

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 9, 2013**

AGENDA

9:30	Done	Presentations
10:30	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 9713 Water Oak Drive, Fairfax, VA, 22031 (Providence District)
2	Approved	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 4646 Holly Avenue, Fairfax, VA 22030 (Braddock District)
3	Approved	Streets into the Secondary System (Mason and Springfield Districts)
4	Approved	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Dunn Loring Residential Permit Parking District, District 3 (Providence District)
5	Approved	Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Providence District)
6	Approved	Extension of Review Period for 2232 Review Application (Braddock District)
7	Approved	Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance and Office of Victims of Crime for Human Trafficking Task Force
8	Approved	Authorization for the Fire and Rescue Department to Apply for Funding from the Department of Homeland Security for a Staffing for Adequate Fire and Emergency Response (SAFER) Grant

ACTION ITEMS

1	Approved	Approval of a Parking Reduction for Halstead Phase B, DSF/Long Metro II, LLC and DSF Long Metro III, LLC (Providence District)
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**FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 9, 2013**

**ACTION ITEMS
(Continued)**

- | | | |
|---|-----------------|--|
| 2 | Approved | Approval of Revised Transportation Funding Allocations |
| 3 | Approved | Disclosure Agreement Related to the Issuance of Refunding Revenue Bonds, Series of 2013 A, by the Upper Occoquan Sewage Authority (Sully District) |

**INFORMATION
ITEMS**

- | | | |
|-------|------------------|--|
| 1 | Noted | Dolley Madison Library, Great Falls Fire Station, Mosaic, and Virginia Department of Transportation/Virginia State Police Administration Building Receive Superior Appearance Awards from the Community Appearance Alliance of Northern Virginia (Dranesville, Providence and Springfield Districts) |
| 2 | Withdrawn | Local Comment Letter to the Virginia Housing Development Authority on The Residences at Government Center (Braddock District) |
| 10:40 | Done | Matters Presented by Board Members |
| 11:30 | Done | Closed Session |

PUBLIC HEARINGS

- | | | |
|------|---|---|
| 3:00 | Public hearing held;
decision deferred | Public Hearing on Proposed Amendments to Appendix Q of the Code of the County of Fairfax, Virginia RE: Adjustment of the Fees Charged by Land Development Services for Plan Review, Permits, and Inspection Services |
| 3:00 | Public hearing held;
decision deferred | Public Hearing on a Proposed Zoning Ordinance Amendment Re: Zoning Application Fee Schedule |
| 3:00 | Public hearing held;
decision deferred | Public Hearing for a Sewer Ordinance Amendment to Increase the Base Charge, and Maintain the Sewer Service Charges, Connection Charges, and Availability Charges, and Clarify the Meter Reading Date on which the Base Charges Will Take Effect |
| 3:00 | Public hearing held;
decision deferred | Public Hearing on the Proposed Increase in the Rate for the Transportation Tax Imposed on Certain Commercial and Industrial Properties |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 9, 2013**

**PUBLIC HEARINGS
(Continued)**

3:00	Public hearing held; decision deferred	Public Hearing on the FY 2014 Effective Tax Rate Increase
3:30	Withdrawn	Decision Only on the Proposed Ordinance Amending County Code Chapter 7 Relating to Election Precincts and Polling Places (Braddock District)
3:30	Approved	Public Hearing on RZ 2010-PR-019 (Kettler Sandburg, LLC) to Rezone from R-1 to PDH-3 (Providence District)
3:30	Approved	Public Hearing on RZ 2011-PR-010 (Cityline Partners LLC) to Rezone from C-3 and HC to PTC and HC (Providence District)
3:30	Approved	Public Hearing on RZ 2011-PR-011 (Cityline Partners LLC) to Rezone from C-3 and HC to PTC and HC (Providence District)
3:30	Approved	Public Hearing on PCA 92-P-001-10 (Cityline Partner, LLC) to Amend the Proffers for RZ 92-P-001 (Providence District)
3:30	Approved	Public Hearing on PCA 92-P-001-09 (Cityline Partners, LLC) to Amend the Proffers for RZ 92-P-001 (Providence District)
3:30	Approved	Public Hearing on SE 2012-MA-017 (Shelter Development, LLC) to Permit a Medical Care Facility (Mason District)
4:00	Approved	Public Hearing on Proposed Comprehensive Plan Amendment S12-CW-1CP Regarding Revisions to the Comprehensive Plan to Update Information on Heritage Resources
4:00	Approved	Public Hearing on Proposed Plan Amendment ST09-IV-MV1, Located West of North Kings Highway, East of Monticello Road, South of Jefferson Drive, and North of Fort Drive (Lee District)
4:00	Approved	Public Hearing to Convey Board-Owned Property to Eastwood Properties, Inc. (Lee District)
6:00	Held; Public Hearing continued to April 10, 2013	Public Hearing on the County Executive's Proposed FY 2014 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2014-2018 (CIP) (With Future Fiscal Years to 2023) and the Current Appropriation in the FY 2013 Revised Budget Plan

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Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
April 9, 2013

9:30 a.m.

PRESENTATIONS

SPORTS/SCHOOLS

- CERTIFICATE – To recognize the Oakton and Madison high school swim teams for their achievements. Requested by Supervisors Smyth and Hudgins.
- CERTIFICATE – To recognize Caroline McCleary for winning the one-meter diving event at the Virginia AAA Swim and Dive championship held at George Mason University February 15-16, 2013. Requested by Supervisor Foust.
- CERTIFICATE – To recognize Beau Donohue for winning his third Virginia Wrestling Championship. Requested by Supervisor Frey.

RECOGNITIONS

- CERTIFICATE – To recognize Marcella Fulmore for being named the 2012 Outstanding Mentor by Virginia Mentoring Partnership. Requested by Supervisor McKay.

DESIGNATIONS

- PROCLAMATION – To designate April 2013 as Sexual Assault Awareness Month in Fairfax County. Requested by Chairman Bulova

Board Agenda Item
April 9, 2013

- PROCLAMATION – To designate April 14-20, 2013, as Public Safety Telecommunications Week in Fairfax County. Requested by Supervisor Gross

STAFF:

Merni Fitzgerald, Director, Office of Public Affairs

Bill Miller, Office of Public Affairs

Board Agenda Item
April 9, 2013

10:30 a.m.

Items Presented by the County Executive

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Board Agenda Item
April 9, 2013

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 9713 Water Oak Drive, Fairfax, VA, 22031 (Providence District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 9713 Water Oak Drive, Fairfax, VA, 22031 (Tax Map No. 048-3 ((34)) 0028).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing.

TIMING:

Authorization to advertise on April 9, 2013, a public hearing to be held Tuesday, May 14, 2013 at 4:30 P.M.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2011) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2012) or Va. Code Ann. § 15.2-1115 (2012) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statute permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

Board Agenda Item
April 9, 2013

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (2011) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 9713 Water Oak Drive is the subject of property maintenance complaints dating back to August, 2007. When the property was referred to the Blight Abatement Program (BAP) in May, 2009, it was the decision of the BAP staff to pursue this case under the Virginia Maintenance Code and the case was subsequently closed in December, 2010. In April 2011, a new property maintenance case was opened as a result of another complaint for the deteriorating condition of the dwelling; the property maintenance case is currently in litigation. At the request of the Maintenance Official, a blight case was opened on June 12, 2012. The owner had not responded to correspondence from the property maintenance investigator, the County Attorney's Office or Blight Abatement Program staff. On February 6, 2013, under the authority of the Maintenance Official, an Inspection Warrant was executed. The interior inspection revealed large holes in the roof, causing partial collapse of the sheathing, ceilings, water and mold damage jeopardizing the structural integrity of the structure. The property was placarded as unsafe.

The dwelling was constructed in 1978 according to Fairfax County Tax Records. Inspection records indicate the property has been vacant since at least August 22, 2007.

Due to the deteriorated condition of the structure and the unresponsiveness by the owner to make any attempt to abate the blighted condition of the property, BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on September 13, 2012 and the NETF Committee found that the subject property met the blighted property guidelines and the property received a preliminary blight determination. Certified and regular Notice was sent to the owner advising him of this determination.

Board Agenda Item
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Although the County will continue to seek cooperation from the owner to eliminate the blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (2012) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Fund 300-C30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition from Fund 300-C30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. Funding is available in Project 2G97-001-000 to proceed with the demolition estimated to cost approximately \$30,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Robert A. Stalzer, Deputy County Executive
Jeffrey L. Blackford, Director, Department of Code Compliance
Karen McClellan, Operations Manager, Department of Code Compliance
Susan Epstein, Division Supervisor, Department of Code Compliance
Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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**9713 Water Oak Drive
Tax Map # 048-3 ((34)) 0028
Providence District
Attachment 1**



9713 Water Oak Drive
Tax Map # 048-3 ((34)) 0028
Providence District
Attachment 1

Board Agenda Item
April 9, 2013

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 4646 Holly Avenue, Fairfax, VA 22030 (Braddock District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 4646 Holly Avenue, Fairfax, VA, 22030 (Tax Map No. 056-3 ((02)) 0026).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing.

TIMING:

Authorization to advertise on April 9, 2013, a public hearing to be held Tuesday, May 14, 2013, at 4:30 P.M.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2011) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2012) or Va. Code Ann. § 15.2-1115 (2012) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statute permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

Board Agenda Item
April 9, 2013

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (2011) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

A property maintenance case was opened and investigated in February 2011 for the dwelling unit being abandoned and in disrepair. The owner made repairs to the broken windows and secured the property and the case was closed for compliance in June 2011. A new complaint was received on July 25, 2012 for the dwelling being vacant and lacking maintenance, the case was referred to the Blight Abatement Program (BAP). A letter was sent to the owner in August, 2012, at which time the owner stated he had hired a contractor to demolish the structure. The owner did not follow through with that plan. The property was brought to the Neighborhood Enhancement Task Force (NETF) on September 13, 2012 and the NETF Committee found that the subject property met the blighted property guidelines and the property received a preliminary blight determination. Certified and regular Notice was sent to the owner advising him of this determination.

On February 4, 2013, a follow up inspection was performed which revealed the structure was again unsecured against entry to the public. Viewed through the open front door, it was observed the ceilings had collapsed. The structure was placarded as Unsafe and a call placed to the owner. The owner secured the structure, but, to date, has not followed through with the demolition of the structure.

Located on the subject property is an abandoned, one and a half story dwelling with a full basement. The dwelling was constructed in 1940 according to Fairfax County Tax Records. The interior appears to have smoke damage from an accidental fire that occurred on February 18, 2004 prior to the current owner. The structure has been vacant since at least July 2005.

Due to the time it is taking the owner to obtain the demolition permit and the safety concerns that the vacant property is an attractive nuisance, BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

Board Agenda Item
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Although the County will continue to seek cooperation from the owner(s) to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (2012) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Fund 300-C30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition from Fund 300-C30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. Funding is available in Project 2G97-001-000 to proceed with the demolition estimated to cost approximately \$31,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Robert A. Stalzer, Deputy County Executive
Jeffrey L. Blackford, Director, Department of Code Compliance
Karen McClellan, Operations Manager, Department of Code Compliance
Susan Epstein, Division Supervisor, Department of Code Compliance
Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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**4646 Holly Avenue, Fairfax
Tax Map # 056-3 ((02)) 0026
Braddock District
Attachment 1**



4646 Holly Avenue, Fairfax
Tax Map # 056-3 ((02)) 0026
BraddockP District
Attachment 1

Board Agenda Item
April 9, 2013

ADMINISTRATIVE – 3

Streets into the Secondary System (Mason and Springfield 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>
Saul Holdings LP (Seven Corners Shopping Center)	Mason	Leesburg Pike (Route 7) (Additional Right-of-Way (ROW) Only)
		Arlington Boulevard (Route 50) (Additional ROW Only)
		Thorne Road (Route 5612) (Additional ROW Only)
Silverbrook Farms Phase 2	Springfield	Emma Ann Way
		Silverbrook Road (Route 600) (Additional ROW Only)

TIMING:

Routine.

