the CRM determines that the renewal or modification has the potential to effect historic properties, the CRM shall initiate the amendment procedures of this PA.

IV. HISTORIC PROPERTY MANAGEMENT

A. Design Principles

In order to strive to avoid adversely affecting historic properties, Fort Belvoir shall ensure that Rest Easy conforms to the *Secretary of the Interior's Standards for Rehabilitation, Design Guidelines for Department of Defense Historic Buildings and Districts* and the *Fort Belvoir Installation Design Guide (Treatment Standards)* during the term of the Ground Lease.

B. New Hotel Consultation Process

1. New Hotel Design Development Process

- a. Fort Belvoir shall ensure that the New Hotel is located on its site and designed in such a manner that conforms to the Treatment Standards.
- b. Fort Belvoir shall submit exterior and landscaping designs at the 65%, and 98% of design development stages to the SHPO and Fairfax County. Submittals to the SHPO and Fairfax County for the 65%, and 98% of design shall consist of the following:
 - i) Elevation drawings of the New Hotel exterior.
 - ii). Site plan, to include landscaping plan.
 - iii). Narrative description of exterior materials and plantings
 - iv). Three-dimensional renderings, if available.

2. The review of all materials pertaining to the New Hotel shall follow Stipulation IV.D.

C. Buildings 80 and 81 Consultation Process

1. Fort Belvoir shall ensure that Buildings 80 and 81 and their surrounding landscape are rehabilitated in accordance with the Treatment Standards.
2. Fort Belvoir shall require Rest Easy to submit information regarding the rehabilitation of Buildings 80 and 81 and their surrounding landscape at the 65%, and 98% of design development to the SHPO. Submittals to the SHPO for the 65%, and 98% of design shall consist of the following:
 - i). Project description and specifications.
 - ii). Interior and exterior rehabilitation plans (if applicable).
 - iii). Site plan, to include landscaping plan (if applicable).
3. The review of all materials pertaining to the rehabilitation of Buildings 80 and 81 and their surrounding landscape shall follow Stipulation IV.D.

D. Project Review and Coordination

Fort Belvoir shall ensure that the construction of a new lodging facility and undertakings affecting Buildings 80 and 81, with the exception of those covered by Stipulation VI.A, are reviewed and coordinated with the SHPO and Fairfax County pursuant to the following procedures:

1. Fort Belvoir shall require Rest Easy to submit all proposed projects having the potential to effect historic properties to the Fort Belvoir CRM.
 - a. The Fort Belvoir CRM shall be responsible for creating and keeping a record of each project review.
 - b. The documentary record of each project review will be maintained in the Fort Belvoir environmental archives.
2. The Fort Belvoir CRM or Qualified Staff shall review the project and plans and respond to Rest Easy within twenty (20) working days with a determination of effect on historic properties. If the Fort Belvoir CRM determines the project has no effect to historic properties, the project may proceed as planned.
3. The Fort Belvoir CRM shall utilize the Virginia Department of Historic Resources Electronic Project Information Exchange (ePIX) or other means acceptable to the SHPO to submit all determinations of no adverse effect,

including those reached through Stipulation IV.D.4, to the SHPO for concurrence.

4. If the Fort Belvoir CRM makes a determination of adverse effect, the Fort Belvoir CRM shall make recommendations to Rest Easy for alterations to the project plans in order to avoid or minimize the adverse effect. These recommendations shall be made in accordance with the Treatment Standards with the goal of minimizing the project to a Determination of No Adverse Effect.
5. If Rest Easy does not accept these recommendations, the Fort Belvoir CRM shall consult with the SHPO and Fairfax County to develop and implement a resolution pursuant to 36 CFR § 800.6.

V. EMERGENCY ACTIONS

- A. Emergency actions are those actions deemed necessary by Fort Belvoir as an immediate and direct response to an emergency situation, which is a disaster or emergency declared by the President or the Governor of the Commonwealth of Virginia, or other immediate threats to life or property. Emergency actions under this PA are only those implemented within thirty (30) calendar days from the initiation of the emergency situation.
- B. If the emergency action has the potential to affect historic properties, the Fort Belvoir CRM, shall notify the SHPO within three (3) days prior to undertaking the action, when feasible. The Fort Belvoir CRM shall work with Rest Easy to develop a plan to address the emergency in a manner consistent with the Treatment Standards that will not foreclose future preservation or restoration of the effected historic properties and include on-site monitoring by the appropriate preservation professional who meets, as a minimum, the *Professional Qualification Standards*. The Fort Belvoir CRM shall forward the plan to the SHPO for review and comment. The SHPO shall have seven (7) calendar days to review and comment on the plan to address the emergency to include whether or not the emergency action constitutes an adverse effect. If the SHPO does not comment or object to the plan within the review period, the Fort Belvoir CRM may assume that the SHPO has no comment.
- C. If Rest Easy is unable to consult with the Fort Belvoir CRM prior to carrying out emergency actions, Rest Easy shall notify the Fort Belvoir CRM within forty-eight (48) hours after the initiation of the emergency action. The Fort Belvoir CRM shall then notify the SHPO within twenty-four (24) hours of being notified. This notification shall include a description of the emergency action taken, the effects of the action(s) to historic properties, and, where appropriate, any further proposed measures to avoid, minimize, or mitigate potential adverse effects to historic properties.

The SHPO shall have seven (7) calendar days to review and comment on the plan developed in accordance with Stipulation V.B where further action is required to address the emergency. If the SHPO does not comment on the plan within the review period, the Fort Belvoir CRM may assume that the SHPO has no comment.

- D. Immediate rescue and salvage operations conducted to preserve life or property are exempt from these and all other provisions of this PA.

VI. EXEMPT AND NON-EXEMPT ACTIVITIES

A. The following activities may be carried out without further consultation with the SHPO or Fairfax County, provided that the Fort Belvoir CRM ensures that these activities are consistent with the Treatment Standards:

1. General operation, routine and cyclical maintenance and in-kind repairs to Buildings 80 and 81.
2. Temporary ("temporary" being defined as less than twelve (12) months) installation of facilities to provide access to Buildings 80 and 81 by disabled persons provided these changes make no permanent modification to NRHP-eligible architectural or cultural landscape elements. If facilities will be installed for a period of greater than twelve (12) months the Fort Belvoir CRM shall consult pursuant to Stipulation IV.D., above.
3. Any change or repair to the mechanical, electrical, or plumbing systems, interior spaces of Buildings 80 and 81, as long as such change does not affect any significant exterior or interior historic character-defining elements.

B. Activities not listed above shall be completed as directed in Stipulation IV. The replacement of character-defining moldings, doors and windows is not exempt and must be reviewed using the process outlined in Stipulation IV.

C. In the event that the signatories to this PA concur in writing that additional exemptions are appropriate, this PA may be amended in accordance with Stipulation XIII to include those agreed upon exemptions.

VII. ANNUAL REPORTS

Fort Belvoir shall require Rest Easy to develop an annual project status report in coordination with Fort Belvoir CRM. The Fort Belvoir CRM shall submit a copy of the report to the SHPO and Fairfax County annually by July 31st. This report shall include information on the current condition of the historic properties, actions taken by Rest Easy to maintain the properties in accordance with the Treatment Standards, and descriptions of unanticipated problems that could

affect the integrity or upkeep of the historic properties, or any other activities or policies that affect or may affect the historic properties, including the documentation of Fort Belvoir CRM project reviews carried out under Stipulation IV.D.

VIII. FUTURE MANAGEMENT OF BUILDINGS 20 AND 172

Fort Belvoir shall take the following measures.

A. Building 20

The lodging facilities within Building 20 shall continue to be managed by the Fort Belvoir Directorate of Morale Welfare and Recreation as part of the Officer's Club facility. Future usage shall be consistent with the operations and management of the Officer's Club and its function and will be reviewed by the Fort Belvoir CRM. The Fort Belvoir CRM shall consult with the SHPO on future undertakings at Building 20 in accordance with 36 CFR Part 800 as appropriate.

B. Building 172 (Thermo-Con House)

Fort Belvoir shall identify an appropriate adaptive reuse of the Building 172 within twelve (12) months of execution of this PA. The Fort Belvoir CRM shall consult with the SHPO and Fairfax County on future undertakings at Building 172 in accordance with 36 CFR Part 800 as appropriate.

IX. POST REVIEW DISCOVERIES

A. Unanticipated Adverse Effect

In the event that the Fort Belvoir CRM determines, or is notified, that an action taken in accordance with this PA resulted in an unanticipated adverse effect to historic properties the Fort Belvoir CRM shall immediately notify Rest Easy. If the action is still being performed the Fort Belvoir CRM shall direct Rest Easy to immediately stop work related to the adverse effect.

1. The Fort Belvoir CRM shall make recommendations to Rest Easy for actions to be taken to reverse the adverse effect. These recommendations shall be made in accordance with the Treatment Standards with the goal of minimizing the project to a Determination of No Adverse Effect. The Fort Belvoir CRM shall consult with the SHPO on all determinations of no adverse effect in accordance with Stipulation IV.D.2.

2. If Rest Easy does not accept these recommendations, the Fort Belvoir CRM shall consult with the SHPO and Fairfax County to develop and implement a resolution pursuant to 36 CFR § 800.6.

B. Unanticipated Archeological Discovery

In the event of unanticipated discovery of archaeological materials during any of its activities, Rest Easy shall immediately stop work in the area of discovery and notify the Fort Belvoir CRM. Rest Easy shall ensure that no unauthorized personnel have access to the site and no further damage is done to the discovery until Fort Belvoir has complied with 36 CFR 800.13(b) and any other legal requirements. Failure to report such finds shall be interpreted as willful destruction of archaeological properties on federal land.

C. Documentation and Reporting

All archaeological investigations carried out pursuant to this Stipulation shall be conducted by individuals meeting the *Professional Qualification Standards* and shall be consistent with the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* (48 FR 44734-37, September 29, 1983) and the SHPO's *Guidelines for Conducting Cultural Resource Survey in Virginia* (rev. 2009) and shall take into account the ACHP's publications *Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites* (1999; rev. 2003) and *Section 106 Archaeology Guidance* (June 2007) or subsequent revisions or replacements to these documents. Two (2) copies of all technical reports and a CD-Rom shall be submitted to the SHPO for review and comment.

X. HUMAN REMAINS

A. Fort Belvoir shall ensure that Rest Easy shall make all reasonable efforts to avoid disturbing gravesites, including those containing Native American human remains and associated funerary artifacts. Fort Belvoir shall ensure that all such gravesites are treated in a manner consistent with the ACHP's *Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007), or any replacement or subsequent revision to this document.

B. If any remains found on federal lands are determined to be of Native American origin, Fort Belvoir shall comply with the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. Sec 3001 et seq.).

C. Fort Belvoir shall use reasonable efforts to ensure that the general public is excluded from viewing any burial site or associated funerary artifacts. The parties to this PA shall release no photographs of any burial site or associated funerary artifacts to the press or general public.

XI. ANTI-DEFICIENCY ACT

Fort Belvoir's obligations under this PA are subject to the availability of appropriated funds and the stipulations of this PA are subject to provisions of the Anti-Deficiency Act. Fort Belvoir shall make reasonable and good faith efforts to secure the necessary funds to implement its obligations under this PA. If compliance with the Anti-Deficiency Act alters or impairs Fort Belvoir's ability to implement its obligations under this PA, the Department of the Army shall consult in accordance with the amendment and termination procedures found in Stipulation XIII.

XII. DISPUTE RESOLUTION

A. Should a signatory to this PA object in writing within thirty (30) days to any plans or other documents provided by the Fort Belvoir CRM for review pursuant to this PA, Fort Belvoir shall consult with the objecting party to resolve the objection. If Fort Belvoir determines it cannot resolve the objection, Fort Belvoir shall forward to the ACHP all dispute-relevant documentation and a recommended course of action. Within thirty (30) calendar days after receipt of documentation, the ACHP will either:

1. Provide Fort Belvoir with recommendations, which Fort Belvoir shall take into account in reaching a final decision regarding the dispute; or
2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period, Fort Belvoir may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, Fort Belvoir shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the PA, and provide them and the ACHP with a copy of such written response.

B. Any recommendation or comment that the ACHP provides pertains only to the subject of the dispute. Fort Belvoir's responsibility to carry out all other actions under this PA, other than those disputed, shall not change.

C. At any time during implementation of the measures stipulated in this PA, should an objection pertaining to this PA be raised by a member of the public, Fort Belvoir shall notify the signatories and take the objection into account, and shall make a good faith effort to consult with the objector to resolve the dispute.

XIII. REVIEW, AMENDMENT AND TERMINATION

A. This PA shall be reviewed periodically, not less than every five years from the execution of the PA, when there is a modification to the Ground Lease, or a change in Fort Belvoir's mission.

B. This PA may be amended when such an amendment is agreed to in writing by all signatories and done so in consultation with concurring parties. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

C. Any signatory to this PA may terminate the PA by providing thirty (30) days written notice to the other signatories. During the period after notification and prior to termination (or another time period agreed to by all signatories), signatories shall consult to seek agreement on amendments or other actions that would avoid termination. In the event of termination, Fort Belvoir must either consult to develop a new PA per 36 CFR § 800.14(b)(3), or request, consider, and respond to the ACHP's formal comments per 36 CFR § 800.7 if the ACHP terminates the PA.

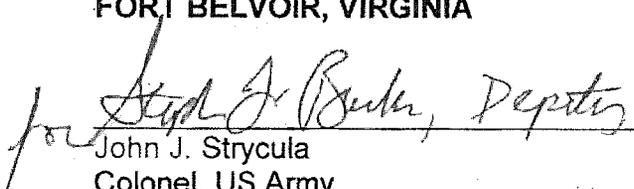
XIV. DURATION AND APPLICABILITY

A. This PA shall become effective upon the date of the last signature of a signatory party.

B. This PA shall remain in effect for the fifty (50) year duration of the Army's Ground Lease with Rest Easy. If the parties to the Ground Lease or their successors agree to extend the Ground Lease, the parties to this PA or their successors shall consult six (6) months prior to the expiration of the Ground Lease on the need to renew or amend this PA. This PA shall terminate in the event that the Ground Lease is terminated with no renewal.

EXECUTION of this PA by Fort Belvoir, the SHPO, and the ACHP and implementation of its terms evidence that Fort Belvoir has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

FORT BELVOIR, VIRGINIA


John J. Strycula
Colonel, US Army
Commanding

Date

7/6/2011

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

Kathleen S. Kilpatrick
Director, Department of Historic Resources

Date _____

ADVISORY COUNCIL ON HISTORIC PRESERVATION

John M. Fowler
Executive Director

Date _____

CONCUR:

FAIRFAX COUNTY, VIRGINIA

Anthony H. Griffin
County Executive

Date _____

REST EASY LLC

By: RE Managing Member LLC, its managing member,

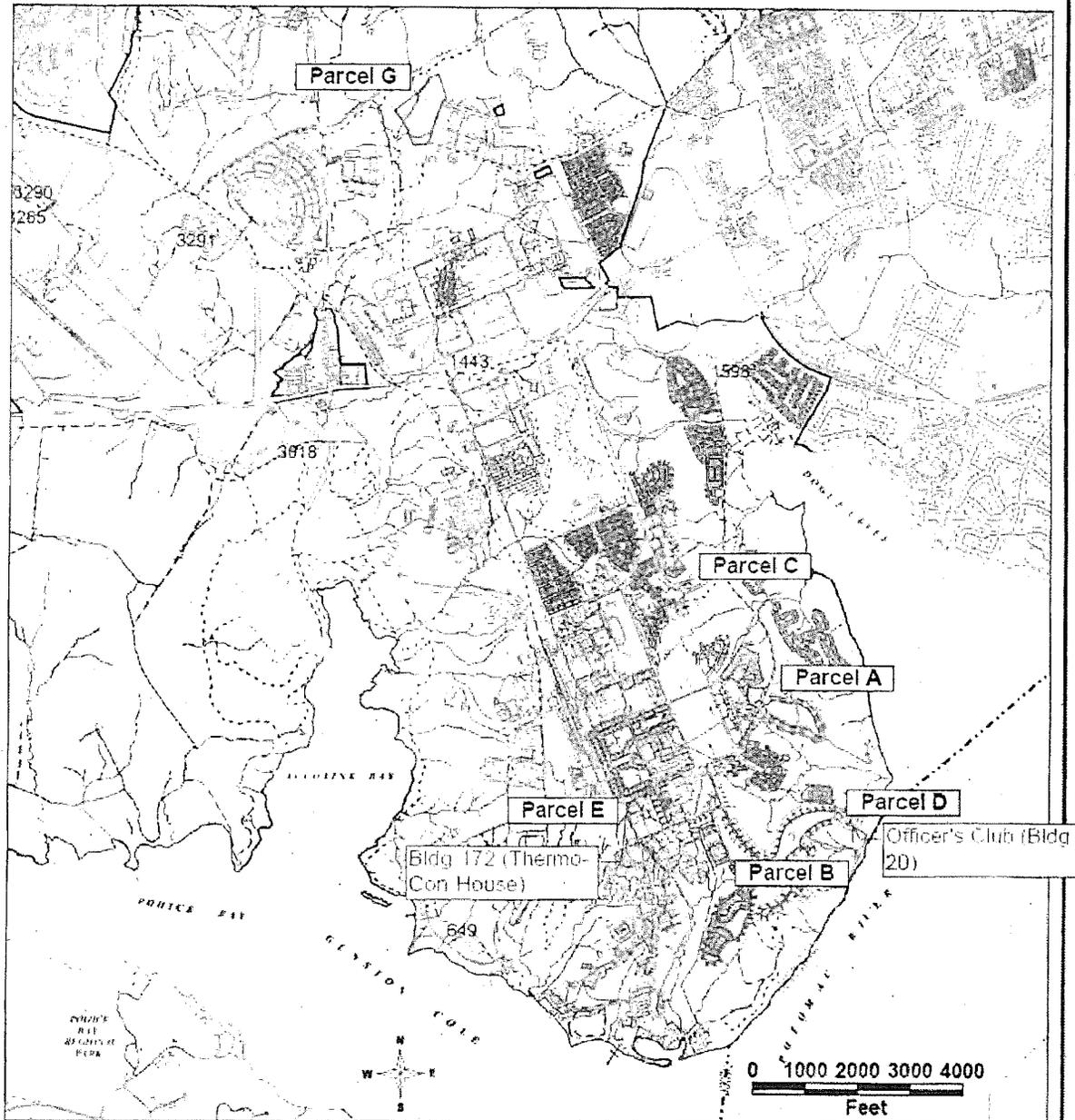
By: Lend Lease (US) Public Partnerships Holdings LLC, its sole member,

Bruce Anderson
Executive Vice President

Date _____

**ATTACHMENT A
AREA OF POTENTIAL EFFECT MAP
AND DISCRPTION OF
FACILITIES TO BE TRANSFERED**

PRIVATIZATION OF ARMY LODGING, FORT BELVOIR AREA OF PTENTIAL EFFECT



LEGEND

- | | | | | | |
|---|-----------------------|---|--------|--|-------------------|
|  | PROPOSED PAL PARCEL |  | ROAD |  | SURFACE WATER |
|  | INSTALLATION PROPERTY |  | STREAM |  | HISTORIC DISTRICT |

PARCEL A

Parcel A is an irregularly shaped, four (4) acre parcel located to the southeast of the intersection of Gillespie and Gaillards Roads. Rest Easy shall be granted a long-term (50-year) ground lease on the parcel. The parcel contains Building 470. Rest Easy shall be granted ownership of Building 470. Rest Easy shall renovate Building 470 and add it to its permanent lodging portfolio. The parcel is the preferred location for a new lodging facility to be constructed by Rest Easy. In the event that site conditions preclude construction of a new lodging facility on this parcel, the new lodging facility will be constructed at Parcel G.

PARCEL B

Parcel B is a rectangular eight (8) acre parcel located along the west side of Forney Loop Road to the south of 23rd Street. The parcel contains Buildings 505-509. Rest Easy shall be granted ownership of Buildings 505-509. Rest Easy shall be granted a long-term (50-year) ground lease on parcel. Rest Easy shall renovate Buildings 507-509 and add them to its permanent lodging portfolio. Rest Easy shall demolish buildings 505 and 506 within five (5) years of execution of the lease.

PARCEL C

Parcel C is a square one-and-one-half (1.5) acre parcel located to the southeast of the intersection of Petrarca and Farrell Roads. The parcel contains Building 806 and 807. Rest Easy shall be granted ownership of buildings 806 and 807 and a long-term (50-year) ground lease on the parcel. Rest Easy shall renovate Buildings 806 and 807 and add them to its permanent lodging portfolio.

PARCEL D

Parcel D is a rectangular, four (4) acre parcel located on Sulton Loop within Belvoir Village. The parcel contains Buildings 80 and 81. Rest Easy shall be granted a lease for a period up to fifty (50) years on buildings 80 and 81 and the parcel. All lands and buildings shall be returned to the government at the end of the ground lease.

PARCEL G

Parcel G is an irregularly shaped, fifteen-and-one-half (15.5) acre parcel located to the northeast of the intersection of Gunston and Gorgas Roads. The parcel is the former site of a World War II era hospital but is currently undeveloped. In the event that conditions preclude construction of a new lodging facility on Parcel A, Rest Easy shall be granted a lease for a period of up to fifty (50) years.

**ATTACHMENT B
HISTORIC PROPERTY IDENTIFICATION**

HISTORIC PROPERTIES IDENTIFIED WITHIN THE APE

PARCEL A

Archeology

Parcel A has been heavily disturbed by past development, Fort Belvoir has determined that no archeological resources are present.

Architecture

Parcel A contains one architectural resource, Building 470. Fort Belvoir has determined that Building 470 (constructed 1975) lacks the unique architectural and/or historic significance for National Register of Historic Places (NRHP) listing as a building less than 50-years of age.

PARCEL B

Archeology

Parcel B has been heavily disturbed by past development, Fort Belvoir has determined that no archeological resources are present.

Architecture

Parcel B contains five architectural resources, Buildings 505-509. Buildings 505-506 were constructed in 1956 as Unaccompanied Personnel Housing (UPH). Buildings 507-509 were constructed in 1969 as UPH. Fort Belvoir has determined that Buildings 505-509 are covered by the *Program Comment for Cold War Era Unaccompanied Personnel Housing (1946-1974)*.

PARCEL C

Archeology

Parcel C has been heavily disturbed by past development, Fort Belvoir has determined that no archeological resources are present.

Architecture

Parcel C contains two architectural resources, Buildings 806-807. Buildings 806-807 were constructed in 1959 as UPH. Fort Belvoir has determined that Buildings 806-807 are covered by the *Program Comment for Cold War Era Unaccompanied Personnel Housing (1946-1974)*.

PARCEL D

Archeology

Parcel D has been heavily disturbed by past development, Fort Belvoir has determined that no archeological resources are present.

Architecture

Parcel D contains two architectural resources, Buildings 80-81. Buildings 80-81 were constructed in 1947 and 1948, respectively, to serve as UPH. Fort Belvoir has determined that Buildings 80-81 are NRHP-eligible as contributing resources to the Fort Belvoir Historic District.

PARCEL G

Archeology

Parcel G was heavily disturbed by construction and subsequent demolition of a World War II hospital complex, the land has since returned to a natural state. Fort Belvoir has conducted archeological investigations within the parcel and determined that no archeological resources are present.

Architecture

There are no architectural resources present within Parcel G.

BUILDING 20

Archeology

The land around Building 20 has been heavily disturbed by past development, Fort Belvoir has determined that no archeological resources are present.

Architecture

Building 20 was constructed in 1934 to serve its current function of Officer's Club. Roughly 10,000 square feet of the building is dedicated to Army lodging. Fort Belvoir has determined that Building 20 is NRHP-eligible as a contributing resource to the Fort Belvoir Historic District.

BUILDING 172 (THERMO-CON HOUSE)

Archeology

The land around Building 172 has been heavily disturbed by past development, Fort Belvoir has determined that no archeological resources are present.

Architecture

Building 172 was constructed in 1949 as a prototype for family quarters; it is the only known building of its type in the Army. The building serves as Army lodging for distinguished visitors. Fort Belvoir has determined that Building 172 is individually-eligible for NRHP listing.

Board Agenda Item
January 10, 2012

ACTION - 3

Authorize the County Executive to Sign the Memorandum of Agreement Relative to the Construction of the National Museum of the United States Army at Fort Belvoir (Mount Vernon District)

ISSUE:

Authorize the County Executive to sign the Memorandum of Agreement (MOA) among the Fairfax County Board of Supervisors, the Virginia Department of Historic Resources (DHR), the US Army Garrison Fort Belvoir (Fort Belvoir), the Alexandria Monthly Meeting of the Religious Society of Friends (Friends), and the National Trust for Historic Preservation, Woodlawn National Historic Landmark (NTHP) relative to the construction of the National Museum of the United States Army at Fort Belvoir, Virginia, which is found to adversely affect the National Register-eligible Fort Belvoir Military Railroad bed (FBMRR).

RECOMMENDATION:

The County Executive recommends that the Board authorize him to sign the MOA among the Fairfax County Board of Supervisors, the DHR, Fort Belvoir, the Friends, and the NTHP, relative to the construction of the National Museum of the United States Army at Fort Belvoir, as shown in Attachment 1.

TIMING:

Board action is requested on January 10, 2012.

BACKGROUND:

The United States Army is proposing to construct the National Museum of the United States Army at Fort Belvoir, Virginia (Project). Fort Belvoir in consultation with the DHR determined that a portion of the Project construction, i.e., the museum access road, will adversely affect the National Register-eligible FBMRR. To resolve this, Fort Belvoir and the DHR, in consultation with the County of Fairfax, the Friends, and the NTHP, agree that the Project be implemented in accordance with certain stipulations, which take into account the Project's effect on historic properties, and drafted the attached MOA to ensure the stipulations be carried out.

Board Agenda Item
January 10, 2012

The principal stipulations in the MOA require Fort Belvoir to:

- complete a draft comprehensive Virginia Landmarks Register nomination for the FBMRR;
- develop a landscape design for the intersection of the museum access road and the FBMRR that is sympathetic to the historic character and presence of the railroad;
- develop, fund and install an interpretive historic marker on the history of the FBMRR; and
- implement an action plan, which addresses post-review archaeological discoveries that may be discovered during construction.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 – Memorandum of Agreement Relative to Mitigating Adverse Effects of the Construction of the National Museum of the United States Army, Fort Belvoir

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Marianne Gardner, Acting Director, Planning Division (PD), DPZ

Sterling Wheeler, Chief, Policy and Plan Development Branch, PD, DPZ

Linda Cornish Blank, Planner IV, Policy and Plan Development Branch, PD, DPZ

MEMORANDUM OF AGREEMENT
BETWEEN
US ARMY GARRISON FORT BELVOIR, VIRGINIA
AND
VIRGINIA STATE HISTORIC PRESERVATION OFFICER
TO
MITIGATE ADVERSE EFFECTS OF THE CONSTRUCTION OF THE
NATIONAL MUSEUM OF THE UNITED STATES ARMY,
FORT BELVOIR, VIRGINIA

WHEREAS, the Army will construct the National Museum of the United States Army (NMUSA) at Fort Belvoir, Virginia; and

WHEREAS, the construction of the NMUSA ("Undertaking") includes construction of a 177,000 gross square foot museum and supporting facilities and reconfiguration of the Fort Belvoir North Post Golf Course as described in Environmental Assessment for the National Museum of the United States Army, Fort Belvoir, Virginia released for public comment in September 2010, and

WHEREAS, Fort Belvoir, in consultation with the Virginia State Historic Preservation Officer (SHPO), has defined the Area of Potential Effects (APE) as the limits of construction disturbance and an area extending one-quarter mile from the edge of construction disturbance, as depicted in Attachment A; and

WHEREAS, Fort Belvoir completed a survey and evaluation of the APE and determined that the Fort Belvoir Military Railroad (FBMRR; DHR Survey No. 029-5648) bed, located within the APE is eligible for listing to the National Register of Historic Places (NRHP) as a multi-property listing; and,

WHEREAS, Fort Belvoir, in consultation with the SHPO, determined that the Undertaking will adversely affect the FBMRR bed from the construction of the NMUSA access road and removal of a failing stream culvert, as depicted in the design plans in Attachment B; and

WHEREAS, Fort Belvoir notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination on the FBMRR bed on May 09, 2011, and the ACHP elected not to participate in the development of the MOA, via email on June 13, 2011; and

WHEREAS, Fort Belvoir invited the Catawba Indian Nation to participate in Section 106 consultation for this undertaking on September 23, 2009 in

accordance with 36 CFR 800.8 (c), and the tribe declined to participate in the consultation process on September 28, 2009: and

WHEREAS, in accordance with 36 CFR 800.2(d)(1), Fort Belvoir provided the public an opportunity to comment on this Undertaking through the NEPA process by means of an the *Environmental Assessment for the National Museum of the United States Army, Fort Belvoir, Virginia*, September, 2010); and

WHEREAS, Fort Belvoir invited via email on March 28, 2011 Fairfax County, the Alexandria Monthly Meeting of the Religious Society of Friends (Friends), the National Trust for Historic Preservation Woodlawn National Historic Landmark and the Woodlawn Baptist Church to participate in the development of this Memorandum of Agreement (MOA) and

WHEREAS, Fairfax County the Friends, and the NTHP elected to participate in the consultation process and have been invited to sign as concurring parties, and the Woodlawn Baptist Church declined to participate; and

WHEREAS, Fort Belvoir consulted with the SHPO in accordance with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470 et seq. (NHPA), and its implementing regulations (36 CFR Part 800.6(b)(1) to resolve the adverse effects of the Undertaking on historic properties; and

NOW THEREFORE, Fort Belvoir and the SHPO agree that Fort Belvoir shall implement the following stipulations to mitigate the adverse effects of the Undertaking on historic properties and that these stipulations shall govern the mitigation until this MOA expires or is terminated.

STIPULATIONS

Fort Belvoir shall ensure that the following stipulations are carried out.

I. FBMRR Multi-Property Evaluation

A. Fort Belvoir shall complete a draft comprehensive Virginia Landmarks Register (VLR) nomination (utilizing a National Register of Historic Places (NRHP) nomination form) for the FBMRR multiple-property listing. The draft nomination form shall be submitted to the SHPO and Fairfax County within two (2) years of execution of this MOA.

B. The SHPO and may edit the draft nomination as appropriate and forward it on to the State Review Board for listing to the VLR.

C. Fort Belvoir shall provide all reasonable assistance to the SHPO in the editing of the draft nomination to include, but not limited to, access to historic documents and other source materials in its possession, the Word

document of the nomination, and access to the resource in order to take photographs if necessary.

II. INTEGRATION OF FBMRR INTO THE NMUSA LANDSCAPE DESIGN

- A. Fort Belvoir, in consultation with the SHPO and other consulting parties to this agreement, shall develop a landscape design for the intersection of the access road and the FBMRR that is sympathetic to the historic character and presence of the railroad.
- B. The SHPO and other consulting parties shall be afforded the opportunity to review and comment on the landscape design at 65 % design. Fort Belvoir shall take into consideration all comments received within the review period from the SHPO and other consulting parties in the landscape design of the intersection.
- C. If the SHPO or other consulting parties do not respond within thirty (30) days of confirmed receipt of the complete design drawings, Fort Belvoir may assume that the non-responding party has no comment.
- D. Fort Belvoir will then provide the revised landscape design, with a description of the comments they received from the SHPO and other consulting parties and how they addressed those concerns in the plan revision within thirty (30) days.

III. INSTALLATION OF A HISTORIC MARKER

- A. Fort Belvoir shall develop and fund the fabrication and installation of an interpretive historic marker on the history of the FBMRR in consultation with the SHPO and other consulting parties. Fort Belvoir shall install the interpretive historic marker at the intersection of the access road and the FBMRR.
- B. Fort Belvoir shall submit the proposed design to the SHPO and other consulting parties for review and comment on the design, text, and layout of the interpretive historic marker. Fort Belvoir shall take into consideration all comments received within the review period from the SHPO and other consulting parties. If the SHPO or other consulting parties do not respond within thirty (30) days of receipt of the complete submission for the text of the interpretive panel, Fort Belvoir may assume that non-responding parties have no comment.
- C. Fort Belvoir will provide the revised historic marker design, with a description of the comments they received from the SHPO and other consulting parties and how they addressed those concerns in the plan revision within thirty (30) days.

IV. POST-REVIEW ARCHAEOLOGICAL DISCOVERIES

A. In the event that previously unidentified archaeological resources are discovered during ground-disturbing activities associated with the Undertaking, Fort Belvoir shall halt all construction work involving subsurface disturbance in the area of the discovery and in the surrounding area where further subsurface remains can reasonably be expected to occur and notify the SHPO and other consulting parties of the discovery within two (2) working days.

B. Fort Belvoir and the SHPO or a professionally qualified archaeologist, shall inspect the work site with two (2) working days after the SHPO is notified of the discovery and determine the area and nature of the affected archaeological resource. Construction work may then continue in the area outside the archaeological resource as defined by Fort Belvoir and the SHPO, or their designated representatives.

C. Within five (5) working days of the original notification of discovery, Fort Belvoir, in consultation with the SHPO and other consulting parties, shall determine the NRHP eligibility of the resource.

D. If the resource is determined eligible for the NRHP, Fort Belvoir shall prepare a plan for its avoidance, protection, or recovery of information within five (5) working days of the eligibility determination. Such plan shall be concurred on by the SHPO and commented on by the other consulting parties prior to implementation.

E. Work in the affected area shall not proceed until either:

1. The development and implementation of appropriate data recovery or other recommended mitigation procedures is accomplished, or
2. The determination is made that the located resources are not eligible for inclusion in the NRHP.

F. Any disputes over the evaluation or treatment of previously unidentified resources shall be resolved as provided in the section of this MOA titled Dispute Resolution.

V. HUMAN REMAINS

A. In the unlikely event that human remains and/or associated funerary objects are encountered during the implementation of this MOA. Fort Belvoir shall immediately halt all work in the area and contact the appropriate authorities. If the remains appear to be Native American in origin any such remains and/or funerary objects shall be treated in accordance with the Native American Graves Protection and Repatriation

Act (25 USC 3001; "NAGPRA") and its implementing regulations, 43 CFR Part 10.

B. If the remains are determined not to be of Native American origin, Fort Belvoir shall notify the Criminal Investigation Department (CID), and consult with the SHPO and other consulting parties, as appropriate. Prior to the archaeological excavation of any remains, the following information shall be submitted to the SHPO and other appropriate consulting parties for consultation:

1. The name of the property or archaeological site and the specific location from which the recovery is proposed. If the recovery is from a known archaeological site, a state-issued site number must be included.
2. Indication of whether a waiver of public notice is requested and why. If a waiver is not requested, a copy of the public notice (to be published in a newspaper having general circulation in the area for a minimum of four weeks prior to recovery) must be submitted.
3. A copy of the curriculum vita of the skeletal biologist who will perform the analysis of the remains.
4. A statement that the treatment of human skeletal remains and associated artifacts will be respectful.
5. An expected timetable for excavation, osteological analysis, preparation of final report, and final disposition of remains.
6. A statement of the goals and objectives of the removal (to include both excavation and osteological analysis).
7. If a disposition other than reburial is proposed, a statement of justification.

C. Fort Belvoir shall treat all human remains in a manner consistent with the ACHP "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (23 February 2007).

VI. ANTI-DEFICIENCY ACT

The stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act and nothing in this MOA shall be interpreted to require Fort Belvoir to violate the Anti-Deficiency Act. If compliance with the Anti-Deficiency Act would alter or impair Fort Belvoir's ability to implement the stipulations of this MOA, Fort Belvoir shall consult in accordance with the Dispute Resolution, and Amendment and Termination procedures found in Stipulations VII and VIII below.

VII. DISPUTE RESOLUTION

A. Should any signatory (or concurring party) to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, Fort Belvoir shall consult with such party to resolve the objection. If Fort Belvoir determines that such objection cannot be resolved, Fort Belvoir will:

B. Forward all documentation relevant to the dispute, including Fort Belvoir's proposed resolution, to the ACHP. The ACHP shall provide Fort Belvoir with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, Fort Belvoir shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. Fort Belvoir will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, Fort Belvoir may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, Fort Belvoir shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. Fort Belvoir's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

D. This stipulation does not preclude a member of the public from notifying the Fort Belvoir of any objection and or dispute they have as to the manner in which this MOA is being implemented. Fort Belvoir shall consider such objections and determine whether any action is necessary to respond to the public.

VIII. AMENDMENT

This MOA may be amended when such an amendment is agreed to in writing by the two signatories. The amendment will be effective on the date a copy signed by the two signatories is filed with the ACHP.

IX. AMENDMENT AND TERMINATION

A. If either of the two signatories to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days (or another time period agreed to by the two

signatories) an amendment cannot be reached, either signatory may terminate the MOA upon written notification to the other signatory.

B. Once the MOA is terminated, and prior to work continuing on the undertaking, Fort Belvoir must either (a) execute an MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. Fort Belvoir shall notify the other signatory as to the course of action it will pursue.

X. DURATION

This MOA shall take effect on the date it is signed by the last signatory and will remain in effect until five (5) years from that date unless terminated pursuant to Stipulation VIII.

Execution and implementation of this MOA evidences that the Fort Belvoir has afforded the ACHP a reasonable opportunity to comment on the effects of the Undertaking on historic properties. Execution and compliance with this MOA fulfills the Fort Belvoir's Section 106 responsibilities regarding this Undertaking at Fort Belvoir.

FORT BELVOIR, VIRGINIA

By:



John J. Strycula
Colonel, U.S. Army
Garrison Commander

Date: 19 Jun 2011

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

By:

Kathleen S. Kilpatrick
Director, Department of Historic Resources

Date:

CONCURRING PARTIES

FAIRFAX COUNTY

By:

Anthony H. Griffin
County Executive

Date:

ALEXANDRIA MONTHLY MEETING OF THE RELIGIOUS SOCIETY OF
FRIENDS

By:

Deborah Haines
Clerk of the Meeting

Date:

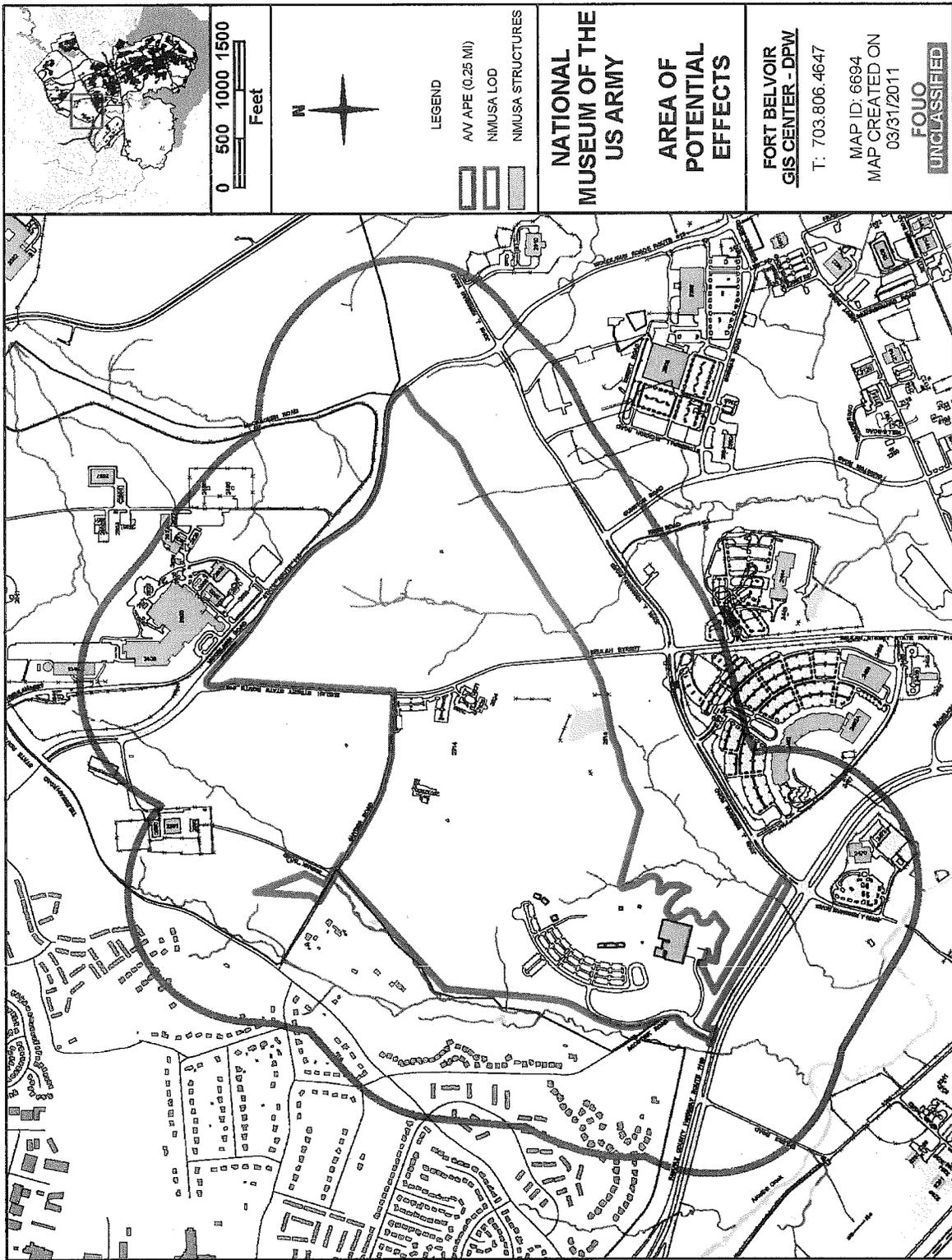
THE NATIONAL TRUST FOR HISTORIC PRESERVATION, WOODLAWN
NATIONAL HISTORIC LANDMARK

By:

Paul Edmondson
Vice President & General Council

Date:

ATTACHMENT A
Area of Potential Effect Map



ATTACHMENT B
Fort Belvoir Military Railroad
Rail Bed Removal Areas

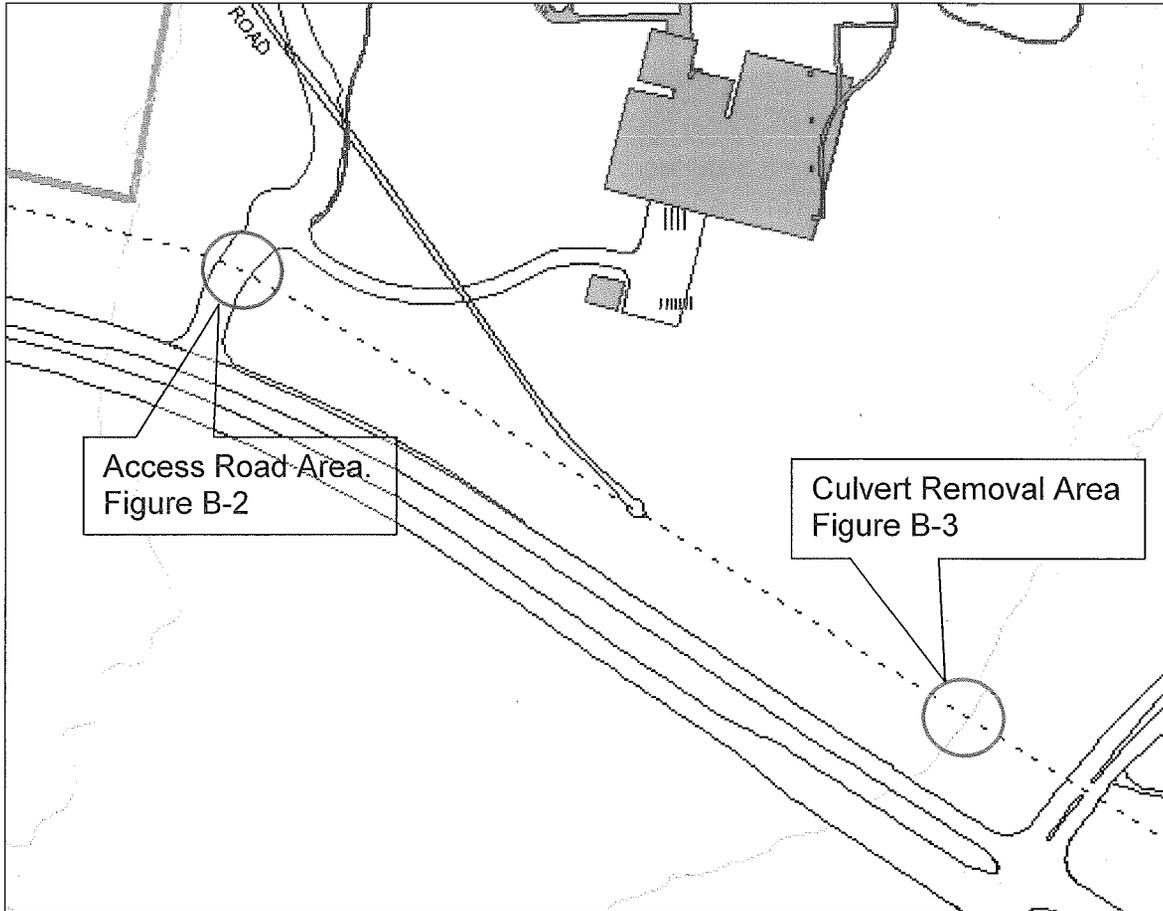


Figure B-1; Areas of Rail Bed Demolition

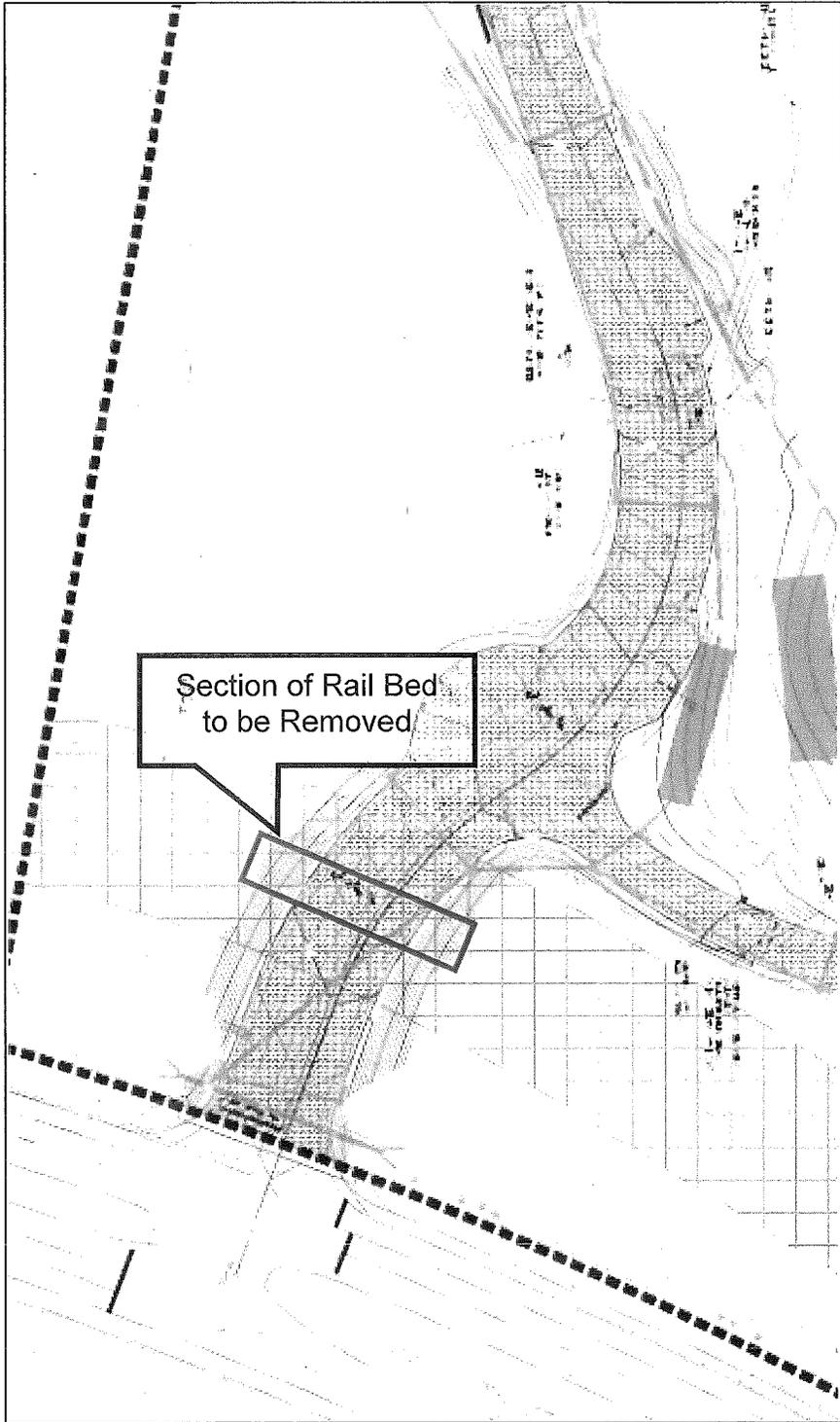


Figure B-2; Rail Bed Removal for Museum Access Road

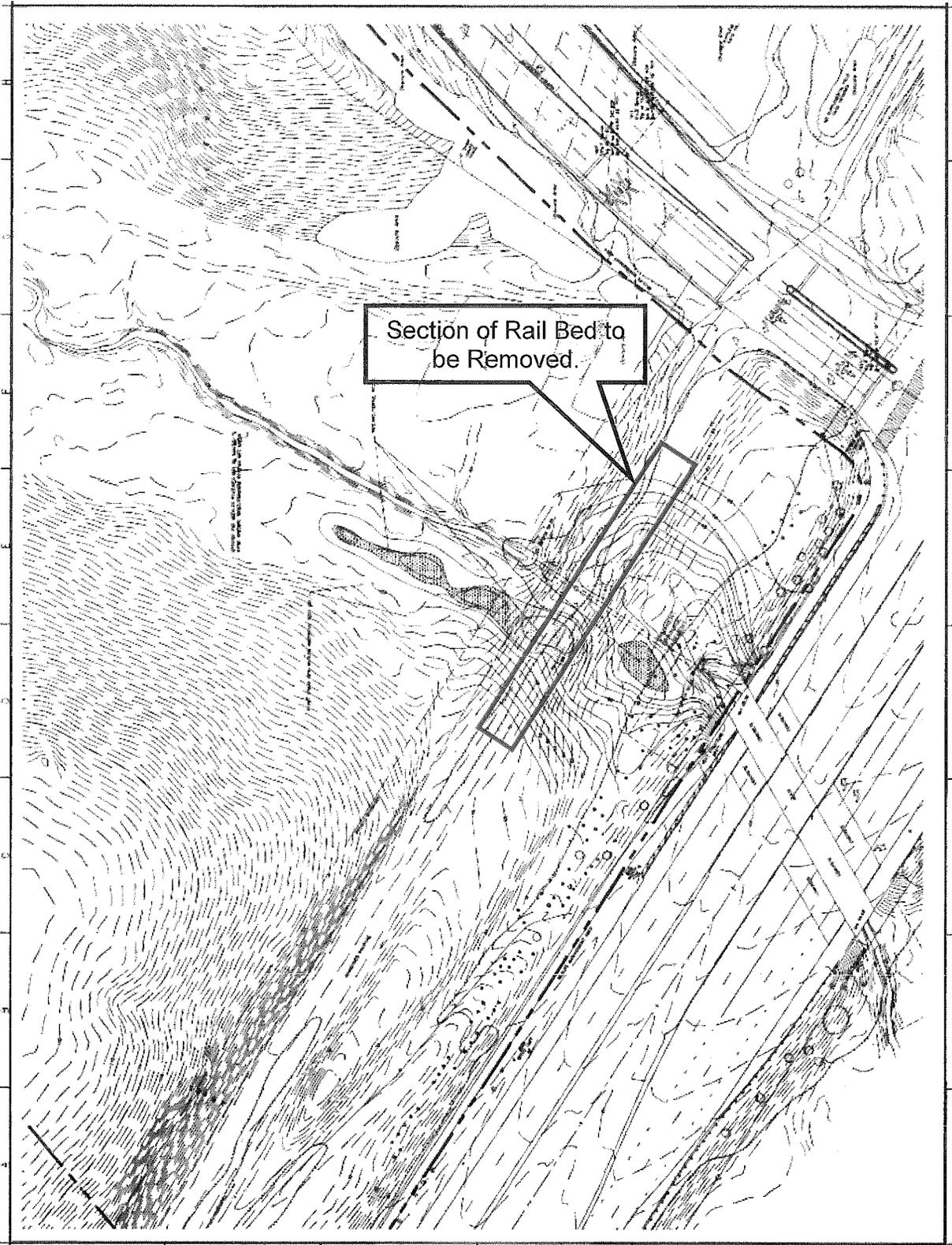


Figure B-3; Rail Bed Removal for Failed Culvert Demolition

ACTION - 4

Amended Parking Reduction for the Buckman Road Apartments (Lee District)

ISSUE:

Board approval of a 4.4 percent reduction in the required parking for the Buckman Road Apartments and the associated private school of special education located within the apartment complex's clubhouse, Tax Map Reference #101-2-001-0019, Lee District.

RECOMMENDATION:

The County Executive recommends that the Board approve an amended parking reduction of 4.4 percent (14 fewer parking spaces) for the Buckman Road Apartments and the associated private school of special education, pursuant to Paragraph 4(B), Section 11-102 of The Fairfax County Zoning Ordinance (Zoning Ordinance), and based on an analysis of the parking requirements for each use on the site and a shared use parking study, on condition that:

1. A minimum of 306 parking spaces must be provided onsite at all times.
2. The uses permitted per this parking reduction are:
 - A maximum of 204 residential apartment units.
 - A private school of special education subject to the conditions of the approved Special Exception, SE 2011-LE-011.

Any additional uses must be parked at code.

3. To assure that sufficient parking is available at the time of peak residential parking demand the following restrictions apply to the private school of special education, Monday through Friday:
 - All activities shall terminate by 9:00 p.m.
 - There shall be no more than 3 employees onsite after 7:00 p.m.
 - There shall be no more than 6 non-resident students (i.e. students who are not residents of the apartment complex) onsite between the hours of 7:00 to 8:00 p.m. and there shall not be any non-resident students onsite after 8:00 p.m.

Board Agenda Item
January 10, 2012

4. The current owners, their successors or assigns of the parcel identified as Fairfax County Tax Map #101-2-001-0019, shall submit a parking space utilization study for review and approval by the Board of Supervisors 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 ninety 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.
5. 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 (the Code), and the Zoning Ordinance in effect at the time of said parking utilization study submission.
6. 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 of Supervisors' approval.
7. 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).
8. No parking spaces required to meet the shared parking requirements for the parking reduction conditions shall be restricted or reserved except for those required to meet the parking requirements of the ADA.
9. The conditions of this approval shall be incorporated into any site plan(s) for this development.
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 January 10, 2012, to coincide with the date of the Board's public hearing for the associated special exception, SE 2011-LE-011.

BACKGROUND:

The Buckman Road Apartments (a.k.a. Stony Brook Apartments) are located off of Route 1 in the Lee District of Fairfax County in an area zoned R-20. The complex provides Section 236 subsidized housing in 202 apartment units for approximately 500 residents. A total of 204 dwelling units were constructed in 1971. When the apartments were constructed, 306 9-foot wide parking spaces were provided, at the required rate of 1.5 spaces per unit and the site plan allowed the inclusion of solid waste containers. The site currently maintains 306 parking spaces including 9 accessible parking spaces for 202 dwelling units. In providing the accessible parking spaces, the size of the regular spaces has been reduced to the standard width of 8½ feet.

Two of the original apartments were converted to a computer training facility, as an accessory use for the residents. On October 21, 2001, the Board of Zoning Appeals approved Special Permit SP 01-L-042, subject to development conditions, permitting a private school of special education, which allowed non-residents to use the training facilities. Development Condition Number 8 addressed the need for a parking reduction to accommodate twenty-five (25) non-resident students allowed on the site at any one time. On March 10, 2003, the Board of Supervisors approved a 7.3 percent parking reduction for the Buckman Road Apartments to accommodate the school of special education.

The applicant, Buckman Road Development LLC, proposes to relocate the private school of special education, currently operating in the two converted apartments, to a newly constructed clubhouse located on-site and convert the two apartments back to their original use as dwelling units. In order to accomplish this, the applicant also is pursuing a special exception, SE 2011-LE-011. The school will offer various educational enrichment activities for youth and young adults including tutoring, computer classes, green living seminars, and after-school enrichment programs. Under the proposed development conditions for the special exception, the school will be subject to the following operating restrictions:

- The total maximum daily enrollment for the private school of special education shall not exceed 95 students. A maximum of 40 students may utilize the school at any one time. The number of students who attend the school but do not live within the apartment complex shall be limited to 10 at any one time.
- The maximum number of employees for the private school of special education shall be five onsite at any one time.
- Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., Monday through Friday and 11:00 a.m. to 4:00 p.m. on Saturday.

Under the Zoning Ordinance, the Code requirement for the 204 apartments, which are grandfathered at the 1971 rate of 1.5 spaces per dwelling unit, is 306 parking spaces.

Board Agenda Item
January 10, 2012

Students residing in the apartment complex do not create an additional parking demand and have no impact on required parking. Therefore, the Code requirement for the school of special education, based on the 10 non-resident students and five staff onsite at any one time, is 14 parking spaces. Therefore, the total Code required parking for the proposed uses is 320 parking spaces. The applicant is seeking a 4.4% reduction (14 fewer parking spaces), to allow the existing parking supply of 306 spaces to meet their requirements, based on different hours of operation.

Public transit and on-street parking are available on Buckman Road. Two bus stops are located at the site with Metro and Fairfax Connector Bus service. The availability of public transit lowers parking demand at this site. On-street parking is available, except at the two entrances and east of the first driveway, to accommodate any over-flow parking from the apartment complex.

Staff is not aware of any existing parking problems on the site and a field check conducted by the applicant's engineer between 5:00 and 7:00 p.m. on July 20, 2011, although not definitive, showed parking demand to be below the available parking supply. However, the shared parking analysis performed by the applicant's engineer indicates the need for some additional restrictions on the number of employees and non-resident students of the school of special education onsite after 7:00 p.m. to assure that sufficient parking is available at the time of peak residential parking demand. These operating restrictions, stated in condition #3 above, are in addition to the restrictions in the proposed development conditions for the special exception.

The recommended parking reduction reflects a coordinated review by the Department of Public Works and Environmental Services and the Office of the County Attorney.

ENCLOSED DOCUMENTS:

Attachment 1 - Revised Letter of Request and Shared Parking Analysis from Patton, Harris, Rust and Associates dated December 7, 2011, and associated Parking Tabulation (#00214-PKS-002-1)

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

Revised December 7, 2011

Mr. John Friedman
Fairfax County Site Code & Development Branch
c/o Office of Land Development Services
12055 Government Center Parkway
Suite 608
Fairfax, Virginia 22035-5503

Re: **Stony Brook Apartments**
Shared Parking Reduction and Parking Tabulation Revision
Original Site Plans #214 FP 001-2 (Section 1) and #214 FP 002-3 (Section 2)
Approved Special Permit # SP 01-L-042
Tax Map 101-2 ((1)) 19
000214-PKS-002-1
Lee Magisterial District
PHR&A: F-17117-1-0

Dear Mr. Friedman:

Please accept the following revised submission of the shared use parking study for the accommodation of a private school of special education tenant to maintain operations at the existing Stony Brook Apartments, with 204 units, at 3426 Buckman Road in the Lee District of Fairfax County, VA. The Site was previously known as the Buckman Road Apartments. The Site is identified as 101-2 ((1)) 19 in the Fairfax County tax map records. This Site has a special exception application pending to relocate the existing on-site private school to a newly constructed/remodeled clubhouse on-site (See Attachment 1).

The subject parking analysis is prepared to be consistent with previous approvals on the Site to formally allow for a parking reduction for multiple uses. The methodology of the shared parking reduction recognizes the different times of day of peak usage and the unique operation with residents and visitors for the school. The shared parking reduction for the proposed mix of activities at the Stony Brook 2 **spaces** on-site to 306 spaces. **The reduction is 14 spaces or 4.4 percent** from the existing Zoning Ordinance for each use.

History

The Site was developed in 1971. At that time, the Fairfax County parking requirement for multi-family development was 1.5 spaces per unit. The property was developed accordingly with 306 total parking spaces for the 204 dwelling units in the R-20 District. Previously, the R-20 District allowed a school of special education with an enrollment of less than 100 students as a special permit use. The Buckman Road Preservation Corporation (BRPC), a subsidiary of the Community Preservation and Development Corporation, Inc. (CPDC), requested a use determination from Fairfax County for a proposed computer learning center in place of two

renovated apartments on-site. The private school included two separate computer classrooms with 40 students using the facility at any one time, 34 work stations, and a conference tutoring classroom, two offices, a reading area, and a small workroom. The center was for both residents of the apartment complex and non-residents. It was determined that the proposed computer learning center would be considered a private school of special education. On October 24, 2001, the Fairfax County Board of Zoning Appeals approved a private school of special education on site (See Attachment 2):

- The approval limits the number of students to 74 daily with no more than 40 students utilizing the school at any one time. Of these students, those who live off-site were not to exceed 25.
- The number of employees is limited to 3 on-site at any given time.
- The hours of operation are limited to 9 A.M. to 8 P.M. Monday through Thursday, 9 A.M. to 1 P.M. on Friday and 11AM to 4 P.M. on Saturday.
- All parking is to be provided on-site. Prior to the issuance of a non-residential use permit, the applicant is to submit a request for a parking reduction to the Fairfax County Board of Supervisors. If approved, the private school may include a maximum of 25 non-residential students.

Subsequently on March 10, 2003, the Fairfax County Board of Supervisors approved a shared parking reduction of 7.3% to 306 parking spaces (See Attachment 3). The reduction of 24 spaces was associated with 330 total spaces (303 spaces for residential plus 27 for the school). The maximum non-residential school population was 25 students.

The approved shared parking conditions included seven conditions for shared parking which defined the operations of the school and capped the number of residential units. Since the approvals, the following revisions have been pursued by the owners that impact the analysis:

- Renovations of parking on-site including ADA upgrades,
- Relocation of the school to the newly renovated clubhouse area in the rear of the site,
- Replace the previous two apartments used as the school to two (2) residential dwelling units,
- Increase the maximum employee count for the school to a maximum of five people with three employees for the evening class.
- Update the student population counts and class times, and
- Changes in hours of operation to maintain classes to 9:00 PM. .

Subject to the County concurrence, the shared parking opportunities also suggest the following conditions:

- Evening activities for non-resident students should terminate at 8:00 PM (with staff activities until 9:00 PM)
- Limit off-site adult students to six in the evening class after 7:00 PM.
- Calculation of residential parking based on the ULI trends, rather than existing parking demand,
- Encourage walk and transit activities to the site, to reduce the typical parking demand for School of Special Education, and
- Maintain off-site student activities at less than 25 adults with a typical student cap at 75 students during the weekday morning or afternoon sessions.

The analysis is revised also to reflect the application of residential parking derived based on ULI trends and not based on residential field counts. The March 2003 County approval conditions are shown below with the bolded items suggested for change:

- A maximum of **204** residential apartment units plus a **private school of special education with up to 74 students and no more than 25 off-site residents shall be provided on site pursuant to the approval of this parking reduction. Maximum ten non-resident adult students.**
- The current owners, their successors or assigns of the parcel identified as Fairfax County Tax Map #101-2-001-0019, shall submit a parking space utilization study for review and approval by the Board of Supervisors 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 ninety 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.
- 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* (County Code), and the Zoning Ordinance in effect at the time of said parking utilization study submission.
- Shared parking with any additional uses (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 of Supervisors approval.
- 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 (PFM), including the provisions referencing Americans with Disabilities Act.
- The conditions of this approval shall be incorporated into the site plan(s) for this development prior to final site plan approval.
- The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

The following paragraphs summarize the proposed uses, parking requirements, and justification for the parking associated with the combined residential and private school uses to recognize the different times of peak parking requirements:

Proposed Uses

The applicant, the Buckman Road Development LLC, requests that the County Executive recommend to the Board of Supervisors to approve the shared parking tabulation revisions with parking for a private school of special education with residential uses within the R-20 Zoning District at 3426 Buckman Road. The uses are contiguous and have shared ingress/egress through the parking lots to three driveways on Buckman Road.

The applicant proposes to relocate a private school of special education currently operating within an existing building on site to a newly constructed Clubhouse also located on-site. The school will offer various educational enrichment activities for youth and young adults including tutoring, computer classes, green-living seminars and after-school enrichment programs. The school will operate between 10 AM and 9 PM on weekdays and on a few occasions (less than 5

times per year), special events may take place on Saturdays during daytime hours. The proposed use is expected to serve approximately 55-75 youth with up to 40 participating in activities at any given time and 40 adults with up to 25 participating at any given time. The private school will have a maximum of 5 employees on site at any one time and no more than 3 employees on-site between 7 PM and 9 PM. Staff is currently two full-time administrative staff and two on-site employees. The estimated total number of activity participants (broken down by time slot and resident versus non-residents) is estimated as follows:

- Between 10 AM and 3 PM : 24 adults (15 residents and 10 non-residents)
- Between 3 PM and 7 PM : 40 youth (residents only)
- Between 7 PM and 9 PM : 16 - 20 Adults (10-14 residents and 6 non-residents)

Parking Requirements

For the residential uses, the site plan was approved with 306 spaces or 1.5 spaces per unit. Other uses on the site such as activities at the clubhouse facilities are ancillary to serve the residents. Therefore, the activities do not have an additional parking requirement. However, operations on-site as previously approved allow for a private school to provide activities, training, and commuter resources for the neighborhood. The management of the apartment operates the facility for residents of Stony Brook as well as opens it to the neighborhood. Since the school does serve the community, additional parking for non-residents and employee parking was calculated. The private school parking requirements at the existing Community Center is determined by the Director of Public Works and Environmental Services. PHR+A estimates that the maximum parking for the approved school use would vary based on the time of day and student population. For the maximum occupancy, the parking for the school is shown based on adult non-residential students and employee counts. The calculations are directed to the non-resident population using the facilities, since they represent the additional parking demand. For the times when adults are using the school facilities, the parking rates are derived based on typical occupancy for the existing facility with transit mode. Based on input from the school operators at CPDC and the regional director of CPDC, the existing students who are not residents almost all walk from the adjacent neighborhoods. Only occasionally, are the adults dropped off at the site. Accounting for walk trips, PHR+A assumed parking occupancy of one car per two students. Employee parking is shown per typical school uses at 2 spaces for every 3 employees.

For the peak occupancy for the use, the school of special education could require an additional 14 parking spaces (4 spaces for employees and 10 for students assuming 1 space per student for code requirements).

For the morning sessions with adults, PHRA utilized 1 space per 2 adults in the parking calculations. With 10 non-residents, the parking for the school of special education would require up to 5 spaces for the students between 10 AM and 3 PM weekdays. With the employee counts, this would equate to 9 spaces in the morning.

Based on the suggested rates, the private school parking as a stand-alone use PM afternoon would be 9 spaces on-site at its peak usage between 3:00-7:00 PM. Technically, at the maximum occupancy in the private school during the weekday afternoons, all attendees are on-site as they

are expected to be residents; therefore no additional parking spaces for students would be required. However, if non-residents are part of the activities, then the spaces can be available for students since residential parking is less than maximum code during the weekday afternoons.

For the evening activities, the Applicant proposes to limit non-residential participants at the school to 6 non-resident students and 3 employees in the evenings between 7 PM and 9 PM to remain within the calculated parking capacity. The evening class activities are scheduled with reduced attendees; non-residents are expected to be at 6 – 10 persons maximum. The employees on-site for the evenings would be 2 – 3 persons. Based on the transit mode share of 1 parking space required for 2 non-resident students, the parking demand would range between 2 and 5 vehicles on-site.

For the combined uses, 320 spaces would be required per the Zoning Ordinance. The 306 space parking for the Stony Brook Apartments was approved under the original site plans (#214 FP 001-2 Section 1 and #214 FP 002-3 Section 2) with a 1.5 parking space per unit requirement.

As noted above, the use and parking requirements have changed since the original construction in 1971. The original plan was approved with 306 spaces provided under a previous code requirement of 1.5 parking spaces per dwelling unit (204 total). In addition, as a result of the Americans with Disabilities Act (ADA act) approved in 1990, a total of 8 handicapped parking spaces are required. A total of 9 are provided on-site with the recent site parking renovations. Upon review of visible conditions on-site on July 20, 2011, PHR+A concluded that no change (net increase) to curb and asphalt area have occurred since the approvals of the original site plans.

Parking Space Reduction Justification

Based on Article 11-102.4.B of the Zoning Ordinance, PHR+A requests that the Director recommend to the Board of Supervisors for a shared parking reduction due to the different times of peak hours of operation for a private school in a residential Zoning District. PHR+A has reviewed the proposed special exception request, existing field conditions, and uses and confirmed that the parking provided on-site is adequate **as proposed** with the existing and proposed uses. The existing parking during construction this summer is below the previous approvals. The relocation of a private school of special education requires a reduction in parking to satisfy County Zoning Ordinance requirements. The enclosed package includes the following:

- One original and four (4) copies of the Site Plan Use and Parking Tabulation Revision Form (2 sheets), *Previously submitted, revised with December Zoning Ordinance calculations, but not change in supply or use.*
- Attachment 1: Proposed Special Exception Application, from applicant, dated September 8, 2011, *Previously submitted, no change with December revisions*
- Attachment 2: Board of Zoning Appeals Staff report, Fairfax County, dated October 24, 2001, *Previously submitted, no change with December revisions*
- Attachment 3: Board of Supervisors Staff report, Fairfax County, dated March 10, 2003,

Shared Parking Calculations

The daily parking demand methodology is an estimate of weekday parking which favors the maximum parking for each use from the zoning ordinance to recognize varying peak parking demand for a typical weekday. Weekend parking is not an element since the school does not operate on Saturdays (less than 5 times a year). Based on the residential parking requirements for the site as grandfathered, (1.5 spaces per unit), and the hourly parking occupancy percentages from the Urban Land Institute (ULI Shared Parking), weekday parking ranges for guest and resident parking at the apartment complex would require between 188 and 306 parking spaces on-site, with occupancy less than 269 before 7 PM and the peaks of 306 at 10 PM.

PHR+A evaluated the time of day reductions associated with the activities, noting the following parking occupancy by use type in Chart 1:

- Weekday percentages of parking occupancy shown by hour. The time reflects the beginning of the hour, with the maximum parking occurring within that time. For example, 7 PM would be between 7 – 8 PM. Due to turnover, the parking percentages are shown at the beginning of the hour.
- Parking activities for residential are segregated into two types – residents and guests – based on the default parking ratios in the ULI Shared Parking (2nd Edition) hourly parking percentage Table 2-2. Based on the ULI rates, the residential parking comprises 91 percent of the weekday parking demand (1.5 spaces per DU/1.65 total spaces for DU). The hourly percentages for residents are taken from ULI Table 2-5, and are shown in dark blue, which occur in the evening at 10:00 P.M.
- Residential parking for guests is based on ULI Table 2-5 with peak times from 7:00 – 10:00 P.M (shown in red).
- The combination percentage for residential (both guests and residents) is shown as a percentage in orange.
- For the 10:00 A.M. – 7:00 P.M. time frame, private school parking is based on the peak usage with 4 spaces for staff and 5 spaces for non-resident students at a ratio of 1 space per 2 non-resident students. This anticipates that some non-resident students will walk, carpool or use transit. In addition, residential parking is less than maximum code during the 10:00A.M.to 3:00 P.M. period weekday afternoons, when residential spaces can be available for students. This is shown in Chart 1 as green.
- Employee parking for staff shown as 29 percent (4 out of 14 spaces) for staff between 8 – 10 AM.
- For the 7:00 P.M. – 8:00 P.M. time frame, private school parking (shown in green) is based on the peak student usage with 2 spaces for 3 max staff and 3 spaces for 6 students at a rate of one space to two students.

- For the 8:00 time frame, private school parking rates are based on the peak student usage with 2 spaces for staff and 3 for non-resident students. A parking space ratio of 1 space per 2 students was assumed with the anticipation that half of the non-residents would walk to the school, carpool or use transit from the adjacent neighborhoods. Parking for the projected 6 adult non-residents would be calculated at 3 spaces, with a maximum employee count of 3 spaces. This totals 5 spaces at 8 PM on weekdays. With turnover, the non-resident students would leave after 8 PM. Employee parking for the school was extended after 9:00 PM to close up, but classes stop at 9:00 PM.

If the percentage hourly trends are calculated based on the approved County parking ratios for the site, the peak parking for all uses can be expected to occur in the evenings after 7:00 P.M. As shown in Chart 2, basing the residential at 306 spaces (as approved) and allocating guest spaces at 11 percent of total demand, the site demand for the Stony Brook Apartments is a function of the residential peak parking. Assuming the school parking reduces as the evening progresses (14 – 64%), the evening school peak of 2 - 5 parking spaces plus the residential requirements results in 306 spaces for empirical demand at 8:00 P.M. Subject to school operations, the parking supply after 7:00 but before 8:00 could support 3 more vehicles, or up to the 10 non-resident students, with the private school fully occupied. However, the charts show a reduction in student size to accommodate the peak at 8:00 PM.

The assumed parking by hour for the evenings is shown in Chart 2 but summarized by use in Table 1. Table 2 shows the hourly parking by use with the individual percentage by hour.

Table 1
Stony Brook Apartments Evening Shared Parking

Use	Maximum Parking	6:00 ⁽¹⁾	7:00	8:00	9:00	10:00
Residential Guest	27	17	27	27	27	27
Residents	279	252	271	274	277	279
Private School	14	9	5	5	2	0
Total	320	278	303	306	306	306
Surplus ⁽²⁾		+28	+3	0	0	0

⁽¹⁾Time begin hour range shown for 6 – 7 PM..

⁽²⁾Based on proposed on-site supply of 306 spaces per SE.

Based on the supply of 306 spaces, the evening parking empirical demand using the ULI hourly occupancy balances with on-site supply between 8:00 P.M. and 10:00 P.M. No additional reductions or credit requirements for actual residential transit trips, existing school walk trends or transit use is included in the curves, to be conservative.