BACKGROUND:

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

Board Agenda Item
April 9, 2013

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

Print Form

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</p> <p>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.</p> <p>ENGINEERING MANAGER: Terry L. Yates, P.E. BY: <i>Terry Yates</i></p>	<p>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p>PLAN NUMBER: 9037-SP-02</p> <p>SUBDIVISION PLAT NAME: Saul Holdings LP (Seven Corners Shopping Center)</p> <p>COUNTY MAGISTERIAL DISTRICT: Mason</p> <p style="text-align: center;">FOR OFFICIAL USE ONLY</p> <p>DATE OF VDOT INSPECTION APPROVAL: 11/16/2012</p>
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STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Leesburg Pike (Route 7) (Additional Right-of-Way Only)	540' NW CL Patrick Henry Drive (Route 2327)	333' NW to Section Line	0.0
Arlington Boulevard (Route 50) (Additional Right-of-Way Only)	25' SE CL Thorne Road (Route 5612)	539' SE to Section Line	0.0
Thorne Road (Route 5612) (Additional Right-of-Way Only)	207' NE CL Leesburg Pike (Route 7)	240' NE to Section Line	0.0
TOTALS:			0.0

NOTES:

Leesburg Pike: 6' Concrete Sidewalk on North Side to be maintained by VDOT.

Arlington Boulevard: 4' Concrete Sidewalk on South Side to be maintained by VDOT.

Thorne Road: 4' Concrete Sidewalk on East Side to be maintained by VDOT.

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</p> <p>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.</p> <p>ENGINEERING MANAGER: Terry L. Yates, P.E. BY: <i>Nadia Aljazeera</i></p>	<p>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p> <p>PLAN NUMBER: 6454-SD-022</p> <p>SUBDIVISION PLAT NAME: Silverbrook Farms Phase 2</p> <p>COUNTY MAGISTERIAL DISTRICT: Springfield</p> <p style="text-align: center;">FOR OFFICIAL USE ONLY</p> <p>DATE OF VDOT INSPECTION APPROVAL: 01/14/2013</p>	
	LOCATION	
	FROM	TO
		LENGTH
		MILE
Emma Ann Way	CL Bayberry Ridge Road (Route 8231) - 177' N CL Silverbrook Road (Route 600)	214' NW to Beginning of Temporary Turnaround Easement
Silverbrook Road (Route 600) (Additional Right-of-Way Only)	26' W CL Bayberry Ridge Road (Route 8231)	310' W to Section Line
NOTES:		TOTALS:
Emma Ann Way: 4' Concrete Sidewalk on North Side to be maintained by Fairfax County; South Side to be maintained by VDOT.		0.04
Silverbrook Road: 8' Asphalt Trail on North Side to be maintained by Fairfax County.		

Board Agenda Item
April 9, 2013

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Dunn Loring Residential Permit Parking District, District 3 (Providence District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Dunn Loring Residential Permit Parking District (RPPD), District 3.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing.

TIMING:

The Board should take action on April 9, 2013, to advertise a public hearing for April 30, 2013, at 4:30 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 petitioning 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 proposed RPPD is within 1,000 feet from the Dunn Loring Metrorail Station property boundary. All other requirements to expand the RPPD have been met.

Board Agenda Item
April 9, 2013

FISCAL IMPACT:

The cost of sign installation is estimated at \$200 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 Expansion

STAFF:

Robert A. Stalzer, Deputy County Executive

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, Sr. Transportation Planner, FCDOT

Hamid Majdi, Transportation Planner, FCDOT

Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by adding the following street to Appendix G-3, Section (b), (2), Dunn Loring Residential Permit Parking District, in accordance with Article 5A, of Chapter 82:

Walters Glen Way (Route 10548)
From Cottage Street to the cul-de-sac inclusive



Fairfax County Department of Transportation
 Traffic Operations Section
 Residential Permit Parking District
 DUNN LORING # 3
 Providence District



Board Agenda Item
April 9, 2013

ADMINISTRATIVE - 5

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Providence District)

ISSUE:

Board endorsement of Traffic Calming measures as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse a traffic calming plan for Cottage Street (Attachment I) consisting of the following:

- Four Speed Humps and one Raised Crosswalk on Cottage Street (Providence 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 April 9, 2013.

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 multi-way stop signs (MWS), speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. Staff performed engineering studies documenting the attainment of qualifying criteria. Staff worked with the local Supervisors' office and community to determine the viability of the requested traffic calming measures to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff that plan is then submitted for approval to residents of the ballot area in the adjacent community. On March 5, 2013, the Department of Transportation received verification from the local Supervisor's office confirming community support for the above referenced traffic calming plan.

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FISCAL IMPACT:

Funding in the amount of \$40,000 for the traffic calming measures associated with the Cottage Street projects is available in Fund100-C10001, General Fund, under Job Number 40TTCP.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Cottage Street

STAFF:

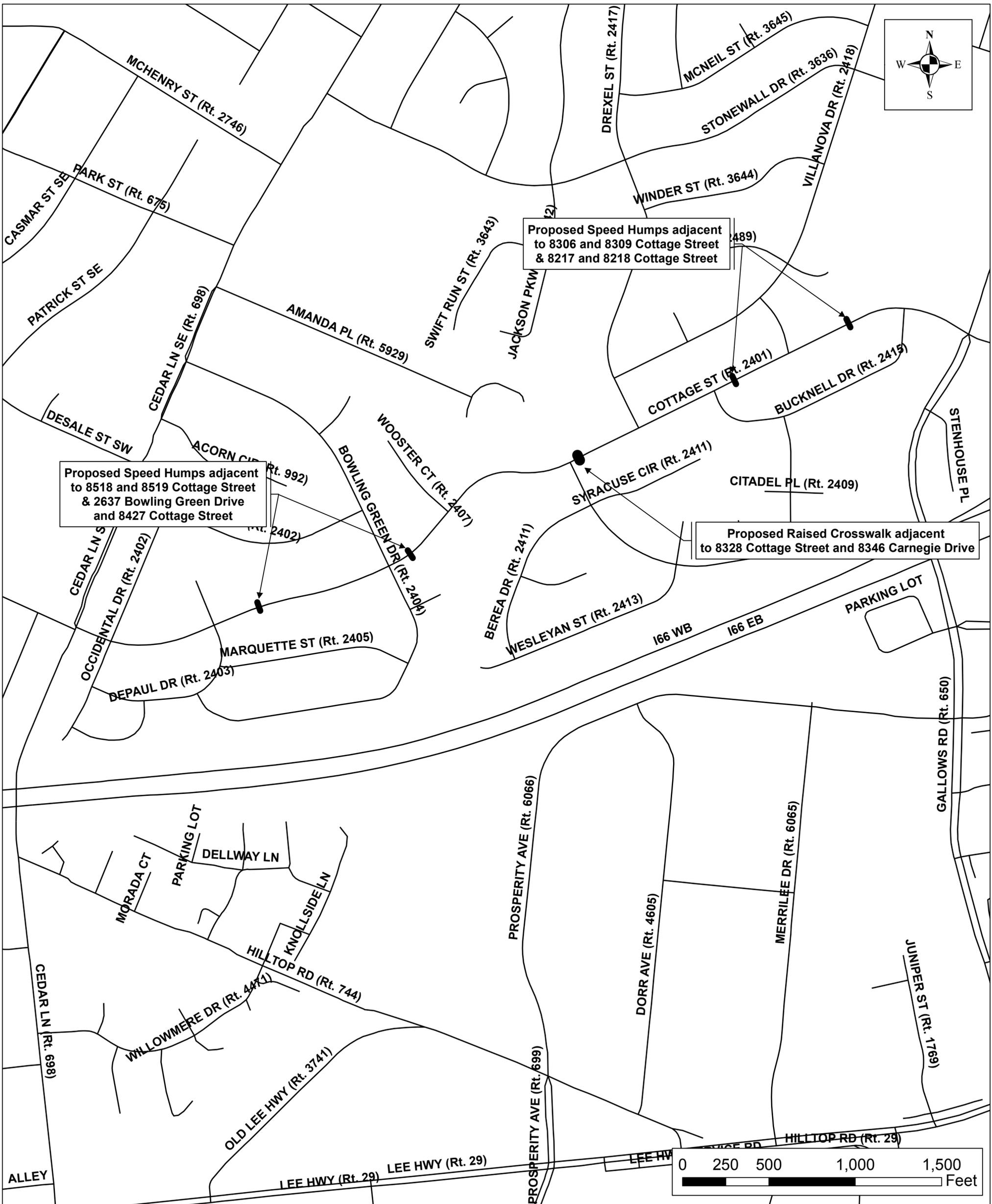
Robert A. Stalzer, Deputy County Executive

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

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

Selby J. Thannikary, Chief, Traffic Operations Section, FCDOT

Steven K. Knudsen, Transportation Planner, Traffic Operations Section, FCDOT



MARCH 2013



Fairfax County Department of Transportation
 Residential Traffic Administration Program (RTAP)
TRAFFIC CALMING PLAN
COTTAGE STREET
 Providence District



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Board Agenda Item
April 9, 2013

ADMINISTRATIVE – 6

Extension of Review Period for 2232 Review Application (Braddock District)

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 period for the following application: Application 2232-B12-9 to June 19, 2013.

TIMING:

Board action is required on April 9, 2013, to extend the review period of the application noted above before it expires on April 19, 2013.

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 is asked to extend the review period for application 2232-B12-9; which was accepted for review by DPZ on February 18, 2013. This application is for a non-telecommunications public facility and thus, is not 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.

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The review period for the following application should be extended as follows:

2232-B12-9 Montecello Park
 5315 Guinea Road
 Fairfax, Virginia 22032
 Braddock District

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning, DPZ
Chris B. Caperton, Chief, Facilities Planning Branch, Planning Division, DPZ
Connie A. Maier, Planner, Facilities Planning Branch, Planning Division, DPZ

ADMINISTRATIVE – 7

Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance and Office of Victims of Crime for Human Trafficking Task Force

ISSUE:

Board of Supervisors authorization is requested for the Fairfax County Police Department to apply and accept funding, if received, from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance and Office of Victims of Crime in the amount of \$666,667, including \$166,667 in Local Cash Match. Funding will support the Northern Virginia Human Trafficking Task Force. The grant period for this award is October 1, 2013 to September 30, 2015. Total funding requested for the 24-month grant period will support 2/2.0 FTE new grant positions (1/1.0 FTE Police Officer II and 1/1.0 SYE Crime Analyst I), as well as equipment, supplies, training, rental vehicle and fuel costs. The required 25 percent Local Cash Match of \$166,667 is available in the Federal-State Grant fund. If the actual award received is significantly different from the application, another Board item will be submitted requesting appropriation of grant funds. Otherwise, staff will process the award per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Police Department to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance and Office of Victims of Crime.

TIMING:

Due to an application deadline of March 14, 2013, the grant application was submitted pending Board approval. It should be noted that the Police Department was asked to apply for this grant on March 5, 2013 by the United States Attorney for the Eastern District of Virginia and the submission for the Board administrative item was completed for the earliest subsequent Board meeting which is scheduled for April 9, 2013. If the Board does not approve this request, the application will be immediately withdrawn.

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BACKGROUND:

The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Enhanced Collaborative Model to Combat Human Trafficking grant program provides awards of federal funding up to \$500,000 to support collaborative initiatives between law enforcement agencies, victim service providers, and the U.S. Attorney's Office (USAO) in identifying, rescuing, and assisting victims of all forms of human trafficking. The Northern Virginia Human Trafficking Task Force, co-supervised by the Police Department and the U.S. Attorney's Office of the Eastern District of Virginia, is a multi-disciplinary effort to investigate and prosecute human trafficking crimes; identify, rescue, and assist victims; and develop a sound strategy of collaboration that may be replicated nationwide to combat human trafficking. It should be noted that, if federal funding is awarded, the Northern Virginia Human Trafficking Task Force has partnered with the Polaris Project, a local non-profit organization, for the provision of victim services, under a separate grant application.