Chart 1: Proposed Weekday Percentage Parking by Use

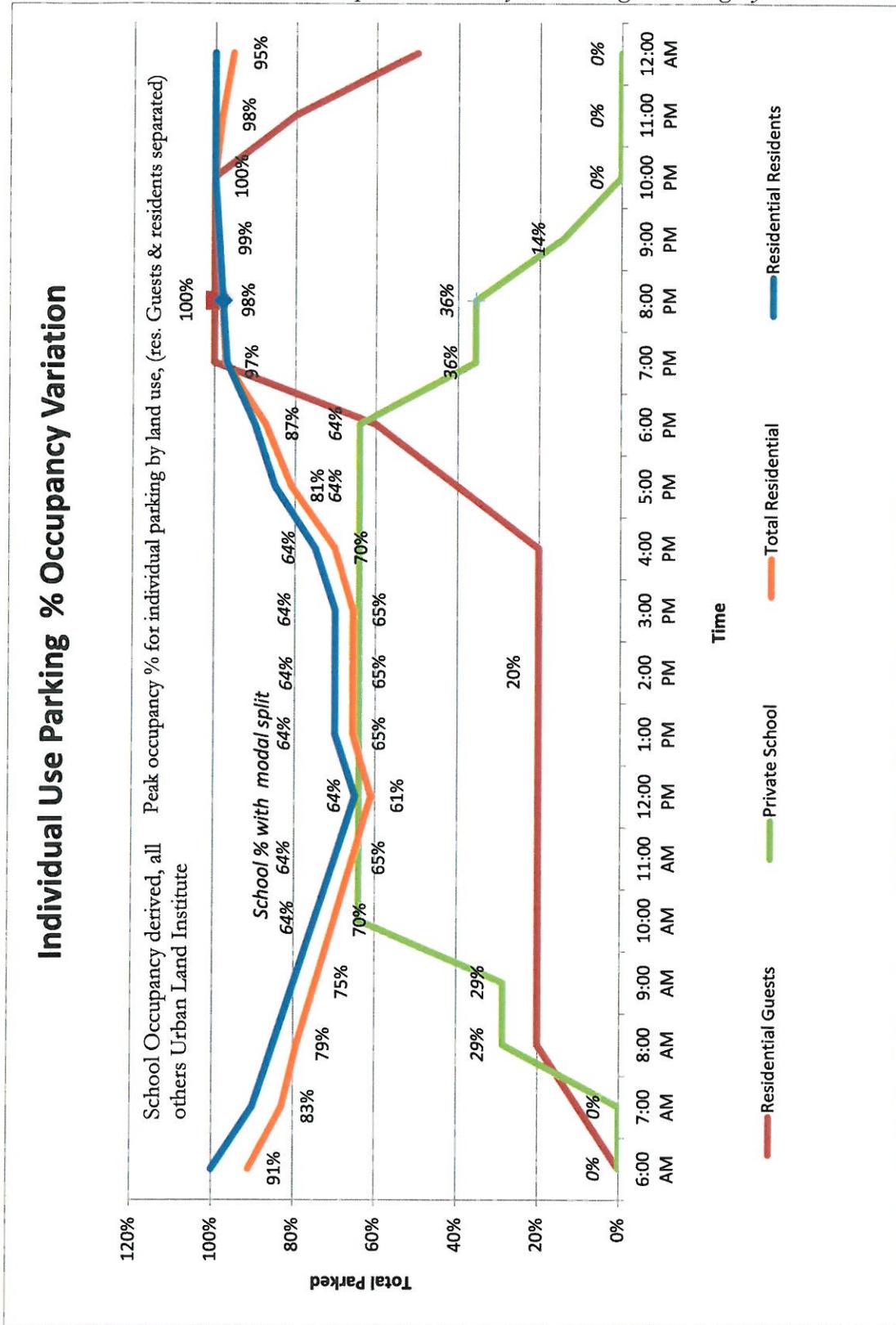


Chart 2: Site Parking Accumulation

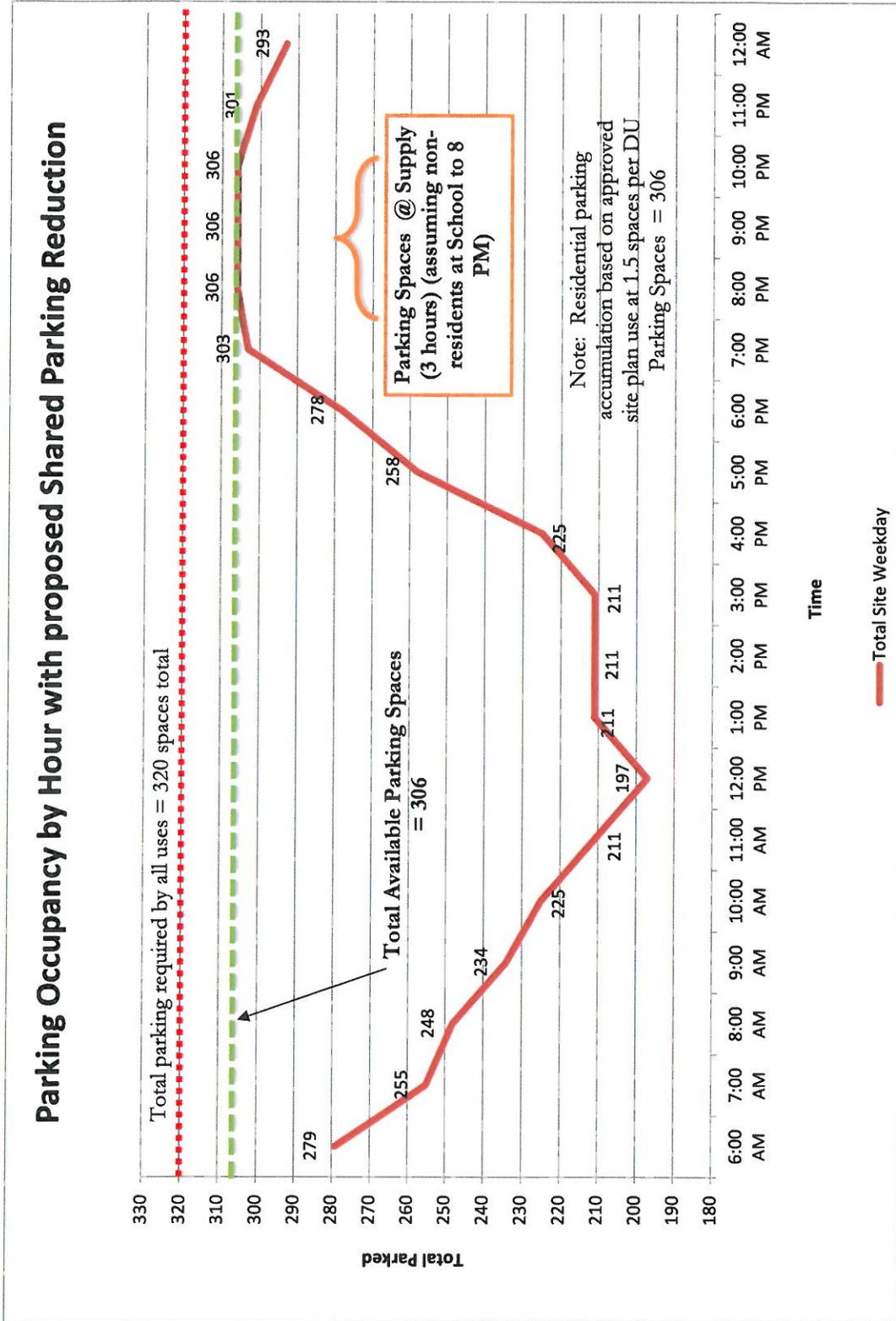


Table 2: Site Parking Tabulation by Hour (6 AM – 12 noon)

Use	Density		Rate		Spaces	Time (Shown as beginning of hr, typical max parking within 1 hr of time)						
						6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM
Residential Guests					27	0	3	6	6	6	6	6
Residential Residents					279	279	252	238	224	210	196	182
Total Residential	204	DU	1.5	sp/DU	306	279	255	244	230	216	202	188
Private School	10	Max non-res.	1	sp/stu	14	0	0	4	4	9	9	9
	5	Max emp	1.5	sp/emp								
Total Site weekend						279	258	244	230	216	202	188
Total Site Weekday					320	279	255	248	234	225	211	197
Max Observed		@7:00 p.m.			306	Parking res. @ 1.5 spaces per DU						
110 July 2011 review, spaces observed Ex. 7:00 AM = Parking max parking activity between 7 - 8 AM												

Percentages	ULI	Default	ULI splits	ULI Source	Begin Time							
					6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	
Residential Guests	0.15		9.1%	2-2	2-5	0%	10%	20%	20%	20%	20%	20%
Residential Residents	1.5		90.9%	Source	2-5	100%	90%	85%	80%	75%	70%	65%
Total Residential	1.65				effective	91%	83%	79%	75%	70%	65%	61%
Private School			100%		Derived	0%	0%	29%	29%	64%	64%	64%
Private School Notes								Employees Only	Class 10 AM -3 PM Up to 10 non-residential students Up to 5 employees			

Table 2: Site Parking Tabulation by Hour (12 noon - midnight)

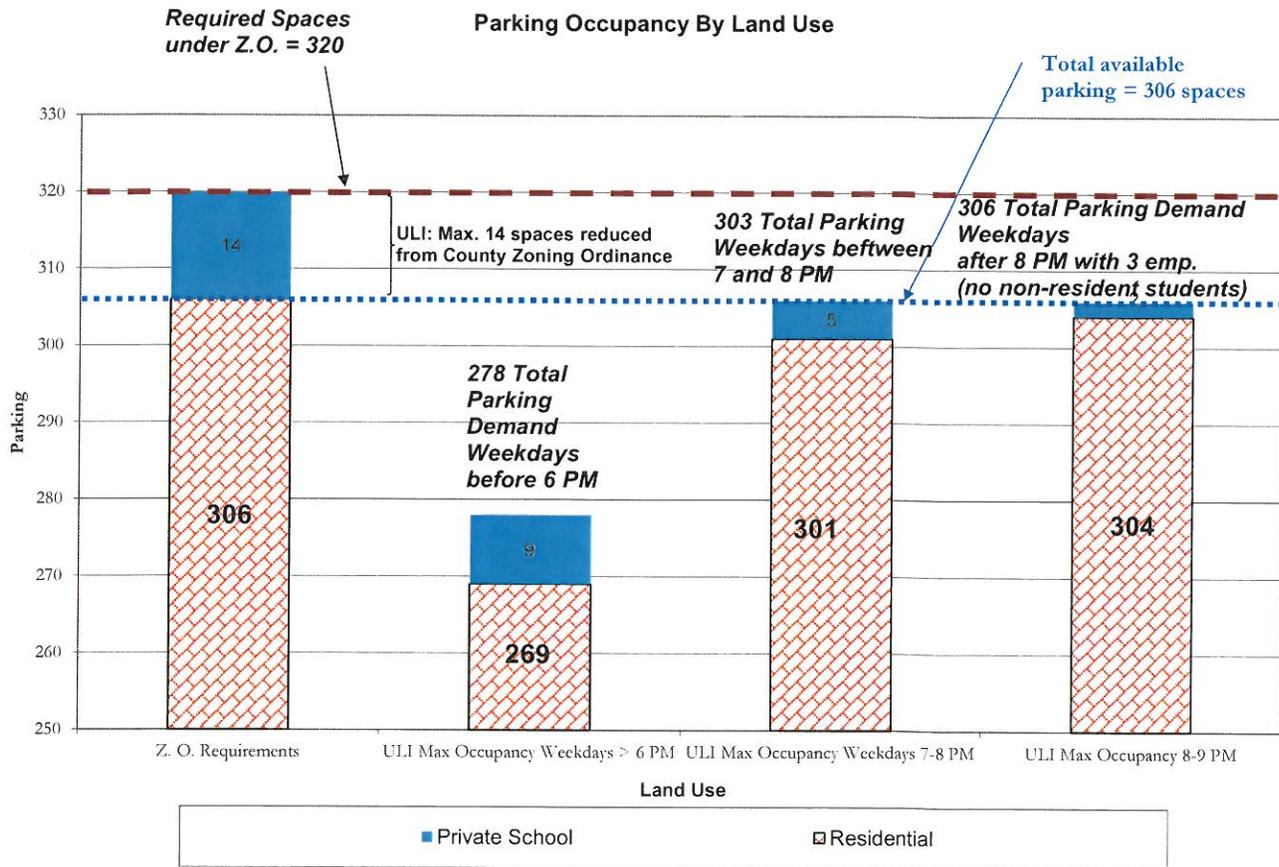
Time (Shown as beginning of hr, typical max parking within 1 hr of time)												Use
1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	12:00 AM	
6	6	6	6	11	17	27	27	27	27	22	14	Residential Guests
196	196	196	210	238	252	271	274	277	279	279	279	Residential Residents
202	202	202	216	249	269	298	301	304	306	301	293	Total Residential
9	9	9	9	9	9	5	5	2	0	0	0	Private School
202	202	202	216	249	269	298	301	304	306	301	293	Total Site weekend
211	211	211	225	258	278	303	306	306	306	301	293	Total Site Weekday
Reduction		-14 spaces		-4.4%								

1.

Begin Time												Percentages	
1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM	12:00 AM	ULI	
20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%	Residential Guests	
70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	100%	Residential Residents	
65%	65%	65%	70%	81%	87%	97%	98%	99%	100%	98%	95%	Total Residential	
64%	64%	64%	64%	64%	64%	36%	36%	14%	0%	0%	0%	Private School	
10- 3PM		Class 3 - 7 PM				Class 7 - 9 PM							
up to 10 non-res.		PM 10 stu+5 emp. 3 - 7 PM				6 stu	6 stu	6 stu					Private School Notes
5 emp	5 emp					3 emp	3 emp	3 emp					

Chart 3 compares the peak occupancy with the Zoning Ordinance (to the left) and during the peak times before and after 8:00 P.M. weekdays. The charts show the ULI parking at capacity assuming non-residents are using the center. The current parking supply of 306 spaces was previously approved at 1.5 spaces per residential unit, for the site. This carried forward with approval of a private school of special education by the Fairfax County Board of Zoning Appeals on October 24, 2001.

Chart 3: Stony Brook Parking Requirements with Shared Parking



Existing Parking Conditions

A field visit was completed by PHR+A staff on Wednesday, July 20, 2011 between 5-7 PM to verify existing occupancy in relation to the empirical calculations. While not exact, the field check verified that the evening parking demand was below supply. The field count noted a total of 297 total spaces on-site. A total of 110 spaces were occupied between 6-7 PM for a weekday in July 2011, or less than 40 percent of the available supply.

Conclusions

Transit on Buckman Road is available as well as on-street parking within the VDOT R-O-W. Two bus stops are located at the site with Metro and Fairfax Connector Bus service. On-street parking is available, except at the two entrances and east of the first driveway, to increase parking supply. Sidewalks are also located on Buckman Road to access east and west.

Therefore, the parking reduction should not create a shortage of parking for the existing and proposed activities. The private school already exists on-site and the relocation will not add additional parking demand. A parking reduction could be justified by several factors including the hours of operation for the proposed on-site private special school within the new center, the

availability of transit service to the site and that the majority of the usage anticipated will be residents who walk to the site.

With the Buckman Road Development LLC, the reduction in parking for the private school of special education is 14 spaces, or a 4.4 percent reduction from the Zoning Ordinance requirements. The recommended minimum parking of 306 spaces reflects the minimum parking for the existing buildings including the existing school.

If you should have any questions, please contact our office at 703-449-6700.

Respectfully Submitted,

PATTON HARRIS RUST & ASSOCIATES
A PENNONI COMPANY



Douglas R. Kennedy, P.E.

Chantilly Transportation Division Manager

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cc: Mr. Mark James/CPDC
Ms. Sara Mariska/WCLEW
Mr. George Phillips/PHR+A

Enclosures: (As Noted on page 5)

PROPOSED SITE PLAN USE AND PARKING TABULATION

FILE: 3/7/2010 FOR SUBMISSION DATE: JULY 1, 2011 (VA)

Revised 12/11

Engineer: Patton Harris Rest & Associates, Inc. A Pennoni Co. Address: 14532 Lee Road Chantilly, Virginia 20151-1679 Phone #: (703) 449-6700
 Plan Name: Buckman Road (Stony Brook) Apartments Original Site Plan #: 0214-FP-001-2 (Section 1) and 0214-FP-002-3 (Section 2) Tax Map #: 101-2-(1)-19 Lee District
 Zoning: R-20 District Reasoning Case #: SP 01-L-042 Professed: [] Yes [X] No Professed Use Restrictions (See Note 1 below) N/A

ADDRESS	LIST EACH FLOOR (include basement)	SUITE#	USE (See Notes 2,3, and 4 below)	USE PERMITTED BY			SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
				RIGHT	SPECIAL PERMIT	SPECIAL EXCLUSION										
3426 Buckman Road	1-3		See Sheet 2	X			192,812							204	1.5 per DU	306
3426 Buckman Road	1		School of Special Ed.		X		3,134					5	10	See Sheet 2		14
(If additional space is required use page 2)																
NUMBER OF ACCESSIBLE SPACES PROVIDED				7	+VAN ACCESSIBLE SPACES PROVIDED				2	-TOTAL ACCESSIBLE PARKING SPACES on site per ADA Act and VSBPC (See Note 6 below)				REQUIRED TOTAL FOR ENTIRE SITE PLAN		320
(The total number of parking spaces, including accessible parking spaces, available and usable for vehicular parking on the area covered by this site plan [See Note 6 below])																
REQUIRED TOTAL FOR ENTIRE SITE PLAN WITH SHARED PARKING																
**** TOTAL PARKING SPACES PROVIDED																
REQUIRED TOTAL FOR ENTIRE SITE PLAN WITH SHARED PARKING																
306																
306																

REQUIRED TOTAL FOR ENTIRE SITE PLAN WITH SHARED PARKING
 REVISED 12/7/11 FOR REQUIREMENT CODE 901A

1. List professed Use Prohibitions or Limitations.
 2. In buildings where one floor has more than one use (personal services, general office & retail), use separate line for each use. The uses must correspond to those identified in Article 11 of the Zoning Ordinance.
 3. Units which are vacant shall be included, the intended use shall be indicated and parking allocated.
 4. Developer should make an initial parking assignment for each unit on the site plan. If developer, condominium, association or landlord wishes to make changes to assigned number of spaces after final site plan bond release, a site plan revision for reallocation of parking will be required. This form, when properly completed and certified, is intended to be such a site plan revision.
 5. If use is a Grandfathered use, it may be calculated at previous code parking rate if so identified and justification is submitted with the parking tabulations.
 6. Certification is taken to mean that number of parking spaces shown as being provided is actually available on the site and usable (not occupied or blocked by dumpsters, air conditioners, incinerators, storage trailers, etc.), that all uses on the site have been included in the above listing, and that the requisite number of spaces and signage for compliance with ADA are provided. The number of parking spaces must be in conformance with the associated zoning, special exception, special permit and variance.

Certified Correct (Applicant) Engineer's Signature: DOUGLAS R. KENNEDY, P.E. (PHR+VA) Date: 12/11/11
 County Approval by: _____ Date: 12/11/11

Property Owners, Landlords, Condominium Association - Concurrence with Tabulation
 Petrel Name & Title (Include company name when appropriate): Ralph Brown, Manager Signature: _____ Date: 9/15/11
BUCKMAN ROAD DEVELOPMENT, LLC

Submitted to: Land Development Services, Planning and Zoning Department, 1000 North 17th Street, Fairfax, VA 22033-5570
 REVISIONS (NONE 5/20/11)
 Architect or engineer responsible for this document with Professional Seal, Signature and Date: File No. (if applicable)
 Sheet 1 of 2



ACTION – 5

Approval of an Agreement Between Fairfax County and INOVA Fairfax Hospital to Implement a Commuter Shuttle Pool Program

ISSUE:

Board approval of an agreement between Fairfax County and INOVA Fairfax Hospital to provide matching funds for a Commuter Shuttle Pool as a Transportation Demand Management (TDM) strategy for the Capital Beltway (I-495) High Occupancy Toll (HOT) lanes project.

RECOMMENDATION:

The County Executive recommends that the Board approve the execution of the agreement between Fairfax County and INOVA Fairfax Hospital to implement a Commuter Shuttle Pool. The County Executive also recommends that the Director, Department of Transportation, be authorized to sign the agreement.

TIMING:

The Board should take action on this matter as soon as possible, so that funding is available to begin implementation of the Commuter Shuttle Pool in January 2012.

BACKGROUND:

The Commuter Shuttle Pool Program is a TDM strategy designed to reduce traffic congestion by offering a shared-ride commute option to employees that travel over 20 miles to work in the Tysons Corner area or travel along the Capital Beltway/I-495 in Virginia.

The Shuttle Pool concept utilizes an employer's existing transportation benefit program to remove single occupant vehicles (SOVs) from traffic by providing an alternative for employees who have not been able to use other transit or ridesharing options. INOVA Fairfax Hospital already provides a shuttle service to and from the Dunn Loring Metrorail station for its employees.

For the Commuter Shuttle Pool Program, INOVA Fairfax Hospital has committed \$62,852.40 to engage its existing shuttle service provider to operate two longer-distance shuttles for employees who regularly drive from the south along I-95 to the Beltway, and

Board Agenda Item
January 10, 2012

from the west along I-66 to the Beltway. These Shuttle Pools will reduce SOV traffic in the HOT Lanes construction zone and along two of Fairfax County's most congested corridors, and provide employees with a comfortable, attractive alternative to driving alone.

FISCAL IMPACT:

Fifty percent of the matching funds for this program is provided by the Virginia Department of Transportation through the Transportation Management Program (TMP) for the I-495 HOT Lanes/Megaprojects, in the amount of \$31,426.20. Forty percent of the matching funds is provided by the Virginia Department of Rail and Public Transportation through the Transportation Demand Management (TDM) grant to Fairfax County, in the amount of \$25,140.96. Ten percent of the matching funds will be provided by Fairfax County, in the amount of \$6,285.24.

County funds are available in Fund 102, Federal/State Grant Fund. There is no commitment to provide public funds beyond the six month startup period.

ENCLOSED DOCUMENTS:

Attachment I: Commuter Shuttle Pool Agreement

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Posner, Office of the County Attorney
Beth Francis, Transportation Services Section, FCDOT
Walter Daniel, Transportation Services Section, FCDOT

**FAIRFAX COUNTY EMPLOYEE SHUTTLE POOL PROGRAM
AGREEMENT BETWEEN FAIRFAX COUNTY AND INOVA FAIRFAX HOSPITAL**

THIS AGREEMENT, made and executed in triplicate this ____ day of _____ in the year 2012, is by and between the County of Fairfax, Virginia, hereinafter referred to as the COUNTY, and the INOVA Fairfax Hospital, hereinafter referred to as the HOSPITAL.

WHEREAS, the COUNTY and HOSPITAL concur on the implementation of a Commuter Shuttle Program related to the promotion of a Transportation Demand Management (TDM) strategy for the Capital Beltway (I-495) High Occupancy Toll (HOT) lanes project as outlined in Appendix A and hereinafter referred to as the Program; and

WHEREAS partial funding for this Program will be supplied by the Commonwealth of Virginia's Department of Transportation (VDOT) and Department of Rail and Public Transportation (DRPT); and

WHEREAS the VDOT and DRPT funding requires an agreement between the COUNTY and the HOSPITAL for the funding and operation of the Program; and

WHEREAS the HOSPITAL has appointed staff to administer the Commuter Shuttle Pool Program;

NOW, THEREFORE, the COUNTY and HOSPITAL do hereby agree as follows:

1. The HOSPITAL shall:
 - a. Provide \$62,852.40 for the operation of a Commuter Shuttle Pool for 6 months, beginning in January 2012, as outlined in Appendix A.
 - b. No more frequently than monthly, submit invoices with supporting documentation to the COUNTY in the form prescribed by the COUNTY. The supporting documentation shall include copies of any related vendor invoices paid by the HOSPITAL and also include an up-to-date project summary and payments and adjustments to date related to the Commuter Shuttle Program.
 - c. Administer the Program in accordance with all applicable federal, state, and local laws and regulations. Failure to fulfill legal obligations associated with the Program may result in forfeiture of state-aid reimbursements.
 - d. Carry insurance sufficient to cover the risks for all damage to life and property due to any and all activities in connection with the work performed under this Agreement, in accordance with the VDOT and DRPT Liability Waiver requirement for state grant funding included in this agreement as Appendix B.

Such insurance shall list the Commonwealth of Virginia, VDOT, DRPT, the COUNTY, and the officers or agents and employees of these entities as additional insureds.

2. The COUNTY shall:
 - a. Provide a matching amount of \$62,852.40 for the operation of the Commuter Shuttle Pool Program, utilizing state funds from the Virginia Department of Transportation and the Department of Rail and Public Transportation and local County funds.
 - b. Upon receipt of the HOSPITAL's invoices pursuant to paragraph 1.b, reimburse the HOSPITAL the cost of eligible program expenses, not to exceed a cumulative total of \$62,852.40. Such reimbursements shall be payable by the COUNTY within 30 days of an acceptable submission by the HOSPITAL.
 - c. Make available to the HOSPITAL guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Nothing in this agreement shall be construed as a waiver of the COUNTY's or the Commonwealth of Virginia's sovereign immunity.
4. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
5. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the COUNTY or the HOSPITAL shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the COUNTY or the HOSPITAL has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

6. This Agreement may be terminated by either party upon 30 days advance written notice. Before the project is terminated both parties agree to cooperate in seeking remedies for the cause of the proposed termination, including providing additional funding for the Project. However the COUNTY and the HOSPITAL shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.a, 1.b., 2.a, and 2.b., subject to the limitations established in this Agreement.
7. THE COUNTY and the HOSPITAL acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.
8. THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.
9. THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

<i>Signature</i>	<i>Date</i>	<i>Signature</i>	<i>Date</i>
Tom Biesiadny, Director Department of Transportation Fairfax County 4050 Legato Road, Suite 400 Fairfax, VA 22033-5723		<i>Name</i> <i>Title</i> <i>Company</i> <i>Address</i>	

Scope of Work

COMMUTER SHUTTLE POOL

1. Overview:

Inova Fairfax Hospital is committed to continue to reduce the number of single-occupancy vehicles (SOV) driven by staff on the Inova Fairfax Hospital Campus and in cooperation with FCDOT and the supporting work done to date, the hospital is seeking to implement a commuter shuttle pool program for staff. This program would support the current HOT Lane initiative where a 50% reimbursement is being offered by the Commonwealth of Virginia for the establishment of such programs for a select period of time. Such a program would significantly support not only the TDM initiatives and the associated growth of the campus, but also Inova Health System's commitment to Environmental Sustainability.

The foundation for the commuter shuttle pool is based on a growing interest by staff; growth of the campus; major artery congestion in Northern Virginia; density plots and analysis for such services by FCDOT; and in partnership with our current provider of transportation shuttle service – Metropolitan Healthcare Services.

The development of this program once approved for implementation includes the following components at a minimum:

- 1- Marketing and Communication to staff
- 2- Staff Information Meetings on the program
- 3- Staff registration and intent to participate
- 4- Park and Ride lot selection based on registration
- 5- Site surveys of locations selected
- 6- 30 day notification to shuttle service provider to start service.
- 7- Kick-off celebration

The above does not include ongoing work by the ETC to maintain the program on an ongoing basis in conjunction with our Marketing Department, Sustainability Engineer, and FCDOT TDM Outreach Program.

2. Staff Density Plotting and Analysis:

To support this current initiative to develop a commuter lot shuttle service, FCDOT has been working since the fall of 2010 with key hospital departments to include Parking Services (Employee Transportation Coordinator), Office of Sustainability, 2015 Project Management, Human Resources, and Inova Design and Construction. FCDOT has provided density plots and analysis. The most recent work includes:

1. February 2, 2011 – Inova Human Resources Department provided to FCDOT a listing of staff zip codes.
2. February 8, 2011 – FCDOT, TDM Outreach Program provided to the hospital a density plot map and analysis.
3. March 16, 2011 – FCDOT based on a follow-up meeting provided to the hospital an “Enhanced Inova Staff Density Plot and Analysis”. This plot included:
 - a. Listing of all Park and Ride Lots in Northern Virginia.
 - b. Data on parking space availability submitted by VDOT and local jurisdictions. Required to prevent selecting lots for use that are already at capacity.
 - c. Labeled each Park and Ride lot by Low, Medium or High utilization.
 - d. Estimated number of employees residing within a cluster.
 - e. Identified “potential Points of origin” for shuttle pools.

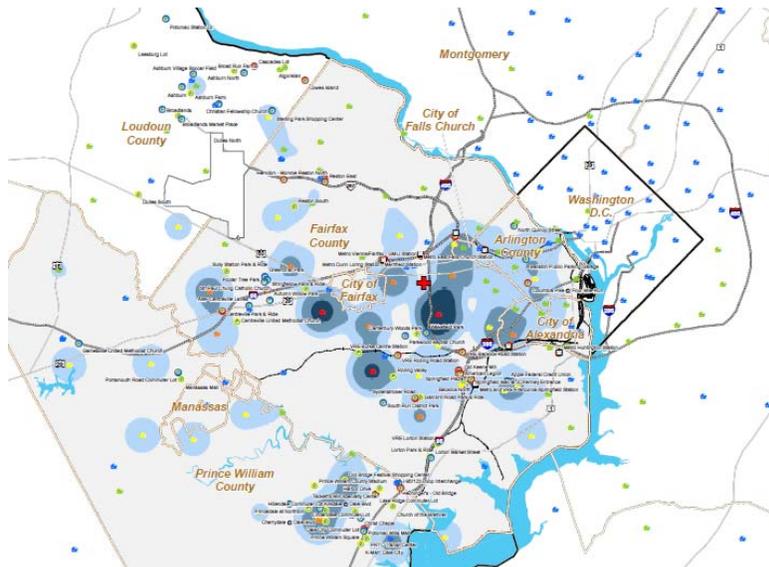
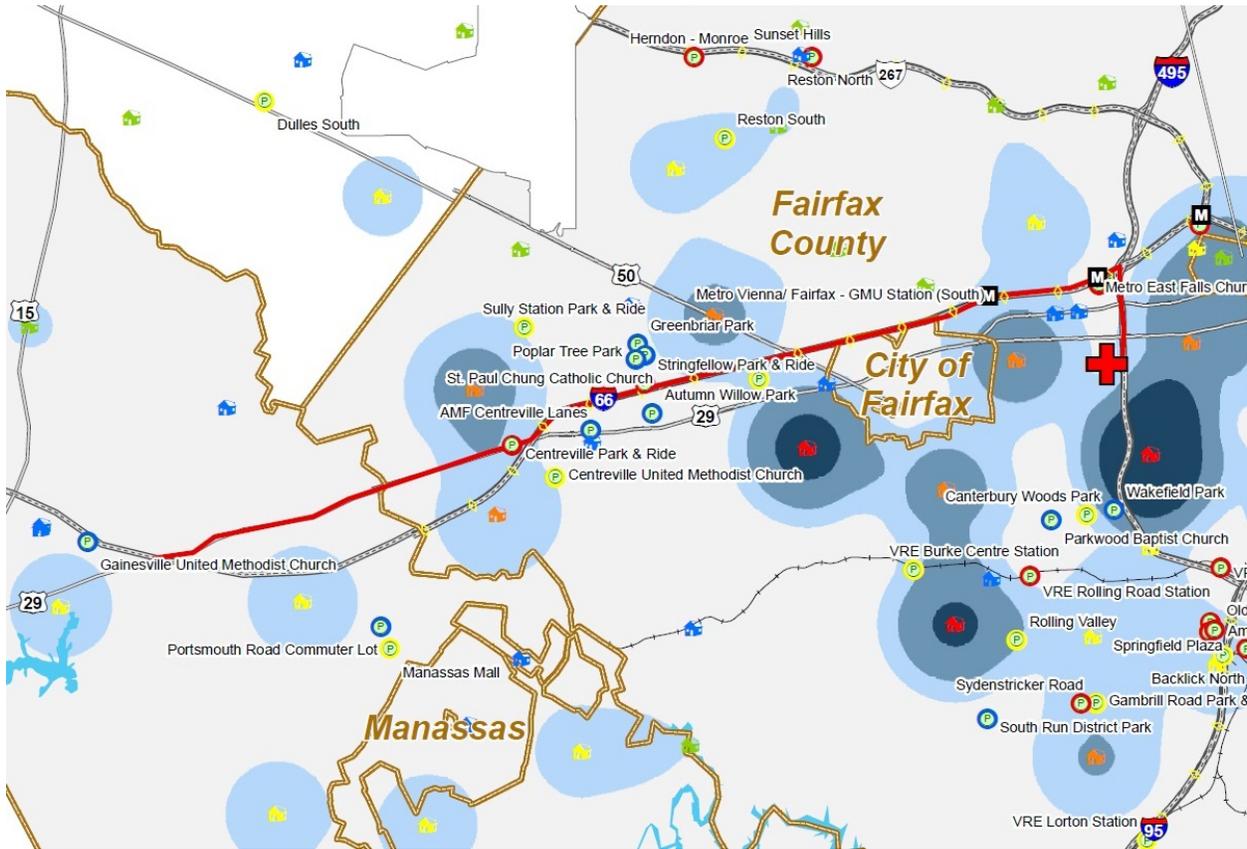


Figure 1: Inova Fairfax Hospital Employee Density Plot

3. Shuttle Pool Service:

Based on the latest density plots, analysis and knowledge of current interest areas by staff, two routes have been designated.

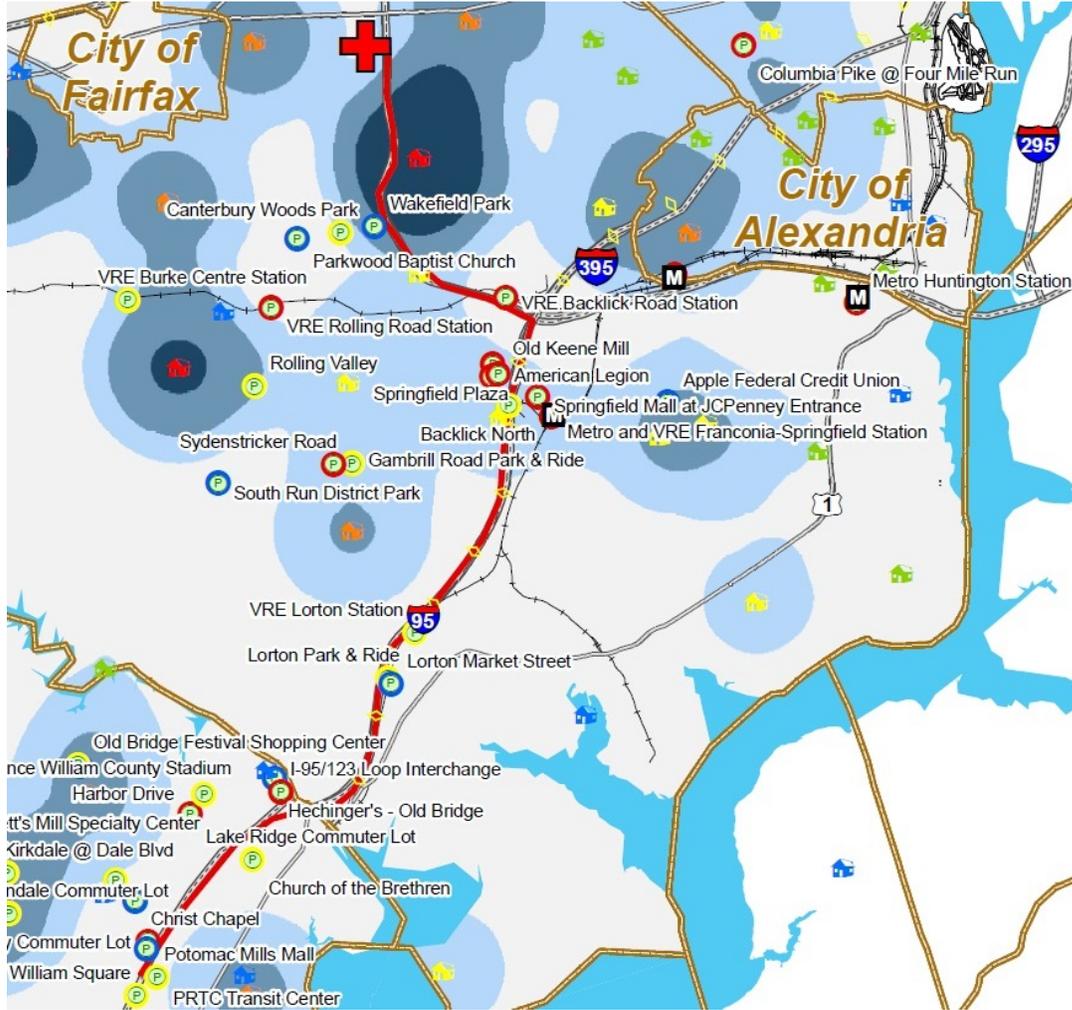
Route 1: Service down Route 66 to Gainesville



Schedule

Location	Time
Morning Service	
Gainesville	5:45 am
Inova Fairfax Hospital	6:30 am
Afternoon Service	
Inova Fairfax Hospital	4:15 pm
Gainesville	5:00 pm
	24.5 miles

Route 2: Service down I-95 to PRTC Transit Center



Schedule

Location	Time
Morning Service	
PRTC Transit Center	5:45 am
Inova Fairfax Hospital	6:30 am
Afternoon Service	
Inova Fairfax Hospital	4:15 pm
PRTC Transit Center	5:15 pm 22.1 miles

4. **Preferred Shuttle Service Provider:**

Metropolitan Healthcare Services (MHS) is a nationally recognized provider of quality healthcare transportation and valet services in the United States. MHS is recognized for exceeding the expectations of clients when designing transportation programs to meet the demanding schedules of healthcare workers. Current hospitals and healthcare systems utilizing the transportation services of MHS to shuttle staff from commuter lots, train/subway stations, and transit centers include:

- a. Inova Fairfax Hospital/Inova Health System
- b. John Hopkins
- c. Sentara Hospital System
- d. St. Agnes Hospital – Baltimore
- e. Yale New Haven Hospital

5. **Estimated Costs:**

Based on a flexible start-up plan and depending on staff registration, Inova will be running two shuttles. The shuttles will be driven by a licensed driver for 6 hours a day, in 2 segments, 3 hours each.

Vehicles	Est. Weekly Hours	Est. Weekly Cost	Est. Monthly Cost	Est. Yearly Cost
2 * (25 passenger shuttle)	2 * 30 = 60	2 * \$1,208.70 = \$2,417.40	2 * \$5,237.70 = \$10,475.40	2 * \$62,852.40 = \$125,704.80

6. **Marketing and Communication Options**

Tools and resources available to support the Commuter Shuttle Pool Program include:

- a. Inova Health System Marketing and Communication Department
- b. FCDOT TDM Outreach Program
- c. Roy Lewis, Parking Services Manager/Employee Transportation Coordinator
- d. Inova Health System, Office of Sustainability
- e. Inova Fairfax Going Green Team Monthly Events
- f. Dedicated staff parking information line – (703) 776-PARK
- g. Transportation Fairs with FCDOT
- h. Earth Day
- i. Internal/External Inova Webpage
- j. Inova Health System social media (Facebook, Twitter)

- k. Pre-tax commuter benefit program
- l. Guaranteed Ride-Home (GRH) Program
- m. Metropolitan Healthcare Services Consultants

In conclusion, the Inova Fairfax Hospital Campus and the associated growth to meet the current and future healthcare needs of the communities we serve coupled with the current and future strains placed on roadways and arteries serving Northern Virginia must be pro-active in our efforts to reduce single-occupancy vehicles driven by staff during peak transportation hours.

The funding associated with the HOT Lanes project in support of the development of Commuter Shuttle Pool Services will enable Inova Fairfax Hospital to incur lower operating costs for at least the first year while continuing to build a benchmark healthcare commuter transportation program.

Liability Waiver

The Grantee shall be responsible to the extent allowable by law for all damage to life and property due to its activities and those of its employees in connection with the work performed under the Agreement or a Project Agreement. Even if the Grantee is not allowed by law to indemnify, the Grantee shall either carry sufficient insurance which is acceptable to the Department in the Department's sole discretion to cover the risks for work performed under this Agreement or a Project Agreement for the Grantee, its employees, agents and subcontractors. In lieu of carrying insurance for its agents or subcontractors, the Grantee may require all its agents or subcontractors who perform any work or activity of any type in connection with this Agreement or a Project Agreement to carry insurance sufficient to cover the risks for all damage to life and property due any and all activities in connection with the work performed under this Agreement or a Project Agreement. However, such insurance does not relieve the Grantee of the burden of carrying insurance to cover the actions of its employees. Such insurance, purchased by either the Grantee or its agents or subcontractors, shall list the Commonwealth of Virginia, the Department, the Virginia Department of Transportation and the officers or agents and employees of these entities as additional insureds. Payment of any funds by the Department shall not waive any of the rights of the Department contained in this section nor release the Grantee from any responsibilities or duties contained in this Agreement or a Project Agreement. Further, to the extent allowable under Virginia law, it is expressly understood that the Grantee shall indemnify, defend and hold harmless the Commonwealth of Virginia, the Department, the Virginia Department of Transportation, its officers, agents, and employees from and against all damages, claims, suits, judgments, expenses, actions and costs of every name and description, arising out of or resulting from any negligent act or omission in the performance by the Grantee or its subcontractors of the work covered by this Agreement or a Project Agreement. The obligations of this section shall survive the termination or completion of this Agreement or a Project Agreement.

INFORMATION – 1

Recognition of Comprehensive Annual Financial Reports and the Annual Budget by the Government Finance Officers Association; Performance Measurement Program by the International City/County Management Association; and Investment Policy by the Association of Public Treasurers

The Government Finance Officers Association of the U.S. and Canada (GFOA) has again recognized the superior quality of financial information Fairfax County makes available to the public. The County's Comprehensive Annual Financial Report (CAFR), the Integrated Sewer System's CAFR, the CAFRs of all three Fairfax County retirement systems, and the County's Annual Budget were recognized with GFOA's highest forms of recognition.

The County's CAFR was awarded the Certificate of Achievement for Excellence in Financial Reporting for the thirty-fourth consecutive year and the Integrated Sewer System received this certificate for the eighth consecutive year. The CAFRs of the Employees' Retirement System, the Police Officers Retirement System and the Uniformed Retirement System were awarded certificates in 2011, the first year these CAFRs were submitted for consideration.

This is the 27th consecutive year that Fairfax County has received GFOA's Distinguished Budget Presentation Award. In September 2011, GFOA notified the County that the FY 2012 Annual Budget met the criteria for this award, which represents the highest form of recognition in governmental budgeting and reflects the commitment of the governing body and staff in meeting the highest principles of public budgeting. To receive this award, a budget must be judged proficient in each of four major categories: as a policy document, financial plan, operations guide and communications guide.

In July 2011, the International City/County Management Association (ICMA) announced that it had awarded its Certificate of Excellence to Fairfax County. The County is among only 20 jurisdictions across the nation being recognized for their superior efforts and results in performance measurement and management with this award, the organization's highest level of recognition, from the ICMA Center for Performance Measurement™ (CPM). The Certificate of Excellence is the highest of CPM's three levels of recognition, and pays special tribute to the County's efforts in identifying and reporting to the public key outcome measures, surveying of residents and employees, as well as the pervasiveness of performance measurement in our organization's culture.

Board Agenda Item
January 10, 2012

ENCLOSED DOCUMENTS:
None

STAFF:
Susan W. Datta, Chief Financial Officer
Victor L. Garcia, Director, Department of Finance

INFORMATION - 2

Dolley Madison Library (Dranesville District) and Wiehle Avenue Metro Station Facility (Hunter Mill District) Projects Receive Awards of Excellence from the National Association of Industrial and Office Properties

The National Association of Industrial and Office Properties (NAIOP), Northern Virginia Chapter, selected the recently completed Dolley Madison Library to receive the 2011 Award of Excellence for Best Building, Institutional Facility Under \$20 million, and Wiehle Avenue Metro Station Facility project to receive the 2011 Award of Excellence for Best Real Estate Transaction, Lease. Representatives from the County and Department of Public Works and Environmental Services (DPWES) received the Awards of Excellence at the NAIOP ceremony on November 17, 2011.

The 19,000 square-foot renovated and expanded Dolley Madison Library, located at 1244 Oak Ridge Avenue in McLean, was completed in July 2011. The project team consisted of staff from DPWES (Building Design and Construction Division), the Library Administration, The Fairfax County Park Authority, Bowie Gridley Architects (the design consultant) and Harvey Cleary Builders (the construction contractor). The project team's effective partnership with the Dranesville District Supervisor's office and the McLean community, contributed greatly to the success of this project. Dolley Madison Library was developed as a sustainable facility using the U.S. Green Building Council's Leadership (USGBC) in Energy and Environmental Design (LEED[®]) principles. USGBC is currently reviewing the project for Silver Certification or higher.

Wiehle Avenue Metro Station Facility, a seven-level below grade garage, located at 1860 Wiehle Avenue, is under construction through a successful public-private partnership between Fairfax County and Comstock Partners. Rob Stalzer, Deputy County Executive, led the County project team which consists of staff from DPWES, Office of the County Attorney, Department of Management and Budget, Department of Transportation, and Department of Information Technology. The project is a transit oriented development that provides for 2,300 public parking spaces, 45 kiss-and-ride parking spaces, 12 bus bays, and secure storage for 150 bicycles. Comstock will build the mixed-use development above the garage to include office buildings, restaurants and shops, a full-service hotel, and up to 900 residences.

As part of the public-private partnership, the County is leasing the site to Comstock, who will pay rent on this future development. This partnership advances the County's transit-oriented development goals by helping to increase Metro and transit ridership, reduce traffic, and conserve open space.

Board Agenda Item
January 10, 2012

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
None.

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

Board Agenda Item
January 10, 2012

10:50 a.m.

Matters Presented by Board Members

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Board Agenda Item
January 10, 2012

11:40 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. *New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility v. The Fairfax County Board of Supervisors*, Case No. 10-2381 (United States Court of Appeals for the Fourth Circuit) (Mount Vernon District)
 - 2. *Bourj, Ltd. v. Board of Supervisors of Fairfax County*, Case No. CL-2011-0003966 (Fx. Co. Cir. Ct.) (Mason District)
 - 3. Change Order Requiring Sprint to Pay Additional Costs to Fund Regional 800 MHz Rebanding Coordination, WT Docket No. 02-55 (Federal Communications Commission)
 - 4. Application of Virginia Electric and Power Company, PUE-2011-00027 (Va. State Corp. Comm'n) (Countywide)
 - 5. *Citimortgage, Inc. v. Alam Badar, et al.*, Case No. CL-2011-0000023 (Fx. Co. Cir. Ct.) (Sully District)
 - 6. *Amir M. Taha v. Master Police Officer J. A. Woolf*, Case No. GV11025203 (Fx. Co. Gen. Dist. Ct.)

7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John A. Parrish and Maria P. Tungol*, Record No. 2475-11-4 (Va. Ct. App.) (Lee District)
8. *Fleet Properties, Inc., v. Board of Zoning Appeals of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator*, Case No. CL-2009-0013125; *Eileen M. McLane, Fairfax County Zoning Administrator v. Fleet Properties, Inc.*, Case No. CL-2010-0010676 (Fx. Co. Cir. Ct.) (Providence District)
9. *SNSA, Inc. v. Eileen M. McLane*, Case No. CL-2011-0017511 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Henry Wilson and Mary R. Wilson*, Case No. CL-2010-0007946 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *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)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel Farman and Juana Flores*, Case No. CL-2008-0016022 (Fx. Co. Cir. Ct.) (Lee District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thomas L. Smith and Leanne D. Smith*, Case No. CL-2011-0011317 (Fx. Co. Cir. Ct.) (Braddock District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jorge Alberto Broide*, Case No. CL-2010-0017885 (Fx. Co. Cir. Ct.) (Providence District)
15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul J. Gayet, Trustee of the Gayet Living Trust*, Case No. CL-2010-0011467 (Fx. Co. Cir. Ct.) (Mason District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mounir Badawy*, Case No. CL-2010-0010675 (Fx. Co. Cir. Ct.) (Dranesville District)

17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Khanh Quach and Dao Tran*, Case No. CL-2010-0014970 (Fx. Co. Cir. Ct.) (Mason District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richard Dean Lucht*, Case No. CL-2007-0012235 (Fx. Co. Cir. Ct.) (Providence District)
19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sheldon P. Ellison and Wauleah A. Ellison*, Case No. CL-2010-0017783 (Fx. Co. Cir. Ct.) (Mason District)
20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Khalil Arbid*, Case No. CL-2011-0003120 (Fx. Co. Cir. Ct.) (Hunter Mill District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Philip W. Bradbury*, Case No. CL-2011-0009319 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rosa E. Martinez*, Case No. CL-2010-0011285 (Fx. Co. Cir. Ct.) (Mason District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Brennan*, Case No. CL-2010-0017543 (Fx. Co. Cir. Ct.) (Lee District)
24. *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)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Placido Amurrio and Lourdes Amurrio*, Case No. CL-2011-0012637 (Fx. Co. Cir. Ct.) (Mason District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tony Hieu Pham*, Case No. CL-2011-0011180 (Fx. Co. Cir. Ct.) (Lee District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Winkal Holdings, L.L.C., Burcin Kalendar, and La Despensa Grocery and Butcher Shop, Inc.*, Case No. CL-2011-0010764 (Fx. Co. Cir. Ct.) (Lee District)

28. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Isabel Vasquez and Calixto M. Alfaro, Case No. CL-2011-0006974 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dohee R. Kim, Case No. CL-2011-0013642 (Fx. Co. Cir. Ct.) (Braddock District)*
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marco A. Monzon and Teresita D. Monzon, Case No. CL-2011-0011581 (Fx. Co. Cir. Ct.) (Mason District)*
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walter A. and Phyllis E. Knick, Case No. CL-2011-0009274 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
32. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Charilene N. Lucas, a.k.a. Christine N. Lucas, Case No. CL-2011-0012915 (Fx. Co. Cir. Ct.) (Lee District)*
33. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richart Ordonez, Ruben Ordonez, and Roberto Ordonez, Case No. CL-2011-0013080 (Fx. Co. Cir. Ct.) (Mason District)*
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tariq Ahmad and Ata Ul Qayyum, Case No. CL-2011-0012293 (Fx. Co. Cir. Ct.) (Lee District)*
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leonidas Soto, Case No. CL-2011-0013510 (Fx. Co. Cir. Ct.) (Mason District)*
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. George Daamash and Zabia J. Daamash, Case No. CL-2011-0015255 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
37. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. George T. Hertig and Patricia R. Hertig, Case No. CL-2011-0003451 (Fx. Co. Cir. Ct.) (Braddock District)*

38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. KLM and Mary Ellen Talbert*, Case No. CL-2011-0012724 (Fx. Co. Cir. Ct.) (Mount Vernon District)
39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Adane G. Meles*, Case No. CL-2011-0015632 (Fx. Co. Cir. Ct.) (Dranesville District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ana B. Morales and Jose R. Torres*, Case No. CL-2011-0016255 (Fx. Co. Cir. Ct.) (Lee District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Winfred Taylor and Jan A. Taylor*, Case No. CL-2011-0016422 (Fx. Co. Cir. Ct.) (Mount Vernon District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Everth Quezada and Rosmery Vega*, Case No. CL-2011-0016598 (Fx. Co. Cir. Ct.) (Springfield District)
43. *Board of Supervisors of Fairfax County, Virginia v. D and J Real Estate, LLC and L & M Body Shop, Inc.*, Case No. CL-2011-0016596 (Fx. Co. Cir. Ct.) (Lee District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricia A. Riesett*, Case No. CL-2011-0016942 (Fx. Co. Cir. Ct.) (Mason District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shahrokh Tayebi and Shahram Tayebi*, Case No. CL-2011-0016944 (Fx. Co. Cir. Ct.) (Dranesville District)
46. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tsye-Lang Tang and Li-Yu Chu Tang*, Case No. CL-2011-0017116 (Fx. Co. Cir. Ct.) (Dranesville District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael J. Miller and Jefferson M. James*, Case No. CL-2011-0017122, and *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michael J. Miller and Jefferson M. James*, Case No. CL-2011-0017480 (Fx. Co. Cir. Ct.) (Mount Vernon District)

48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daljeet S. Chhatwal and Jyoti B. Chhatwal*, Case No. CL-2011-0017176 (Fx. Co. Cir. Ct.) (Mount Vernon District)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carmelo Gomez*, Case No CL-2011-0017309 (Fx. Co. Cir. Ct.) (Mount Vernon District)
50. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Van Metre Woodland Park Apartments I, L.P.*, Case No. CL-2011-0017311 (Fx. Co. Cir. Ct.) (Hunter Mill District)
51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Oscar M. Quiroz and Santusa Quiroz*, Case No. CL-2011-0017313 (Fx. Co. Cir. Ct.) (Mason District)
52. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rekha V. Panjeti and Krishna Panjeti*, Case No. CL-2011-0017312 (Fx. Co. Cir. Ct.) (Lee District)
53. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tina M. Howard*, Case No. CL-2011-0017608 (Fx. Co. Cir. Ct.) (Providence District)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Samuel S. Gonzales and Terri Lynn Gonzales*, Case No. CL-2011-0017700 (Fx. Co. Cir. Ct.) (Braddock District)
55. *Eileen M. McLane, Fairfax County Zoning Administrator v. Beverly Harris*, Case Nos. GV11018511 and GV11018512 (Fx. Co. Gen. Dist. Ct.) (Providence District)
56. *Board of Supervisors v. Myra D. Miller and Western Surety Company*, Case No. CL-2011-0015901 (Fx. Co. Cir. Ct.) (Springfield District)

3:30 p.m.

Public Hearing on PCA 2008-PR-009 (Inova Health Care Services) to Amend the Proffers for RZ 2008-PR-009 Previously Approved for Medical Care and Related Facilities to Permit Building Additions and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio (FAR) of 0.80, Located on Approximately 65.46 Acres Zoned C-3, (Providence District)

The applicant property is located at 3300-3312 Gallows Road and 3300-3340 Woodburn Road, Falls Church, 22042. Tax Map 49-3 ((1)) 136C and 136C1; 59-2 ((1)) 1A1, 1B1 and 1C1. (Concurrent with SEA 80-P-078-16)

and

Public Hearing on SEA 80-P-078-16 (Inova Health Care Services) to Amend SE 80-P-078 Previously Approved for a Medical Care Facility and Increase in Building Height to Permit Building Addition and Associated Modifications to Site Design and Development Conditions, Located on Approximately 65.46 Acres Zoned C-3, (Providence District)

The applicant property is located at 3300-3312 Gallows Road and 3300-3340 Woodburn Road, Falls Church, 22042. Tax Map 49-3 ((1)) 136C and 136C1; 59-2 ((1)) 1A1, 1B1 and 1C1. (Concurrent with PCA 2008-PR-009)

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 8, 2011, the Planning Commission voted unanimously (Commissioners Hall and Harsel absent from the meeting) to recommend to the Board of Supervisors approval of the following actions pertinent to the subject applications:

- Approval of PCA 2008-PR-009, subject to the execution of proffers consistent with those dated December 5, 2011;
- Approval of SEA 80-P-078-16, subject to development conditions consistent with those dated December 5, 2011; and
- Reaffirmation of a modification of transitional screening and a waiver of the barrier requirements, in favor of that shown on the GDP/SEA plat.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4366930.PDF>

Board Agenda Item
January 10, 2012

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Staff Coordinator, DPZ

Attachment 1

Planning Commission Meeting
December 8, 2011
Verbatim Excerpt

PCA 2008-PR-009/SEA 80-P-078-16 - INOVA HEALTH CARE SERVICES

Decision Only During Commission Matters

(Public Hearing held on November 17, 2011)

Commissioner Lawrence: Thank you, Mr. Chairman. I have a couple things to do and I'll tackle first the decision, INOVA Health Care Services. I think everyone should have a copy of an elevation showing the garage. The question that we discussed at our public hearing – and to put it as succinctly as I can, they fixed it. And they did what I think is a very good job if you look at the top two stories of that garage – the ones that will be visible when the leaves are off. You don't see a garage structure anymore. You see a garage structure with some screening on it, very artfully placed, that breaks up those tell-tale outlines. And I think that satisfies the concern that staff had and that I had. Therefore, Mr. Chairman, I am ready to move this matter. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA 2008-PR-009, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED DECEMBER 5TH, 2011.

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 2008-PR-009, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Lawrence.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA 80-P-078-16, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED DECEMBER 5TH, 2011.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 80-P-078-16, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Lawrence.

December 8, 2011

PCA 2008-PR-009 and SEA 80-P-078-16

Commissioner Lawrence: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A REAFFIRMATION OF A MODIFICATION OF TRANSITIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENTS, IN FAVOR OF THAT SHOWN ON THE GDP/SEA PLAT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motions carried unanimously with Commissioners Hall and Harsel absent from the meeting.)

JLC

Board Agenda Item
January 10, 2012

3:30 p.m.

Public Hearing on SE 2011-LE-011 (Buckman Road Development LLC) to Permit a Private School of Special Education with a Total Daily Enrollment of 95 Students, Located on Approximately 0.33 Acres of Land Zoned R-20 and HC (Lee District)

This application property is located at 3426 Buckman Road, Alexandria, 22309. Tax Map 101-2 ((1)) 19.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 10, 2011, the Planning Commission voted unanimously (Commissioners Donahue and Harsel absent from the meeting) to recommend to the Board of Supervisors the following actions pertinent to the subject application:

- Approval of SE 2011-LE-011, subject to the development conditions dated October 25th, 2011, modified as follows:
 - Add Condition #8 to read: “Prior to issuance of a non-RUP for the private school of special education within the community center, the applicant shall install two rain barrels by building number one.”
- Approval of a parking reduction to allow the existing parking spaces to serve existing and proposed uses on site;
- Modifications of the transitional screening and barrier requirements along the southern boundary, in favor of the existing conditions shown on the Special Exception Plat; and
- Modification of the peripheral and interior parking lot landscaping requirement on the south property line, in favor of the existing conditions shown on the Special Exception Plat.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4366126.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William Mayland, Staff Coordinator, DPZ

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Planning Commission Meeting
November 10, 2011
Verbatim Excerpt

SE 2011-LE-011 - BUCKMAN ROAD DEVELOPMENT LLC

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. This is a very straight-forward application to allow a private school to operate on site. The school will provide a needed service to the residents of the 204 garden apartments into the immediate neighborhood. As we heard tonight, the classes will be held in the new eco-friendly community center and be limited to 40 students at any one time. To address any potential parking issues, no more than 10 students from outside the apartment complex may attend the school at any one time. Staff recommends approval. The Lee District Land Use Committee supports the application as do I. Therefore, Mr. Chairman, with one additional development condition, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE SE 2011-LE-011 FOR BUCKMAN ROAD DEVELOPMENT LLC, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT, DATED OCTOBER 25TH, 2011, WITH THE ADDITION OF CONDITION NUMBER 8 TO READ, "PRIOR TO ISSUANCE OF A NON-RUP FOR THE PRIVATE SCHOOL OF SPECIAL EDUCATION WITHIN THE COMMUNITY CENTER, THE APPLICANT SHALL INSTALL TWO RAIN BARRELS BY BUILDING NUMBER ONE."

Commissioner Sargeant: Mr. Chairman, I second the motion, but I believe it's October 26th with the staff report, not October 25th.

William Mayland, Zoning Evaluation Division, Department of Planning and Zoning: The development conditions are dated the 25th. The staff report's the 26th. So maybe that's –

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 SE 2011-LE-011, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE A PARKING REDUCTION TO ALLOW THE EXISTING PARKING SPACES TO SERVE THE EXISTING AND PROPOSED USES ON SITE.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Planning Commission Meeting
November 10, 2011
Verbatim Excerpt

Commissioner Migliaccio: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE SOUTHERN BOUNDARY, IN FAVOR OF THE EXISTING CONDITIONS SHOWN ON THE SPECIAL EXCEPTION PLAT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE PERIPHERAL AND INTERIOR PARKING LOT LANDSCAPING REQUIREMENT ON THE SOUTH PROPERTY LINE, IN FAVOR OF THE EXISTING CONDITIONS SHOWN ON THE SPECIAL EXCEPTION PLAT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motions carried unanimously with Commissioners Donahue and Harsel absent from the meeting.)

JLC

Board Agenda Item
January 10, 2012

3:30 p.m.

Public Hearing on RZ 2011-LE-019 (Clifton N. Morris, Jr. and Stephen L. Morris) to Rezone from R-1 and HC to R-12 and HC to Permit Residential Development at a Density of 9.82 Dwelling Units per Acre and a Waiver of the Minimum District, Located on Approximately 1.73 Acres of Land (Lee District)

This property is located on the West side of Potters Lane approximately 400 feet South of its intersection with Old Franconia Road. Tax Map 81-3 ((1)) 46 and 91-1 ((1)) 43.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 17, 2011, the Planning Commission voted unanimously (Commissioner Alcorn absent from the meeting) to recommend to the Board of Supervisors approval of the following actions pertinent to the subject application:

- Approval of RZ 2011-LE-019, subject to proffers consistent with those dated November 16, 2011;
- Waiver of the minimum district size for the R-12 District, pursuant to Section 3-1206 of the Zoning Ordinance;
- Modification of transitional screening and a waiver of the barrier requirements along the western property boundary in favor of the landscaping and masonry wall shown on the GDP; and
- Deviation of the tree preservation target in favor of that shown on the GDP.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4366776.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Nicolas Rogers, Staff Coordinator, DPZ

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RZ 2011-LE-019 – CLIFTON MORRIS, JR. & STEPHEN MORRIS

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. This application seeks to rezone 1.73 acres from R-1 to R-12. The rezoning will essentially complete the Potters Glen community by allowing the land to become more compatible with the existing community. As mentioned by the applicant, the Lee District Land Use Committee voted in favor of this application, our professional planning staff supports it, and I concur. Therefore, Mr. Chairman – I lost the motions. I got it.

Commissioner Hall: You've got to hold on to the motions.

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2011-LE-019, SUBJECT TO PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 16TH, 2011.

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 RZ 2011-LE-019, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Migliaccio.

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE MINIMUM DISTRICT SIZE FOR THE R-12 DISTRICT, PURSUANT TO SECTION 3-1206 OF THE ZONING ORDINANCE.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF TRANSI-

TIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE WESTERN PROPERTY BOUNDARY IN FAVOR OF THE LANDSCAPING AND MASONRY WALL SHOWN ON THE GDP.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A DEVIATION OF THE TREE PRESERVATION TARGET IN FAVOR OF THAT SHOWN ON THE GDP.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motions carried unanimously with Commissioner Alcorn absent from the meeting.)

JN

Board Agenda Item
January 10, 2012

3:30 p.m.

Public Hearing on SE 2011-MV-006 (Hamdi H. Eslaquit D/B/A Hamdi's Child Care and Selim M. Eslaquit) to Permit a Home Child Care Facility with a Maximum of 10 Children, Located on Approximately 13,006 Square Feet of Land Zoned PDH-2 (Mount Vernon District)

This property is located at 6606 Winstead Manor Court, Lorton, 22079. Tax Map 99-2 ((17)) 31

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 20, 2011, the Planning Commission voted 8-1-1 (Commissioner Hall opposed; Commissioner Harsel abstaining; Commissioners Donahue and Sargeant absent from the meeting) to recommend that the Board of Supervisors approve SE 2011-MV-006, subject to the development conditions dated October 20, 2011.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim excerpt

Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4360980.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Kelli-Mae Goddard-Sobers, Staff Coordinator, DPZ

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Planning Commission Meeting
October 20, 2011
Verbatim Excerpt

SE 2011-MV-006 – HAMDI ESLAQUIT, d/b/a HAMDI'S CHILD CARE & SELIM M. ESLAQUIT

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. I have a – I'm familiar with this case for quite some time now and I haven't heard any testimony this evening that has added anything to what I knew about the case previously. And it is a case where – although I must say that I'm beginning to become concerned about the number of day care on any given cul-de-sac. And so I did ask the staff whether there was any prohibition against every lot on this cul-de-sac from having a day care center and they said that there's none, so I guess that's one of the things which the Planning Commission may want to take a look at in the future. My understanding from talking with staff is that there has been a great deal of interest – renewed interest in day care given the downturn in the economy and that they're getting quite a few applications for day care. So I think we can – we should anticipate, you know, that this is likely to be a burgeoning caseload on our part. But given all of the facts that I have before me at the present time and the testimony that I've heard this evening, I see nothing in the application, you know, that is contrary to the requirements of Fairfax County. They may be contrary to the covenants of the association, but they're not contrary to the requirements of Fairfax County. So on that basis, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2011-MV-006, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 20, 2011.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? Ms. Hall.

Commissioner Hall: Yes, Mr. Chairman, I'm opposed – I can't support this application and I'll tell you why. I remember what it's like to have – need day care and I think it's absolutely critical. And I think it is a wonderful thing for parents who elect to stay home and to take on children so that they can afford to stay home and watch them, but there is no prohibition on the number of houses on a street that can do this. And there seems to be a trend in this neighborhood. I mean this tiny little area already has three of them and I just would wonder if they – you know, if every single house and came in with the day care, it would be overwhelming. I think therefore we shouldn't be approving this request for additional children for this house. I think the seven is fair. It's reasonable. Everybody seems to abide by it. I would disagree with the speakers who

said she felt like she was being targeted. I don't think anybody targets anybody with this staff report. They just state the facts. But I can't support this application for the additional people – for the additional children. I think seven is what's allowed and that is what should be permitted and I don't think we should approve the additional children.

Chairman Murphy: Further discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you. As on many of these it's a difficult decision, but in general I think we're better off with development conditions on the package to have ten children, to limit the hours of operation, to require the staggering of the pick-up and drop-off, things like that, and seven children by-right where there's no conditions at all. At least with ten we're constraining the use and constraining the impacts on the neighborhood and things like pick-up and drop-off are what would affect the congestion in the court. So I will be supporting the motion. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2011-MV-006, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Harsel: Abstain.

Chairman Murphy: Motion carries. Ms. Hall votes no. Ms. Harsel abstains.

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Flanagan: I just - - as a follow-up on that, I would like the Planning Commission to in the future undertake review of this burgeoning daycare and the concerns expressed by Commissioner Hall. I think she makes some very good points on here; I just feel that it's difficult to, you know, face up to the fact that we're having our different - - the State-run setting of the criteria for these - - the approval of these.

Chairman Murphy: Thank you very much.

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(The motion carried by a vote of 8-1-1 with Commissioner Hall opposed; Commissioner Harsel abstaining; Commissioners Donahue and Sargeant absent from the meeting.)

JLC

3:30 p.m.

Public Hearing on RZ 2011-PR-021 (Page Annandale Road Associates, L.L.C.) to Rezone from C-5 and HC to C-8 and HC to Permit Vehicle Sales, Rental, and Ancillary Service Establishment with an Overall Site Floor Area Ratio of 0.35, Located on Approximately 23,523 Square Feet of Land (Providence District)

The application property is located in the North East quadrant of the intersection of Annandale Road and Arlington Boulevard. Tax Map 50-4 ((1)) 25. (Concurrent with SE 2011-PR-007)

and

Public Hearing on SE 2011-PR-007 (Page Annandale Road Associates, L.L.C.) to Permit a Vehicle Sale, Rental and Ancillary Service Establishment in a Highway Corridor Overlay District, Located on Approximately 3.88 Acres of Land Zoned C-8 and HC (Providence District)

The application property is located at 6627 Clearview Drive; 2919, 2923, 2927, 2931, 2935 Annandale Road. and 6660 Arlington Boulevard, Falls Church, 22042. Tax Map 50-4 ((1)) 25, 26, 27, 27A; 50-4 ((12)) 1, 1A, 2 and 3. (Concurrent with RZ 2011-PR-021)

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 8, 2011, the Planning Commission voted unanimously (Commissioners Hall and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors pertinent to the subject applications:

- Approval of RZ 2011-PR-021, subject to the execution of proffers consistent with those dated November 18, 2011;
- Approval of SE 2011-PR-007, subject to development conditions consistent with those dated December 6, 2011;
- Approval of a modification of the transitional screening and barrier requirements on the northern property line, in favor of that shown on GDP/SE plat and as conditioned;
- That the Board direct the Director of Department of Public Works and Environmental Services to waive the tree preservation target area requirement; and
- Approval of the loading space modification to that shown on the GDP/SE plat.

Board Agenda Item
January 10, 2012

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim excerpt
Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4368765.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Suzianne Zottl, Staff Coordinator, DPZ
Miriam Bader, Staff Coordinator, DPZ

Planning Commission Meeting
December 8, 2011
Verbatim Excerpt

RZ 2011-PR-021/SE 2011-PR-007 – PAGE ANNANDALE ROAD ASSOCIATES, L.L.C.

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2011-PR-021, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 18TH, 2011.

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 RZ 2011-PR-021, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Lawrence?

Commissioner Lawrence. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2011-PR-007, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED DECEMBER 6TH, 2011.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2011-PR-007, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ON THE NORTHERN PROPERTY LINE, IN FAVOR OF THAT SHOWN ON GDP/SE PLAT AND AS CONDITIONED.

Commissioner Sargeant: Second.

Planning Commission Meeting
December 8, 2011
Verbatim Excerpt

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO WAIVE THE TREE PRESERVATION TARGET AREA REQUIREMENT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE LOADING SPACE MODIFICATION TO THAT SHOWN ON THE GDP/SE PLAT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motions carried unanimously with Commissioners Hall and Harsel absent from the meeting.)

JLC

Board Agenda Item
January 10, 2012

4:00 p.m.

Public Hearing on SEA 2007-SP-001(Costco Wholesale Corporation) to Amend SE 2007-SP-001 Previously Approved for a Retail Sales Establishment-Large to Permit the Option for a Service Station and Associated Modifications to Site Design and Development Conditions, Located on Approximately 16.06 Acres of Land Zoned C-8 (Springfield District)

The applicant property is located at 4725 West Ox Road, Fairfax, 22035. Tax Map 56-1 ((1)) 5C.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 8, 2011, the Planning Commission voted unanimously (Commissioners Hall and Harsel absent from the meeting) to recommend to the Board of Supervisors approval of the following actions pertinent to the subject application:

- Approval of SEA 2007-SP-001, subject to the proposed development conditions dated November 28, 2011;
- Reaffirmation of the modification of the transitional screening to the east, in favor of the existing vegetation as shown on the SEA Plat;
- Reaffirmation of the waiver of the barrier requirements to the east, in favor of the berm shown on the SEA Plat.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4368767.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Staff Coordinator, DPZ

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Planning Commission Meeting
December 8, 2011
Verbatim Excerpt

SEA 2007-SP-001 – COSTCO WAREHOUSE CORPORATION

After the Close of the Public Hearing

Vice Chairman Alcorn: Okay, close the public hearing; recognize Commissioner Murphy.

Commissioner Murphy: Thank you, Mr. Chairman. I thank the speakers who came out this evening and the points are well taken. Life was a lot simpler when this was the site of the Centreville drive-in theatre and a bar. You know – there were conflicts, but there weren't a lot of traffic conflicts at that particular time. I can't solve and I don't think this applicant can solve all the problems with Lee Highway. I think some of the problems – I think most of the problems I have with Lee Highway and I think some of them that spin off to Piney Branch Road and all the roads that go down towards Government Center Parkway and towards the other areas come from the design of that interchange. That causes a lot of problems. I have always said that is probably the worst designed interchange in Fairfax County and the accident rate alone on that interchange is just too high for me. They finally put some double lights in there so there weren't people running the red lights when you go over from the Parkway to West Ox Road, but I'm not going to get into all that. I will have someone from Supervisor Herrity's office check – call VDOT and check the timing on the light at Piney Branch Road to see what can be done and whether or not it's timed appropriately. But usually the timing going on a road like Lee Highway in the morning and during rush hours it – the timing the light is on green for a longer period – much longer period of time for the people commuting on the main road than it is for the homeowners in the association that abut that road. And that's one of the reasons why – but we'll check the timing and find out. I'm sorry to learn that Mr. Litzenberger had to give up his membership at Costco. I know that in the Sully District they're used to busy shopping centers, but I'm glad our traffic problems – I mean, you want nirvana? You can go up the road just a little bit more to the west and all the traffic up there is just – it's just delightful. But I'm glad to see he's still shopping in the Springfield District at BJ's. You know, we've danced to this bear three or four times it's come before us in one form or another. And I personally think, without going into any detail about the traffic analysis, that this is going to make the traffic flow internally on that site a lot better with the way the access roads have been constructed. And I think the staff doesn't have a problem. The transportation analysis in the staff report doesn't even mention a lot of these things. It's a very general treatment as to what should be addressed and the applicant did address that. It's a busy part of town. It's going to stay very busy and isn't nothing we can do about it. That's what Fairfax Center is all about. And this application is not only in conformance with the Comprehensive Plan and the Standards for Special Exception Uses, but it also is in conformance with the Fairfax Center checklist, which analyzes in a very different and unique way from all

other analyses done in the County, what we should have in Fairfax Center to address the density, the traffic, and so forth. There's no universal solution, but I think in this particular case the way this site is being designed, with or without the gas station or the expansion of the building itself or the gas station as an entity onto itself, will make it a lot better. Time will tell. I was hesitant, quite frankly, about the BJ's gas station and that's open to everybody. You can go there as a member or not a member. You just don't get the discounts if you're not a member. And I'm sort of a random sample. I'm not out in Fairfax – Fair Lakes, rather I should say, every day. But the times I've gone out there – I've been there in the early morning. I've been there in the evening. I've been there on weekends. I've been there on weekdays. It works. That gas station works out there and I'm confident that if we go with option – whatever it is, A or B – and the gas station is what goes on this site, that it will work on this site too. There will be time when you have to wait in line to get out of there. That's a sign of prosperity, not a traffic jam as far as I'm concern. And developments like this certainly add to the tax base of Fairfax County and we quite frankly need all the help we can get. But having said that, the three elements – the Comprehensive Plan, the standards of the Zoning Ordinance, and the Fairfax Center checklist – with a good proffer package makes this application approvable. I want to thank the folks from Windsor Mews that have been involved in this and right from the beginning, have worked with the applicant. They came to the community meeting. I'm pleased to say that – they might not know this or not – but I made the motion to approve Windsor Mews several years ago so I'm glad to see that you're still in the neighborhood and you came out in support of this application. So therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO APPROVE SEA 2007-SP-001, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT [sic].

Commissioners de la Fe and Sargeant: Second.

Vice Chairman Alcorn: Motion's been made and seconded by Commissioner de la Fe and Commissioner Sargeant. Any discussion on that motion? All those in favor of recommending that the Board of Supervisors approve SEA 2007-SP-001, subject to the proposed development conditions in Appendix 1 dated November 16th, 2011, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. Commissioner Murphy?

Chairman Murphy: Yes, I would like to add one thing to the record, Mr. Chairman, that I forgot to do. I do have a letter –

Kristen Abrahamson, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ): Mr. Chairman?

Vice Chairman Alcorn: Hold on.

Brent Krasner, ZED, DPZ: The conditions were – there was a revision that was sent out to the CONDITIONS DATED NOVEMBER 28TH that –

Commissioner Murphy: Oh no, I'm sorry.

Vice Chairman Alcorn: Oh, we get it.

Commissioner Murphy: Okay, I did – I forgot to put that –

Vice Chairman Alcorn: Okay.

Commissioner Murphy: NOVEMBER 28TH. Thank you.

Vice Chairman Alcorn: All right, well without objection, THE MOTION WILL BE RESTATED AS “DEVELOPMENT CONDITIONS DATED NOVEMBER 28TH.”

Commissioner Murphy: I would like to enter into the record a letter from Jacinta Mascarenhas, President of the Windsor Mews Homeowners Association, into the record in support of the application. I'm sorry I didn't do that earlier.

Vice Chairman Alcorn: Without objection.

Commissioner Murphy: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A REAFFIRMATION OF THE APPROVAL OF THE MODIFICATION OF THE TRANSITIONAL SCREENING TO THE EAST, IN FAVOR OF THE EXISTING VEGETATION AS SHOWN ON THE SEA PLAT.

Commissioner de la Fe: Second.

Vice Chairman Alcorn: Seconded by Commissioner de la Fe. Any discussion of that motion? All those in favor of the motion as articulated by Commissioner Murphy, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries.

Commissioner Murphy: And Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A REAFFIRMATION OF THE APPROVAL OF THE WAIVER OF THE BARRIER REQUIREMENTS TO THE EAST, IN FAVOR OF THE BERM SHOWN ON THE SEA PLAT.

Commissioner de la Fe: Second.

Vice Chairman Alcorn: Seconded by Commissioner de la Fe. Discussion of that motion? All those in favor of the motion as articulated by Commissioner Murphy regarding waiver of the barrier requirements, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries as well.

Commissioner Murphy: That's it. Thank you very much. Thank Mr. Gill –

Vice Chairman Alcorn: The Chair is yours.

Chairman Murphy: Thank you, citizens for coming out this evening. I want to thank Mr. Krasner and Mr. O'Donnell that worked together on this application. We appreciate it. And also thank – what is your name?

Daniel White, ZED, DPZ: Daniel.

Chairman Murphy: I'm sorry?

Mr. White: Daniel White.

Chairman Murphy: Daniel White. Daniel White is the guy that brought us the new technology tonight. Let's give him a round of applause. It worked. You remembered to plug it in and tune it up, so you know, what can we ask for? It was great. Thank you very much.

//

(The motions carried unanimously with Commissioners Hall and Harsel absent from the meeting.)

JLC

Board Agenda Item
January 10, 2012

4:00 p.m.

Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Planned Development District Recreational Fees

ISSUE:

The proposed Zoning Ordinance amendment increases the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC, PRM and PTC Districts from \$1600 to \$1700.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 8, 2011, the Planning Commission voted unanimously (Commissioners Hall and Harsel absent from the meeting) to recommend that the Board of Supervisors adopt the proposed Planned Development District Recreational Facilities Zoning Ordinance Amendment as advertised with an effective date of 12:01 a.m. on the day following adoption with the following grandfather provisions:

- Rezoning applications to the PDH, PDC, PRM or PTC Districts containing dwelling units, including proffered condition amendments which propose to add dwelling units, that are accepted prior to the effective date of the amendment and approved by July 1, 2012 shall be grandfathered and not be subject to this amendment.
- Proffered condition amendments which propose to add dwelling units and are accepted on or after the effective date of the amendment shall be subject to the requirements of this amendment for the additional density.

RECOMMENDATION:

The County Executive concurs with the Planning Commission's recommendation.

TIMING:

Board authorization to advertise - November 1, 2011; Planning Commission public hearing - December 8, 2011; Board public hearing January 10, 2012, at 4:00 p.m.

BACKGROUND:

The proposed amendment revises the recreational facility provisions in the PDH, PDC, PRM, and PTC Districts, is on the 2011 Priority 1 Zoning Ordinance Amendment Work

Board Agenda Item
January 10, 2012

Program (ZOAWP), and is in response to a 2007 request by the Board of Supervisors (Board) to reconsider the per unit recreational expenditure every two years. Given that it has been two years since the Board previously considered adjustments to the P district recreational fee, this amendment is now being brought forward for the Board's consideration.

The current Zoning Ordinance provisions require developed recreational facilities as part of the open space requirement to be provided in all PDH, PDC, PRM, and PTC Districts which contain a residential component. The developed recreational facility component is currently based on a minimum expenditure of \$1600 per dwelling unit. The recreational facilities must either be provided on-site by the developer, and/or the Board may approve the provision of the facilities on land which is not part of the subject P district. It should be noted that in affordable dwelling unit developments the per dwelling unit expenditure does not apply to the affordable dwelling units.

The \$1600 expenditure has been in effect since January 2010 and was last adjusted based on the Construction Cost Index (CCI) increase between 2007 and 2009. According to Architects Contractors Engineers Guide to Construction Costs, 2011 Edition, Volume XLII, the CCI has increased by 5 percent since 2009. Given the 5 percent increase in construction costs since 2009, it may be appropriate to adjust the current \$1600 fee accordingly. As such, the proposed amendment increases the per dwelling unit recreational facilities expenditure from \$1600 to \$1700 in the PDH, PDC, PRM, and PTC Districts. In order to provide flexibility, the Board could consider any fee between the existing fee of \$1600 and up to \$1700 and still be within the scope of advertising.

It is highly likely that construction costs will continue to rise and it is recommended that the per unit recreational expenditure continue to be reviewed every two years. If an increase is warranted based on the CCI, staff would recommend that the Board consider amending the Zoning Ordinance accordingly.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 1.

REGULATORY IMPACT:

The proposed amendment increases the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC, PRM, and PTC District from \$1600 to \$1700.

Board Agenda Item
January 10, 2012

FISCAL IMPACT:

An increase of \$100 per unit will be required of the developer to cover the construction costs of the recreational facility. No additional cost to staff.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – Verbatim excerpt

STAFF:

John W. Dargle, Jr., Director, Fairfax County Park Authority (FCPA)

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

Eileen M. McLane, Zoning Administrator, DPZ

Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch, DPZ

Andrea L. Dorlester, Senior Park Planner, Park Planning Branch, FCPA

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**FAIRFAX
COUNTY**

ATTACHMENT 1

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Planned Development District Recreational Fee

PUBLIC HEARING DATES

Planning Commission

December 8, 2011 at 8:15 p.m.

Board of Supervisors

January 10, 2012 at 4:00 p.m.

**PREPARED BY
FAIRFAX COUNTY PARK AUTHORITY
703-324-8692**

November 1, 2011

AD/LK



Americans With Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

STAFF COMMENT

The proposed amendment revises the recreational facility provisions in the PDH, PDC, PRM, and PTC Districts, is on the 2011 Priority 1 Zoning Ordinance Amendment Work Program, and is in response to a 2007 request by the Board of Supervisors (Board) to reconsider the per unit recreational expenditure every two years. Given that it has been two years since the Board previously considered adjustments to the P district recreational fee, this amendment is now being brought forward for the Board's consideration.

The current Zoning Ordinance provisions require developed recreational facilities as part of the open space requirement to be provided in all PDH, PDC, PRM, and PTC Districts which contain a residential component. The developed recreational facility component is currently based on a minimum expenditure of \$1600 per dwelling unit. The recreational facilities must either be provided on-site by the developer, and/or the Board may approve the provision of the facilities on land which is not part of the subject P district. It should be noted that in affordable dwelling unit developments the per dwelling unit expenditure does not apply to the affordable dwelling units.