FISCAL IMPACT:

If awarded, funding in the amount of \$666,667, including \$166,667 in Local Cash Match will support the Northern Virginia Human Trafficking Task Force over a 24-month period. The required 25 percent Local Cash Match of \$166,667 is available from the Federal-State Grant fund Local Cash Match Reserve for unanticipated awards. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

The grant will support 2/2.0 FTE new grant positions (1/1.0 FTE Police Officer II and 1/1.0 SYE Crime Analyst I) who will be assigned to the Northern Virginia Human Trafficking Task Force. The County is under no obligation to continue funding these positions when the grant funding expires.

ENCLOSED DOCUMENTS:

Attachment 1 – Budget Narrative

STAFF:

David M. Rohrer, Deputy County Executive
Lt. Colonel Edwin Roessler Jr., Acting Police Chief

**Fairfax County Police Department
Northern Virginia Human Trafficking Task Force
Budget Narrative**

A. Personnel – Total: \$530,554 (Fed =\$397,916; Local = \$132,638)

- **Fairfax County Human Trafficking Detective (1 FTE \$155,466; FY14, FY15)** will spend 100% of their time in direct law enforcement activities related to human trafficking in the assigned jurisdiction. The FCPD Community Resources Division will reassign a detective from their division to the grant funded Human Trafficking Task Force. The open Community Resources Division position will remain in the general fund budget and be filled as personnel become available. The budgeted funding for this open position will not be reallocated but rather remain in the budget until the position can be filled. This detective will report to the U.S. Attorney’s Office as well as the FCPD command. This individual’s annual salary will be covered for the 24 months of the grant.
- **Task Force Crime Analysts (Crime Analyst I) (1 FTE \$121,572; FY14, FY15)** will spend 100% of their time serving as the central analytical clearinghouse for the Task Force and would be responsible for (1) filtering all tips and leads throughout FCPD for investigations that potentially involve human trafficking in its various forms (juvenile sex trafficking, forced prostitution of adults, and forced labor); (2) sharing information across federal, state, and local law enforcement members of the task force; and (3) supporting investigative efforts by local detectives and federal agents working on human trafficking cases. The crime analyst would be located formally within the Community Resources Division. This individual’s annual salary will be covered for the 24 months of the grant. The position will be filled by utilizing Fairfax County hiring regulations in order to obtain the most qualified candidate for the position.

- **Fringe Benefits – Total: \$128,361**

Fairfax County Human Trafficking Detective over two years:	\$77,422
Task Force Crime Analyst I over two years:	\$50,939

Fringe benefits reflect the standard benefits granted to all full time County personnel. The benefits will include FICA, retirement, life insurance, unemployment compensation, life, health and unemployment insurance.

- **Uniform Maintenance Allowance (\$1150 per year X 2) \$2,300**
 Detectives are allotted a cleaning allowance and a specialty assignment clothing allowance on a yearly basis per county regulations and agreements.
- **Overtime for Task Force Detective and Other Task Force Personnel –
 Total: \$122,855 (\$61,427.50 per year x 2)**
 Overtime funding is being budgeted for the Task Force detective and Task Force Crime Analyst as well as other detectives in the Community Resources Division and Task Force

members who may be needed for investigative purposes, court purposes, unscheduled meetings and other human trafficking after-hour community outreach assignments.

B) Equipment – Total: \$6,000 (\$3,000 X 2 computers) (Fed = \$4,500; Local = \$1,500)

- Two computer laptops and accompanying software will be purchased for the Task Force Detective and the Task Force Crime Analyst. These computers will be utilized by these individuals for daily reports and correspondences, record keeping, email, etc.

C) Professional Development Training/Travel – Total: \$77,000 (22 classes at \$3,500 over 2 years)

(Fed = \$57,750; Local = \$19,250)

- Funding will be allocated to provide Task Force detectives, Crime Analysts, and other Fairfax County personnel participating in the Task Force operations in advanced Human Trafficking Training. This will allow for personnel directly involved in the Task Force to have the most advanced, up-to-date training from experts throughout the country. Many educational opportunities are announced throughout the year but at this point it is impractical to line-item each training session until the Task Force is aware of the event. The SAA will be notified which classes are being requested for approval before the training is scheduled. The budgeted amounts may vary depending on how many allowable task force members attend the training and the location of the training.

D) Mandatory Grant Requirement Training: (\$1,000) (Fed = \$750; Local = \$250)

- Regional Financial Management Training Seminar sponsored by OJP’s Office of the Chief Financial Officer (OCFO) **\$0.00 cost**, training in DC so fuel costs only needed that will be applied to category “E” in budget narrative (Fuel). Fairfax County is 30 miles from DC.
Scheduled November 20-21, 2013 Washington, DC

- One regional trafficking training Regional Multidisciplinary Human Trafficking Training Williamsburg, VA (3 days with 3 Task Force Personnel)

Registration:	Free	
Hotel:	6 rooms X \$96 =	\$576.00
Per Diem	3 X \$128 =	\$384.00
Parking		<u>\$40.00</u>
	Total:	\$1,000

E) Task Force Supplies – Total: \$18,873 (\$9,437 X 2 years)

(Fed = \$14,155, Local = \$4,718)

- Supplies for the Task Force will be needed with \$5,000 being budgeted for each year of the grant. These necessary supplies will include but are not limited to postage for mailings, general office supplies (i.e., binders, file folders, printer paper, toner, staples,

etc.), printed material (such as flyers, program announcements, correspondence, reports etc.) and common day-to-day office supplies.

F) Department of Vehicle Services Fuel Costs - \$8,640 (\$4,320 x 2 years)
(Fed = \$6,480; Local = \$2,160)

- The assigned detective for the Task Force will be provided a rental vehicle. Fuel will need to be purchased for that vehicle throughout the two year period of the grant.

G) Rental Vehicle - \$21,600 (\$900/month or \$10,800 per year)
(Fed = \$16,200; Local = \$5,400)

- A rental vehicle will be necessary for the detective assigned to the task force. The rental vehicle will be used for task force assignments and day-to-day work activities. The current rate for rental vehicles is \$900 per month.

H) Supplies for Regional Meetings – Total: \$3,000 (Fed = \$2,250; Local = \$750)

- Supplies for regular regional task force meetings to include written materials, handouts, pens, etc.

Summary:

FY14 Budget Total: **\$332,728**

FY15 Budget Total: **\$333,939**

Total Grant Funding: \$666,667

Federal Funding: \$500,000

Local Cash Match: \$166,667

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ADMINISTRATIVE - 8

Authorization for the Fire and Rescue Department to Apply for Funding from the Department of Homeland Security for a Staffing for Adequate Fire and Emergency Response (SAFER) Grant

ISSUE:

Board of Supervisor authorization is requested for the Fire and Rescue Department (FRD) to apply for funding from the U.S. Department of Homeland Security (DHS) through the Federal Emergency Management Agency (FEMA) for a Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of \$3,160,466. The department will apply for funds to re-establish 19/19.0 FTE merit firefighter positions that were eliminated through natural attrition as a result of department budget reductions.

If awarded, the total amount of grant funds received by the County will be \$3,160,466 over the two year performance period. In Program Year 2013 (PY13) the Hiring of Firefighters Activity performance period is two years, there are no annual salary limits and the County is not required to retain SAFER-funded firefighters after the grant ends. There is no Local Cash Match requirement. However, costs such as training, equipment and overtime are not eligible grant costs and will be borne by the County if awarded and accepted. The cost to the County over a two-year period is \$435,442. Including DHS funding and required County funding, the total cost of this program over a two-year period is \$3,595,908. Currently, the required County funding of \$435,442 has not been identified. If the County is awarded funding, staff will work with the County Executive to identify County resources and staff will submit another item to accept the award. If however, no County resources are identified, the County may elect to decline an award.

RECOMMENDATION:

The County Executive recommends the Board authorize the Fire and Rescue Department to apply for funding in the amount of \$3,160,466 to be received over two years from the U.S. Department of Homeland Security for the SAFER grant program to hire an additional 19/19.0 FTE merit firefighter positions.

TIMING:

Board approval is requested on April 9, 2013.

BACKGROUND:

The purpose of the SAFER Grant is to assist local fire departments with staffing and deployment capabilities in order to respond to emergencies, assuring communities have adequate protection from fire related hazards as prescribed by the National Fire Protection Association (NFPA) standards. The grant period of performance is two years and provides funding to pay salaries and fringe benefits of firefighters. Grantees are required to maintain the number of authorized funded positions as declared at the time of application plus the awarded firefighter positions throughout the two-year period of performance, but have no obligation to retain SAFER funded positions after the grant ends.

If Fairfax County is successful in obtaining this award, it will provide an opportunity for FRD to bring five County truck companies (each with three shifts) into compliance with OSHA and NFPA safe-staffing standards. Fairfax County truck companies are currently staffed with only three personnel; a level below industry best practices. Adding a fourth staff person to truck companies will bring units into compliance with Occupational Safety and Health Administration, and NFPA standards. OSHA 1910.134, commonly referred to as the two-in two-out rule, requires two employees enter an Immediate Dangerous to Life & Health (IDLH) atmosphere & remain in visual or voice contact with one another at all times. Additionally, two employees must be located outside the IDLH atmosphere for interior crew protection. NFPA 1710, section 5.2.2.2.1, states truck companies shall be staffed with a minimum of 4 firefighters. Achieving industry standard staffing levels will increase firefighter safety, reduce injuries & provide citizens with the best chance of rescue & survival.

Costs associated with training, equipping, and overtime of newly hired firefighters, and other administrative support costs, cannot be included as part of the grant application and must be supported with Fairfax County funds. This amount is estimated to be \$217,721 each year of the two year performance period for a total of \$435,442.

The department will continue to monitor the legislative process to seek opportunities for addressing other critical staffing issues through future grant funds, and will apply for future SAFER funding should this grant stream be continued in upcoming fiscal years.

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FISCAL IMPACT:

If the application is successful, the Fire and Rescue Department will receive \$3,160,466 in federal funding over two years for the Hiring of Firefighters Activity. These funds will be used to hire 19/19.0 FTE merit firefighter positions to provide adequate staffing for five truck companies. There is no Local Cash Match required. However, because of the need to fund non-eligible grant costs associated with training, equipment, and overtime, the required County contribution to fully fund this initiative is \$435,442. The total cost of this program activity over a two-year period is \$3,595,908, including DHS funding and required County funding. If this award is received, the appropriation will be requested in the Federal-State Grant Fund as part of a quarterly review. This grant does allow the recovery of indirect costs; however, because this grant program is highly competitive, FRD has elected to omit inclusion of indirect costs to maximize our competitive position.

CREATION OF NEW POSITIONS:

A total of 19/19.0 FTE merit positions would be created through this grant award. The County is under no obligation to continue funding these positions once the period of performance expires.

ENCLOSED DOCUMENTS:

Attachment 1 – FY 13 SAFER Cost Estimate

STAFF:

David M. Rohrer, Deputy County Executive

Ronald L. Mastin, Fire Chief

Cathy Maynard, Grants Coordinator, Fire and Rescue Department

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Total Cost All Years

Positions	# Positions	Total Program Cost	County Commitment	Federal Commitment
Staffing	19	\$3,595,908	\$435,442	\$3,160,466
Totals	19	\$3,595,908	\$435,442	\$3,160,466

Year One

Annual Program Cost	County Commitment	Federal Commitment
\$1,787,199	\$217,721	\$1,569,478

Year Two

Annual Program Cost	County Commitment	Federal Commitment
\$1,808,709	\$217,721	\$1,590,988

PY 13 SAFER Cost Estimate

Positions	# Positions	Reg Salary ¹	Shift Diff	Overtime	Operating Expense	Fringe Benefits Reg. Salaries ²	Fringe Benefits OT ³	Total Program Cost	County Commitment ⁴	Federal Commitment
Year One <i>(Estimate to begin FY 14)</i>										
Rehire Staffing	19	\$967,900	\$41,648	\$114,000	\$95,000	\$559,930	\$8,721	\$1,787,199	\$217,721	\$1,569,478
Total Year One	19	\$967,900	\$41,648	\$114,000	\$95,000	\$559,930	\$8,721	\$1,787,199	\$217,721	\$1,569,478
Year Two <i>(Estimate to begin FY 15)</i>										
Rehire Staffing	19	\$996,937	\$41,648	\$114,000	\$95,000	\$552,403	\$8,721	\$1,808,709	\$217,721	\$1,590,988
Total Year Two⁵	19	\$996,937	\$41,648	\$114,000	\$95,000	\$552,403	\$8,721	\$1,808,709	\$217,721	\$1,590,988
All Years Cost:								\$3,595,908	\$435,442	\$3,160,466

¹First year base salary (F18-1) projected on FY14 Uniformed Fire & Rescue Employees Pay Plan. An increase in base salary of 3% per year is projected in year two.

²FY14 uniform fringe benefit planning factor 57.85%

³Fringe OT = 7.65% FICA

⁴Costs not eligible through grant funds - includes overtime and operating expenses

⁵Note there is no requirement to fund positions after two year grant period ends.

ACTION – 1

Approval of a Parking Reduction for Halstead Phase B, DSF/Long Metro II, LLC and DSF Long Metro III, LLC (Providence District)

ISSUE:

Board of Supervisors (Board) approval of a 25.0 percent reduction of the code required parking, which is a reduction of 349 parking spaces, for the proposed residential component and a 13.1 percent reduction of the code required parking, which is a reduction of 47 parking spaces, for the proposed non-residential component for the Halstead Phase B mixed-use development, Tax Map Numbers 49-1 ((16)) 14, 15 & 16 and 49-2 ((1)) 18A & 19A, Providence District.

RECOMMENDATION:

The County Executive recommends that the Board approve a 25.0 percent parking reduction for the proposed residential component and a 13.1 percent parking reduction for the proposed non-residential component for the Halstead Phase B mixed-use development pursuant to paragraphs 4(B), 5, and 26 of Section 11-102 of Chapter 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia*, based on an analysis of the parking requirements for each use on the site and a parking reduction study on condition that:

1. A minimum of 1,362 parking spaces must be maintained at all times at build-out for Halstead Phase B.
2. A minimum of 1,049 garage parking spaces must be maintained on site at all times to serve the 873 residential dwelling units apportioned among the buildings based on 1.2 spaces per dwelling unit and shall be distinguished from the parking spaces available to the site's other uses by a separate garage or by another physical barrier or separation approved by the Director. The site plan must clearly note how the residential parking spaces will be separated.
3. A minimum of 313 parking spaces must be maintained at all times at build-out to serve the non-residential uses. Parking shall not be reserved to serve individual businesses and a cross-easement shall be created over the property to allow all of the non-residential uses to park in any of the spaces serving the non-residential uses.

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4. Subject to Paragraph 3 above, a minimum of 107 parking spaces shall be provided for non-residential uses on the site plan for construction of Buildings #1 and #2; and a minimum of 206 parking spaces shall be provided for non-residential uses on the site plan for construction of Buildings #3 and #4.
5. Any parking spaces for vanpools and car-sharing vendors (such as ZipCar/FlexCar) shall be in addition to the minimum required 1,362 spaces.
6. The following uses are permitted per this parking reduction for Halstead Phase B:
 - 873 residential dwelling units (656 one bedroom or studio units and 217 two bedroom units)
 - 27,077 gross Square Feet (GSF) of shopping center
 - 773 total restaurant seats (680 table seats and 93 counter seats) and 52 employees, which includes 116 outdoor “seasonal” restaurant table seats and 6 employees (seasonal seats to be only available during the months of January through November).

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

7. The Transportation Demand Management (TDM) program proffered in conjunction with the approval of the Halstead Mixed-Use Development Proffers (RZ/FDP 2007-PR-001) must be implemented. The number of residential units occupied and the number of residential spaces leased/purchased broken out by building shall be included as part of the annual report for the TDM program.
8. The current owners, their successors, or assigns of the parcels identified as Tax Map Numbers 49-1 ((16)) 14, 15 & 16 and 49-2 ((1)) 18A & 19A on Fairfax County Property Maps shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking spaces requirements as specified in Article 11 of the Zoning Ordinance.
9. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of the County Code and the Zoning Ordinance in effect at the time of said parking utilization study submission.

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10. The owners may implement and the Director may approve future modifications to the mix of non-residential uses between shopping center retail and restaurant eating establishments provided that (a) the total square footage of non-residential development established on the Property does not increase; and (b) a new parking generation study using the same methodology as the shared parking study dated November 19, 2012 demonstrates to the satisfaction of the Director of the Department of Public Works and Environmental Services that (i) the synergy between the uses is comparable to the approved parking study associated with this parking reduction; and (ii) the percent of reduction granted by the Board is not increased. A utilization study may additionally be required by the Director if it is determined to be needed to evaluate the existing parking conditions at the time of the request.
11. 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 County Code and the Zoning Ordinance and shall be subject to the Board's approval.
12. All parking provided shall be in accordance with applicable requirements of Article 11 of Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act.
13. The conditions of approval of this parking reduction shall be binding on the successors of the current owners and/or other applicants and be recorded in the Fairfax County land records in a form acceptable to the County Attorney.
14. Unless an extension has been approved by the Board, this parking reduction shall expire without notice 6 months from the date of Board approval if Condition #13 has not been satisfied.

TIMING:

Board action is requested on April 9, 2013.

BACKGROUND:

An amendment to a previously approved parking reduction for the Halstead Phase B development has been requested since the mix of uses on the site has changed. On October 15, 2007, the Board approved RZ/FDP 2007-PR-001. On July 27, 2010, the Board approved a parking reduction request for Halstead Phase B.

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The proposed development consists of four (4) buildings on a 8.26--acre site located between Gallows Road and Merilee Drive approximately 1/3 of a mile from the Dunn Loring Metro Station. Each of the buildings will provide sub-grade parking with a minimal amount of surface parking. The site is zoned Planned Residential Mixed-Use and is within the Merrifield Suburban Center.

Two development options were approved as part of RZ/DP 2007-PR-001. The parking reduction approved July 27, 2010 was based on development Option 2, which includes hotel uses in conjunction with residential units and retail uses. Since approval of the prior parking reduction request, the Applicant has constructed Buildings 4 and 2 and is nearing completion of Building 1. Under proffer development Option 2, unbuilt Building 3 was originally planned for a hotel use. The Applicant now seeks to revise the approved parking reduction to alternatively develop the project in accordance with proffered plan Option 1 that excludes the hotel use but includes approximately 840 to 1,150 residential units and between 50,000 to 101,723 GSF of retail uses.

The revised parking reduction request is based on a proposed development that consists of a total of 873 residential dwelling units and 27,077 GSF of shopping center and restaurants. The 873 residential dwelling units (656 one bedroom or studio units and 217 two bedroom units) currently proposed would require 1,398 parking spaces at a rate of 1.6 spaces per unit under a strict application of the Zoning Ordinance requirements. The proposed non-residential uses would require 360 parking spaces under a strict application of the Zoning Ordinance requirements. The application is a request for a parking reduction of 25.0 percent (or 349 fewer spaces) for the proposed residential component, and a parking reduction of 13.1 percent (47 fewer parking spaces) for the proposed nonresidential component. The previously approved parking reduction request was for a parking reduction of 25.0 percent (or 342 fewer spaces) for the proposed residential component, and a parking reduction of 27.3 percent (126 fewer parking spaces) for the proposed nonresidential component.

The review of the parking study indicates that the mix of uses, the Transit-Oriented development (TOD), its proximity to the Dunn Loring Metrorail station, and the presence of a transportation demand management (TDM) program proffered in conjunction with the approval of rezoning application RZ/FDP 2007-PR-001, will support this parking request. Therefore, staff recommends granting a 25.0 percent parking reduction for the residential component and a 13.1 percent parking reduction for the nonresidential component for the Halstead Phase B mixed-use development subject to the conditions listed in the Recommendation Section above.

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

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FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Parking Reduction Study by Wells and Associates dated November 19,
2012, Excerpt

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental
Services (DPWES)
Michelle A. Brickner, Deputy Director for Land Development Services, DPWES

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WELLS + ASSOCIATES

MEMORANDUM

TO: Beth Forbes, P.E.
Land Development Services

FROM: Robin L. Antonucci
Kevin R. Fellin
John F. Cavan

RE: RZ/FDP 2007-PR-001;
DSF/Long Metro II LLC and DSF/Long Metro III LLC;
Fairfax County, Virginia

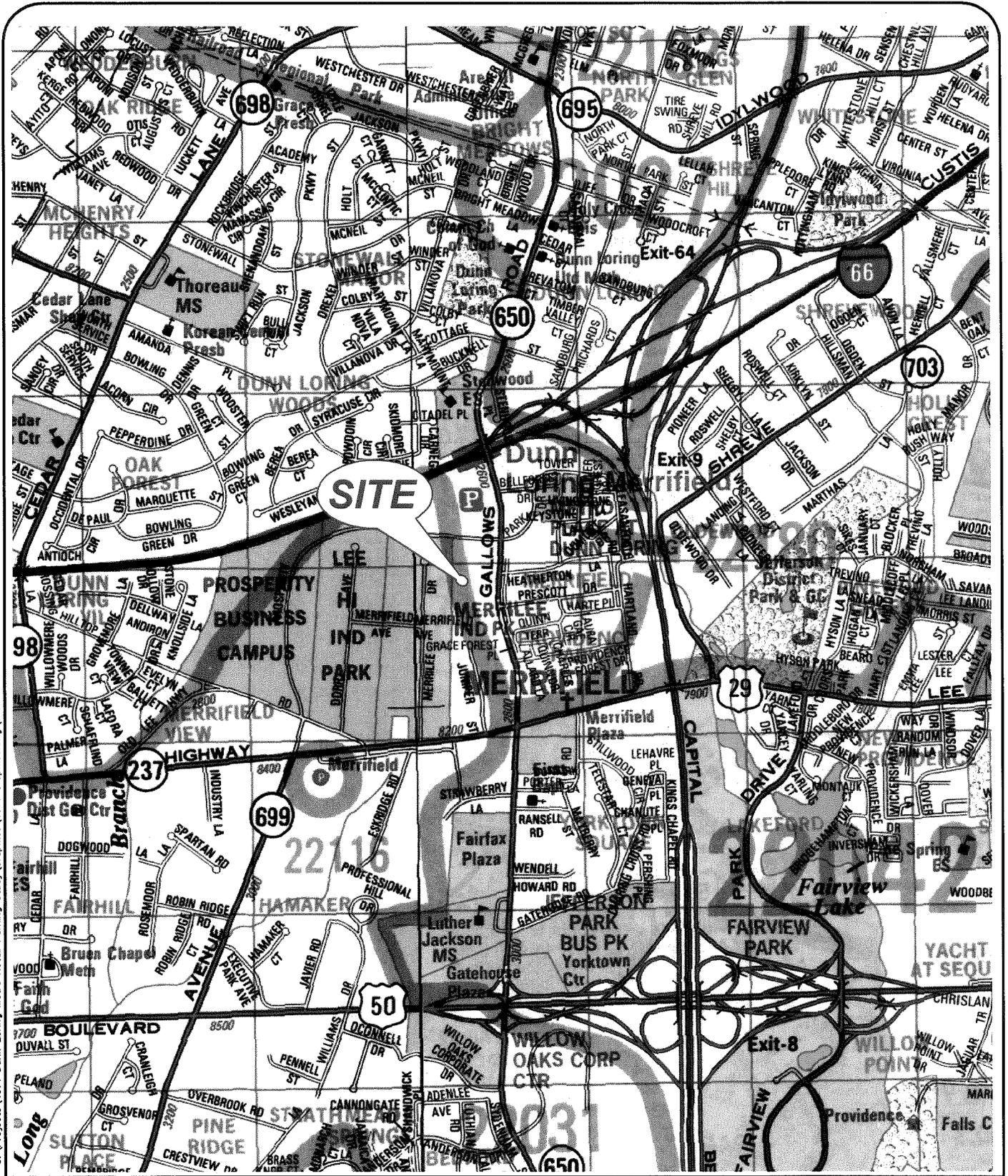
SUBJECT: Halstead Development – Phase B Parking Reduction Revision

DATE: November 19, 2012

Introduction

This memorandum presents the results of a revised parking reduction analysis conducted in support of a program revision to the development of an approved, mixed-use, transit-oriented development (referred to as the “Halstead Mixed Use Development”) in Fairfax County, Virginia. This revision would modify the development program previously approved on July 27, 2010 for a 25.0 percent parking reduction for its residential uses and a 27.3 percent reduction for its non-residential uses. The subject site (Tax Maps 49-1 ((16)) 14, 15, 16 and 49-2 ((1)) 18, 19) is located in the Merrifield Suburban Center in close proximity to the Dunn-Loring Merrifield Metrorail Station (within ¼ to ½ mile from the station portal). Specifically, the subject site is located on the west side of Gallows Road (Route 650), south of Prosperity Avenue (Route 6066) and east of Merrilee Drive (Route 6065), as shown on Figure 1.