A per unit recreational fee expenditure was added to the Zoning Ordinance in 1975. The original \$500 expenditure per dwelling unit remained in effect until April 7, 1997 when a Zoning Ordinance amendment was adopted that increased the expenditure from \$500 to \$955. The fee per dwelling unit was increased from \$955 to \$1500 in 2007 and was adjusted based on the Construction Cost Index (CCI) increase between 1997 and 2007. The fee was again adjusted from \$1500 to \$1600 in 2010 based on the CCI increase between 2007 and 2009. According to Architects Contractors Engineers Guide to Construction Costs, 2011 Edition, Volume XLII, the CCI has increased by 5% since 2009. Given the 5% increase in construction cost since 2009, it may be appropriate to adjust the current \$1600 fee accordingly. The last time the amount was updated, it was rounded down from \$1632 to \$1600, so when applying the 5% increase to \$1632, the result is \$1714. Again rounding down to an even number, the proposed amendment increases the per dwelling unit recreational facilities expenditure from \$1600 to \$1700 in the PDH, PDC, PRM, and PTC Districts. In order to provide flexibility, the Board could consider any fee between the existing fee of \$1600 and up to \$1700 and still be within the scope of advertising.

It is highly likely that construction costs will continue to rise and it is recommended that the per unit recreational expenditure continue to be reviewed every two years. If an increase is warranted based on the CCI, staff would recommend that the Board consider amending the Zoning Ordinance accordingly.

In conclusion, it is staff's belief that the proposed increase in the per unit recreation expenditure is warranted based on the CCI increase since the last time this issue was reviewed in 2009. Therefore, staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

Because this amendment may impact certain applications and/or prior approvals, staff recommends the following:

- Rezoning applications to the PDH, PDC, PRM or PTC Districts containing dwelling units, including proffered condition amendments which propose to add dwelling units, that are accepted prior to the effective date of the amendment and approved by July 1, 2012 shall be grandfathered from this amendment.
- Proffered condition amendments which propose to add dwelling units and are accepted on or after the effective date of the amendment shall be subject to the requirements of this amendment for the additional density.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of November 1, 2011 and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

Amend Article 6, Planned Development District Regulations as follows:

- Amend Part 1, PDH Planned Development Housing District, Sect. 6-110, Open Space, by revising Par. 2 to read as follows:

2. As part of the open space to be provided in accordance with the provisions of Par. 1 above, there shall be a requirement to provide recreational facilities in all PDH Districts. The provision of such facilities shall be subject to the provisions of Sect. 16-404, and such requirements shall be based on a minimum expenditure of ~~\$1600~~ 1700 *[Advertised range is \$1600 to \$1700]* per dwelling unit for such facilities and either:

A. The facilities shall be provided on-site by the developer in substantial conformance with the approved final development plan, and/or

B. The Board may approve the provision of the facilities on land which is not part of the subject PDH District.

Notwithstanding the above, in affordable dwelling unit developments, the requirement for a per dwelling unit expenditure shall not apply to affordable dwelling units.

- Amend Part 2, PDC Planned Development Commercial District, Sect. 6-209, Open Space, by revising Par. 2 to read as follows:

2. In a PDC development where dwelling units are proposed as a secondary use, as part of the open space to be provided in accordance with the provisions of Par. 1 above, there shall be a requirement to provide recreational facilities for the enjoyment of the residents of the dwelling units. The provision of such facilities shall be subject to the provisions of Sect. 16-404 and such requirement shall be based on a minimum expenditure of ~~\$1600~~ 1700 *[Advertised range is \$1600 to \$1700]* per dwelling unit for such facilities and either:

1 A. The facilities shall be provided on-site by the developer in substantial conformance
2 with the approved final development plan. In the administration of this provision,
3 credit shall be considered where there is a plan to provide common recreational
4 facilities for the residents of the dwelling units and the occupants of the principal uses,
5 and/or
6

7 B. The Board may approve the provision of the facilities located on property which is not
8 part of the subject PDC District.
9

10 Notwithstanding the above, in affordable dwelling unit developments, the requirement for
11 a per dwelling unit expenditure shall not apply to affordable dwelling units.
12

13 - **Amend Part 4, PRM Planned Residential Mixed Use District, Sect. 6-409, Open Space, by**
14 **revising Par. 2 to read as follows:**
15

16 2. In addition to Par. 1 above, there shall be a requirement to provide recreational facilities.
17 The provision of such facilities shall be subject to the provisions of Sect. 16-404, however,
18 recreational facilities, such as swimming pools, exercise rooms, or health clubs, which are
19 located on rooftops, deck areas and/or areas within a building, may be used to fulfill this
20 requirement. The requirement for providing recreational facilities shall be based on a
21 minimum expenditure of ~~\$1600~~ 1700 [*Advertised range is \$1600 to \$1700*] per dwelling
22 unit for such facilities and either:
23

24 A. The facilities shall be provided on-site by the developer in substantial conformance
25 with the approved final development plan, and/or
26

27 B. The Board may approve the provision of the facilities on land which is not part of the
28 subject PRM District.
29

30 Notwithstanding the above, in affordable dwelling unit developments, the requirement for
31 a per dwelling unit expenditure shall not apply to affordable dwelling units.
32

33 - **Amend Part 5, PTC Planned Tysons Corner Urban District, Sect. 6-508, Open Space, by**
34 **revising Par. 2 to read as follows:**
35

36 2. In addition to Par. 1 above, there shall be a requirement to provide recreational facilities.
37 The provision of such facilities shall be subject to the provisions of Sect. 16-404, however,
38 recreational facilities, such as swimming pools, exercise rooms, or health clubs, which are
39 located on rooftops, deck areas and/or areas within a building, may be used to fulfill this
40 requirement. The requirement for providing recreational facilities shall be based on a
41 minimum expenditure of ~~\$1600~~ 1700 [*Advertised range is \$1600 to \$1700*] per dwelling
42 unit for such facilities and either:
43

44 A. The facilities shall be provided on-site by the developer in substantial conformance
45 with the approved final development plan; and/or

1 B. The Board may approve the provision of the facilities on land that is not part of the
2 subject PTC District.

3
4 Notwithstanding the above, in affordable dwelling unit developments, the requirement for a
5 per dwelling unit expenditure shall not apply to affordable dwelling units.

Planning Commission Meeting
December 8, 2011
Verbatim Excerpt

ZONING ORDINANCE AMENDMENT (P DISTRICT RECREATION FEES)

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. I'm going to move this forward in the form of two motions. First, I would like to thank Andrea Dorlester and Lorrie Kirst for all their preparation and guidance in this particular matter. And in particular, Andrea's review of the ever exciting Construction Cost Manual. More exciting reading has not been found, but very important and pertinent to this particular Zoning Ordinance Amendment. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PROPOSED PLANNED DEVELOPMENT DISTRICT RECREATIONAL FACILITIES ZONING ORDINANCE AMENDMENT BE ADOPTED AS ADVERTISED AND CONTAINED IN THE STAFF REPORT DATED NOVEMBER 1ST, 2011, WITH AN EFFECTIVE DATE OF 12:01 A.M. ON THE DAY FOLLOWING ADOPTION.

Commissioners de la Fe and Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt the Zoning Ordinance Amendment regarding P-District Recreation Fees, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Thank you, Mr. Chairman. And following onto that. Since this Amendment may impact certain applications and/or prior approvals, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THE FOLLOWING:

- ONE, THAT REZONING APPLICATIONS TO THE PDH, PDC, PRM, OR PTC DISTRICTS CONTAINING DWELLING UNITS, INCLUDING PROFFERED CONDITION AMENDMENTS WHICH PROPOSE TO ADD DWELLING UNITS,

THAT ARE ACCEPTED PRIOR TO THE EFFECTIVE DATE OF THE AMENDMENT AND APPROVED BY JULY 1ST, 2012, SHALL BE GRANDFATHERED AND NOT SUBJECT TO THIS AMENDMENT;

- AND FURTHER, THAT PROFFERED CONDITION AMENDMENTS, WHICH PROPOSE TO ADD DWELLING UNITS, AND ARE ACCEPTED ON OR AFTER THE EFFECTIVE DATE OF THE AMENDMENT SHALL BE SUBJECT TO THE REQUIREMENTS OF THIS AMENDMENT FOR THE ADDITIONAL DENSITY.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of that motion? All those in favor of the motion as articulated by Mr. Sargeant, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motions carried unanimously with Commissioners Hall and Harsel absent from the meeting.)

JLC

Board Agenda Item
January 10, 2012

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance to Establish the Polo Fields Residential Permit Parking District, District 43 (Hunter Mill District)

ISSUE:

Proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the Polo Fields Residential Permit Parking District (RPPD), District 43.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the Polo Fields Residential Permit Parking District (RPPD), District 43.

TIMING:

On December 6, 2011, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on January 10, 2012, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(a) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish RPPD restrictions encompassing an area within 2,000 feet walking distance from the pedestrian entrances and/or 1,000 feet from the property boundaries of an existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus if: (1) the Board receives a petition requesting the establishment or expansion of such a District, (2) such petition contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District, and (3) the Board determines that 75 percent of the land abutting each block within the proposed District is developed residential. In addition, an application fee of \$10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Staff has verified that the requirements have been met to establish an RPPD based on 2,000 feet walking distance from the pedestrian entrances of a proposed Metrorail station.

Board Agenda Item
January 10, 2012

FISCAL IMPACT:

The cost of sign installation is estimated at \$2,700 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*

Attachment II: Map Depicting Proposed Limits of RPPD Establishment

STAFF:

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

Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT

Selby Thannikary, Chief, Traffic Operations Section, FCDOT

Maria Turner, FCDOT

Hamid Majdi, FCDOT

Appendix G

G-43 Polo Fields Residential Permit Parking District.

(a) *Purpose and Intent.* The Polo Fields Residential Permit Parking District is established to protect this residential area from polluted air, excessive noise, and other adverse impacts of automobile commuting; to protect the residents of these areas from unreasonable burdens in gaining access to their property; and to preserve the residential character of the area and the property values therein.

(b) *District Designation.*

(1) The Polo Fields Residential Permit Parking District is designated as Residential Permit Parking District 43, for the purposes of signing and vehicle decal identification.

(2) Blocks included in the Polo Fields Residential Permit Parking District are shown on the Official Residential Permit Parking District map and are described below:

Cross Country Lane (Route 6374):
The entire length.

Hitchcock Court (Route 8709):
From Hitchcock Drive east and west to the cul-de-sacs inclusive.

Hitchcock Drive (Route 8708):
From Sunrise Valley Drive to Hitchcock Court.

Milburn Lane (Route 7842):
From Sunrise Valley Drive to the cul-de-sac inclusive.

Roark Court (Route 7859):
From Roark Drive east and west to the cul-de-sacs inclusive.

Roark Drive (Route 7858):
From Sunrise Valley Drive to Roark Court.

Thunder Chase Drive (Route 6373):
From Sunrise Valley Drive to Bayard Drive.

(c) *District Provisions.*

(1) This District is established in accordance with and is subject to

the provisions set forth in Article 5A, of Chapter 82.

(2) Parking is prohibited along the residential portions of the described street blocks, both sides, except as otherwise provided herein. Within the Polo Fields Residential Permit Parking District, parking is prohibited from 6:00 a.m. to 6:00 p.m., Monday through Friday, except as permitted by the provisions of Article 5A, of Chapter 82.

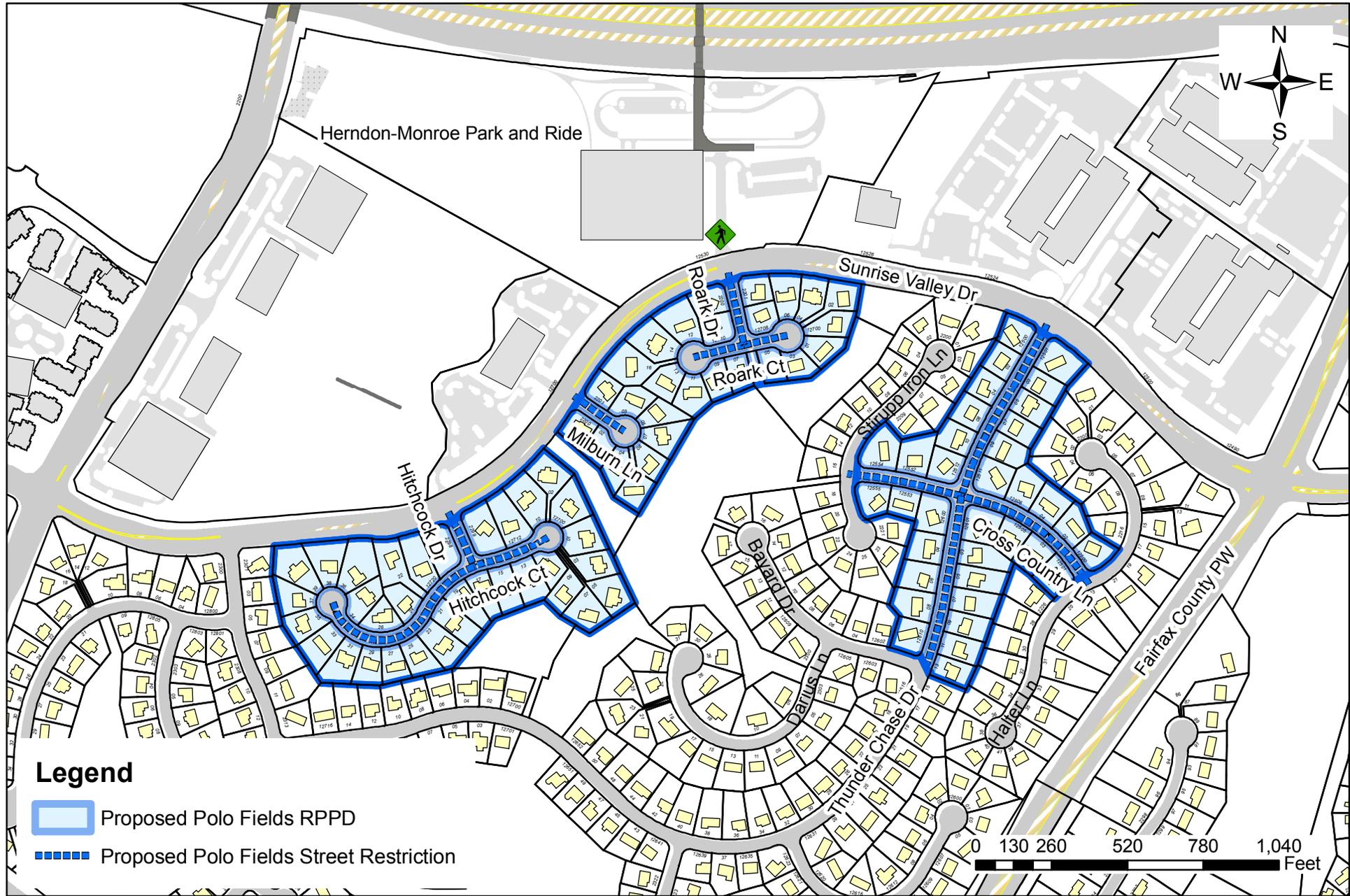
(3) One (1) free transferable visitor pass per address shall be issued in the name of a bona fide resident of said address and said pass shall be valid for a maximum of two (2) years from the month issued, not to exceed the expiration date on the pass. However, visitor passes shall not be issued to multifamily or townhouse addresses, which have off-street parking lots provided.

(4) Owners of property in the District who are not bona fide residents of said District may obtain a temporary visitor parking pass for a period not to exceed two (2) weeks.

(5) All permits and visitor passes for the Polo Fields Residential Permit Parking District shall expire on June 30, 2012. Thereafter, all permits and visitor passes may be renewed for periods of two (2) years.

(d) *Signs.* Signs delineating Polo Fields Residential Permit Parking District shall indicate the following:

NO PARKING
6:00 a.m. - 6:00 p.m.
Monday through Friday
Except by Permit
District 43



Legend

- Proposed Polo Fields RPPD
- Proposed Polo Fields Street Restriction



Fairfax County Department of Transportation
 Traffic Operations Section
 RESIDENTIAL PERMIT PARKING DISTRICT (RPPD)
 POLO FIELDS # 43
 Hunter Mill District



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Board Agenda Item
January 10, 2012

4:00 p.m.

Public Hearing to Expand the Zion Community Parking District (Braddock District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the Zion Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to expand the Zion CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on December 6, 2011, for January 10, 2012, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to expand a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the CPD.

No such CPD shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Board Agenda Item
January 10, 2012

Pursuant to Fairfax County Code Section 82-5B-3, the Board may expand a CPD if: (1) the Board receives a petition requesting such an expansion and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD.

Staff has verified that the requirements for a petition-based CPD have been satisfied.

The parking prohibition identified above for the Zion CPD expansion is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$150 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Zion CPD Expansion

STAFF:

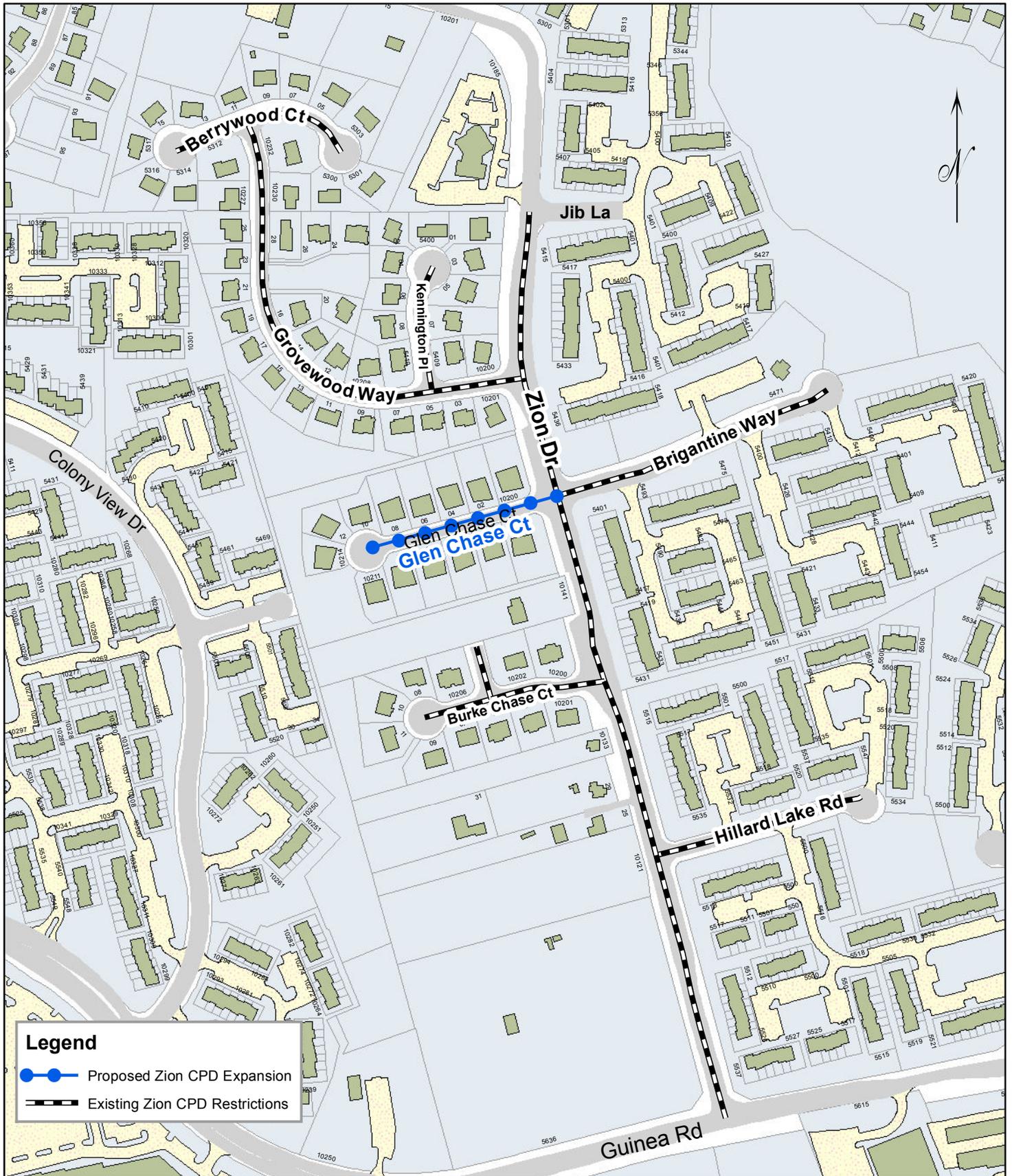
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Division Chief, Capital Projects and Operations Division, FCDOT
Selby Thannikary, Section Chief, Traffic Operations Section, FCDOT
Maria Turner, FCDOT

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX M

Amend *The Code of the County of Fairfax, Virginia*, by adding the following street to Appendix M-76, Section (a)(2), Zion Community Parking District, in accordance with Article 5B of Chapter 82:

Glen Chase Court (Route 10259)
From Zion Drive to cul-de-sac inclusive.

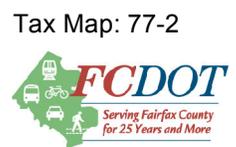


Legend

- Proposed Zion CPD Expansion
- - - Existing Zion CPD Restrictions



Fairfax County Department of Transportation
 Traffic Operations Section
COMMUNITY PARKING DISTRICT (CPD)
 Proposed Zion CPD Expansion
 Braddock District



Board Agenda Item
January 10, 2012

4:00 p.m.

Public Hearing on PRC A-502-02 (Fairways I Residential, L.L.C. and Fairways II Residential, L.L.C.) to Approve a PRC Plan Associated with RZ A-502 to Redevelop Existing Multi-Family Dwellings with Single-Family Attached and Multi-Family Dwellings and Bonus Density for Providing ADUs, Located on Approximately 18.82 Acres Zoned PRC, Hunter Mill District

This Public Hearing to be Deferred to 2/28/12 at 4:30 p.m.

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Board Agenda Item
January 10, 2012

4:30 P.M.

Public Hearing on Amendments to Chapter 62 (Fire Protection) of *The Code of the County of Fairfax, Virginia*

ISSUE:

Public hearing to consider the proposed amendments to Chapter 62 of *The Code of the County of Fairfax, Virginia* (Fire Code).

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments with an effective date of 12:01 a.m. on January 11, 2012.

TIMING:

The Public Hearing was authorized on December 6, 2011.

BACKGROUND:

Section 27-97 of the *Code of Virginia* empowers the Virginia Board of Housing and Community Development to promulgate and adopt a state fire prevention code, now known as the *Statewide Fire Prevention Code*. Local governments are authorized under this section to adopt fire prevention regulations that are more stringent than the *Statewide Fire Prevention Code* and, as a result, the bulk of the Fire Code consists of such amendments to the *Statewide Fire Prevention Code*. The adoption of the 2009 version of the *Statewide Fire Prevention Code* by the Virginia Board of Housing and Community Development has necessitated editorial, format, and organizational changes to the Fire Code in order to maintain local fire prevention regulations.

A detailed discussion of the proposed amendments is set forth in the Staff Report enclosed as Attachment I.

FISCAL IMPACT:

There is no fiscal impact.

ENCLOSED DOCUMENTS:

Attachment I: Staff Report

STAFF:

Chief Ronald L. Mastin, Fire and Rescue Department
Paul T. Emerick, Office of the County Attorney

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STAFF REPORT

Proposed Amendments to
Chapter 62, Fire Protection,
of
The Code of the County of Fairfax, Virginia

Public Hearing Date: January 10, 2012

Prepared by:
Fire Prevention Division
Fire and Rescue Department
703-246-4753

STAFF COMMENT

The proposed amendments are in response to the adoption of the 2009 *Statewide Fire Prevention Code* during the 2011 Virginia General Assembly.

Existing Fire Protection Codes

The Fire Prevention Division of the Fairfax County Fire and Rescue Department enforces the *Virginia Statewide Fire Prevention Code* and Fairfax County local fire protection ordinances.

Background

Section 27-97 of the *Code of Virginia* empowers the Virginia Board of Housing and Community Development to promulgate and adopt a state fire prevention code, now known as the *Statewide Fire Prevention Code*. The 2009 Edition of the *Statewide Fire Prevention Code* became effective March 1, 2011, which, in turn, necessitated review and amendment to the county fire code. Local governments are authorized under Section 27-97 of the *Code of Virginia* to adopt fire prevention regulations that are more stringent than the *Statewide Fire Prevention Code*.

The proposed changes ensure county amendments are not in conflict with state code. While the majority of the proposed amendments to the Fire Code are either minor clarifications to the code or editorial, the substantive changes outlined below are included in the proposed amendments.

Proposed Amendments

Section 62-2-4. Investigation and notification of fires and injuries. Medical authorities will be required to notify the Fire Prevention Division (FPD) of significant burn injuries. The need for this notification was pointed out in the last year when a person died of burn injuries after being taken by private auto to the emergency room. Because the fire did not require a fire department response and no medical transport was used, the FPD did not learn of the death for several days. Valuable investigation time was lost.

Table 107.2, line 27. Explosives Permit-Approved overnight storage, any quantity. This permit requirement, as it is currently written, is not issuable or enforceable by the FPD. When overnight storage is approved by a Board of Supervisors (BOS) Special Use Permit, that permit is permanent and the Fire Marshals' Office (FMO) has no authority to inspect the storage sites. By revising this permit requirement, issuing it in conjunction with the BOS Special Use Permit, and making it valid for 6 months, the FMO will be able to inspect the storage site regularly and have the authority to conduct spot inspections at any time.

Table 107.2, line 29. Explosives Permit-Overnight permit for storage at specialized blasting sites. Creating this permit, based on Section 3304.1, exception # 3, will expedite the approval process for the customer. The current process may take several months from application to storage approval issuance by the BOS. This permit will remove these minor items from the BOS workload. It will bring the action under Fire Code Official control and allow access to the site for inspections. This permit is intended for use only in special situations such as building demolition and movie special effects shoots. The one time, short term nature of these situations is not within the spirit and intent of 3304.1. It does not take away any authority of the BOS to approve overnight explosives storage in the county in all other situations.

Section 112.1.1 thru 112.5.1. Fairfax County Board of Fire Prevention Code Appeals. Pursuant to an amendment to Section 27-98 of the Code of Virginia, this section has been added to authorize the Fairfax County Board of Building Code appeals to hear appeals arising from the application of the Fire Prevention Code of Fairfax County.

Section 305.4.1 Mischievous fire play. This subsection was added to give investigators authority to require intervention for juvenile fire setters.

Section 503.1 thru 503.6.1. Fire Lanes. The fire lane requirements within the Fairfax County Public Facilities Manual have been incorporated throughout these sections of the county code. Since the Public Facilities Manual addresses new construction, incorporation of its fire lane language ensures existing fire lanes are covered by the same requirements.

Section 503. Fire lanes. This section has been altered to allow inclusion of current Public Facilities Manual fire lane regulations for new construction. It has also been re-arranged for clarity.

Section 503.1. Fire lanes, where required, exception 2. This has been added to provide flexibility and a potential code modification based on certain objective standards for older communities that cannot meet the current code requirements.

Section 3301.1.7. Permit required for sale of explosive materials.

Section 3301.1.7.1. Storage and handling in sales of explosive materials. There is no current process for approving and tracking the sale of explosive materials within the county. Approval and tracking is necessary to ensure compliance with explosive handling, overnight storage, and permit requirements. This code change supports the existing state requirement to obtain a permit for the sale of explosive materials (explosives, blasting agents, detonators) while retaining Board of Supervisors requirements prohibiting overnight storage under 3304.1.

Section 3307.3. Blasting in congested areas or in close proximity. Current Fire Prevention Code blasting site regulations require mats and/or a minimum of 4 feet of burden, but do not specify any further precautions/protective measures. Loading, delaying initiation, and confinement are primary methods in reducing blast effects on nearby persons and property. Burden, spacing, stemming, and mats are the primary methods of preventing flyrock. Reductions in these elements to increase productivity and reduce cost are common, but result in an increase in danger. Requirements to always utilize these measures in congested areas ensure that impact on nearby persons and property is minimized.

Section 3307.5. Utility notification. Current county practice requires 48 hours' notice, in conflict with the *Statewide Fire Prevention Code* requirement of 24 hours. However, neither 24 nor 48 hours provides sufficient notice for the multiple utilities encountered in nearly all blasting activities in Fairfax County. This code change is necessary to provide time for the blaster and the Fire Code Official to coordinate site meetings with affected utilities and to establish blasting plans to ensure no impact on utilities. Pipelines, fiber optics, large water/sewer lines, and utilities supplying government agencies require special precautions and a minimum of 3 to 5 days preparation depending on the specific agency and the nature of the blasting. Fairfax County Wastewater Management and Fairfax Water require up to 5 days for engineering review of blasting plans for operations near sewer or water utilities.

Conclusion

Staff recommends adoption of the proposed amendments with an effective date of 12:01 a.m. on January 11, 2012.

CHAPTER 62

FIRE PROTECTION

Article 1. IN GENERAL

Section 62-1-1. Penalty.

Any person, firm, or corporation who shall violate any of the Sections of this Chapter or any provisions of the Fire Prevention Code of Fairfax County adopted by Section 62-2-6 or shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall fail to comply with such an order within the time fixed therein shall separately for each and every such violation and noncompliance respectively, be guilty of a violation of this Chapter and the violation shall be deemed a Class 1 Misdemeanor, and shall, upon conviction, be punishable by imprisonment not to exceed twelve (12) months or by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) or both. Each day that a violation continues after a service of notice as provided for in this Code shall be deemed a separate offense.

Section 62-1-2. Use of fire apparatus, equipment, etc., within County.

a. It shall be unlawful for any person to operate or cause to be operated upon a public highway or street in the County any vehicle or equipment used, intended to be used, or designed to be used for the purpose of fighting fires, unless such vehicle or equipment is owned by a recognized fire fighting company of the County.

b. For the purpose of this Section, a recognized fire fighting company of the County shall be construed to mean one that has been recognized as such by resolution of the Board of Supervisors.

c. This Section shall not apply to the operation of fire fighting vehicles and equipment owned by any fire fighting company outside of the County when such vehicle or equipment is traveling in or through the county for a parade or other non-fire fighting purposes or in response to a call from the County fire alarm headquarters.

Section 62-1-3. Damage or injury to fire department equipment or personnel.

It shall be unlawful for any person to damage or deface, or attempt, or conspire to damage or deface any fire department vehicle at anytime, or to injure, or attempt to injure, or conspire to injure fire department personnel while such personnel are in the performance of departmental duties.

Section 62-1-4. Unlawful boarding or tampering with fire department vehicles.

It shall be unlawful for any person, without proper authorization from the fire department officer-in-charge of said vehicle, to cling to, attach himself to, climb upon or

1 into, board, or swing upon any fire department vehicle, whether such vehicle is in
2 motion or at rest or to sound any warning device thereon or to manipulate, tamper with,
3 or destroy or attempt to manipulate, tamper with, or destroy any lever, valve, switch,
4 starting device, brake, pump, or any equipment, protective clothing, or tool on or a part
5 of such fire department vehicle.

6 7 **Article 2. FIRE MARSHAL**

8 9 **Section 62-2-1. County Fire Marshal and Deputy Fire Marshal - creation of office; 10 appointment; powers and duties generally; salary.**

11
12 The Office of County Fire Marshal is hereby created. The County Executive shall
13 appoint a County Fire Marshal whose powers and duties shall be as set forth in this
14 Chapter. He shall receive such annual salary as the Board of Supervisors may allow.
15

16 **Section 62-2-2. Same--tenure.**

17
18 The County Fire Marshal shall not be appointed for a definite tenure, but shall
19 continue contingent upon and subject to the personnel rules of the County.
20

21 **Section 62-2-3. Oaths of fire marshal and members of his staff.**

22
23 The County Fire Marshal, Deputy County Fire Marshal, and members of the Fire
24 Marshal's staff, before entering upon their duties, shall, respectively, take an oath,
25 before any officer authorized to administer oaths, faithfully to discharge the duties of
26 their office.
27

28 **Section 62-2-4. Investigation and notification of fires. and injuries.**

29
30 a. The Fire Marshal shall investigate or cause to be investigated, every fire or
31 explosion occurring within the County that is of a suspicious nature or which involves
32 the loss of life or causes injury to persons or causes destruction of or damage to
33 property. Such investigation shall be made at the time of the fire or at a subsequent
34 time, depending on the nature and circumstances of the fire. The Fire Marshal shall
35 take charge immediately of the physical evidence, and in order to preserve any physical
36 evidence relating to the cause or origin of such fire or explosion, take means to prevent
37 access by any person or persons to such building, structure, or premises until such
38 evidence has been properly processed. The County Police Department, upon request
39 of the County Fire Marshal, shall assist in the investigation as needed. The results of
40 any such investigation shall be forwarded by the Fire Marshal to the Commonwealth's
41 Attorney for proper disposition.

42 b. A medical professional who is primarily responsible for the treatment of an
43 individual for a burn injury described below shall, as soon as practicable, notify the
44 Fairfax County Fire Marshal and the Department of Public Safety Communications. The
45 treating physician or designee shall be responsible for giving the notice required by this
46 section.

1 (1) The provisions of this subsection apply to:

- 2 (i) any burn injury from the result of direct flame contact causing
 3 2nd degree burns (partial thickness) to 5 percent or more of the
 4 patient's body and all 3rd degree burns (full
 5 thickness), regardless of the percentage of burned area;
 6 ii) all chemical burns regardless of severity;
 7 (iii) any upper respiratory burn injury requiring advanced airway
 8 intervention and/or support;
 9 (iii) any burn injury which causes death; or
 10 (iv) any burn injury which is likely to cause death.

11 (2) The provisions of this section do not apply to sunburn.

12 (3) Notice under this section shall include:

- 13 (i) the name and address of the patient, if known;
 14 (ii) a description of the burn injury;
 15 (iii) the reported cause of the burn injury, if given;
 16 (iv) the patient's prognosis;
 17 (v) any other fact concerning the burn injury which may assist in
 18 determining the origin and cause of the fire.

19
 20 **Section 62-2-5. Powers of arrest**

21
 22 The Fire Marshal and all members of the Fire Marshal's staff permitted under
 23 Title 27 of the Code of Virginia to do so shall have the same police powers as a regular
 24 member of the County Police Department in the investigation and prosecution of all
 25 offenses involving fires, fire bombings, bombings, attempts or threats to commit such
 26 offenses, false alarms relating to such offenses, possession and manufacture of
 27 explosive devices, substances, and fire bombs, storage, use, and transportation of
 28 hazardous materials and hazardous waste, environmental crimes, and other offenses
 29 involving the calling or summoning of fire or rescue equipment without just cause in
 30 violation of the Code of Virginia or the Code of the County of Fairfax, and other criminal
 31 or civil offenses arising out of or incidental to the investigation of the enumerated
 32 offenses.
 33

34 **Section 62-2-6. Enforcement of the Virginia Statewide and Fairfax County Fire**
 35 **Prevention Codes.**

36
 37 The County of Fairfax shall enforce the Virginia Statewide Fire Prevention Code
 38 promulgated by the Board of Housing and Community Development of the
 39 Commonwealth of Virginia pursuant to Section 27-98 of the Code of Virginia. The
 40 provisions of the Virginia Statewide Fire Prevention Code and the Fire Prevention Code
 41 of the County of Fairfax shall be enforced by the County Fire Marshal, and, under the
 42 authority of the Fire Marshal, by the Deputy County Fire Marshal and members of the
 43 Fire Marshal's staff-, also herein referred to as the Office of the Fire Marshal, Fire
 44 Marshal's Office, the Fire Marshal, members of the Fire Marshal's staff, the Fire
 45 Prevention Division, code official, fire code official, or the fire official. The Fire Marshal,
 46 the Deputy Fire Marshal, and members of the Fire Marshal's staff shall have all of the

1 powers of the local fire official and the local arson investigator and the local fire marshal
 2 and his assistants set forth in Title 27 of the Code of Virginia, and all of the powers of
 3 the fire official and the enforcing agency set forth in the Virginia Statewide Fire
 4 Prevention Code and the Fire Prevention Code of the County of Fairfax.

5
 6 **Section 62-2-7. Fairfax County Fire Prevention Code.**

7
 8 The regulations set forth herein shall be known as the Fire Prevention Code of
 9 the County of Fairfax, and shall be herein referred to as such or as this Code.

10
 11 **Section 62-2-8. Amendments, additions, deletions to the Virginia Statewide Fire
 12 Prevention Code.**

13
 14 The Virginia Statewide Fire Prevention Code is hereby amended and changed
 15 pursuant to Section 27-97 of the Code of Virginia in the following respects:

16
 17 ~~104.1. Local enforcement. Add the following at the end of the existing Subsection: The
 18 provisions of the Virginia Statewide Fire Prevention Code and this Code shall be
 19 enforced by the Office of the Fire Marshal, also herein referred to as the Fire Marshal's
 20 Office, the Fire Marshal, members of the Fire Marshal's staff, the Fire Prevention
 21 Division, code official, or the fire official.~~

22
 23 106.1.1. Impersonation. Add Subsection as follows: 106.1.1 Impersonation. It shall be
 24 unlawful for any unauthorized person to use a badge, uniform, or any other credentials
 25 so as to gain access to any building, marine vessel, vehicle, or premises, or to
 26 otherwise falsely identify himself as the fire official or his designated representative.

27
 28 106.3.2. Inspection by others. Add Subsection as follows: 106.3.2 Inspection by
 29 others. The chief of the Fire Department may designate such other persons as he
 30 deems necessary, to make fire safety inspections. Such persons shall use the Virginia
 31 Statewide Fire Prevention Code and this Code as the basis for such inspections.

32
 33 106.5. Modifications. Delete and substitute: 106.5 Modifications. The fire official shall
 34 have the power to modify any provision or requirement of this Code, upon written
 35 application by the owner, lessee, occupant or their legal representative, when there is
 36 practical difficulty in meeting the strict letter of the Code. However, in all cases of
 37 modification, the spirit and intent of the Code shall be met to ensure the health, safety,
 38 and welfare of persons is protected.

39
 40 ~~106.8. Notification. Add Subsection as follows: 106.8 Notification.~~

41
 42 106.8-1. Responsibility. Add Subsection as follows: 106.8-1 Responsibility. It shall be
 43 the responsibility of the fire department officer-in-charge, or his designee, to file with the
 44 Chief of the Fire Department, in such form as he shall prescribe, a report of every fire,
 45 explosion, or incident to which apparatus or equipment responds. Such reports shall be
 46 filed at such time and location prescribed by the Chief of the Fire Department.

1 ~~106.8-2~~ 9. Summoning the Fire Marshal. Add Subsection as follows: ~~106.-8-2~~ 9
2 Summoning the Fire Marshal. The fire department officer-in-charge of any fire,
3 explosion, or incident scene shall immediately summons the Fire Marshal to such scene
4 to investigate the circumstances involved where such circumstances require
5 investigation as outlined in Section 62-2-4 of this Code.