On October 15, 2007, the Fairfax County Board of Supervisors approved a rezoning of the 14.27-acre property from the PRM (Planned Residential Mixed Use), I-4 (Medium Intensity Industrial) and I-5 (General Industrial) Districts to the PRM zoning district subject to proffers dated October 12, 2007. The rezoning application was divided into two (2) phases. Phase A was developed under RZ/FDP 2002-PR-025 and constructed in 2005 and 2006. No changes were proposed to Phase A under the 2007 rezoning application. All new development is proposed to be located in Phase B. Phase B is located south of Phase A and will consist of four (4) buildings.



D:\Projects\4371 Dunn Loring Metro Retail Parking Study\Graphics\4371 Graphics.dwg v17c

Figure 1
Site Location Map



The proffers associated with the Phase B properties provide for two (2) development options. The Applicant's currently approved parking reduction was developed in accordance with proffered plan Option 2 which includes approximately 100,000 gross square foot (GSF) of hotel uses in conjunction with between 840 to 1,000 residential units and between 50,000 to 91,000 GSF of retail uses. The Applicant now seeks to revise the approved parking reduction to alternatively develop the project in accordance with proffered plan Option 1 that excludes the hotel use but includes approximately 840 to 1,150 residential units and between 50,000 to 101,723 GSF of retail uses. Since approval of the July 27, 2010 parking reduction request, the Applicant has constructed Buildings 4 and 2 and is approaching completion of Building 1. Under proffered development Option 2 and the approved parking reduction, unbuilt Building 3 was originally planned for a hotel use. Under the current proposal, the hotel use in Building 3 will be removed in favor of proffered development Option 1.

A parking reduction study dated and submitted on December 8, 2009 evaluated a plan with a total of 854 multifamily residential dwelling units (DUs), 36,374 GSF of shopping center uses, 352 restaurant seats (312 table seats and 40 counter seats) and 60 restaurant employees (including the restaurant use associated with the then planned hotel), and a 150 room hotel. The proposed hotel included a 2,651 GSF spa and a hotel restaurant with 176 restaurant seats (156 table seats and 20 counter seats) and 30 restaurant employees. Under strict application of the Fairfax County Zoning Ordinance, this approved program would require a total of 1,830 parking spaces, of which, 1,368 parking spaces would be required to serve the residential uses and 462 parking spaces would be required to serve the non-residential uses. On July 27, 2010, the applicant's approved parking reduction required that a minimum of 1,362 parking spaces must be maintained at all times based on the following:

- A residential parking reduction of 25% (342 fewer parking spaces) for a total of 1,026 parking spaces to serve the new residential uses.
- A commercial parking reduction of 27.3% (126 fewer parking spaces) for a total of 336 parking spaces to serve the proposed secondary uses on site.

The parking reduction conditions associated with the July 27, 2010 approval are included as Attachment I.

To respond to changing market and current economic conditions, this parking reduction assessment evaluates a revised program of 873 total multifamily residential dwelling units (DUs), 27,077 GSF of shopping center uses, 773 restaurant seats (680 table seats and 93 counter seats) and 52 restaurant employees. The total proposed restaurant uses include 116 outdoor "seasonal" restaurant table seats and 6 employees to serve them. The "seasonal" outdoor restaurant seats and employees are proposed to be only available during the months of January through November, excluding the typical peak month of December consistent with other such approvals in the Merrifield area.

The applicant is requesting a reduction from the number that would be required by a strict application of the Fairfax County Zoning Ordinance, as summarized below:

- A residential **parking reduction of 25.0% (349 fewer parking spaces)** for a total of 1,049 parking spaces to serve the new residential uses.
- A commercial **parking reduction of 13.1% (47 fewer parking spaces)** for a total of 313 parking spaces to serve the proposed secondary uses on site.

The difference between the parking reduction approved on July 27, 2010 and the requested revision to the development program is summarized on Table 1. All the methodologies employed with the original parking reduction study dated December 8, 2009 are incorporated herein with exception of parking adjustments related to the hotel use which no longer apply. Beyond the original parking reduction study, this study will demonstrate, except for the peak month of December, the 313 parking spaces for the non-residential uses is sufficient to accommodate all non-residential uses including “seasonal” restaurant table seats and employees. The use of “seasonal” outdoor restaurant table seats/employees would only be permitted during the months of January through November. Under this condition, 313 parking spaces would serve the proposed uses for all 12 months of the year.

The minimum number of parking spaces on-site, at build out, would therefore total 1,362 with approval of the requested reductions resulting in an overall site reduction of 22.5% from code. It should be noted that during construction, in the interim, the amount of parking reduced may be greater than 22.5% but in no event will the amount of the overall reduction at build out exceed a 22.5% reduction.

Example Interim Site Plan(s). For informational purposes, Table 2 summarizes the overall build out program in comparison to two (2) interim site plan examples. One interim example evaluates Buildings 3 and 4 as a standalone plan and the other evaluates Buildings 1 and 2 as a standalone plan. Table 2 evaluates the build out condition and each interim example plan. Table 3 also summarizes the overall minimum number of parking spaces at build out and what each interim example plan must be provide.

Background

The proposed site revision plan for the Phase B properties reflects a total of 873 multifamily residential dwelling units (DUs), 27,077 GSF of shopping center uses, 657 restaurant seats (564 table seats and 93 counter seats) and 46 restaurant employees of restaurant activity. In addition to the above, the proposed uses will also include 116 outdoor “seasonal” restaurant table seats served by six (6) employees only during the months from January to November. A reduced copy of the site plan revision is provided as Figures 2a and 2b. A full size copy is also provided for staff’s convenience.

Table 1

Halstead Mixed-Use Development - Phase B (Revision)

"July 27, 2010 Approved Parking Reduction" vs "Proposed Revision"

Required Spaces/Uses	July 27, 2010 Approved Reduction	Proposed Revision	Difference Proposed minus Approved
% Residential Reduction	25.0%	25.0%	0.0%
Minimum Spaces Required by Code	1,368	1,398	30
Minimum Spaces Required by Request	1,026	1,049	23
<i>Resulting Fewer Spaces</i>	<i>342</i>	<i>349</i>	<i>7</i>
Residential Uses			
One (1) Bedroom Dwelling Units	643	659	16
Two (2) Bedroom Dwelling Units	211	214	3
Total Dwelling Units	854	873	19
% Non-Residential Reduction	27.3%	13.1%	(14.2%)
Minimum Spaces Required by Code	462	360	(102)
Minimum Spaces Required by Request	336	313	(23)
<i>Resulting Fewer Spaces</i>	<i>126</i>	<i>47</i>	<i>(79)</i>
Non-Residential Uses			
Shopping Center Retail Uses (GSF)	36,374	27,077	(9,297)
Hotel (Rooms)	150	0	(150)
Hotel Spa (GSF)	2,651	0	(2,651)
Hotel Restaurant Table Seats	156	0	(156)
Hotel Restaurant Counter Seats	20	0	(20)
Hotel Restaurant Employees	30	0	(30)
Restaurant Table Seats	156	564	408
Restaurant Counter Seats	20	93	73
Restaurant Employees	30	46	16
Outdoor "Seasonal" Restaurant Table Seats (1)	0	116	116
Outdoor "Seasonal" Restaurant Employees (1)	0	6	6
% Overall Reduction	25.6%	22.5%	(3.1%)
Total Minimum Spaces Required by Code	1,830	1,758	(72)
Total Minimum Spaces Required by Request	1,362	1,362	0
Total Resulting Fewer Spaces	468	396	(72)

Note(s):

(1) Seasonal is defined as only being available during the months of January through November.

Table 2
Halstead Mixed-Use Development - Phase B (Revision)
Example Interim Site Plan Program Summary

Use	Build Out (Buildings 1 through 4)	Example Site Plan #1 (Buildings 3 + 4 Standalone)	Example Site Plan #2 (Building 1 + 2 Standalone)
Multiple Family Residential	873 Dwelling Units	437 Dwelling Units	436 Dwelling Units
Shopping Center	27,077 GSF	16,962 GSF	10,115 GSF
Restaurant	564 Table Seats 93 Counter Seats 46 Employees	365 Table Seats 55 Counter Seats 28 Employees	199 Table Seats 38 Counter Seats 18 Employees
Outdoor "Seasonal" Restaurant	116 Table Seats 6 Employees	92 Table Seats 4 Employees	24 Table Seats 2 Employees

Table 3
Halstead Mixed-Use Development - Phase B (Revision)
Example Interim Site Plan Parking Reduction Summary

Parking Analysis	Build Out ⁽¹⁾ (Buildings 1 through 4)	Example Site Plan #1 (Buildings 3 + 4 Standalone)	Example Site Plan #2 (Building 1 + 2 Standalone)
Code Requirement:			
Residential	1,398 Spaces	700 Spaces	698 Spaces
Non-Residential	360 Spaces	232 Spaces	129 Spaces
Total	1,758 Spaces	932 Spaces	827 Spaces
Reduction:			
Residential	(349) Spaces	(175) Spaces	(174) Spaces
Non-Residential	(47) Spaces	(29) Spaces	(18) Spaces
Total	(396) Spaces	(204) Spaces	(192) Spaces
Parking Supply:			
Residential	1,049 Spaces	525 Spaces	524 Spaces
Non-Residential	313 Spaces	203 Spaces	111 Spaces
Total	1,362 Spaces	728 Spaces	635 Spaces
Percent Reduction from Code:			
Residential	25%	25.0%	24.9%
Non-Residential	13.1%	12.5%	14.0%
Overall	22.5%	21.9%	23.2%
Maximum Overall Percent Reduction	22.5%	22.5%	22.5%
Overall Minimum Spaces to be Provided	1,362 Spaces	728 Spaces	635 Spaces
Effective Overall Percent Reduction	22.5%	21.9%	23.2%

Note(s):
(1) Based on the proposed parking reductions presented in the study herein (25% Residential & 13.2% Non-Residential; Overall 22.5%).

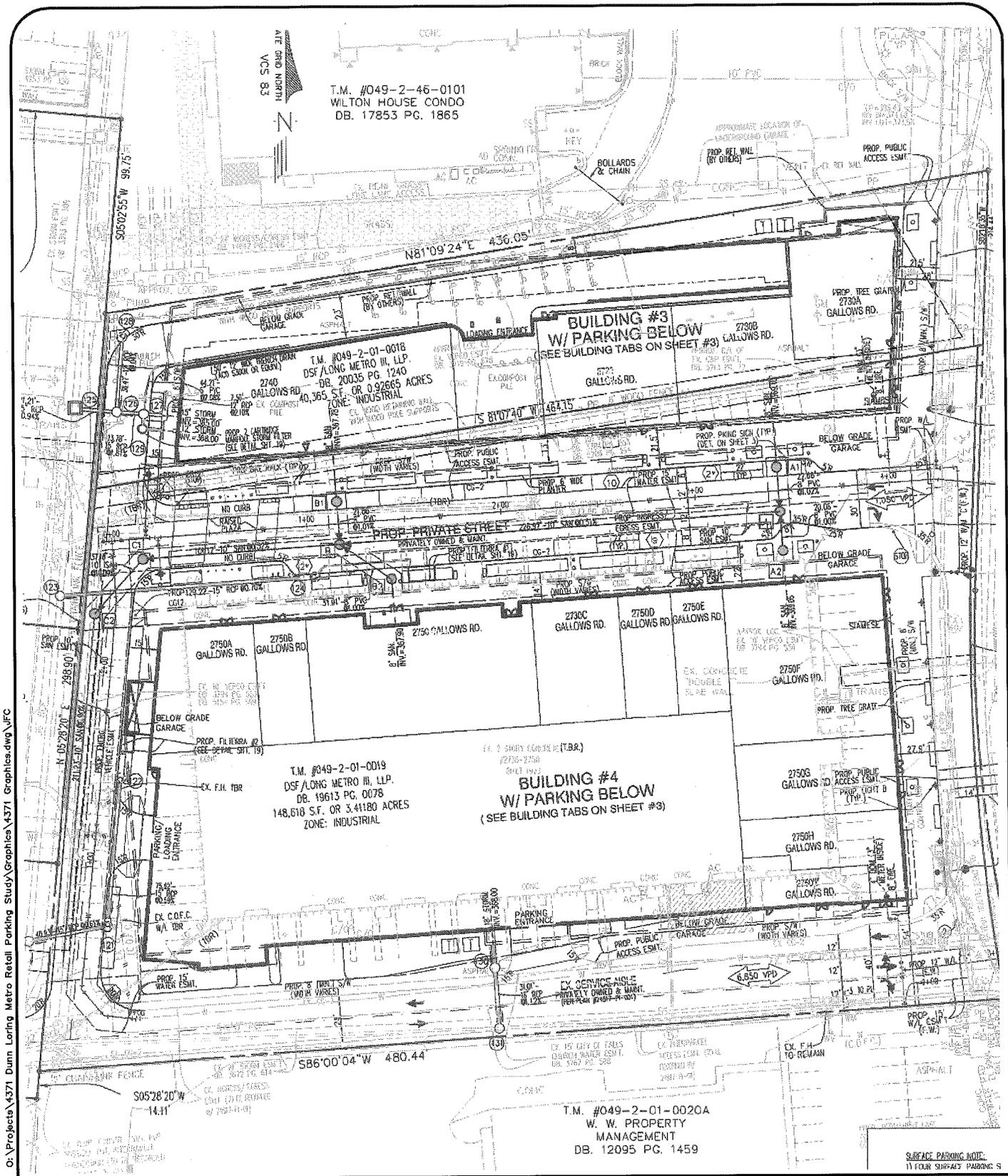


Figure 2b
Site Plan Reduction (Buildings 3+4)



The Halstead Mixed-Use Development – the Phase B project will consist of four (4) buildings each containing a mix of uses. As reflected on the plan, parking for the project (residential, shopping center retail, and restaurant uses) is provided in below grade parking structures as well as on-street surface parking spaces located on-site. Access to the garages is provided via the internal private street network; no direct access to/from the parking garages is provided either on Merrilee Drive or Gallows Road.

In conjunction with the rezoning of the property, the Applicant proffered a number of transportation commitments, including specific references to parking. Proffer B-1 I.C Future Parking Reduction states the following:

“Given (i) the proximity to the Dunn Loring/Merrifield Metro Station, (ii) the character of the development as a transit-oriented development, and (iii) the TDM plan detailed in these Proffers, the Applicant shall in good faith evaluate, and may pursue, a shared parking agreement and/or parking reduction for the development, as may be permitted by the Fairfax County Zoning Ordinance and approved by the Board of Supervisors.”

A copy of the Board accepted proffers is included herein as Attachment II.

Consistent with the previous December 8, 2009 parking reduction study, this revision presents the results of a parking study undertaken in fulfillment of the proffers for the Halstead development. This study is also presented in two (2) parts consistent with the December 8, 2009 analysis:

Part 1 - Residential Parking presents the results of a parking analysis conducted in support of a reduction for the proposed residential uses due to the proximity of the Dunn Loring - Merrifield metrorail station and the implementation of a comprehensive Transportation Demand Management Program.

Part 2 - Secondary Uses Parking summarizes the results of a shared parking analysis completed in conjunction with the development of the on-site, community serving and secondary retail uses.

Sources of data for this analysis include, but are not limited to, a literature review of parking requirements in TOD's both locally and nationally; site plans prepared by Urban Engineering, the files and library of Wells + Associates, Inc., information obtained from and/or provided by UrbanTrans, Parsons Brinckerhoff, the Institute of Transportation Engineers (ITE), Urban Land Institute's (ULI), *Shared Parking 2nd Edition*, Fairfax County, DSF Long, and Walsh Colucci Lubeley Emrich & Walsh, PC.

PART I - RESIDENTIAL PARKING

Fairfax County Parking Requirements

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

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

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

As stated above and reflected on Table 4, based on a strict application of the Zoning Ordinance, 1,398 parking spaces would be required to accommodate the parking demand associated with the proposed 873 multifamily residential dwelling units at total build out.

Requested Parking Reduction

As stated above, Proffer B-11.C accepted in conjunction with the approval of RZ 2007-PR-001 encourages the Applicant/Owner to seek a parking reduction for the Phase B development. As reflected on Table 4, 1,398 residential parking spaces would be required for full build out according to the Fairfax County Zoning Ordinance. For purposes of this analysis and consistent with previous County approvals in transit areas, the residential units are proposed to be parked at an effective baseline rate of one (1) space per bedroom and further adjusted based on the implementation of a Transportation Demand Management (TDM) program.

Based on the above, the applicant is requesting a 25.0% reduction (or 349 fewer spaces) of the number of spaces that would be required by a strict application of the Ordinance. The basis for such a request is the following two (2) provisions as established in the Ordinance:

1. The site's proximity to a mass transit station (Section 11-102.5).

Table 4
Halstead Mixed-Use Development - Phase B (Revision)
Fairfax County Zoning Ordinance Parking Requirement - Residential Uses

Land Use	Amount	Units ⁽¹⁾	Code Requirement ⁽²⁾	Required Parking by Code
<u>Building 1</u>				
Multiple Family	216	DU	"One and six-tenths (1.6) spaces per unit"	346
<u>Building 2</u>				
Multiple Family	<u>220</u>	DU	"One and six-tenths (1.6) spaces per unit"	<u>352</u>
Subtotal Buildings 1 + 2	436	DU	"One and six-tenths (1.6) spaces per unit"	698
<u>Building 3</u>				
Multiple Family	195	DU	"One and six-tenths (1.6) spaces per unit"	312
<u>Building 4</u>				
Multiple Family	<u>242</u>	DU	"One and six-tenths (1.6) spaces per unit"	388
Subtotal Buildings 3 + 4	437	DU	"One and six-tenths (1.6) spaces per unit"	700
Total Required by Code	873	DU	"One and six-tenths (1.6) spaces per unit"	1,398

Note(s):

(1) DU = Residential Dwelling Unit

(2) Fairfax County Code based on the Fairfax County Zoning Ordinance (Article 11).

2. The presence of an approved Transportation Demand Management (TDM) program (Section 11-102.26).

The following sections evaluate the requested parking reduction with respect to these two provisions.

Proximity to Mass Transit

Overview. As shown on Figure 3, the entire site is located within one-half (1/2) mile of the existing Dunn Loring - Merrifield metrorail station portal. The Fairfax County Zoning Ordinance provides for a reduction in required off-street parking for sites located in close proximity to transit. Article 11, Section 11-102.5 states:

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

The Comprehensive Plan recommendations for the property state that “TDM programs should be provided that facilitates a non-SOV mode split”. To that end, Halstead Mixed-Use Development - Phase B was designed to incorporate pedestrian friendly internal streets, wide sidewalks, access to WMATA facilities to the north and community serving and secondary retail uses. In addition, the applicant proffered an aggressive TDM program to encourage transit use and/or multi-modal trip choices.

Auto Ownership in TOD’s. In harmony with the transit-oriented nature of the Halstead Mixed-Use Development – Phase B, the residential units will be marketed toward a demographic inclined to use transit on a regular basis. For total build out, 659 (75%) of the 873 dwelling units currently planned will be studio or single bedroom models. The remaining 214 units (25%) would not exceed two bedrooms. A summary of the proposed unit mix is provided in Table 5.

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Figure 3
1/4 Mile and 1/2 Mile Rings from Metro Station



Table 5
Halstead Mixed-Use Development - Phase B (Revision)
Residential Unit Mix Breakdown and Analysis

Dwelling Units	Number of Bedrooms	Non-TOD	Units by Number of Bedrooms	Percent (%) Unit Mix	Parking Spaces	Effective Parking Rate
		Parking Ratio				
Tysons Corner Minimum Parking Ratios ⁽¹⁾	0-1 Bedroom	1.1	659	75%	725	1.16
	2 Bedroom	1.4	214	25%	289	
Total (Tysons Min.)			873	100%	1,014	
Proposed Parking Ratios	0-1 Bedroom	1.2	659	75%	791	1.20
	2 Bedroom	1.2	214	25%	258	
Total (Proposed)			873	100%	1,049	
Base Rate of One Space per Bedroom	0-1 Bedroom	1.0	659	75%	659	1.25
	2 Bedroom	2.0	214	25%	428	
Total (Proposed)			873	100%	1,087	
Tysons Corner Maximum Parking Ratios ⁽¹⁾	0-1 Bedroom	1.4	659	75%	923	1.47
	2 Bedroom	1.7	214	25%	364	
Total (Tysons Max.)			873	100%	1,287	
Countywide Ratios	0-1 Bedroom	1.6	659	75%	1,055	1.60
	2 Bedroom	1.6	214	25%	343	
Total (County Overall)			873	100%	1,398	

Note(s):

- (1) Based on Fairfax County's Comprehensive Plan "Area II: Tysons Corner Urban Center – Areawide Recommendations (Amended through 6-22-2010)," Table 6 (page 64)
- (2) Based on Fairfax County's Zoning Ordinance "Article 11 Off-Street Parking and Loading, Private Streets," (page 11-1)

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

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

Cervero found TOD's had an average of 1.66 people and 1.26 vehicles per household compared to 2.4 people and 1.64 vehicles for all households located in the same census tract. Cervero's findings in California were further supported by a study of vehicle ownership in TOD's in British Columbia. In this study, Bunt and Associates Engineering surveyed households near six "Skytrain" transit stations. Primary findings from this study found:

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

Based on these findings, the City of Vancouver allowed parking reductions ranging from 14 to 28% for new multifamily residential projects.

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

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

The results of our study were generally consistent with the findings of Cervero et al.

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

Auto ownership, as measured in the Wells study taken together with the Ridership Survey II data, ranged from a low of 0.25 vehicles per unit to a high of 1.87 vehicles per unit (as measured at Fairfax Towers, a non-TOD product). Average auto ownership was calculated at 1.07 vehicles per unit. Based on the above average auto ownership rate, the projected number of vehicles associated with the proposed 873 units at Halstead – Mixed Use Development would be 935 at total build out. In addition to auto ownership, parking demand counts were collected at a number of metro and non-metro related sites. Excerpts from the June 2001, Wells study are included as Attachment IV.

Area II: Tysons Corner Urban Center – Areawide Recommendations (Amended through 6-22-2010)

In response to the advent of Metrorail in Tysons Corner, the Board of Supervisors established minimum and maximum “Parking Ratios for Tysons Corner.” According to the Plan’s Areawide Recommendations for Tysons Corner, minimum parking requirements should be substantially reduced from County wide standards proximate to a rail station and for Non-Transit Oriented Development (TOD) districts. TOD is defined as locations within 1/2 mile from a Metrorail

station. For multi-family dwelling units located in TOD areas between 1/4 and 1/2 miles, the plan recommends a minimum of 1.1 and 1.35 parking spaces per one (1) bedroom units and two (2) bedroom units, respectively. The plan also recommends a maximum of 1.4 and 1.7 parking spaces per one (1) and two (2) bedroom units, respectively.