6
7 ~~106.8-3~~ 10. Notification of fire department. Add Subsection as follows: ~~106.-8-3~~ 10
8 Notification of fire department. In any building subject to inspection under any provision
9 of this Code, when a fire or evidence of there having been a fire is discovered, even
10 though it has apparently been extinguished, it shall be immediately reported to the Chief
11 of the Fire Department, or his designee. This shall be the duty of the owner, manager,
12 or person in control of such building at the time of discovery. This requirement shall not
13 be construed to forbid the owner, manager, or person in control of said building from
14 using all diligence necessary to extinguish such fire prior to the arrival of the fire
15 department.
16

1 Table 107.2. Amended as follows:

Table 107.2					
<i>Code Reference</i>	FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS			<i>Flat Fee</i>	<i>Hourly Fee</i>
Section 1 - Detailed Operational Permit Requirements					
1	108.1.1	Aerosol Products, Level 2 or 3: Manufacture, Store, or Handle an Aggregate Quantity in Excess of 500 Pounds Net Weight	\$125		
2	108.1.1	Special Amusement Buildings	\$125		
3	108.1.1	Aviation Facilities (Group H or S Occupancies): Aircraft Servicing or Repair and Aircraft Fuel Servicing Vehicles	\$125		
4	108.1.1	Carnivals, Circuses, Fairs, and Festivals, and Outdoor Public Assemblages <u>Outdoor Assembly 500 persons or more (except A or E use groups)</u> <u>Outdoor Assembly 1000 persons or more</u> (30 Day Permit)	\$125		
5	108.1.1	Battery Systems: Install Stationary Lead-Acid Battery Systems Having a Liquid Capacity of More Than 50 Gallons	\$125		
6	108.1.1	Cellulose Nitrate (Pyroxylin Plastic): Assembly or Manufacturing of Articles Involving Any Amount	\$125		
7	108.1.1	Cellulose Nitrate (Pyroxylin Plastic): Storage or Handling More Than 25 Pounds	\$125		
8	108.1.1	Cellulose Nitrate Film: Store, Handle, or Use in a Group A Occupancy	\$125		
9	108.1.1	Combustible Dust-Producing Operations	\$125		
10	108.1.1	Combustible Fibers: Storage and Handling of Greater Than 100 Cubic Feet Exception: Agricultural Storage	\$125		
11	108.1.1	Compressed Gas - Corrosive: Storage, Use, or Handling, in Excess of 200 Cubic Feet at Normal Temperature and Pressure Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle	\$125		
12	108.1.1	Compressed Gas - Flammable: Storage, Use, or Handling, in Excess of 200 Cubic Feet at Normal Temperature and Pressure including hydrogen gases stored in metal hydrides. Exceptions: 1. Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle 2. Cryogenic Fluids and Liquefied Petroleum Gases	\$125		
13	108.1.1	Compressed Gas - Toxic or Highly Toxic: Storage, Use, or Handling, Any Amount	\$125		
14	108.1.1	Compressed Gas - Inert or Simple Asphyxiant: Storage, Use, or Handling in Excess of 6000 Cubic Feet at Normal Temperature and Pressure Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle	\$125		
15	108.1.1	Compressed Gas - Oxidizing (Including Oxygen): Storage, Use, or Handling, in Excess of 504 Cubic Feet at Normal Temperature and Pressure Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle	\$125		
16	108.1.1	Compressed Gas - Pyrophoric: Storage, Use, and Handling of Any Amount	\$125		
17	108.1.1	Cryogenic Fluids - Flammable: Produce, Store, Transport on Site, Use, Handle, or Dispense More Than 1 Gallon Inside a Building or More Than 60 Gallons Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	\$125		
18	108.1.1	Cryogenic Fluids - Inert: Produce, Store, Transport on Site, Use, Handle, or Dispense More Than 60 Gallons Inside a Building or More Than 500 Gallons Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	\$125		

Table 107.2				
FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS			<i>Flat Fee</i>	<i>Hourly Fee</i>
<i>Code Reference</i>				
19	108.1.1	Cryogenic Fluids - Oxidizing (Includes Oxygen): Produce, Store, Transport on Site, Use, Handle, or Dispense More Than 10 Gallons Inside a Building or More Than 50 Gallons Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	\$125	
20	108.1.1	Cryogenic Fluids - Physical or Health Hazard Not Otherwise Specified: Produce, Store, Transport on Site, Use, Handle, or Dispense Any Amount Inside a Building or Any Amount Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	\$125	
21	108.1.1	Commercial Kitchen Operation Requiring a Type I Hood Exception: Assembly/Educational Occupancies Having a Fire Prevention Code Permit	\$125	
22	108.1.1	Dry Cleaning – Any Type Plant Using Any Class of Solvent or Changing to a More Hazardous Cleaning Solvent Used in Existing Dry Cleaning Equipment	\$125	
23	108.1.1	Explosives: Explosives Use, Each Site or Location (6 Month Permit)	\$150	
24	108.1.1	Explosives: Transportation, Each Vehicle (6 Month Permit)	\$ 65	
25	108.1.1	Explosives: Firm or Company License	\$125	
26	108.1.1	Explosives: Storage and Display of Black Powder or Smokeless Propellant Indoors	\$125	
27	108.1.1	Explosives: Approved Overnight Storage, Any Quantity (One-Day 6 Month Permit)	\$500	
28	108.1.1	Explosives: Laboratory Use (6 Month Permit)	\$125	
29	108.1.1	Explosives: Temporary Storage, Any Quantity (1 day permit)	\$500	
2930	108.1.1	Flammable Liquids – Class I: Store, Handle, or Use in Excess of 5 Gallons in a Building or in Excess of 10 Gallons Outside a Building Exceptions: 1. Storage or Use in the Fuel Tank of a Motor Vehicle, Aircraft, Motorboat, Mobile Power Plant, or Mobile Heating Plant, Unless Such Storage, in the Opinion of the Fire Official, Would Cause an Unsafe Condition 2. Storage or Use of Paints, Oils, Varnishes, or Similar Flammable Mixtures When Such Liquids are Stored for Maintenance, Painting, or Similar Purposes for a Period of Not More Than 30 Days	\$125	
3031	108.1.1	Combustible Liquids – Class II or IIIA: Store, Handle, or Use in Excess of 25 Gallons in a Building or in Excess of 60 Gallons Outside a Building Exception: Fuel Oil Used in Connection with Oil-burning Equipment	\$125	
3432	108.1.1	Flammable/Combustible Liquid Tank - Underground Storage Only	\$125	
3233	108.1.1	Flammable/Combustible Liquid Tank - Underground Storage Utilizing Dispensing Equipment	\$125	
3334	108.1.1	Flammable/Combustible Liquid Tank – Above - ground Storage Only	\$125	
3435	108.1.1	Flammable/Combustible Liquid Tank – Above - ground Storage Utilizing Dispensing Equipment	\$125	
3536	108.1.1	Flammable/Combustible Liquids: Bulk Storage Facility – in Excess of 100,000 Gallons	\$500	
3637	108.1.1	Flammable/Combustible Liquid Tank - Installation, Above- or Below-ground Tank (90 Day Permit)	\$125	
3738	108.1.1	Flammable/Combustible Liquid Tank - Alter or Relocate an Existing Tank (90 Day Permit)	\$125	
3839	108.1.1	Flammable/Combustible Liquid Tank – Place Temporarily Out of Service	\$125	
3940	108.1.1	Flammable/Combustible Liquid Tank - Underground Abandonment (90 Day Permit)	\$125	
4041	108.1.1	Flammable/Combustible Liquid Tank - Underground Removal (Commercial - 90 Day Permit)	\$125	
4442	108.1.1	Flammable/Combustible Liquid Tank - Underground Removal (Residential - 90 Day Permit)	\$125	

Table 107.2				
FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS				
<i>Code Reference</i>			<i>Flat Fee</i>	<i>Hourly Fee</i>
4243	108.1.1	Flammable/Combustible Liquid Tank – Above -ground Removal (Commercial - 90 Day Permit)	\$125	
4344	108.1.1	Flammable/Combustible Liquid Tank - Install Product Lines/Dispensing Equipment (90 Day Permit)	\$125	
4445	108.1.1	Flammable/Combustible Liquids: Manufacture, Process, Blend, or Refine	\$250	
4546	108.1.1	Flammable/Combustible Liquid Tank: Change the Contents Stored to a Greater Hazard	\$125	
4647	108.1.1	Floor Finishing or Surfacing Exceeding 350 Square Feet Using Class I or Class II Liquids (30 Day Permit)	\$ 65	
4748	108.1.1	Fruit- and Crop-Ripening Facility or Process Using Ethylene Gas	\$125	
4849	108.1.1	Fumigation or Thermal Insecticidal Fogging or Maintaining a Room, Vault or Chamber in Which a Toxic or Flammable Fumigant is Used (15 Day Permit)	\$125	
4950	108.1.1	Corrosive Liquids: Store, Transport on Site, Dispense, Use, or Handle in Excess of 55 Gallons	\$125	
5051	108.1.1	Corrosive Solids: Store, Transport on Site, Dispense, Use, or Handle in Excess of 1000 Pounds	\$125	
5152	108.1.1	Flammable Solids: Store, Transport on Site, Dispense, Use, or Handle in Excess of 100 Pounds	\$125	
5253	108.1.1	Highly Toxic Liquids: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
5354	108.1.1	Highly Toxic Solids: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
5455	108.1.1	Oxidizing Liquids, Class 4: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
5556	108.1.1	Oxidizing Liquids, Class 3: Store, Transport on Site, Dispense, Use, or Handle in Excess of 1 Gallon	\$125	
5657	108.1.1	Oxidizing Liquids, Class 2: Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Gallons	\$125	
5758	108.1.1	Oxidizing Liquids, Class 1: Store, Transport on Site, Dispense, Use, or Handle in Excess of 55 Gallons	\$125	
5859	108.1.1	Oxidizing Solids, Class 4: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
5960	108.1.1	Oxidizing Solids, Class 3: Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Pounds	\$125	
6061	108.1.1	Oxidizing Solids, Class 2: Store, Transport on Site, Dispense, Use, or Handle in Excess of 100 Pounds	\$125	
6162	108.1.1	Oxidizing Solids, Class 1: Store, Transport on Site, Dispense, Use, or Handle in Excess of 500 Pounds	\$125	
6263	108.1.1	Organic Peroxides, Liquid, Class I: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
6364	108.1.1	Organic Peroxides, Liquid, Class II: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
6465	108.1.1	Organic Peroxides, Liquid, Class III: Store, Transport on Site, Dispense, Use, or Handle in Excess of 1 Gallon	\$125	
6566	108.1.1	Organic Peroxides, Liquid, Class IV: Store, Transport on Site, Dispense, Use, or Handle in Excess of 2 Gallons	\$125	
6667	108.1.1	Organic Peroxides, Solid, Class I: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
6768	108.1.1	Organic Peroxides, Solid, Class II: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
6869	108.1.1	Organic Peroxides, Solid, Class III: Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Pounds	\$125	

Table 107.2				
FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS				
<i>Code Reference</i>			<i>Flat Fee</i>	<i>Hourly Fee</i>
6970	108.1.1	Organic Peroxides, Solid, Class IV: Store, Transport on Site, Dispense, Use, or Handle in Excess of 20 Pounds	\$125	
7071	108.1.1	Pyrophoric Material, Liquid: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
7472	108.1.1	Pyrophoric Material, Solid: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
7273	108.1.1	Hazardous Production Facilities (HPM): Store, Handle, or Use Hazardous Production Materials	\$125	
7374	108.1.1	High Piled Storage: Use a Building or a Portion Thereof as a High-piled Storage Area Exceeding 500 Square Feet.	\$125	
7475	108.1.1	Hot Work and Welding: Public Exhibitions and Demonstrations (Each Exhibitor/Demo. - 10 Day Permit)	\$65	
7576	108.1.1	Hot Work and Welding: Small Scale Hot Work	\$125	
7677	108.1.1	Hot Work and Welding: Fixed-Site Hot Work Equipment (Example: Welding Booth)	\$125	
7778	108.1.1	Hot Work and Welding: Cutting or Welding, All Locations	\$125	
7879	108.1.1	Hot Work and Welding: Open Flame Device Roofing Operation (Each Site/Location - 90 Day Permit)	\$125	
7980	108.1.1	Hot Work and Welding: Paint Removal With a Torch or Open-Flame Operations other than Roofing (Each Site/Location - 30 Day permit)	\$65	
8081	108.1.1	Industrial Ovens	\$125	
8482	108.1.1	Lumber Yards and Woodworking Plants: Storage or Processing of Lumber Exceeding 100,000 Board Feet	\$125	
8283	108.1.1	Liquid- or Gas-Fueled Vehicles: Display Inside Any Building (Each Event – 6 Month Permit)	\$125	
8384	108.1.1	LP-Gas: Storage and/or Use Inside Any Structure Exception: Individual Containers with a 500-Gallon Water Capacity or Less Serving R-3 Occupancies One and two-family detached single family dwellings and townhouses	\$125	
8485	108.1.1	LP-Gas: Storage and/or Use Outside, Portable Installation, per Event, Any Amount (Other Than Cylinder Exchange/Refill) more than 10 gallons aggregate (30 day permit)	\$ 65	
8586	108.1.1	LP-Gas: Permanent Storage and/or Use Outside, Stationary Installation, per Year, Any Amount (Other Than Cylinder Exchange/Refill) more than 10 gallons aggregate Exception: One and two-family detached single family dwellings and townhouses	\$125	
8687	108.1.1	LP-Gas: Dispensing and Cylinder Refill Location	\$125	
8788	108.1.1	LP-Gas: Retail Cylinder Exchange Location	\$125	
8889	108.1.1	Combustible Storage: Storage Inside Any Building or Upon Any Premises - in Excess of 2500 Cubic Feet	\$125	
8990	108.1.1	Open Burning: Bonfire (10 Day Permit)	\$125	
9091	108.1.1	Open Burning: Silvicultural / Controlled Burning (90 Day Permit)	\$125	
9492	108.1.1	Open Flame and Candles: Public Meetings/Gatherings in A and E Use Groups (Each Event)	\$ 65	
9293	108.1.1	Open Flame and Candles: Restaurants and Drinking Establishments, Assembly and Dining Areas	\$125	
9394	108.1.1	Organic Coatings: Manufacturing Operation Producing More Than 1 Gallon in One Day	\$125	
9495	108.1.1	Place of Assembly/Education - Occupant Load 50 or Greater	\$125	
9596	108.1.1	Pyrotechnics and Fireworks: Retail Sales of Permissible Fireworks - Any Amount (45 Day Permit)	\$600	
9697	108.1.1	Pyrotechnics and Fireworks: Wholesale of Permissible Fireworks - Any Amount (45 Day Permit)	\$600	

Table 107.2				
FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS				
<i>Code Reference</i>			<i>Flat Fee</i>	<i>Hourly Fee</i>
9798	108.1.1	Pyrotechnics and Fireworks: Outdoor Fireworks Display (Aerial/Proximate Audience) (One Day Permit)	\$400	
9899	108.1.1	Pyrotechnics and Fireworks: Indoor Pyrotechnic Display and Special Effects (One Day Permit)	\$400	
99100	108.1.1	Refrigeration Equipment and Systems Having a Refrigerant Circuit Containing More Than 220 Pounds of Group A1 or 30 Pounds of any other Group Refrigerant	\$125	
400101	108.1.1	Repair Garages and Service Stations: Automotive Repair Garage Only	\$125	
401102	108.1.1	Repair Garages and Service Stations: Automotive Service Station Only	\$125	
402103	108.1.1	Repair Garages and Service Stations: Automotive Repair Garage and Service Station	\$125	
403104	108.1.1	Repair Garages and Service Stations: LP-Gas Motor-Vehicle Fuel-Dispensing	\$125	
404105	108.1.1	Repair Garages and Service Stations: Compressed Natural Gas Motor-Vehicle Fuel-Dispensing	\$125	
405106	108.1.1	Repair Garages and Service Stations: Hydrogen Motor Fuel Dispensing and Generation Station	\$125	
406107	108.1.1	Repair Garages and Service Stations: Marine and Watercraft Service Station	\$125	
407108	108.1.1	Repair Garages and Service Stations: Unattended Vehicle Service Station	\$125	
408109	108.1.1	Rooftop Heliports	\$125	
409110	108.1.1	Spraying or Dipping Operations: Flammable/Combustible Liquid Spray Finishing Operation	\$125	
410111	108.1.1	Spraying or Dipping Operations: Flammable/Combustible Liquid Dip-Tank Operation	\$125	
411112	108.1.1	Spraying or Dipping Operations: Application of Combustible Powders/Spray/Fluidized	\$125	
412113	108.1.1	Spraying or Dipping Operations: Dual-Component Coatings With Organic Peroxides	\$125	
413114	108.1.1	Swimming Pool Chemical Dispensing Operation	\$125	
414115	108.1.1	Temporary Membrane Structures and Tents (6 Month Permit) Exceptions: 1. Tents used Exclusively for Recreational Camping Purposes 2. Tents and Air-supported Structures that Cover an Area of 900 Square Feet or Less, Including all Connecting Areas or Spaces with a Common Means of Egress and with an Occupant Load of 50 or Less less than 50 Persons	\$125	
415116	108.1.1	Tire Rebuilding Plants	\$125	
416117	108.1.1	Tire Storage: Establish, Conduct, or Maintain Storage of Scrap Tires and Tire Byproducts that Exceeds 2500 Cubic Feet of Total Volume of Scrap Tires and for Indoor Storage of Tires and Tire Byproducts	\$125	
417118	108.1.1	Toxic Materials Liquids - Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Gallons	\$125	
418119	108.1.1	Toxic Materials Solids - Store, Transport on Site, Dispense, Use, or Handle in Excess of 100 Pounds	\$125	
419120	108.1.1	Unstable (Reactive) Materials: Liquids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Gallons	\$125	
420121	108.1.1	Unstable (Reactive) Materials: Liquids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 5 Gallons	\$125	
421122	108.1.1	Unstable (Reactive) Materials: Liquids, Class 3 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
422123	108.1.1	Unstable (Reactive) Materials: Liquids, Class 4 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
423124	108.1.1	Unstable (Reactive) Materials: Solids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 100 Pounds	\$125	
424125	108.1.1	Unstable (Reactive) Materials: Solids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 50 Pounds	\$125	

Table 107.2				
FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS			<i>Flat Fee</i>	<i>Hourly Fee</i>
<i>Code Reference</i>				
425126	108.1.1	Unstable (Reactive) Materials: Solids, Class 3 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
426127	108.1.1	Unstable (Reactive) Materials: Solids, Class 4 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
427128	108.1.1	Water-reactive Materials: Liquids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 55 Gallons	\$125	
428129	108.1.1	Water-reactive Materials: Liquids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 5 Gallons	\$125	
429130	108.1.1	Water-reactive Materials: Liquids, Class 3 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
430131	108.1.1	Water-reactive Materials: Solids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 500 Pounds	\$125	
431132	108.1.1	Water-reactive Materials: Solids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 50 Pounds	\$125	
432133	108.1.1	Water-reactive Materials: Solids, Class 3 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
433134	108.1.1	Waste Handling: Wrecking Yard or Junk Yard	\$125	
434135	108.1.1	Waste Handling: Waste Material Handling Facility	\$125	
435136	108.1.1	Wood Products: Storage of Chips, Hoggged Material, Lumber, or Plywood in Excess of 200 Cubic Feet	\$125	
		Section 2 - Plan Review Fees		
436137	404. 3.1	Fire Safety and Evacuation Plan Review		\$128
437138	2301.4	Fire Safety and Evacuation Plan Review: High-Piled Combustible Storage Areas in Excess of 500 Square Feet		\$128
438139	2701.5.1	Hazard Communication: Hazardous Material Management Plan Review		\$128
439140	2701.6.3	Hazardous Material Facility Closure Plan Review		\$128
141	2701	Tier II submissions, per chemical, to a maximum of \$200	\$25	
142	2701	Hazardous materials facility emergency response plan, above the threshold planning quantity of extremely hazardous substances	\$100	
440143	1903.7	Lumber Yard or Woodworking Facility Plans Review		\$128
441	408.1.1	Occupant Load: Plan Review		\$128
442144	403. 2	Public Safety Plan Review, Indoor or Outdoor Assemblages		\$128
443145	3801.3	Site and Installation Plan Review: LP-gas Cylinder Exchange Program		\$128
146	408.11.1	Lockdown Plans Review		\$128
		Section 3 - Inspection And Testing Fees		
444147	107.12	Office For Children Home Day Care Fire Inspections (Includes 1 Follow-up Inspection)	\$25	
445148	107.12	County and State Licensing Fire Inspections (Includes 1 Follow-up Inspection)	\$25	
446149	107.12	Certificate of Occupancy Inspections (Towns of Vienna and Herndon)		\$128
447150	109.5	Fire Prevention Permit Inspections, Follow-ups, Performance Testing, and Reinspections		\$128
448151	107.12	Technical Inspection (Not Otherwise Specified), (i.e., Pre-Occupancy Punch List - Each Inspector)		\$128
449152	901.6.3.1	Testing and Reinspection of Existing Fire Protection Systems (Each Inspector)		\$128
450153	907.20.6	Faulty or Nuisance Fire Alarm Inspections, Follow-ups, and Reinspections		\$128

1
2
3
4
5

107.4.1. Duration of permit. Add Subsection as follows: 107.4.1 Duration of permit. Permits shall remain in effect for 12 months from the date issued unless otherwise specified by Table 107.2 or unless suspended or revoked in accordance with the code.

1 107.5. Conditions of permit. Insert "from one address to another." after the words
2 "Permits are not transferable."

3
4 108.3.8. Certificate. Add Subsection as follows: 108.3.8 Certificate. An operational
5 permit shall be contingent on a valid certificate of occupancy and/or use permit issued
6 by the Fairfax County Building Official and/or the Zoning Administrator.

7
8 108.4. (6) Revocation. Delete and substitute as follows:

9 6. The permittee failed, refused or neglected to comply with orders or
10 notices duly served in accordance with the provisions of this code or any
11 other code or county ordinance within the time provided herein.

12
13 108.4. Revocation. Add to the end of the Subsection as follows:

14 8. The certificate of occupancy and/or use permit has been revoked or
15 suspended.
16 9. The building has been deemed unsafe, uninhabitable, or presents a
17 hazardous condition to occupants.

18
19 ~~108.5.13. Special Locking Arrangements. Add Subsection as follows: 108.5.13. Special~~
20 ~~Locking Arrangements. A construction permit is required for installation or modification~~
21 ~~of delayed egress locks, access-controlled egress locks, interior means of egress~~
22 ~~stairway door locks, and special locking arrangements in occupancies with areas in~~
23 ~~which the clinical needs of patients require restraint of movement. Maintenance~~
24 ~~performed to ensure compliant operation of approved special locking arrangements is~~
25 ~~not a modification and does not require a permit.~~

26
27 109.4. Approvals. Add Subsection as follows: 109.4 Approvals. Approval as the result
28 of an inspection shall not be construed to be an approval of a violation of the provisions
29 of this code or of other ordinances of the jurisdiction. Inspections presuming to give
30 authority to violate or cancel provisions of this code or of other ordinances of the
31 jurisdiction shall not be valid.

32
33 109.5. Follow-up inspections resulting from noncompliance. Add Subsection as follows:
34 109.5 Follow-up inspections resulting from noncompliance. Where follow-up
35 inspections are required as a result of noncompliance with this Code, fees shall be
36 assessed as listed under Table 107.2.

37
38 109.6 Inspections performed outside business hours. Add Subsection as follows:
39 109.6 Inspections performed outside business hours. Inspections may be performed
40 outside business hours at the sole discretion of the fire official. Fees for these
41 inspections shall be assessed at twice the rate listed under Table 107.2. Fees shall be
42 assessed in 30 minute increments.

43
44 110.2.1. Person, Firm, or Corporation Responsible. Add Subsection as follows:
45 110.2.1 Person, Firm, or Corporation Responsible. A person, firm, or corporation in
46 charge of or responsible for any building, structure, vehicle, device, other property,

1 substance, material, gas, liquid, chemical, or condition regulated either by this code or
 2 by an ordinance under the Fire Marshal's jurisdiction shall be responsible for
 3 compliance with all such code and ordinance provisions and regulations relating thereto.
 4

5 110.5.1. Imminent threat to human health or safety or to property. Add Subsection as
 6 follows: 110.5.1 Imminent threat to human health or safety or to property. If the fire
 7 official shall adjudge that the violation creates an imminent threat to human health or
 8 safety or to property, the fire official may restrain, correct, or abate such violation and
 9 institute appropriate legal proceeding to collect the full cost of such response from the
 10 owner and the tenant or other person in control of the premises.
 11

12 112.1.1. Fairfax County Board of Fire Prevention Code Appeals. Add subsection as
 13 follows: 112.1.1 Fairfax County Board of Fire Prevention Code Appeals. The Fairfax
 14 County Board of Building Code Appeals is the Local Board of Fire Prevention Code
 15 Appeals (BFPCA) for Fairfax County.
 16

17 112.5.1 Scope. Add Subsection as follows: 112.5.1 Scope. Appeals arising from the
 18 Fire Prevention Code of Fairfax County shall be limited to the factual basis of the
 19 application of this code.
 20

21 202.0. General Definitions. ~~Add the following words, terms, and meanings:~~
 22

23 Delete and substitute as follows: The Fire Chief or Chief of the Fire Department. The
 24 head of the County Fire and Rescue Department, County of Fairfax, Virginia, also
 25 referred to as the Fire Chief or Chief of the Fire and Rescue Department., or a duly
 26 authorized representative.
 27

28 Add as follows: Fire Marshal's Office. The County Fire Marshal, and, under the
 29 authority of the Fire Marshal, the Deputy Fire Marshal and members of the Fire
 30 Marshal's staff, also referred to as the Fire Prevention Division, fire code official or the
 31 fire official.
 32

33 Add as follows: Immediately. The term "immediately" means without delay.
 34

35 Add as follows: Legal Officer. County Attorney or the Commonwealth's Attorney for the
 36 County of Fairfax.
 37

38 Add as follows: Occupant. Any person physically located or situated in or on any
 39 property, structure, space, or vehicle irrespective of the length of time or the reason for
 40 such occupancy.
 41

42 301.2 Permits. Delete and substitute: 301.2 Permits. Permits shall be required as set
 43 forth in Sections 107.2 and 108 for the activities or uses regulated by Sections 306, 307,
 44 ~~308.3, 308.4, 308.5~~ and 315.
 45

1 304.2.1. Handling readily combustible materials. Add Subsection as follows: 304.2.1
 2 Handling readily combustible materials. No person producing, using, storing, or having
 3 charge of, or under their control, any shavings, excelsior, rubbish, sacks, bags, litter,
 4 hay, straw or other combustible waste material, shall neither fail nor neglect, at the
 5 close of each day, to cause all such material which is not compactly baled and stacked
 6 in an orderly manner to be removed from the building or stored in suitable vaults or in
 7 metal, metal-lined, or approved noncombustible and covered, receptacles or bins.
 8 Baling equipment deemed suitable by the fire official shall be installed in stores,
 9 apartment buildings, factories, and other buildings where accumulations of paper and
 10 waste materials are not removed at least every day.

11
 12 305.4.1 Mischievous fire play. Add subsection as follows: 305.4.1 Mischievous Fire
 13 Play. It shall be unlawful for any person to ignite or use fire or other ignition sources in
 14 a deliberate, negligent, or unlawful manner for the purpose of impulsive or mischievous
 15 play or reckless experimentation.

16
 17 307.2. Permit required. Delete and substitute: 307.2 Permit required. If under the
 18 requirements of the County of Fairfax Air Pollution Control Chapter, a bonfire or
 19 controlled burning is allowed, a permit for each such fire shall be obtained from the fire
 20 official. This permit requirement does not apply to recreational fires, ~~fire used for the~~
 21 ~~cooking of food~~, fire set for the training of firefighters under the direction of the Chief of
 22 the Fire Department, or fire set by a public health or safety officer where a health or fire
 23 hazard cannot be abated by any other means.

24
 25 307.4.4 Outdoor solid fuel burning devices. Add subsection as follows: 307.4.4
 26 Outdoor solid fuel burning devices. Outdoor fireplaces, fire pits, chimineas, and other
 27 similar portable devices designed for outdoor use shall not be operated or stored on a
 28 balcony or deck of any structure or within 15 feet of combustible construction or a
 29 residential occupancy.

30
 31 Exception: Detached one- and two- family dwellings and townhouses.

32
 33 307.5.1. Endangering other property. Add Subsection as follows: 307.5.1 Endangering
 34 other property. No person shall kindle, authorize to be kindled, or maintain any
 35 permitted fire in such a manner that will endanger the property of another.

36
 37 307.6. Negligence. Add Subsection as follows: 307.6 Negligence. If any person shall
 38 carelessly or negligently set fire to, burn or cause to be burned any property, either real
 39 or personal, whether the property be his or that of another, he shall be subject to the
 40 penalties set forth in Section 62-1-1 of this Code.

41
 42 308.1.3 Torches for removing paint. Delete and substitute subsection as follows:
 43 308.1.3 Torches for removing paint, sweating pipe joints, or roofing operations.
 44 Persons utilizing a torch or other flame-producing device for removing paint from a
 45 structure, sweating pipe joints, or roofing operations, shall provide a minimum of one
 46 portable fire extinguisher complying with Section 906 and with a minimum 4-A rating,

1 two portable fire extinguishers, each with a minimum 2-A rating, or a water hose
 2 connected to the water supply on the premises where such burning is done.
 3 Combustible material in close proximity to the work shall be protected against ignition by
 4 shielding, wetting, or other approved means. The person doing the burning shall remain
 5 on the premises 1 hour after the torch or flame-producing device is utilized.

6
 7 308.1.3.1 Permit. Add subsection as follows: 308.1.3.1 Permit. A permit in
 8 accordance with Sections 107 and 108 shall be secured from the fire official prior
 9 to the utilization of a torch or flame-producing device in or on any building or
 10 structure.

11
 12
 13 ~~308.3.1.~~ 308.1.4 Open-flame cooking devices. Delete and substitute as follows: ~~308.3.1~~
 14 308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking
 15 devices fueled by combustible or flammable gases, liquids, and solids shall not be
 16 operated or stored on a balcony or deck of any structure or within 15 feet of combustible
 17 construction or residential occupancy.

18
 19 Exceptions:

- 20 1. Detached one- and two-family dwellings and townhouses.
- 21 2. Cooking devices using electricity as a heating source and listed by a
 22 recognized testing authority.

23
 24 ~~308.3.1.1.~~ 308.1.4.1 Notification of tenants. Delete and substitute as follows:
 25 ~~308.3.1.1.~~ 308.1.4.1 Notification of tenants. The management of multi-family
 26 residential occupancies which have balconies, decks, or patios shall notify their
 27 tenants in writing of the prohibitions outlined in section ~~308.3.1~~ 308.1.4 of this
 28 code when the tenant or occupant initially occupies the building and periodically
 29 thereafter as may be necessary to ensure compliance.

30
 31 ~~308.4. Torches for the removal of paint or sweating pipe joints.~~

32
 33 ~~308.4.1. Permit. Delete and substitute: 308.4.1 Permit. A permit in accordance with~~
 34 ~~Subsection 107.2 shall be secured from the fire official prior to the utilization of a torch~~
 35 ~~or flame-producing device to remove paint from a structure or to sweat pipe joints in any~~
 36 ~~building or structure.~~

37
 38 ~~308.4.2. Sweating joints. Add Subsection as follows: 308.4.2 Sweating joints. Any~~
 39 ~~person using a torch or other flame producing device to sweat pipe joints in any building~~
 40 ~~or structure shall have available in the immediate vicinity where the sweating is done an~~
 41 ~~approved fire extinguisher or water hose connected to a water supply. Combustible~~
 42 ~~material in close proximity to the work shall be protected against ignition by shielding,~~
 43 ~~wetting, or other approved means. In all cases, a fire watch shall remain in the vicinity~~
 44 ~~of the sweating operation for 30 minutes after the torch or flame producing device has~~
 45 ~~been used.~~

1 ~~308.7. Outdoor solid fuel burning devices. Add Subsection as follows: 308.7. Outdoor~~
 2 ~~solid fuel burning devices. Outdoor fireplaces, fire pits, chimineas, and other similar~~
 3 ~~portable devices designed for outdoor use shall not be operated or stored on a balcony~~
 4 ~~or deck of any structure or within 15 feet of combustible construction or a residential~~
 5 ~~occupancy.~~

6
 7 ~~Exception: Detached one- and two- family dwellings and townhouses.~~

8
 9 311.2.2 Fire Protection. In exception #2, change 'fire chief' to 'Fire Code Official'.

10
 11 315.1 General. Delete last sentence.

12
 13 315.1.1 Permit. Add subsection as follows: 315.1.1 Permit. A permit shall be
 14 obtained in accordance with Sections 107 and 108 for combustible storage in
 15 excess of 2500 cubic feet inside any building or upon any premises.

16
 17 401.6 9. Promulgation of fire safety instructions. Add Subsection as follows: 401.6 9
 18 Promulgation of fire safety instructions. The fire official shall issue regulations which
 19 require the owner, lessor, or management agent of buildings to post signs where, in the
 20 professional judgment of the fire official, such signs are deemed to be effective in
 21 minimizing the danger to persons and property in case of fire.

22
 23 401.6 9.1. Elevator warning signs. Add Subsection as follows: 401.6 9.1
 24 Elevator warning signs. Elevator lobby call stations on each floor and on all
 25 elevator cars shall be marked with approved signs reading as follows: "USE
 26 STAIRWAYS IN CASE OF FIRE - DO NOT USE ELEVATOR." The
 27 requirements of this section shall apply to all buildings. Elevators installed in use
 28 group R-5 shall be exempt from the provisions of this section.

29
 30 401.6 9.2. Posting of signs. Add Subsection as follows: 401.6 9.2 Posting of
 31 signs. It shall be unlawful for the owner of any building which is leased to
 32 another or the lessor or management agent of any such building, to fail to post
 33 the signs required by the preceding paragraphs.

34
 35 403.2.2. Other requirements. Add subsection as follows: 403.2.2 Other requirements.
 36 Where required by the fire code official, the public safety plan shall include applicable
 37 requirements in section 403.3 and 404.3.2.

38
 39 408.12. Storage or Display in Roofed-Over Malls. Add Subsection as follows: 408.12
 40 Storage or Display in Roofed-Over Malls. No combustible goods, merchandise, or
 41 decorations shall be displayed or stored in a roofed-over mall unless approved by the
 42 fire official.

43
 44 501.2 Permits. Delete and substitute: 501.2 Permits. A permit shall be required as set
 45 forth in Sections 107.2. and 108.

1 502.1. Definitions. ~~Add the following words, terms and meanings.~~

2 Delete and substitute definition as follows: Fire Lane: An area designated by clearly
 3 visible signs and markings in which parking shall be prohibited, whether on public or
 4 private property, to ensure ready ingress and egress as well as operational access for
 5 fire fighting and rescue equipment, facilities, and operations. Fire lanes may be
 6 included as part of fire apparatus access roads and/or areas.

7
 8 503.1 Where required. Delete and substitute subsection as follows: 503.1 Where
 9 required. Fire apparatus access roads shall be provided and maintained in accordance
 10 with Sections 503.1.1 through 503.9.

11 Exceptions:

12
 13
 14 1. Fire apparatus access roads shall be permitted to be provided and
 15 maintained in accordance with written policy that establish fire apparatus
 16 access road requirements and such requirements shall be identified to the
 17 owner or his agent prior to the building official's approval of the building
 18 permit.

19
 20 2. Communities developed with single-family dwellings and/or townhomes that
 21 were constructed prior to December 31, 1979, wherein the Fire Code Official
 22 has no site plan and/or subdivision plan depicting or identifying designated
 23 fire lanes/fire apparatus access roads for the development. In such instances,
 24 the Fire Code Official may conduct an analysis to designate and/or modify the
 25 requirements of this section. Any code modification shall require a written
 26 request from the community association accompanied by a site plan depicting
 27 the dimensions and location of the subject streets relative to all dwellings,
 28 structures and points of assembly. The Fire Code Official shall evaluate the
 29 type and grade of construction, structural components, including but not
 30 limited to the exterior wall coverings, accessibility and/or obstructions
 31 throughout the subject area, available water supplies, the distance and
 32 rescue response time from a fire station, and other relevant factors.

33
 34 3. On construction and demolition sites fire apparatus access roads shall be
 35 permitted to be provided and maintained in accordance with Section 1410.1.

36
 37 503.1.1. Fire lanes. Delete and substitute as follows: 503.1.1 Fire lanes. The fire
 38 official shall designate fire lanes on public streets and on private property where
 39 necessary for the purpose of preventing parking in front of or adjacent to fire
 40 hydrants and fire department connections and to ensure access to buildings and
 41 structures for fire fighting and rescue apparatus. ~~Fire lanes shall have a~~
 42 minimum width of 18 feet. Access for emergency vehicles shall be provided to
 43 within 100 feet of the main or principal entrance of every building. The fire
 44 department access may be provided by a public or private street, parking lot,
 45 and/or fire lanes.
 46

1 ~~503.1.1.1. Signs and Markings. Add Subsection as follows: 503.1.1.1 Signs and~~
 2 ~~Markings. The property owner or designee shall supply and install signs and other~~
 3 ~~required markings to delineate fire lanes as directed by the fire official.~~

4
 5 ~~503.1.1.2. Specifications. Add Subsection as follows: 503.1.1.2 Specifications. Fire~~
 6 ~~lanes shall conform to the following specifications:~~

- 7
 8 1.- ~~Approved fire lane signs must meet the following specifications:~~
 9 a. ~~Metal construction, dimensions 12 inches wide by 15 18 inches~~
 10 ~~high.~~
 11 b. ~~Red letters on a reflective white background with three eighths inch~~
 12 ~~red trim strip around the entire outer edge of the sign.~~
 13 c. ~~Lettering size to be as follows:~~
 14 ~~"NO PARKING" 2 inches~~
 15 ~~"OR" 1 inch~~
 16 ~~"STANDING" 2 1/2 inches~~
 17 ~~arrows 1 inch solid~~
 18 ~~Spacing between words to be uniform~~
 19 d. ~~Other type signs or markings as approved by the fire official.~~
 20 2. ~~Signs shall be posted at intervals and at a height above the finished grade~~
 21 ~~as directed by the fire official.~~
 22 3. ~~Curbing shall be painted yellow within the limits of the fire lane.~~

23
 24 503.2.1 Dimensions. Change unobstructed vertical clearance from 'not less than 13 feet
 25 6 inches' to 'not less than 15 feet.'

26
 27 503.2.1.1 Required markings and parking prohibitions. Add subsection as
 28 follows: 503.2.1.1 Required markings and parking prohibitions. Required
 29 markings and parking prohibitions shall be based on the street width (curb-to-
 30 curb or paved surface) as in table 503.2.1.1. This shall apply to both one- and
 31 two-way designated streets.

32
 33 Table 503.2.1.1

<u>Street width</u>	<u>Parking</u>	<u>Fire lane markings</u>
<u>< 28 feet</u>	<u>No parking allowed on either side</u>	<u>Both sides marked as fire lanes</u>
<u>28 to 36 feet</u>	<u>Parallel parking allowed on one side as determined by the fire code official</u>	<u>One side marked as a fire lane</u>
<u>> 36 feet</u>	<u>Parallel parking allowed on both sides</u>	<u>No fire lane markings required</u> <u>Exception: Required access to pools, fire department apparatus access roads and similar areas shall be marked as fire lanes</u>

1 503.2.5 Dead ends. Delete and substitute subsection as follows: 503.2.5 Dead ends.
 2 Dead-end fire apparatus access roads in excess of 100 feet in length shall be provided
 3 with an approved area for turning around fire apparatus.

4
 5 503.2.6.1 Ladder truck access. Add subsection as follows: 503.2.6.1 Ladder truck
 6 access. For ladder truck access on parking garages where a parking garage is
 7 attached to a building structure in such a manner that such garage constitutes a portion
 8 of the fire department vehicular access way, design calculations shall be provided by a
 9 Professional Engineer licensed in Virginia to the Fire Code Official which shows that the
 10 deck of such garage is designed to support an 80,000 lb. vehicle and all outrigger (pad)
 11 point loads or that such garage is designed for a nominal 450 lbs/square foot uniform
 12 live load.