Based on the Tysons Corner parking recommendations, the residential parking demand for the Project would range from 1,014 minimum to 1,398 maximum parking spaces. The proposed 1,049 residential parking spaces exceed the Tysons Corner minimum parking requirement for TOD multi-family units by 35 parking spaces. Relevant information for Tysons Corner (Parking Ratios for Tysons Corner) is contained in Attachment V. A table and bar chart comparison for the Tysons Corner parking ratios versus the proposed reduction, a base rate of 1 space per bedroom, and the County code requirement is shown in Table 5 and on Figure 4.

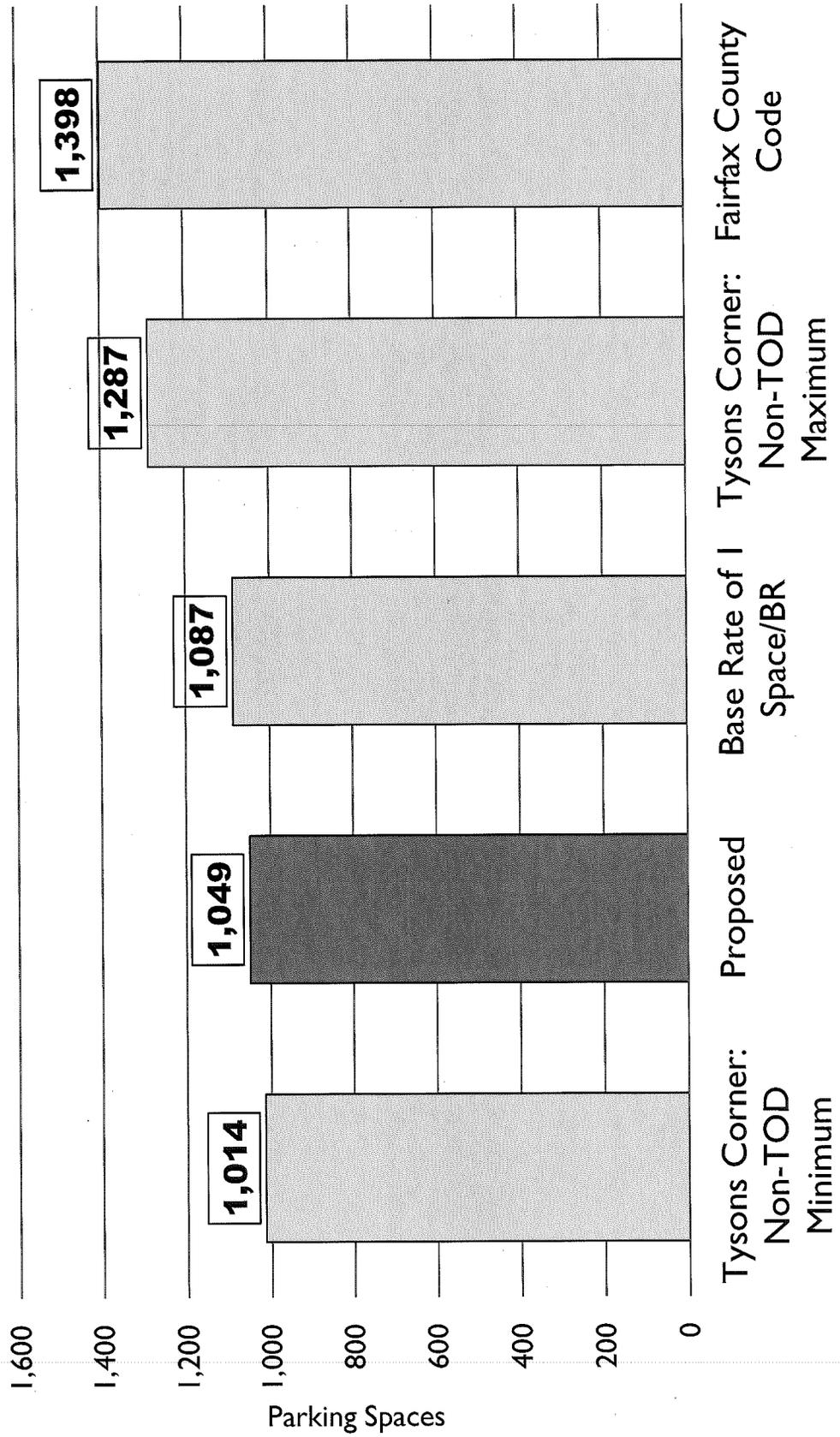
Transportation Demand Management (TDM)

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

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

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

Figure 4
Parking Requirement Comparisons
Tysons Corner Non-TOD (Min, Max) vs Proposed vs Base Rate
vs Fairfax County Code



Transportation Demand Management (TDM). As part of the approvals for the Halstead Mixed-Use Development (RZ 2007-PR-001), DSF/Long retained UrbanTrans to develop the Halstead Mixed-Use Development TDM program. The results of UrbanTrans work is summarized in the Halstead III Transportation Demand Management Strategic Plan report dated September 2007. The document provides recommendations for the implementation of the TDM program. The proffered TDM program would, among other things, reduce site-generated residential vehicle trips by a minimum of 20% (TDM Phase I) with the ultimate goal of reducing residential trips by 40% (build out). A copy of the applicant's TDM proffer is provided in Attachment II.

The UrbanTrans report recommended the inclusion of community serving retail uses for the benefit of residents to further reduce trips and auto ownership rates. The developer (DSF/Long) was "strongly encouraged to pursue community serving retail and businesses and to prioritize the location of these uses in initial phasing of the residential building construction." The incorporation of community serving retail uses further reduces the need for additional vehicles. Additionally, retail development at the nearby Dunn Loring – Merrifield metrorail station is planned to include an approximate 50,000 GSF grocery store.

Parking Management. As stated above, one of the benefits of a transit-oriented development (TOD) is the prevalence of reduced auto ownership. As documented in the UrbanTrans report, residents of the site are [on average] projected to own fewer vehicles per household than typical residential developments. Additionally, the TDM Encyclopedia by the Victoria Transport Policy Institute recommends a variety of strategies that results in a more efficient use of parking resources, including shared parking, improved user information, parking pricing and use of alternative modes. According to the Institute, implementing transportation demand management strategies such as trip reduction programs, better bicycle parking, unbundling parking from units, and providing for car sharing can reduce parking requirements between 10 and 30%. The TDM program proffered by the Applicant for Halstead – Phase B includes such components further supporting the request for a 25% parking reduction.

To that end, the UrbanTrans TDM report recommended the following strategies as part of the parking management plan for Halstead – Phase B:

- For residential units, develop per-space fees for residential units and put in contracts.
- Provide permanently designated spaces in central locations for shared-car vehicles, taxis, and loading and unloading of vanpools.
- Provide dedicated, free preferential parking spaces in convenient locations (covered, near entry/exit locations, and close to elevators) for vanpools.

Proffer B-17.C.viii establishes a commitment to such a parking management plan. As stated:

“A parking management plan, which shall include (i) a unit sales/rental program/policy under which each residential unit is allocated one (1) parking space as part of the base purchase/rental price, and that additional parking spaces may be purchased/leased for an additional cost; and (ii) dedicated space for residential vanpools and car-sharing vendors not otherwise addressed herein;”

Based on the above, the residential component of the site would require a minimum of 873 parking spaces to serve the baseline auto ownership demands of the residents. A residential parking supply of 1,049 spaces for full build out is proposed with this request. Therefore, a balance of 176 parking spaces would be available for residential building staff, vanpools, and car-sharing vendors with the remaining supply to be either sold and/or leased to residents beyond their one (1) space allocation.

Halstead Mixed-Use Development Proposed Parking Reduction

Based on TDM/transit adjustments and the proposed mix of residential units (studio/one-bedroom vs. two-bedroom), a parking reduction from the code requirement of 1,398 parking spaces is proposed. Based on the analysis provided herein and consistent with the previous Board approved parking reduction on July 27, 2012, the residential uses would be parked at one space per bedroom. Based on the proposed number of bedrooms, the baseline parking demand was assumed to be one parking space per studio/single bedroom unit and two spaces per two-bedroom unit. Based on the proposed unit mix shown in Table 5, the demand would be 1,085 residential parking spaces (or equal to 1.25 spaces per unit). This rate would correspond to a parking reduction of approximately 21.9% from code requirements (311 fewer spaces than code requirement), as shown in Table 4 and 5. However, the Applicant is seeking a total residential reduction of 25% (or 349 spaces) yielding a residential requirement of 1,049 spaces (1.20 spaces per unit) consistent with current parking reduction approval and both the recommendations of the Victoria Transport Policy Institute and the parking standards adopted for TOD's in Tysons Corner.

Reductions in parking supply is often cited as a key component of any TDM program. Research by Cervero and others has demonstrated that constraining parking supply results in increased transit ridership thereby reducing peak hour vehicle trips. The TDM program proffered by the Applicant requires a 40% peak hour residential trip reduction at build out. The 25% reduction then is one of the key means of reducing peak hour trips and is identified throughout the proffer as a desirable means of mitigation.

Part I - Conclusions

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

1. Under a strict application of the Zoning Ordinance, 1,398 parking spaces would be required to accommodate the proposed 873 residential dwelling units.
2. The applicant is seeking a **parking reduction of 25.0% (349 fewer parking spaces)** for a total minimum of 1,049 parking spaces to serve the proposed new residential uses at total build out (exclusive of any on-street spaces). During interim construction phases, the parking reduction could exceed 25%; however at build out no more than a 25% reduction would be provided.
3. The location of the site in close proximity to the Dunn Loring - Merrifield metrorail station (within 1/2 mile) and the planned design of the site as a transit-oriented development (TOD) will serve to reduce parking demand and attract residents who will be inclined to choose non-auto modes of travel.
4. The proposed unit mix (studio/single-bedroom vs. two-bedroom units and no units more than two-bedrooms) would result in a residential parking demand less than the strict application of the Zoning Ordinance would require.
5. The transportation demand management (TDM) program proffered for the site will further reduce the demand for residential parking by promoting and encouraging other modes of travel, as well as providing essential secondary uses on-site. The goal of the TDM program is to reduce residential peak hour trips by 40% at build out.
6. The implementation of a parking management plan, as committed to by the applicant, is a key component of the TDM plan will serve to establish and regulate the strategies in which the residential parking reduction will be achieved.
7. Given the site's close proximity to an existing mass transit facility, the applicant's approved TDM program, and the future implementation of a parking management plan, the 25% residential parking reduction requested by the applicant should be supported.
8. The parking reduction requested by the Applicant is consistent with staff's evaluation of TOD parking requirements in Tysons Corner, as well as other experiences nationally.

PART 2 – SECONDARY USES PARKING

Fairfax County Parking Requirements

Article 11 of the Fairfax County Zoning Ordinance establishes parking requirements for various land uses by providing parking rates per unit of land use (square feet of shopping center space, for example). According to the Ordinance, all required parking spaces shall be located on the same lot as the structure or uses to which they are accessory or on a lot contiguous thereto which has the same zoning classification, and is either under the same ownership, or is subject to arrangements satisfactory to the Director that will ensure the permanent availability of such spaces. Off-street parking may serve two or more uses; however, in such case, the total number of spaces must equal the sum of the spaces required for each separate use except that the Board [of Supervisors] may reduce the total number of parking spaces required to serve two or more uses by reason of the hourly parking accumulation characteristics of such uses (Section 11-102.4.B). A copy of the relevant Ordinance text is provided herein as Attachment III.

Article 11, Section 11-104 of the Ordinance outlines the requirements for shopping center uses as follows:

“100,000 square feet of gross floor area or less: Four and three-tenths (4.3) spaces per 1,000 square feet of gross floor area.”

The Ordinance further recommends that parking for eating establishments be provided as follows:

“One (1) space per four (4) seats plus one (1) space per two (2) employees where seating is at tables, and/or One (1) space per two (2) seats plus one (1) space per two (2) employees where seating is at a counter.”