13
 14 503.2.6.1.1 When buildings are more than 5 stories or 50 feet in height, ladder
 15 truck access shall be provided to both the front and rear of the building. The
 16 access to the rear may be provided by a street, parking lot, or fire lane.

17
 18 503.2.6.1.2 The inner surface of the ladder truck access way shall be no less
 19 than 15 feet and no more than 30 feet from the exterior building wall

20
 21 503.3.1 Marking specifications. Add subsection as follows: 503.3.1 Marking
 22 specifications. Fire lane markings shall conform to the following:

23
 24 1. Approved fire lane signs must meet the following specifications:

- 25 a. Metal construction, dimensions 12 inches wide by 18 inches high.
 26 b. Red letters on a reflective white background with three-eighths inch
 27 red trim strip around the entire outer edge of the sign.
 28 c. There shall be a one inch spacing between lines "No Parking" and
 29 "or". There shall be a one inch spacing between the lines "or" and
 30 Standing". There shall be a three inch space between the lines
 31 "Standing" and "Fire Lane". Lettering size to be as follows:
 32 "NO PARKING" 2 inches
 33 "OR" 1 inch
 34 "STANDING" 2 inches
 35 "FIRE LANE" 2½ inches

36
 37 Arrow (if required) 1 inch by 6 inches with a solid head 1 ½ inches
 38 wide by 2 inches deep.

39
 40 2. Sign types.

41
 42 1). Sign type "A". Standard wording with an arrow at bottom pointing to the
 43 right. One sign mounted parallel to the line of curbing or pavement edge at
 44 the end of the painted area (see figure 503.3.1.2.1).



Figure 503.3.1.2.1

1
2
3
4 2). Sign Type "C". Standard wording with an arrow at bottom pointing to the
5 left. One sign mounted parallel to the line of curbing or pavement edge at the
6 end of the painted area (see figure 503.3.1.2.2).
7



8
9
10
11
12
13
14
Figure 503.3.1.2.2

15
16
17
18 3. Sign Type "D". Standard wording with no arrow. Two signs, back to back,
19 mounted perpendicular to line of curbing or pavement edge. To be seen from
20 either side. Located every 100 feet in long stretches of a marked, painted fire
21 lane (see figure 503.3.1.2.3).



Figure 503.3.1.2.3

15
16
17
18 3. Posts for fire lane signs shall be metal and securely mounted. Signs shall be
19 located and spaced as shown on the approved plans. In long stretches, the
20 maximum distance between fire lane signs shall be 100 feet. Fire lane signs are
21 to be mounted 7 feet above the finished grade to the bottom of the sign.

1 4. All curbs or paved spaces designated as fire lanes shall be indicated by
 2 yellow (highway grade) paint as approved by the fire code official. In areas
 3 without curbing, a 6 inch wide yellow stripe shall be applied to the edge of the
 4 pavement. The property owner or designee shall repaint whenever the paint
 5 begins to fade or when directed by the fire code official.
 6

7 503.3.3. Tampering. Add subsection as follows: 503.3.3. Tampering. It shall be
 8 unlawful for any person to deface, injure, tamper with, remove, destroy, or impair the
 9 usefulness of any posted fire lane sign or marking installed under the provisions of this
 10 Code.
 11

12 ~~503.4. Obstructions. Delete and substitute. 503.4 Obstructions.~~

13 ~~1. It shall be unlawful for any person to park, stop, stand, or otherwise~~
 14 ~~obstruct such designated and marked area.~~

15 ~~2. In any prosecution under this section, proof that the vehicle described in~~
 16 ~~the complaint, summons, or warrant was parked in violation of this Code, together with~~
 17 ~~proof that the defendant was at the time of such parking the registered owner of the~~
 18 ~~vehicle, shall constitute a prima facie evidentiary presumption that such registered~~
 19 ~~owner of the vehicle was the person who parked the vehicle at the place and at the time~~
 20 ~~such violation occurred.~~

21 ~~3. In addition, the vehicle parked in violation of this section may be~~
 22 ~~impounded by the Fairfax County Police Department and held until the penalty~~
 23 ~~provided, and the towing and storage charges incurred, are paid.~~

24 ~~4. This section shall be enforced by the County Fire Marshal's Office and the~~
 25 ~~County Police Department.~~

26 ~~5. Any violation of this section shall be punishable as a traffic infraction.~~

27 Delete and substitute subsection as follows: 503.4 Obstruction of fire lanes and fire
 28 apparatus access roads.
 29

30 1. It shall be unlawful for any person to park, stop, stand, or otherwise obstruct
 31 such designated and/or marked areas.
 32

33 2. In any prosecution under this section, proof that the vehicle described in the
 34 complaint, summons, or warrant was parked in violation of this Code, together
 35 with proof that the defendant was at the time of such parking the registered
 36 owner of the vehicle, shall constitute a prima facie evidentiary presumption that
 37 such registered owner of the vehicle was the person who parked the vehicle at
 38 the place and at the time such violation occurred.
 39

40 3. In addition, the vehicle parked in violation of this section may be impounded
 41 by the Fairfax County Police Department and held until the penalty provided, and
 42 the towing and storage charges incurred, are paid.
 43

44 4. This section shall be enforced by the County Fire Marshal's Office and the
 45 County Police Department.
 46

1 ~~503.4.1. Add Subsection as follows: 503.4.1. It shall be unlawful for any person to~~
2 ~~deface, injure, tamper with, remove, destroy, or impair the usefulness of any posted fire~~
3 ~~lane sign installed under the provisions of this Code.~~

4
5 503.6.1. Emergency operation for gates and barricades. Add Subsection as follows:
6 503.6.1 Emergency operation for gates and barricades. Gates and barricades that are
7 installed across a fire apparatus access road that is normally intended for vehicular
8 traffic shall be installed with a fire department access system which has an emergency
9 override fire department master key switch as approved by the fire official. Gates and
10 barricades shall be maintained operational at all times.

11
12 503.8. Carnival, fair, festival, and circus access. Add Subsection as follows: 503.8
13 Carnival, fair, festival, and circus access. It shall be the responsibility of the owner,
14 operator, or other person responsible for the establishment, erection, or operation of
15 any carnival or circus to establish, erect, and operate such carnival or circus so that
16 there is provided and maintained an access lane, ~~at least 18 feet in width and capable~~
17 ~~of supporting fire and rescue apparatus in all weather conditions, and so arranged as to~~
18 ~~afford access to within 50 feet of all booths, tents, rides, and other equipment, buildings,~~
19 ~~and structures used as part of or in conjunction with the carnival or circus.~~

20
21 503.9 Pool access. Add subsection as follows: 503.9 Pool access. A 12 foot wide
22 access lane to within 50 feet of the edge of swimming pools, with an 8 foot personnel
23 gate in the fence at the point of access is required except for individually owned pools
24 located on single family lots.

25
26 504.2.1. Showcases or temporary displays. Add Subsection as follows: 504.2.1
27 Showcases or temporary displays. Showcases or temporary displays placed, piled, or
28 installed so as to obstruct any exterior door shall be prohibited unless approved by the
29 fire official.

30
31 ~~506.1. Fire department building access. Delete and substitute: 506.1 Fire department~~
32 ~~building access. All buildings with the exception of one and two family dwellings shall~~
33 ~~provide a key box as approved by the fire official.~~

34
35 506.1.1-4 Emergency operations for gates and barricades. Add Subsection as follows:
36 506.1.1-4 Emergency operations for gates and barricades shall be installed in
37 accordance with section 503.6.1.

38
39 506.2. Number and labeling of required keys. Delete and substitute: 506.2 Number and
40 labeling of required keys. In buildings with fire command centers, 15 sets of common
41 keys shall be provided for access to building services and systems regulated by Section
42 601 of this code and to all storage, trash and utility rooms, roof access doors, and doors
43 to other secured areas. In all other buildings required to provide fire department access,
44 3 sets of common keys shall be provided. Individual keys shall be clearly labeled as to
45 function and each set of keys shall be individually tagged in a manner approved by the
46 fire official.

1 506.2.1. Non-required fire department access boxes. Add Subsection as follows:
 2 506.2.1 Non-required fire department access boxes. Voluntarily provided fire
 3 department key boxes shall contain one key to access the premises served, and other
 4 keys as determined by the owner or occupant. All keys shall be clearly labeled as to
 5 function.

6
 7 ~~508 7.5.5. Clear space around hydrants and fire department connections: Add~~
 8 Subsection Delete and substitute subsection as follows: ~~508 7.5.5~~ Clear space around
 9 hydrants and fire department connections. No person shall plant or erect any
 10 obstruction within 4 feet of any fire hydrant or 10 feet of any fire department connection.

11
 12 ~~509 8.2. Operations procedure book. Add Subsection as follows: 509 8.2. Operations~~
 13 procedure book. All buildings equipped with a fire command center shall contain an
 14 operations procedure book. The contents of the book shall be approved by the fire
 15 official. The book shall be placed in the fire command center in a manner and location
 16 approved by the fire official. The owner shall maintain the book and update it whenever
 17 necessary.

18
 19 601.2. Permits. Delete and substitute: 601.2 Permits. Permits shall be obtained for
 20 refrigeration systems, battery systems, and kitchen hoods as set forth in Sections 107-2
 21 and 108.

22
 23 Table 609.3.3.1. Commercial Cooking System Inspection Frequency. Relabel table to
 24 Commercial Cooking System Inspection and Cleaning Frequency. Relabel second
 25 column from "Frequency of Inspection" to "Frequency."

26
 27 806.6. Natural Vegetation. Flammable natural vegetation materials such as batting, cloth,
 28 cotton, hay, stalks, straw, vines, leaves, trees, moss, and similar items shall not be used
 29 for decorative purposes in show windows, building lobbies, exits, exit access, or other
 30 parts of buildings, or any area of public use in such a quantity as to constitute a fire
 31 hazard.

32
 33 806.6.1 Restricted occupancies. Add Subsection as follows: 806.6.1 Restricted
 34 occupancies. These items shall be prohibited in Group A, E, I-1, I-2, I-3, I-4, M,
 35 R-1, R-2, and R-4 occupancies.

36
 37 Exception: These items located in areas protected by an approved
 38 automatic sprinkler system installed in accordance with Section 903.1.1 or
 39 903.1.2 shall not be prohibited in Groups A, E, M, R-1, and R-2.

40
 41 807.4.3.3 Furniture, furnishings and displays. Furniture, furnishings, displays or other
 42 objects shall be prohibited in exit corridors serving Group E occupancies.

43
 44 Exception: Furniture, furnishings, displays, and other objects shall be permitted in
 45 exit corridors when secured in place and not located in any portion of the
 46 required 72 inch exit corridor width or other required element of the means of

1 egress. Upholstered furniture shall meet the requirements for Class I when tested
2 in accordance with NFPA 260.

3
4 901.3 Permits. Delete and substitute as follows: 901.3 Permits. Permits shall be
5 required as set forth in Sections 107.2 and 108.

6
7 901.6. Inspection, testing and maintenance. Add the following to the first sentence after
8 the word constructed: "or were voluntarily installed."

9
10 901.6.3. Periodic retests. Add Subsection as follows: 901.6.3 Periodic retests.
11 Periodic inspections and tests required under this chapter shall be witnessed by
12 the fire official. The fire official shall collect fees from the building owner or
13 tenant for the witnessing of tests required under this section, based on staff
14 hours expended witnessing these tests.

15
16 901.6.3.1. Reinspection and testing fees. Add Subsection as follows:
17 901.6.3.1 Testing and reinspection fees. Fees for witnessing the testing
18 and reinspection of existing fire protection equipment and systems shall
19 be assessed as listed under Subsection 107.2. A fee, based on hours
20 reserved, shall be assessed for inspections not cancelled with notice.

21
22 901.7 Systems out of service. Delete first two paragraphs and substitute as follows:
23 "Where a fire protection system is out of service, the fire department and the fire official
24 shall be notified immediately and, where required by the fire official, the building shall
25 either be evacuated or an approved fire watch shall be provided for all premises left
26 unprotected by the shut down until the fire protection system has been returned to
27 service.

28
29 Where utilized, fire watches shall be provided with at least one approved means for
30 notification of the fire department and the only duty of the fire watch shall be to perform
31 constant patrols of the protected premises and keep watch for fires."

32
33 Keep remainder of section.

34
35 901.8. Removal of or tampering with equipment. Delete and substitute: 901.8 Removal
36 of or tampering with equipment. It shall be unlawful for any person to remove, tamper
37 with, damage, destroy, use without just cause or authorization, or otherwise disturb any
38 fire hydrant, fire detection and alarm system, fire suppression system, or other fire
39 appliance required by this code or installed in any building or structure within the county
40 except for the purpose of extinguishing fire, training purposes, recharging or making
41 necessary repairs, or when approved by the fire official.

42
43 901.11 Hydrants and water mains. Add Subsection as follows: 901.11 Hydrants and
44 water mains. It shall be unlawful for any person to use, tamper with, damage, or
45 destroy any fire hydrant, valve, or water main within the county, except that fire
46 departments may use such hydrants for fire fighting or training purposes. Such

1 hydrants may be used by a person who has obtained a permit for its use from the public
 2 authority or utility having jurisdiction over these items. A person who has a valid permit
 3 shall comply with all policies as outlined on the permit or application.
 4

5 905.12. Testing. Add Subsection as follows: 905.12 Testing. All standpipe fire lines in
 6 all buildings and structures shall be tested at least every 5 years in accordance with
 7 NFPA 25. In buildings and structures, wet and dry pipe systems shall meet the flow
 8 demands required at the time of installation or as required by Subsection 905.2. At the
 9 time of the test all control valves, including those inside hose cabinets, shall be
 10 operated and then reset in their proper positions to insure the workability of these
 11 valves. Wet and dry systems which do not meet the flow requirements established at
 12 the time of installation or as required by this section shall be required to install automatic
 13 fire pumps or tanks if deemed necessary by the fire official for the occupancy of the
 14 building.
 15

16 907.45.4 7.5.2. Posting of Central Station Monitoring Company. Add Subsection as
 17 follows: ~~907.45.4~~ 7.5.2 Posting of Central Station Monitoring Company. The name,
 18 telephone number, and account number of the current central station monitoring
 19 company shall be posted and maintained inside the fire alarm control panel. If the fire
 20 alarm system is not monitored, that fact shall be posted and maintained inside the fire
 21 alarm control panel.
 22

23 ~~907.20.6.~~ 9.5.1. Faulty alarms. Add Subsection as follows: ~~907.20.6.~~ 9.5.1 Faulty
 24 alarms. Inspection fees shall be as in Table 107.2 and 109.6. Whenever faulty or
 25 nuisance fire alarm activations occurring in any occupancy exceed 3 in a 90 day period,
 26 the fire official may require the owner or occupant to conduct a witnessed test of the fire
 27 protection system causing the faulty or nuisance alarm. Witnessed testing shall be in
 28 accordance with section 901.6.3.

- 29 1. For the purpose of this section, a faulty or nuisance alarm is deemed to
 30 occur whenever the fire official or fire department officer in charge
 31 responding to a fire alarm call shall determine, after investigation, that
 32 faulty equipment initiated the alarm.
- 33 2. As soon as possible following the faulty or nuisance alarm determination,
 34 the responding officer in charge shall cause the Fire Marshal's Office to be
 35 notified in writing of the facts and circumstances supporting the
 36 determination that faulty fire protection equipment initiated the alarm.
- 37 3. Whenever an owner or occupant is required by this section to conduct
 38 witnessed testing of a fire protection system, the fire official shall notify the
 39 owner or occupant in writing and prescribe a certified test consistent with
 40 standard procedures to be witnessed by the fire official or his designee.
 41

42 ~~1028 3. Obstructions. Add the following sentence at the end of the existing section. No~~
 43 ~~person shall sit, stand, or otherwise obstruct any means of egress or element of means~~
 44 ~~of egress.~~
 45

46 1030.1 General. Add exception:

1 Exception: Means of egress conforming to the requirements of the building code
2 under which they were constructed shall be considered as complying means of
3 egress if, in the opinion of the fire code official, they do not constitute a distinct
4 hazard to life.

5
6 1030.3. Obstructions. Add the following sentence at the end of the existing subsection.
7 No person shall sit, stand, or otherwise obstruct any means of egress or element of
8 means of egress.

9
10 1101.3 Permits. Delete and substitute: 1101.3 Permits. Permits shall be required to
11 operate aircraft-refueling vehicles, application of flammable or combustible finishes, and
12 hot work as set forth in Sections 107-2 and 108.

13
14 1106.11.5. Notification of the fire department. Add the following to the end of the
15 section: The procedures as set forth in Section 2703.3.1 shall also be followed.

16
17 1201.2 Permits. Delete and substitute as follows: 1201.2 Permits. Permits shall be
18 required as set forth in Sections 107-2 and 108.

19
20 1301.2 Permits. Delete and substitute as follows: 1301.2 Permits. Permits shall be
21 required as set forth in Sections 107-2 and 108.

22
23 1501.2 Permits. Delete and substitute as follows: 1501.2 Permits. Permits shall be
24 required as set forth in Sections 107-2 and 108.

25
26 1601.2 Permits. Delete and substitute as follows: 1601.2 Permits. Permits shall be
27 required as set forth in Sections 107-2 and 108.

28
29 1701.2 Permits. Delete and substitute as follows: 1701.2 Permits. Permits shall be
30 required as set forth in Sections 107-2 and 108.

31
32 1801.5 Permits. Delete and substitute as follows: 1801.5 Permits. Permits shall be
33 required as set forth in Sections 107-2 and 108.

34
35 1901.2 Permits. Delete and substitute as follows: 1901.2 Permits. Permits shall be
36 required as set forth in Sections 107-2 and 108.

37
38 2001.2 Permits. Delete and substitute as follows: 2001.2 Permits. Permits shall be
39 required as set forth in Sections 107-2 and 108.

40
41 2101.2 Permits. Delete and substitute as follows: 2101.2 Permits. Permits shall be
42 required as set forth in Sections 107-2 and 108.

43
44 2201.2 Permits. Delete and substitute as follows: 2201.2 Permits. Permits shall be
45 required as set forth in Sections 107-2 and 108.

46

1 2301.2 Permits. Delete and substitute as follows: 2301.2 Permits. Permits shall be
2 required as set forth in Sections 107.2 and 108.

3
4 2403.2 Approval required. Delete and substitute subsection as follows: 2403.2
5 Approval required. Tents and temporary membrane structures shall not be erected,
6 operated or maintained for any purpose without first obtaining a permit and approval
7 from the fire code official.

8
9 Exceptions:

10
11 1. Tents used exclusively for recreational camping purposes.

12
13 2. Tents and air-supported structures that cover an area of 900 square feet or
14 less; including all connecting areas or spaces with a common means of
15 egress; and with an occupant load of less than 50 persons.

16
17 2403.4 Permits. Delete and substitute as follows: 2403.4 Permits. Permits shall be
18 required as set forth in Sections 107.2 and 108.

19
20 2404.15.5.1 Flame propagation performance treatment. Add Subsection as follows:
21 2404.15.5.1 Flame propagation performance treatment. All tents and membrane
22 structures where cooking is performed shall be composed of material meeting
23 the flame propagation performance criteria of NFPA 701 or shall be treated with
24 a flame retardant in an approved manner that meets the flame propagation
25 performance criteria of NFPA 701, and such flame propagation performance
26 criteria will be effective for the period specified by the permit.

27
28 2501.2 Permits. Delete and substitute as follows: 2501.2 Permits. Permits shall be
29 required as set forth in Sections 107.2 and 108.

30
31 2601.2 Permits. Delete and substitute as follows: 2601.2 Permits. Permits shall be
32 required as set forth in Sections 107.2 and 108.

33
34 2701.5 Permits. Delete and substitute as follows: 2701.5 Permits. Permits shall be
35 required as set forth in Sections 107.2 and 108.

36
37 2701.5.1 Hazardous material management plan. Delete and substitute first sentence as
38 follows: Where required by the fire code official, each application for a permit shall
39 include a Hazardous Materials Management Plan (HMMP) ~~Insert the following at the~~
40 end of the first sentence: " that includes a site plan, a floor plan, information on
41 hazardous material handling and chemical compatibility, monitoring methods, security
42 precautions, hazard identification, inspection procedures, spill/release prevention
43 measures, spill/release control and emergency response procedures, employee
44 training, and available emergency equipment."
45

1 2701.5.2 Hazardous Materials Inventory Statement (HMIS). Change last sentence as
2 follows: The HMIS shall be maintained onsite or readily available through another
3 means where approved by the fire code official for use by emergency and/or temporary
4 responders, and shall be updated annually.
5

6 2703.3.1. Unauthorized discharges. Delete and substitute as follows: 2703.3.1
7 Notification of unauthorized discharges. Any person who witnesses, discovers, or
8 otherwise has knowledge of a spill, leak or other release of a hazardous material or
9 other material that may negatively impact the environment, regardless of quantity, shall
10 immediately report such spill, leak or release to the Department of Public Safety
11 Communications and to the Fire Marshal. The owner and the tenant or other person in
12 control of the premises when a leak or spill occurs, or when a leak or spill is discovered,
13 shall be fully responsible for the containment, cleanup, and disposal of the hazardous
14 materials to the satisfaction of the fire official. For the purposes of this subsection, the
15 phrase "Person in Control" means any firm, business, corporation, or person, who is
16 solely or jointly in control of all or any portion of the premises, facility, building, structure,
17 vehicle, device, other property, substance, material, gas, liquid, chemical, or condition
18 regulated by this code. A person in control includes an owner, operator, permit holder,
19 tenant, occupant, manager, employee, agent, contractor, attendant, or other person
20 regardless of rank or authority. The procedure as set forth in Sections 2703.3.1.1
21 through 2703.3.1.4 shall also be followed.
22

23 2801.2 Permits. Delete and substitute as follows: 2801.2 Permits. Permits shall be
24 required as set forth in Sections 107-2 and 108.
25

26 2901.3 Permits. Delete and substitute as follows: 2901.3 Permits. Permits shall be
27 required as set forth in Sections 107-2 and 108.
28

29 3001.2 Permits. Delete and substitute as follows: 3001.2 Permits. Permits shall be
30 required as set forth in Sections 107-2 and 108.
31

32 3101.2 Permits. Delete and substitute as follows: 3101.2 Permits. Permits shall be
33 required as set forth in Sections 107-2 and 108.
34

35 3201.2 Permits. Delete and substitute as follows: 3201.2 Permits. Permits shall be
36 required as set forth in Sections 107-2 and 108.
37

38 3301.1. Scope. In the first sentence insert the word "transportation" after the word
39 manufacture. Add the following sentence at the end of the existing Subsection: The
40 manufacture of explosives in Fairfax County shall be prohibited. Delete exception 8.
41 Transportation in accordance with DOTn 49 CFR Parts 100-178- and exception 10. The
42 storage, handling, or use of explosives or blasting agents pursuant to the provisions of
43 Title 45.1 of the Code of Virginia.
44

45 3301.1.6. Manufacturing. Add Subsection as follows: 3301.1.6 Manufacturing.
46 The manufacture of explosives and blasting agents shall be prohibited. This

1 shall not apply to hand loading of small arms ammunition for personal use when
2 not for resale, the assembly of two component explosives for use on site, or the
3 mixing of blasting agents for use on site.
4

5 3301.1.7 Permit required for sale of explosive materials. Add subsection as
6 follows: 3301.1.7 Permit required for sale of explosive materials. It shall be
7 unlawful for any person, firm or corporation, wholesaler or retailer to sell, offer for
8 sale or expose for sale any explosive materials within the county without a permit
9 from the Fire Marshal's Office. Such permit shall be issued only after the
10 applicant files with the Fire Marshal's Office a certificate of insurance which
11 shows that the applicant has liability insurance in the amount of at least
12 \$5,000,000 combined single limit for bodily injury and property damage. This
13 insurance policy shall be available for the payment of any damage arising from
14 the acts or omissions of the applicant, his agents or his employees in connection
15 with the activities authorized by the permit. The applicant shall ensure that the
16 insurance policy is in effect at the time of the commencement of the activities
17 authorized by the permit, and remains continuously in effect until such activities
18 are completed.
19

20 3301.1.7.1 Storage & Handling in Sales of Explosive Materials. Add
21 subsection as follows: 3301.1.7.1 Storage & Handling in Sales of
22 Explosive Materials. Except where approved in 3304.1, the storage of
23 explosive materials within the county in support of wholesale or retail sales
24 is prohibited. Except where approved in 3304.1, it shall be unlawful for any
25 person, firm or corporation, wholesaler or retailer to package, ship,
26 transfer, or otherwise handle explosive materials in the county without a
27 permit from the Fire Marshal's Office.
28

29 3301.2.4. Insurance required for blasting. Delete and substitute the following: 3301.2.4
30 Explosives insurance required. Before a permit is issued for the storage, transportation,
31 disposal, or use of explosives or blasting agents, the applicant shall file with the Fire
32 Marshal's Office a certificate of insurance which shows that the applicant has liability
33 insurance in the amount of at least \$5,000,000 combined single limit for bodily injury
34 and property damage. This insurance policy shall be available for the payment of any
35 damage arising from the acts or omissions of the applicant, his agents, or his
36 employees in connection with the storage, transportation, disposal, or use of explosives
37 or blasting agents. The applicant shall ensure that the insurance policy is in effect at
38 the time of the commencement of the operations or activities authorized by the permit,
39 and remains continuously in effect until such operations or activities are completed.
40

41 3301.2.5. Vehicle permit. Add Subsection as follows: 3301.2.5 Vehicle permit. Each
42 vehicle transporting explosive materials within the County shall be required to obtain a
43 vehicle permit from the fire official. The permit shall be valid for 6 months and shall be
44 revoked for failure to maintain the vehicle in a safe operating condition in compliance
45 with DOTn 49 CFR. Permit fees shall be as listed in Section 107.2.
46

1 3301.4.1. Certification of blasters. Delete the words: "Exception: The owner of real
2 estate parcels of five or more acres conforming to the definition of 'real estate devoted
3 to agricultural use' or 'real estate devoted to horticulture use' in Va. Code § 58.1-3230
4 when blasting on such real estate."
5

6 3301.4.6. Certification of contractors. Add Subsection as follows: 3301.4.6 Certification
7 of contractors. Permits for the storage, handling, transportation or use of explosives
8 shall only be issued to those companies which are licensed in Fairfax County by the
9 Fire Marshal's Office. Firms making application for a permit to transport explosives
10 must employ at least one licensed commercial driver with hazmat endorsement. Firms
11 making application for a permit to handle or use explosives must employ at least one
12 certified restricted or unrestricted blaster as appropriate for the type of blasting to be
13 conducted. A certified restricted or unrestricted blaster must sign all applications to
14 handle or use explosives where the intent is to detonate explosives under the auspices
15 of the permit.
16

17 3301.7 Seizure. The fire official is authorized to remove or cause to be removed or
18 disposed of in an approved manner, at the expense of the owner, explosives, explosive
19 materials, or fireworks offered or exposed for sale, stored, possessed, or used in
20 violation of this chapter.
21

22 3302.1. Definitions. Add the following definitions:
23

24 Approved: Approved by the County Fire Marshal's Office.
25

26 Blast Area. The area of a blast, including the blast site and adjacent areas that could
27 reasonably be expected to be within the influence of flying material, fumes, and/or
28 concussion as a result of the blasting operation being conducted.
29

30 Blast Site. The area in which explosive materials are being handled and which includes
31 all boreholes to be loaded for a blast and a distance of 50 feet in all directions, as
32 measured from the perimeter formed by the boreholes to be loaded.
33

34 Blasting. The process of moving, heaving, breaking, or shattering soils and rocks, or
35 doing other work, such as the demolition of structures or research and testing, that
36 generates seismic waves through the use of energetic materials in chemical reactions,
37 explosions, or other detonations or deflagrations.
38

39 Congested Area. An urban, suburban, or industrialized area in which multiple structures
40 may be impacted by the effects of blasting operations.
41

42 Flyrock. Any dirt, mud, stone, fragmented rock, or other material that is displaced from
43 the blast area in an uncontrolled or unplanned manner by the effects of a blast.
44

45 Laboratory. A facility that provides controlled conditions in which scientific research,
46 experiments, and measurement may be performed.

1 Misfire. Any explosive material, explosive charge, blast, or portion thereof which failed
2 to function as intended.

3
4 Retailer: Any persons selling fireworks or explosive materials and/or offering fireworks
5 or explosive materials for retail sale.

6
7 Temporary storage (of explosives). Storage of explosive materials for not more than 24
8 hours.

9
10 Wholesaler: A person, firm, or corporation offering fireworks or explosive materials for
11 sale or selling fireworks or explosive materials to a retailer. Such term also includes a
12 manufacturer of fireworks or explosive materials, a representative of any such
13 manufacturer, a distributor, a jobber, or a middleman of any description dealing in
14 fireworks or explosive materials, any of whom shall sell or offer to sell fireworks or
15 explosive materials to a retailer within the county.

16
17 3303.1 General. Insert the word "sale," to the first line after the words "Records of the"
18 and before the word "receipt."

19
20 3303.2 Transactions record. Insert the word "sale," on the second line after the words
21 "transactions involving the" and before the word "receipt."

22
23 3303.3. Loss, theft or unauthorized removal. Insert the following before the first
24 sentence: The Fairfax County Fire Marshal shall be immediately notified by telephone of
25 the loss or theft of any explosives. The verbal notification shall be immediately followed
26 by a letter to the Fire Marshal's Office giving complete details as to type, amounts
27 manufacturer and all other relevant facts.

28
29 3303.4. Accidents. Delete and substitute: 3303.4 Accidents. Any blasting misfires,
30 malfunctions, injuries or other unintended blasting related events or accidents involving
31 the use of explosives, explosive materials, or fireworks shall be reported to the fire
32 official immediately.

33
34 3303.8. Improper storage. Add Subsection as follows: 3303.8 Improper storage. If at
35 any time Division 1.3G fireworks, explosives, or explosive materials are found not
36 properly stored in a magazine, it shall immediately be reported to the Fairfax County
37 Fire Marshal's Office which will take possession thereof for the purpose of safeguarding
38 and/or disposal of such explosives.

39
40 3304.1. General. Insert the words "and transportation" to the first line after the word
41 storage.

42
43 3304.1. General. Add at the end of the existing Subsection: ~~With the exception of the~~
44 ~~storage of fireworks at display sites in accordance with 3308.5 and NFPA 1123 or NFPA~~
45 ~~1126, t~~The overnight storage of explosives materials, blasting agents, and including
46 Division 1.3G fireworks, is prohibited, within the legal geographic boundaries of any

1 ~~district where such storage is prohibited by the Fire Marshal. Provided, however, this~~
 2 ~~prohibition shall not apply to the temporary storage for use in connection with approved~~
 3 ~~blasting operations, wholesale and retail stocks of small arms ammunition, explosive~~
 4 ~~bolts, explosive rivets, or cartridges for explosive activated power tools in quantities~~
 5 ~~involving less than 500 pounds of explosive material. The overnight storage of~~
 6 ~~explosives or blasting agents shall be prohibited in all zoning classifications except I-6~~
 7 ~~and then only with a Special Use Permit granted by the Board of Supervisors.~~
 8 ~~Explosive materials may be approved for overnight storage when used for laboratory~~
 9 ~~testing purposes, up to 1 pound total in storage of which no more than ¼ pound is in~~
 10 ~~use at any time, when approved by the Fire Code Official and stored in compliance with~~
 11 ~~the magazine requirements of 3304.3.~~

12
 13 Exceptions:

- 14
 15 1. Overnight storage approved by a special use permit issued by the Fairfax
 16 County Board of Supervisors.
 17
 18 2. Explosive materials used for laboratory testing purposes, up to 1 pound
 19 total in storage of which no more than ¼ pound is in use at any time,
 20 when approved by the Fire Code Official and stored in compliance with
 21 the magazine requirements of 3304.3.
 22
 23 3. Explosive materials in temporary storage for a period of not more than 7
 24 days for specialized blasting operations such as the demolition of
 25 structures or loading of similarly complex blasts, when approved by the
 26 Fire Code Official. Storage for more than 7 days shall necessitate
 27 approval of the Fairfax County Board of Supervisors.
 28
 29 4. Wholesale and retail stocks of small arms ammunition, explosive bolts,
 30 explosive rivets or cartridges for explosive activated power tools in
 31 quantities involving less than 500 pounds total explosive material.
 32
 33 5. The temporary storage of fireworks at display sites in accordance with
 34 3308.5 and NFPA 1123 or NFPA 1126.

35
 36 3304.1.1. Enforcement. Add Subsection as follows: 3304.1.1 Enforcement. The
 37 Fairfax County Fire Marshal shall enforce the regulations contained herein
 38 pertaining to the intra-county transportation of explosives.

39
 40 3304.1.1.1 Notification. Add Subsection as follows: 3304.1.1.1
 41 Notification. Operators of vehicles transporting explosives in Fairfax
 42 County shall immediately notify the Fire Official upon experiencing a
 43 mechanical breakdown or being otherwise unable to move.
 44

45 3304.1.2. Driver qualifications. Add Subsection as follows: 3304.1.2 Driver
 46 qualifications. Vehicles transporting explosives shall be in the custody of drivers

1 who are physically fit, careful, capable, reliable, able to read and write the
 2 English language, not addicted to the use or under the influence of intoxicants,
 3 narcotics, illegal drugs, physically or mentally impairing prescription drugs, or any
 4 other medications. Such drivers shall be familiar with state and county traffic
 5 regulations, the provisions of this article governing the transportation of
 6 explosives, and possess a valid commercial driver's license with the proper
 7 endorsements and other qualifications as prescribed by US DOT 49 CFR Part
 8 383. Drivers of vehicles engaged in the intra-county transportation of explosives
 9 shall have received training in compliance with the requirements of DOTn 49
 10 CFR Parts 172 and 177 which has been verified by the Fairfax County Fire
 11 Marshal's Office.

12
 13 3304.1.3 Transfer of explosive materials. Add subsection as follows: 3304.1.3
 14 Transfer of explosive materials. The on-site delivery of explosive materials
 15 where explosives would be transferred from the delivery vehicle to an on-site
 16 vehicle shall be prohibited without the prior approval of the Fire Marshal.
 17 Approval of on-site delivery will be dependent on an inspection of the proposed
 18 transfer site. Such operations will only be approved where:

- 19
- 20 1. Transfer is from the magazine of the delivery vehicle directly to the
 21 magazine of the receiving vehicle(s).
- 22
- 23 2. All vehicles delivering and/or receiving explosive materials shall possess a
 24 valid Explosives Transport Vehicle permit.
- 25
- 26 3. The area of the transfer is barricaded and posted.
- 27
- 28 4. An appropriate guard shall be posted to ensure the safety and security of the
 29 transfer operations and prevent unauthorized persons from entering the
 30 transfer area.
- 31
- 32 5. Transfer of explosive materials will cease and all explosive materials will be
 33 secured immediately upon entry of an unauthorized person into the transfer
 34 area.
- 35
- 36 6. Transfer shall be conducted in accordance with an approved blast plan.
- 37

38 3304.2.1. Control in wholesale and retail stores. Add Subsection as follows: 3304.2.1
 39 Control in wholesale and retail stores. The storage or display of explosives and blasting
 40 caps in wholesale and retail stores is prohibited.

41
 42 3304.3. Magazines. Add the following at the end of the Subsection: Explosive materials
 43 in overnight storage, regardless of quantity, shall utilize Type 1 or Type 2 magazines as
 44 approved by the Fire Code Official. Regardless of magazine type, storage of explosives
 45 in non-sprinklered buildings is prohibited.
 46

1 3307.3 Blasting in congested areas. Delete entire subsection and substitute as follows:
2 3307.3 Blasting in congested areas or in close proximity. When blasting is done in a
3 congested area or in close proximity to a structure, railway or highway, or any other
4 installation, precautions in the loading, delaying, initiation, and confinement of blasts
5 shall be taken to minimize flyrock, earth vibrations, and air overpressure effects.
6 Sufficient burden, spacing, stemming, blasting mats, or other protective means shall be
7 taken to prevent flyrock.

8
9 3307.3.1 Pre-blast surveys. Add Subsection as follows: 3307.3.1 Pre-blast
10 surveys. A pre-blast survey shall be performed on each structure located within
11 a minimum of 150 feet and any well located within a minimum of 250 feet of the
12 blast site. Written confirmation that the pre-blast survey has been done shall be
13 maintained by the blasting contractor. Requests for access to structures for pre-
14 blast surveys shall be made by certified mail to the last known address of the
15 owner(s) of any structures located within the pre-blast survey areas as defined
16 herein. If permitted by the owner(s), said pre-blast surveys shall be conducted to
17 determine the pre-blast conditions of these structures. A minimum of 14 days
18 notice shall be provided for the scheduling of the pre-blast survey.
19 Documentation consisting of a written acknowledgement that the survey has
20 been performed or declined by the property owner and a map depicting the
21 above referenced 150 and 250 feet radius, shall be provided to the Fire Marshal
22 at the time of the Explosive Use Site Permit Inspection meeting.

23
24 3307.3.2 Pre-blast notification. Add Subsection as follows: 3307.3.2 Pre-blast
25 notification. All structures located within a minimum of 300 feet of the blast site
26 shall be notified of the scheduled blasting 10 days prior to blasting and no
27 blasting shall occur until such notice has been given.

28
29 3307.5. Utility notification. Delete entire subsection and substitute as follows: 3307.5
30 Utility notification. Whenever blasting is being conducted in the vicinity of utility lines or
31 rights-of-way, the blaster shall notify the appropriate representatives of the utilities at
32 least 5 business days in advance of blasting, specifying the location and intended time
33 of such blasting. Verbal notices shall be confirmed with written notices. Blasting
34 operations will not proceed until the owners/operators of utilities have been contacted
35 and measures for safe control have been taken.

36
37 Exception: When approved by the Fire Code Official the time limit shall not apply in
38 emergency situations.

39
40 3307.7 Nonelectric detonator precautions. Add sentence at the end of the existing
41 subsection as follows: Blast initiation devices shall not be connected to non-electric
42 systems until the blast area is secured, traffic is stopped if necessary, and audible
43 warnings have been sounded.

44
45 3307.8. Blasting area security. Delete entire subsection and substitute as follows:
46 3307.8 Blasting area security. Beginning at the time that explosive materials arrive on

1 site, only authorized persons engaged in loading operations or otherwise authorized to
2 enter the site shall be allowed at the blast site. Beginning with the time that individual
3 loaded boreholes are connected together, only authorized persons engaged in blasting
4 operations or otherwise authorized to enter the area shall be allowed within the blast
5 area. No activity of any nature other than that which is required for loading holes with
6 explosives shall be permitted within the blast area. The blast site and blast area shall
7 be guarded or barricaded and posted. Blast area security shall be maintained until after
8 the post-blast inspection has been completed.

9
10 3307.9. Drill holes. Add sentence at the end as follows: Loaded boreholes shall not be
11 left unattended.

12
13 3307.9.1. Equipment for loading and stemming. Add subsection as follows:

14 3307.9.1 Equipment for loading and stemming. Only equipment and machinery
15 necessary to load boreholes shall be allowed within the blast site after the arrival
16 of explosives. Said equipment or machinery shall not be operated over loaded
17 boreholes or at any location where there is a potential to contact explosive
18 materials. Equipment and machinery used to stem loaded boreholes shall not be
19 operated within the blast site once loading operations begin.

20
21 3307.9.2. Stemming of loaded boreholes. Add subsection as follows: 3307.9.2
22 Stemming of loaded boreholes. All boreholes loaded with explosives shall be
23 stemmed to the collar or to a point which will confine the charge. Stemming shall
24 be a minimum of 4 feet unless otherwise approved. Stemming will be stone
25 appropriately sized to the borehole diameter. Drill cuttings shall not be used as
26 stemming material.

27
28 3307.13 Firing Control. Delete subsection and substitute as follows: 3307.13 Firing
29 control. No blast shall be fired until the blaster in charge has made certain that all
30 surplus explosive materials are in a safe place in accordance with Section 3307.10, all
31 persons and equipment are removed from the blast area or protected under approved
32 cover, and that an adequate warning signal audible throughout the blast area has been
33 given.

34
35 3307.16 Blast records. Delete subsection and substitute as follows: 3307.16 Blast
36 records. A record of each blast shall be created immediately following the blast and
37 retained for at least five years and shall be available for inspection by the fire code
38 official. When required by the fire code official, the diameter and depth of boreholes,
39 type and amount of explosives, and explosives per delay period shall be listed for each
40 individual borehole and not averaged over the entire site. The record shall contain the
41 following minimum data:

42
43 1. Name of contractor

44
45 2. Location and time of blast
46

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- 3. Name of certified blaster in charge
- 4. Type of material blasted
- 5. Number of holes bored and spacing
- 6. Diameter and depth of holes
- 7. Type and amount of explosives
- 8. Amount of explosive per delay of 8 milliseconds or greater
- 9. Method of firing and type of circuit
- 10. Direction and distance in feet to nearest dwelling, public building, school, church, commercial building, institutional building, or other installation
- 11. Weather conditions
- 12. Whether or not mats or other precautions were used
- 13. Type of detonator and delay period
- 14. Type and height of stemming
- 15. Seismograph record when utilized

Exception:

Subdivisions 8 and 13 of this section are not applicable to restricted blasters.

3307.17 Blasting in asbestos rock. Add Subsection as follows: 3307.17 Blasting in asbestos rock. Blasting operations conducted in rock or soils that present a hazard to public health through dust generation or other effects of drilling and blasting must be reported as such to the Fire Marshal and the blaster-in-charge must obtain and maintain all necessary health, safety, and environmental permits or approvals.

3307.18 Blast effects monitoring. Add subsection as follows: 3307.18 Blast effects monitoring. All blasts occurring within the County will be monitored by at least one seismograph placed in proximity to the nearest structure to the blast. The seismograph must be capable of monitoring both ground vibration and air overpressure and the blaster in charge must be able to provide the results of blast monitoring on-site immediately following the blast. Additional seismographs may be required by the Fire Code Official as conditions at the blast warrant.

- 1 1. All seismographs will be properly calibrated by a qualified firm. Annually,
2 calibration records shall be presented to the Fire Code Official upon request.
- 3
- 4 2. Adequate trigger levels shall be set for the blast being conducted but at no
5 time less sensitive than:
 - 6 a. Ground vibration: 0.05 inches per second peak particle velocity.
 - 7 b. Air blast: 100 decibels.
 - 8 c. Recording time: 5 seconds.
- 9
- 10 3. GPS coordinates documenting the location of each seismograph used in
11 mineral mining will be included in the blasting records required in 3307.16.

12

13 3307.19 Detonating cord and safety fuse. Add subsection as follows: 3307.19
14 Detonating cord and safety fuse. The use of detonation cord in blasting and explosives
15 operations will comply with NFPA 495 and the requirements listed in 29 CFR
16 1926.908(a) through (j). Safety fuse shall be used only where approved by the fire
17 official. The use of safety fuse shall comply with the requirements listed in 29 CFR
18 1926.907(a) through (m).

19

20 3307.20 Mineral mines. Add subsection as follows: 3307.20 Mineral mines. The
21 transportation, storage, handling, and use of explosives within mineral mines shall
22 conform to the safety and health regulations for surface and underground mineral
23 mining as promulgated by Virginia Department of Mines, Minerals, and Energy as well
24 as the Special Use Permit Conditions established by the Fairfax County Board of
25 Zoning Appeals.

26

27 3308 Fireworks Display. Change title to: Section 3308 Fireworks.

28

29 3308.1. General. Add the following at the end of the first sentence: The
30 manufacture of fireworks is prohibited within the county. The display, sale, or
31 discharge of fireworks shall comply with the requirements of this chapter. This
32 chapter shall govern the design, construction, and use of model rockets.

33

34 3308.1.1. Unlawful activities. Add Subsection as follows: 3308.1.1
35 Unlawful activities. Except as hereinafter provided, it shall be unlawful for
36 any person, firm, or corporation to transport, manufacture, store, possess,
37 sell, offer for sale, expose for sale, or to buy, use, ignite, or explode any
38 fireworks.

39

40 3308.1.2. Permissible fireworks. Add Subsection as follows: 3308.1.2
41 Permissible fireworks. The provisions of 3308.1.1 shall not apply to
42 consumer 1.4G permissible fireworks which have been approved by the
43 Fire Marshal's Office. Such permissible fireworks shall be used only on
44 private property with the approval of the owner. The sale or storage of
45 any fireworks shall be prohibited on the property of another without the
46 express written permission of the owner. The sale of fireworks to minors

1 shall be prohibited unless the minor is accompanied by a parent or legal
2 guardian.
3

4 3308.2.1.1. Permit required for display of aerial fireworks. Add Subsection as follows:
5 3308.2.1.1 Permit required for display of aerial fireworks. The Fire Marshal's Office may
6 issue permits, upon application in writing, for the display of aerial fireworks, commonly
7 known as pyrotechnic displays, for fair associations, amusement parks, or by any
8 organization, individual, or group of individuals; provided such display is in general
9 accord with the applicable sections of NFPA 1123 and NFPA 1126, as listed in Chapter
10 ~~45~~ 47 of this Code. After such permit has been issued, sales of fireworks may be made
11 for use under such permit and the association, organization, group, or individual to
12 which it is issued may make use of such fireworks under the terms and conditions of
13 such permit. No permit shall be issued until the applicant files with the Fire Marshal's
14 Office a certificate of insurance which shows that the applicant has liability insurance in
15 the amount of at least \$5,000,000 combined single limit for bodily injury and property
16 damage. This insurance policy shall become available for the payment of any damage
17 arising from the acts or omissions of the applicant, his agents, or his employees in
18 connection with the display of aerial fireworks. The applicant shall ensure that the
19 insurance policy is in effect at the time of the commencement of the activities authorized
20 by the permit, and remains continuously in effect until such activities are completed.
21

22 3308.2.3. Permit required for sale of fireworks. Add Subsection as follows: 3308.2.3
23 Permit required for sale of fireworks. It shall be unlawful for any person, firm, or
24 corporation, wholesaler, or retailer to sell, offer for sale, or expose for sale any fireworks
25 within the county without a permit from the Fire Marshal's Office. This permit shall be
26 valid for the period June 1 to July 15 of each year. Such permit shall be issued only
27 after the applicant files with the Fire Marshal's Office a certificate of insurance which
28 shows that the applicant has liability insurance in the amount of at least \$5,000,000
29 combined single limit for bodily injury and property damage. This insurance policy shall
30 be available for the payment of any damage arising from the acts or omissions of the
31 applicant, his agents, or his employees in connection with the activities authorized by
32 the permit. The applicant shall ensure that the insurance policy is in effect at the time of
33 the commencement of the activities authorized by the permit, and remains continuously
34 in effect until such activities are completed.
35

36 3308.11. Retail display and sale. Add Subsection as follows: 3308.11 Retail display and
37 sale. In addition to the restrictions set forth in section 3301.2.2, retail sales of
38 permissible fireworks shall be only be conducted from approved, fixed locations. Such
39 locations shall comply with all Fairfax County rules and regulations applicable to such
40 sites. The sale or storage of any fireworks shall be prohibited on the property of another
41 without the express written permission of the owner. Staff selling permitted, permissible
42 fireworks shall be 18 years or older.
43

44 3308.11.1. Precautions. Add Subsection as follows: 3308.11.1 Precautions.
45 Fireworks displayed for retail sale shall not be made readily accessible to the
46 public. A minimum of one pressurized water fire extinguisher complying with

1 Section 906 shall be located not more than 15 feet and not less than 10 feet from
2 the retail sale location. "NO Smoking" signs complying with Section 310 shall be
3 conspicuously posted in areas where fireworks are stored or displayed for retail
4 sale.

5
6 3308.11.2. Sales to minors. Add Subsection as follows: 3308.11.2 Sales to
7 minors. The sale of permissible fireworks to persons under the age of 18 shall be
8 prohibited unless the person is accompanied by a parent or legal guardian.

9
10 3308.11.3. Records to be kept by wholesaler and retailer. Add Subsection as
11 follows: 3308.11.3 Records to be kept by wholesaler and retailer. Each
12 wholesaler shall maintain full and complete records of all purchases and sales of
13 fireworks and each retailer shall maintain full and complete records of all
14 purchases of fireworks. The County Fire Marshal or his designated agent is
15 authorized to examine the books and records of any wholesaler or retailer
16 documenting the purchases and sales of fireworks within the county.

17
18 3308.12. Approval of permissible fireworks. Add Subsection as follows: 3308.12
19 Approval of permissible fireworks. Persons engaged in the business of selling or
20 offering to sell fireworks at wholesale shall submit to the County Fire Marshal a list of
21 fireworks for approval. Persons engaged in the business of selling fireworks at
22 wholesale may be required to submit to the Office of the Fire Marshal at least 5 samples
23 of each firework intended to be sold or delivered by such wholesaler, together with
24 complete specifications including the manufacturer and trade name of such fireworks
25 and a chemical analysis of each such fireworks submitted. Samples, specifications, and
26 chemical analysis shall be submitted to the Fire Marshal's Office no later than 120 days
27 prior to the proposed sale date in the county. No wholesaler or retailer shall sell or
28 deliver in the county any fireworks other than those approved by the Fairfax County
29 Office of the Fire Marshal.

30
31 3308.13. Seizure and destruction of certain fireworks. Add Subsection as follows:
32 3308.13 Seizure and destruction of certain fireworks. Any Fire Marshal or law
33 enforcement officer encountering fireworks in violation of the Code shall seize and hold
34 such fireworks until final disposition of any criminal procedures related to the violation.
35 If any person is found guilty of any violation of this Chapter, then the court shall order
36 destruction of such articles upon expiration of the time allowed for the appeal of such
37 conviction.

38
39 3308.13.1. Criminal proceedings. Add Subsection as follows: 3308.13.1 Criminal
40 proceedings. Where no criminal proceedings can be instituted due to the inability
41 to identify the owner or person or persons responsible for the fireworks, the
42 fireworks in question shall be destroyed after 30 days.

43
44 3401.4 Permits. Add Subsection as follows: 3401.4 Permits. Permits shall be required
45 as set forth in Sections 107-2 and 108.

1 3402.1. Definitions. Add the following definition:

2
3 Subsurface structure: A subsurface structure shall include, but not be limited to,
4 structures such as subway stations, railroad tunnels including rail rapid transit tunnels,
5 and highway tunnels.

6
7 3404.2.7.10. Leak reporting. Add the following: The procedures as set forth in Section
8 2703.3.1 shall also be followed.

9
10 3404.2.11.5.3. Testing. Add Subsection as follows: 3404.2.11.5.3 Testing.

- 11
12 1. The owner or operator of all buried petroleum tanks installed after the effective
13 date of this Code shall have provisions for taking direct measurement
14 readings of the content level by the stick method. Liquid level of storage
15 tanks shall be measured by the owner or operator each day of operation and
16 compared with the pump meter readings taken on receipt of the product.
17 These records shall be kept in a log book and be available for inspection by
18 the fire official and/or his representative. Loss of product above normal
19 evaporation (one percent of flow through plus 130 gallons) shall be reported
20 immediately to the fire official. Records shall be retained for 2 years. This
21 period may be extended upon order of the fire official. High liquid level
22 gauges or alarm systems, as well as pump cut-off devices, shall be installed
23 by the owner or the authorized operator in all petroleum storage tanks
24 whenever in the judgment of the fire official there is a possibility that product
25 may be lost by overflowing. These emergency devices shall be considered
26 only as auxiliary and supplementary to the use of personnel engaged in a
27 transfer or fill operation.
28
- 29 2. When the operator's inventory records indicate a loss of product exceeding
30 one percent of flow through plus 130 gallons, a test for tightness on the
31 underground tank shall be performed in accordance with the standards set
32 forth in NFPA 329. The fire official shall order a test for tightness when in his
33 judgment there is evidence of a loss of product. A test for tightness shall be
34 conducted on all storage systems prior to change in ownership. Noncorrosive
35 storage systems approved by Underwriters' Laboratories, Inc., and the Steel
36 Tank Institute P-3 systems shall be tested for tightness at the end of their
37 warranty period, applying the standards set forth in NFPA 329. It shall be
38 repeated at intervals no greater than 3 years. When a test for tightness is
39 performed the following information must be kept on file at the facility until
40 such time as another test is performed and shall be made available for
41 inspection by the fire official or his representative upon request:
- 42 (a) Commercial name of the test equipment.
 - 43 (b) The name of the testing company.
 - 44 (c) The name of the test operator.
 - 45 (d) The data accumulated by the test.

1 (e) The results of the test as to whether or not the storage system is tight.
2 When leakage is indicated from a storage system during the test for
3 tightness, the operator of the test must immediately report the test
4 results to the fire official.
5

- 6 3. All storage systems, except noncorrosive systems approved by Underwriters'
7 Laboratories, Inc., and the Steel Tank Institute P-3 systems, which have been
8 buried for 10 years or more at the effective date of this code and storage
9 systems for which no installation date can be determined, shall be tested for
10 tightness in a manner approved by the fire official. This test shall be
11 performed within 12 months after the effective date of this code. It shall be
12 repeated on all storage systems at intervals no greater than 3 years.
13
- 14 4. Before each filling of existing petroleum storage tanks which have provisions
15 for measurement of contents and before each filling of petroleum storage
16 tanks installed after the effective date of this code, the liquid level shall be
17 gauged and the measurement shall be recorded in writing. The gauging
18 records shall be retained for 2 years and made available to the fire official
19 upon demand.
20

21 3404.2.11.2. Location. Add the following:

- 22 4. Underground storage tanks for Class I flammable liquids or Class II or III
23 combustible liquids and related piping shall not be permitted directly over a
24 subsurface structure, or within 25 feet measured horizontally from the outside
25 wall of such subsurface structure. Underground storage tanks and related
26 piping for Class I flammable liquids or Class II or III combustible liquids
27 located in an area between 25 and 100 feet measured horizontally from the
28 outside wall of a subsurface structure, where the tops of such tanks and
29 piping are not 2 feet or more below the lowest point of excavation, shall be
30 installed in a cast-in-place, liquid tight, reinforced concrete vault, with walls,
31 top and bottom, which are a minimum of 6 inches thick, and large enough to
32 hold and retain the entire contents of the tank. Access shall be provided in
33 the vault top for inspection, monitoring, and servicing of the vault and tank.
34

35 3404.2.11.2.1. Service stations in proximity of subsurface structures: Add Subsection
36 3404.2.11.2.1 as follows: Service stations dispensing Class I flammable liquids or
37 Class II or III combustible liquids that are located within the distance of 25 to 100 feet
38 measured horizontally from the outside wall of a subsurface structure shall comply with
39 the following:

- 40 1. Dispensing pumps for Class I flammable liquids or Class II or III combustible
41 liquids shall not be located less than 25 feet from the nearest subsurface
42 structure opening (measured from the pump to the nearest point of any
43 subsurface structure opening).
44 2. The finished grade around pump islands and the surrounding surface shall be
45 graded in a manner to divert possible spills away from any opening of any
46 subsurface structure.

- 1 3. Appropriate continuous drains across driveway ramps, and/or curbs of at least
2 6 inches in height shall separate the service station properties from adjacent
3 subsurface structure properties.
- 4 4. There shall be no connection (such as venting or drainage) between any
5 storage tank or related piping for Class I flammable liquids or Class II or III
6 combustible liquids and any subsurface structure.

7
8 3404.2.13.1.4. Tanks abandoned in place. Delete the exception to item #3.

9
10 3406.4.6.1. Safety attendant. Add Subsection as follows: 3406.4.6.1 Safety attendant.

- 11 1. Each bulk plant and terminal, as defined in NFPA 30, shall have a designated
12 trained and competent safety attendant present on-site and on-duty at all
13 times when flammable or combustible liquids are received, transferred,
14 dispensed, or loaded from a pipeline, tank, container, vehicle, or other vessel.
15 Individuals receiving, transferring, dispensing, or loading such liquids to or
16 from tank vehicles shall not be designated as safety attendants.
- 17 2. The safety attendant shall observe and monitor the receipt, transfer,
18 dispensing, and loading of such liquids.
- 19 3. The safety attendant shall assure compliance with all federal, state, and local
20 laws, ordinances, and safety requirements including, but not limited to, the
21 approved emergency plan of the plant or terminal. The safety attendant shall
22 be knowledgeable about such laws, ordinances, requirements, and plan,
23 including such requirements concerning fire safety, emergency response, and
24 spill or leak notification.
- 25 4. The safety attendant shall be familiar with the location and operation of all
26 pump controls, emergency shutoff devices, and other safety equipment, and
27 shall be responsible for using such equipment to detect, prevent, and abate,
28 or cause to be abated, any emergency situation.
- 29 5. At all times while on duty, the safety attendant shall be mentally and physically
30 capable of immediately:
 - 31 5.1 Taking all necessary, appropriate, and required action to detect and
32 prevent a fire, explosion, spill, or leak;
 - 33 5.2 Taking all necessary, appropriate, and required action in the event of a
34 fire, explosion, spill, or leak; and
 - 35 5.3 Performing the functions and assuming the responsibilities required by
36 this section.

37
38 3406.6.1.5. Overfill protection. Insert the following at the beginning of the Subsection:

39 The driver, operator, or attendant of any tank vehicle shall take all necessary
40 precautions to prevent the overflow of any tank into which it is discharging flammable or
41 combustible liquids, before he discharges any liquid from such tank vehicle.

42
43 3406.6.1.9. Smoking. Add the following at the end of the Subsection: It shall be
44 unlawful for any driver, operator, attendant, or passenger to smoke in, on, or around any
45 tank vehicle which hauls any flammable or combustible liquid. It shall be unlawful to

1 load or unload wherever there is smoking, lighting of matches, or other flame or spark-
2 producing devices or the carrying of any flame or lighted cigar, pipe, or cigarette.

3
4 3501.2 Permits. Delete and substitute: 3501.2 Permits shall be required as set forth in
5 Sections 107.2 and 108.

6
7 3601.2 Permits. Delete and substitute: 3601.2 Permits shall be required as set forth in
8 Sections 107.2 and 108.

9
10 3701.2 Permits. Delete and substitute: 3701.2 Permits shall be required as set forth in
11 Sections 107.2 and 108.

12
13 3801.2 Permits. Delete and substitute: 3801.2 Permits shall be required as set forth in
14 Sections 107.2 and 108.

15
16 3806.5 Remote control shutoff. Add Subsection as follows: 3806.5 Remote control
17 shutoff. When a cargo tank truck is equipped with a remote control shutoff device, the
18 driver must have the remote control with him at all times.

19
20 3811.2. Unattended parking. Delete the exception.

21
22 3901.2 Permits. Delete and substitute: 3901. 2 Permits shall be required as set forth in
23 Sections 107.2 and 108.

24
25 4001.2 Permits. Delete and substitute: 4001. 2 Permits shall be required as set forth in
26 Sections 107.2 and 108.

27
28 4101.2 Permits. Delete and substitute: 4101. 2 Permits shall be required as set forth in
29 Sections 107.2 and 108.

30
31 4201.2 Permits. Delete and substitute: 4201. 2 Permits shall be required as set forth in
32 Sections 107.2 and 108.

33
34 4301.2 Permits. Delete and substitute: 4301. 2 Permits shall be required as set forth in
35 Sections 107.2 and 108.

36
37 4401.2 Permits. Delete and substitute: 4401. 2 Permits shall be required as set forth in
38 Sections 107.2 and 108.

39
40 4503.3 Flammable or combustible liquid spills. Add the following at the end of the
41 subsection: Notification of unauthorized discharges shall also be made as directed in
42 2703.3.1.

43
44 IFC Chapter 45 47 Referenced Standards. Add the following standards:
45

- 1 DOTn, 49 CFR, Parts 40, 100-185, 325, 350, and 355-399. ~~March 2008~~ Current
- 2 edition.
- 3
- 4 NFPA, Recommended Practice for Handling Releases of Flammable and Combustible
- 5 Liquids and Gases, 329, 2005 Edition
- 6
- 7 NFPA, Standard for Ventilation Control and Fire Protection of Commercial Cooking
- 8 Operations, 96, 2004 Edition

Board Agenda Item
January 10, 2012

4:30 p.m.

Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts

ISSUE:

An ordinance that proposes to amend Chapter 7 of the Fairfax County Code to (1) temporarily move the polling place for Chesterbrook precinct; (2) move the polling place for Kingstowne precinct; and (3) move the polling place for Mantua precinct.

RECOMMENDATION:

The County Executive recommends adoption of the proposed ordinance.

TIMING:

The Board authorized this public hearing on December 6, 2011. Board action on January 10, 2012, is necessary to provide sufficient time to complete the federal preclearance process in advance of the March 6, 2012, Presidential Primary Election.

BACKGROUND:

Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change polling place locations subject to the requirements of Virginia Code Sections 24.2-310 and 24.2-310.1. All registered voters who are affected by a change in their polling place will be mailed a new Virginia Voter Information Card following federal preclearance of the proposed changes.

(1) In Dranesville District, staff recommends temporarily moving the polling place for the Chesterbrook precinct from the Arleigh Burke Pavilion located at 1739 Kirby Road, McLean, to Saint Dunstan's Episcopal Church located at 1830 Kirby Road, McLean. Beginning in the Spring of 2012, the Arleigh Burke Pavilion which is part of the Vinson Hall retirement and assisted living complex will be undergoing a major expansion project which will limit visitor parking and public access to the site during construction. The construction is expected to be completed by the summer of 2014. Saint Dunstan's Episcopal Church has kindly offered the use of their facility as a temporary polling place for the Chesterbrook precinct.

Board Agenda Item
January 10, 2012

(2) In Lee District, staff recommends moving the polling place for the Kingstowne precinct from the Kingstowne South Center located at 6080 Kingstowne Village Parkway, Alexandria, to the Hayfield Secondary School located 7630 Telegraph Road, Alexandria. Earlier in the year, the Kingstowne Homeowners Association notified the Office of Elections that it no longer wanted their facility to be used as a polling place after the November 2011 general election. Hayfield Secondary School, which is nearby and already serves as a polling place for Villages precinct, will be able to accommodate a second precinct without difficulty.

(3) In Providence District, staff recommends moving the polling place for the Mantua precinct from the Kena Masonic Temple located at 9001 Arlington Boulevard, Fairfax, to the Fairfax Circle Baptist Church located at 3110 Chichester Lane, Fairfax. Shortly before the November General Election, the Kena Temple notified the Office of Elections that they no longer wanted their facility to be used as a polling place. The nearby Fairfax Circle Baptist Church has kindly offered the use of their building as a polling place for the Mantua precinct.

FISCAL IMPACT:

Funding for polling place change notifications is provided in the agency's FY 2012 Adopted Budget.

ENCLOSED DOCUMENTS:

Attachment 1 - Virginia Code Pertaining to Election Precincts and Polling Places

Attachment 2 - Maps of Proposed Polling Place Changes

Attachment 3 - Proposed Ordinance

STAFF:

Cameron Quinn, General Registrar

Erin C. Ward, Assistant County Attorney

§ 24.2-307. Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within any election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

(Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. [515](#).)

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city if the city is wholly contained within the county election district served by the precinct. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the electoral board to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The electoral board shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except (i) as specifically prohibited by law including, without limitation, the prohibitions of § [24.2-604](#) and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place or (ii) upon the approval of the local electoral board, inside the structure where the election is conducted, provided that a reasonable person would not observe any campaigning activities while inside the polling place. The local electoral board may approve campaigning activities inside the building where the election is conducted pursuant to clause (ii) when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § [24.2-307](#) or [24.2-308](#) for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

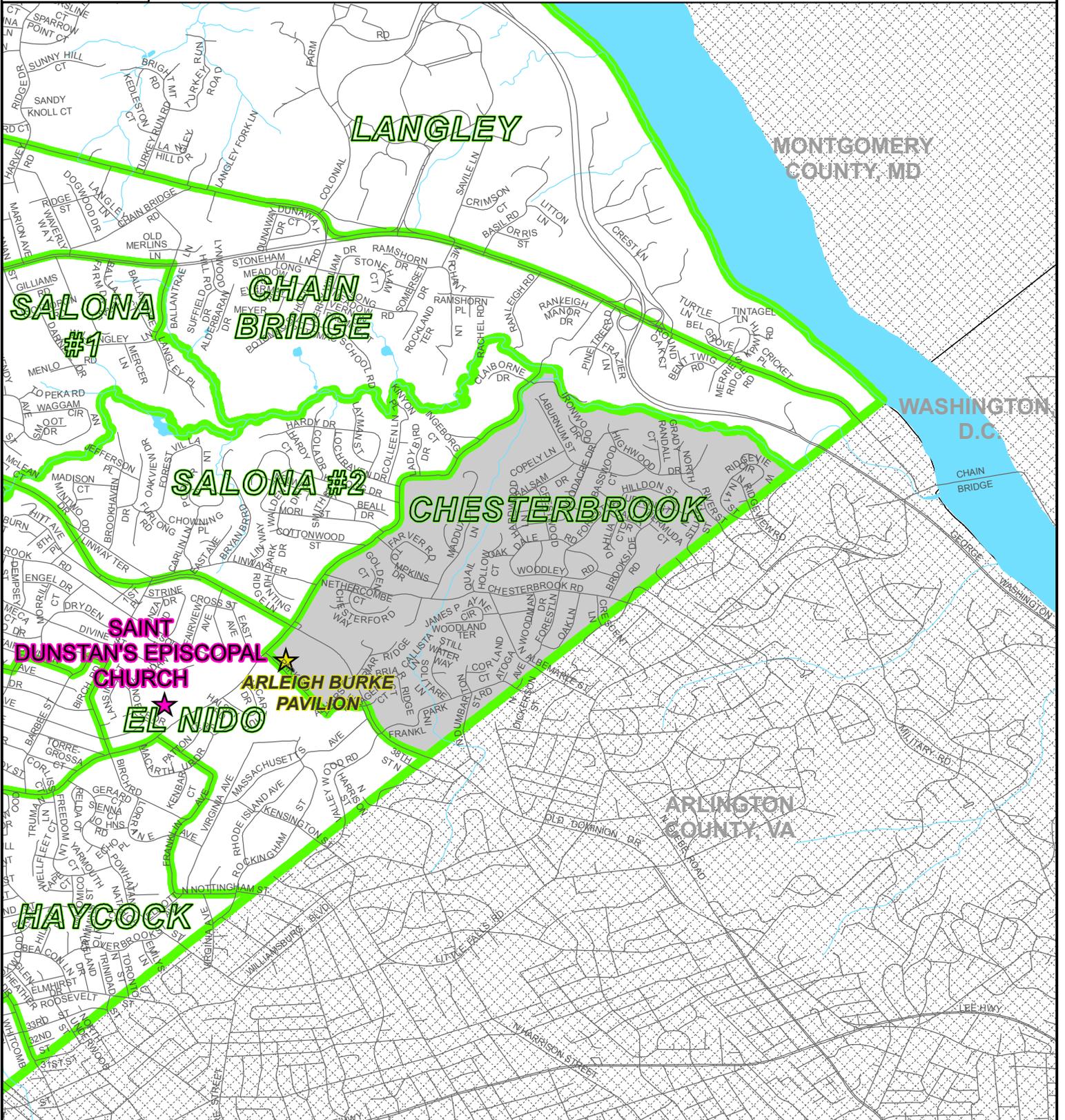
(Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. [307](#); 2003, c. [1015](#); 2004, c. [25](#); 2005, c. [340](#); 2008, cc. [113](#), [394](#); 2010, cc. [639](#), [707](#).)

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ [24.2-307](#), [24.2-308](#), and [24.2-310](#), including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

(1993, c. 904, § 24.1-37.1; 1993, c. 641.)

Commonwealth of Virginia County of Fairfax Dranesville District



Precinct: 302 CHESTERBROOK

Polling Place: Arleigh Burke Pavilion

Fairfax County Voting Precincts

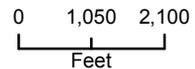
Proposed New Polling Place

Featured Precinct Polling Place

— Roadway Centerlines

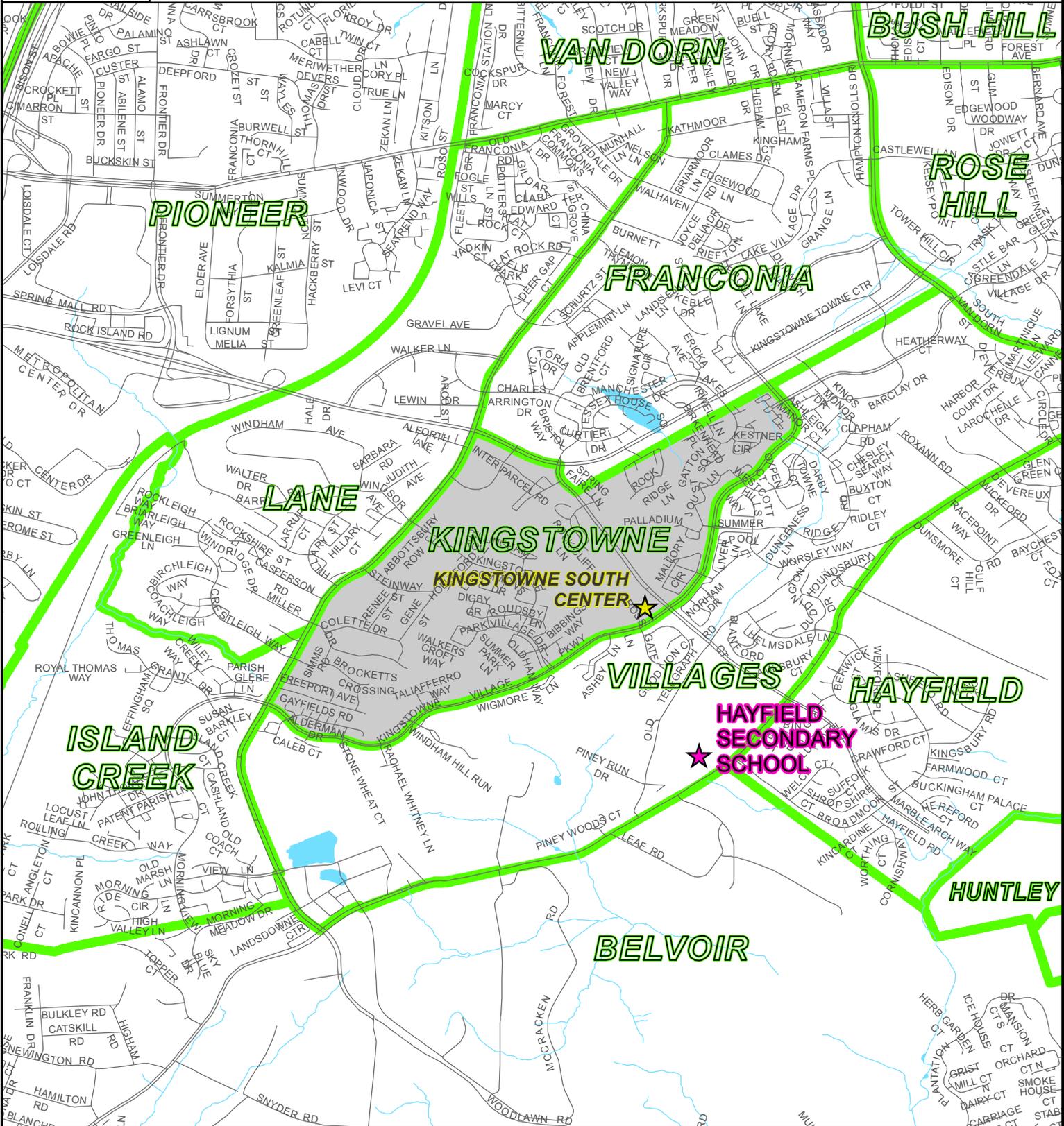
— Water Features

Other Jurisdictions



November, 2011

Commonwealth of Virginia
County of Fairfax
 Lee District



Precinct: 421 KINGSTOWNE

Polling Place: Kingstowne South Center

Fairfax County Voting Precincts

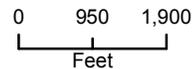
Proposed New Polling Place

Featured Precinct Polling Place

Roadway Centerlines

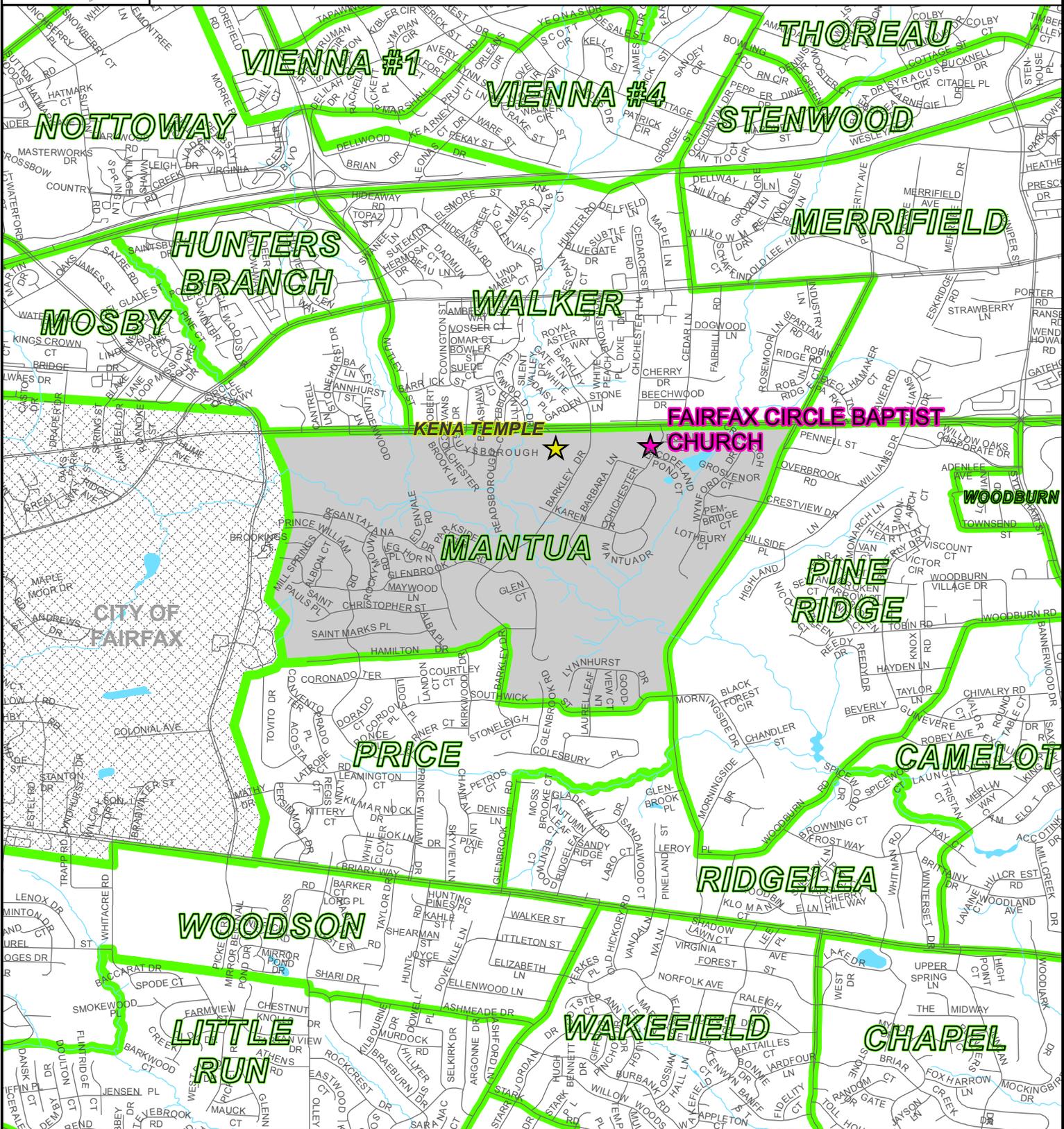
Water Features

Other Jurisdictions



November, 2011

Commonwealth of Virginia County of Fairfax Providence District



Precinct: 707 MANTUA

Polling Place: Kena Temple

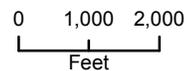
Fairfax County Voting Precincts

Proposed New Polling Place

Roadway Centerlines

Water Features

Other Jurisdictions



AN ORDINANCE TO AMEND CHAPTER 7 OF THE FAIRFAX COUNTY CODE TO TEMPORARILY RELOCATE AN ELECTION POLLING PLACE IN THE DRANESVILLE ELECTION DISTRICT AND TO RELOCATE ELECTION POLLING PLACES IN THE LEE ELECTION DISTRICT AND THE PROVIDENCE ELECTION DISTRICT

Draft of November 16, 2011

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AN ORDINANCE to amend Fairfax County Code Chapter 7, Elections, to temporarily relocate one election polling place in the Dranesville Election District and to relocate one election polling place in the Lee Election District and one election polling place in the Providence Election District, all by amending and readopting Section 7-2-13.

Be it ordained by the Board of Supervisors of Fairfax County:

1. That Section 7-2-13 is amended and readopted as follows:

Section 7-2-13. General Provisions.

All references to election precincts shall refer to those precincts, together with the descriptions and maps of the boundaries and polling places for each of those precincts, which were adopted by the Board of Supervisors on March 24, 2003, as amended on March 8, 2004, March 21, 2005, March 27, 2006, March 26, 2007, September 10, 2007, March 10, 2008, January 12, 2009, March 9, 2010, July 27, 2010, April 26, 2011, ~~and~~ July 26, 2011, and January 10, 2012, and kept on file with the Clerk to the Board of Supervisors. Whenever a road, a stream, or other physical feature describes the boundary of a precinct, the center of such road, stream, or physical feature shall be the dividing line between that precinct and any adjoining precinct.

2. That the election polling places of the precincts listed below are relocated:

<u>Supervisor District</u>	<u>Precinct</u>	<u>Polling Place</u>
Dranesville	Chesterbrook	<u>From:</u> Arleigh Burke Pavilion 1739 Kirby Road McLean, VA 22101

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To:
Saint Dunstan’s Episcopal Church
1830 Kirby Road
McLean, VA 22101
(Beginning in March 2012 and
extending through the duration of
renovation of the Arleigh Burke
Pavilion)

Lee Kingstowne

From:
Kingstowne South Center
6080 Kingstowne Village Parkway
Alexandria, VA 22315

To:
Hayfield Secondary School
7630 Telegraph Road
Alexandria, VA 22315

Providence Mantua

From:
Kena Masonic Temple
9001 Arlington Boulevard
Fairfax, VA 22031

To:
Fairfax Circle Baptist Church
3110 Chichester Lane
Fairfax, VA 22031

3. That this ordinance shall become effective upon adoption, and it shall be enforced after satisfactory completion of the federal preclearance procedure provided by Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973c.

GIVEN under my hand this ____ day of January 2012.

Nancy Vehrs
Clerk to the Board of Supervisors

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