Full build out of the Halstead Mixed Use Development – Phase B would consist of the following secondary non-residential uses:

- 27,077 GSF of shopping center space;
- 657 restaurant seats (564 table seats and 93 counter seats) and 46 restaurant employees of restaurant activity (not including seasonal operations);
- 116 outdoor “seasonal” restaurant table seats and 6 restaurant employees to serve them

As stated above and reflected on Table 6, based on a strict application of the Zoning Ordinance, a total of 360 parking spaces would be required to accommodate the

Table 6
Halstead Mixed-Use Development - Phase B (Revision)
Program Summary by Building and Fairfax County Code Parking Requirements – Secondary Use:

Land Use	Use	Amount	Units	
Building 1	Shopping Center Restaurant/Eating Establishment	10,115 GSF	109 Table Seats 20 Counter Seats 10 Employees	
Building 2	Restaurant/Eating Establishment		90 Table Seats 18 Counter Seats 8 Employees 24 Seasonal Table Seats 2 Seasonal Employees	
<u>Buildings 1 & 2</u>	Shopping Center Restaurant/Eating Establishment	10,115 GSF	199 Table Seats 38 Counter Seats 18 Employees 24 Seasonal Table Seats 2 Seasonal Employees	100,000 sf GFA or less: 4.3 spaces per 1,000 sf of GFA 1 space per 4 seats 1 space per 2 seats 1 space per 2 employees 1 space per 4 seats 1 space per 2 employees 44 50 19 9 6 1 129
Building 3	Shopping Center	3,200 GSF		
Building 4	Shopping Center Restaurant/Eating Establishment	13,762 GSF	365 Table Seats 55 Counter Seats 28 Employees 92 Seasonal Table Seats 4 Seasonal Employees	
<u>Buildings 3 & 4</u>	Shopping Center Restaurant/Eating Establishment	16,962 GSF	365 Table Seats 55 Counter Seats 28 Employees 92 Seasonal Table Seats 4 Seasonal Employees	100,000 sf GFA or less: 4.3 spaces per 1,000 sf of GFA 1 space per 4 seats 1 space per 2 seats 1 space per 2 employees 1 space per 4 seats 1 space per 2 employees 73 91 28 14 23 2 231
Buildings 1, 2, 3, & 4	Total Shopping Center	27,077 GSF		Total Shopping Center Spaces Required 117
	Total Restaurant/Eating Establishment	564 Table Seats 93 Counter Seats 46 Employees 116 Seasonal Table Seats 6 Seasonal Employees		1 space per 4 seats 1 space per 2 seats 1 space per 2 employees 1 space per 4 seats 1 space per 2 employees 141 47 23 29 3 Total Restaurant/Eating Establishment Spaces Required 243
				Zoning Ordinance Spaces Required (Full Buildout) 360

Note(s): (1) Fairfax County Code based on the Fairfax County Zoning Ordinance (Article 11).

parking demand associated with full build out of the proposed mix of on-site secondary uses.

Shared Parking Concept

The Urban Land Institute (ULI) publication Shared Parking, 2nd edition has established a model and methodology for determining parking demand for various types of development. This methodology is especially useful in cases such as approved for the Halstead Mixed-Use Development, where a single parking space may be used for proposed shopping center uses and restaurant/eating establishment uses. Because each land use within a development may experience a peak parking demand at different times of day, or different months of the year, relative to the other land uses on-site, the actual peak parking demand of the entire development may be less than if the peak parking demand of each land use was considered separately. For example, a sit-down restaurant (a.k.a. an eating establishment) tends to experience peak parking demand during the evening hours, while shopping center uses experience peak demand just after the noon hour.

Shared Parking Analysis: Fairfax County Parking Requirements

The Fairfax County Zoning Ordinance, Article 11-102(4), provides an opportunity for approval of a parking reduction due to “shared parking” resulting from different peak hours for uses comprising a mixed-use scenario. According to data compiled by ULI, the peak parking demand associated with shopping centers and eating establishments/restaurants uses typically occur at different times. Therefore, a shared parking scenario can be applied to the proposed uses due to variations in the hours of peak parking demand.

Paragraph 4 of the Zoning Ordinance states in part that:

“Required off-street parking spaces may be provided cooperatively for two or more uses, subject to arrangements that will assure the permanent availability of such spaces to the satisfaction of the Director.

The amount of such combined space shall equal the sum of the amounts required for the separate uses, except... (b) that the Board may reduce the total number of parking spaces required by strict application of said requirements when it can be determined that the same spaces may adequately serve two or more uses by reason of the hours of operation of such uses.”

ULI provides base weekday and weekend hourly parking accumulations for individual land uses for the purpose of establishing a base peak parking demand. However, for purposes of this study, the Fairfax County parking rates were applied to the ULI parking model to be consistent

with County parking requirements and the previous December 8, 2009 parking study. As Table 6 indicates, when each land use is considered separately, a maximum of 360 parking spaces are required for full build out.

The ULI model applies various hourly, monthly and weekday/weekend adjustment factors to the parking demands of each land use. For informational purposes, these adjustment factor tables are provided in Attachment VI. Please note that a non-auto mode split factor was not assumed for purposes of this analysis. Based on the monthly and weekday adjustment calculations, the model establishes a peak demand hour and month during which the proposed new development's parking requirements would be at their highest.

Captive Market (or Synergy). Certain land use relationships, specifically in mixed-use projects, produce greater reductions in parking demand, exceeding those accounted for by virtue of complementary hours of peak demand as outlined above. According to ULI, there are two major types of "market synergy" possible in mixed-use developments:

1. On-site/Off-site market support (i.e., on-site/nearby residential and hotel uses who would utilize shopping center uses in the development)
2. Improved market image and penetration (associated with the unique or prestigious environment of the development)

Shopping Center. The reduction of shopping center trips would be primarily associated with shopping center patrons that originate from the 873 planned on-site residential dwelling units that are subject to extensive Transportation Demand Management (TDM) proffered programs to reduce trips and manage parking. Additional shopping center trip reductions would also be associated with other nearby residential uses, planned on-site restaurant/eating establishment uses, and nearby hotel uses.

UrbanTrans, in their assessment of potential TDM strategies for the project, estimated that a minimum 9% reduction in trips from the residential baseline could be achieved given the availability of on-site community serving retail uses. Based on the area residential uses, area hotel guests, and close proximity of employment locations; the shared parking model incorporated a captive market adjustment of 9% for the shopping center uses as recommended by UrbanTrans.

Restaurants/Eating Establishments. The reduction in restaurant/eating establishment trips would be primarily associated with the shopping center and residential uses. A captive market adjustment was not applied for these uses.

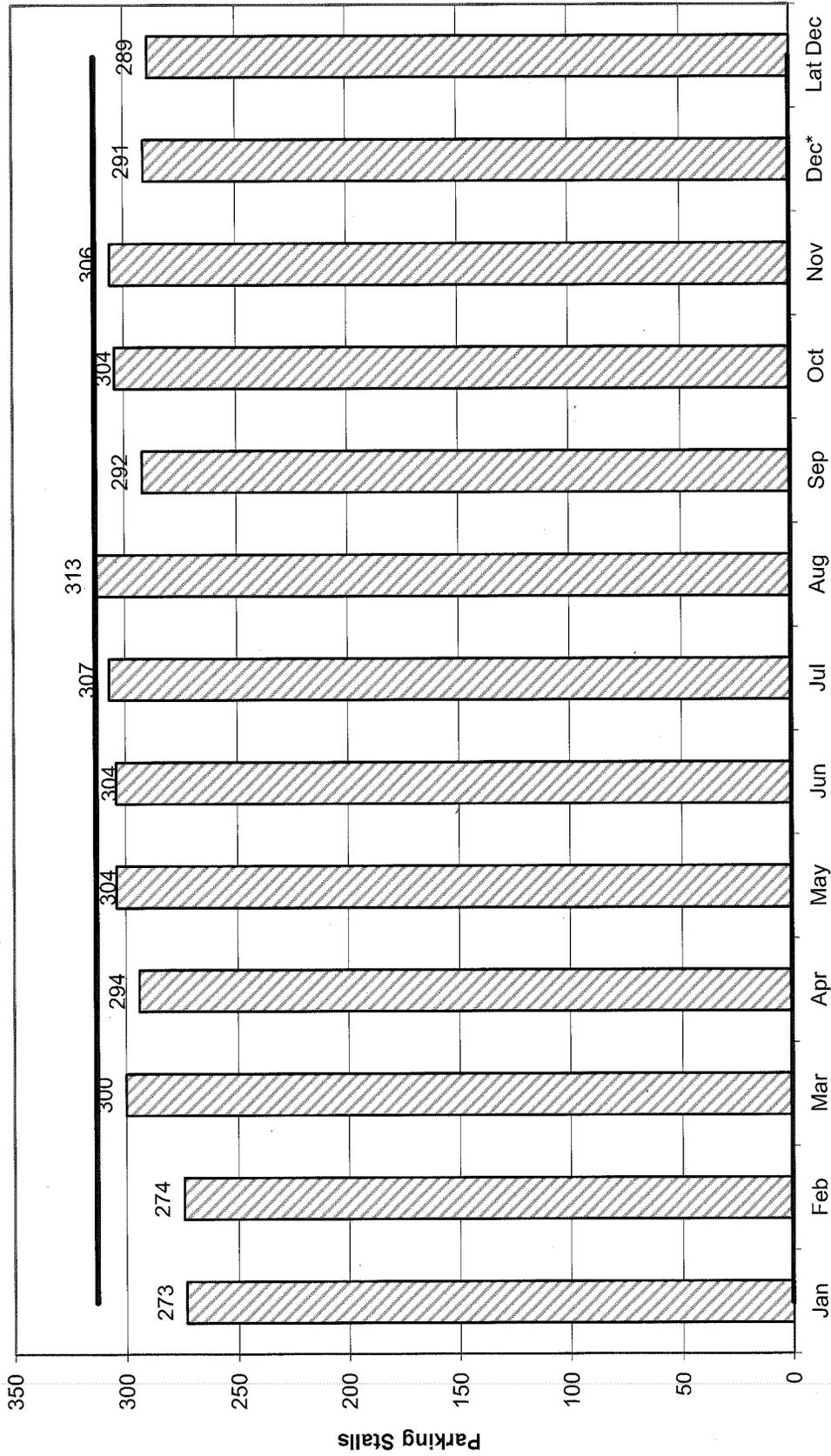
Seasonal Outdoor Table Seats/Employees. This proposed parking reduction request includes 657 restaurant/eating establishment seats (564 table seats and 93 counter seats). An additional 116 table seats would be designated as seasonal outdoor table seats served by an additional 6 seasonal employees to support an enhanced urban experience during the warmer months (generally March through November). Based on the ULI, 2nd Edition analysis, the 20th-highest hour design period would occur during the month of December when outdoor seating would typically be offline. For the purpose of this analysis, the shared parking model was evaluated with and without a parking allocation for these seasonal outdoor seats in support of the reduction.

Shared Parking with Seasonal Restaurant Tables Seats/ Employees. For comparative purposes and in the interest in conservatism, the weekday month-by-month estimated parking demand results shown on Figure 5 were evaluated for an entire year based on when the seasonal restaurant table seats and corresponding employees would be available. From late December to November it was assumed all seasonal outdoor restaurant table seats and seasonal restaurant employees would be available for use and for only three (3) peak weeks in December would they be offline. As shown on the Figure 5, the peak parking demand would occur in August requiring a minimum of 313 parking spaces including seasonal seating. Under an approximate parking supply of 313 parking spaces, the minimum parking demand would be met for every month of the year based on the assumed "seasonal" outdoor restaurant seats and corresponding employee usage.

Adjusted Parking Demand. The ULI 2nd edition shared parking model hourly results that include a captive market reduction and season restaurant/eating establishment seats/employees are shown on Figure 6 for the peak month of August. As summarized in Table 7, a peak parking demand of 313 parking spaces (or a 13.1% reduction) is realized for full build out with the application of a 9% captive reduction for the shopping center uses and ULI's hourly, monthly, and weekday/weekend adjustment factors.

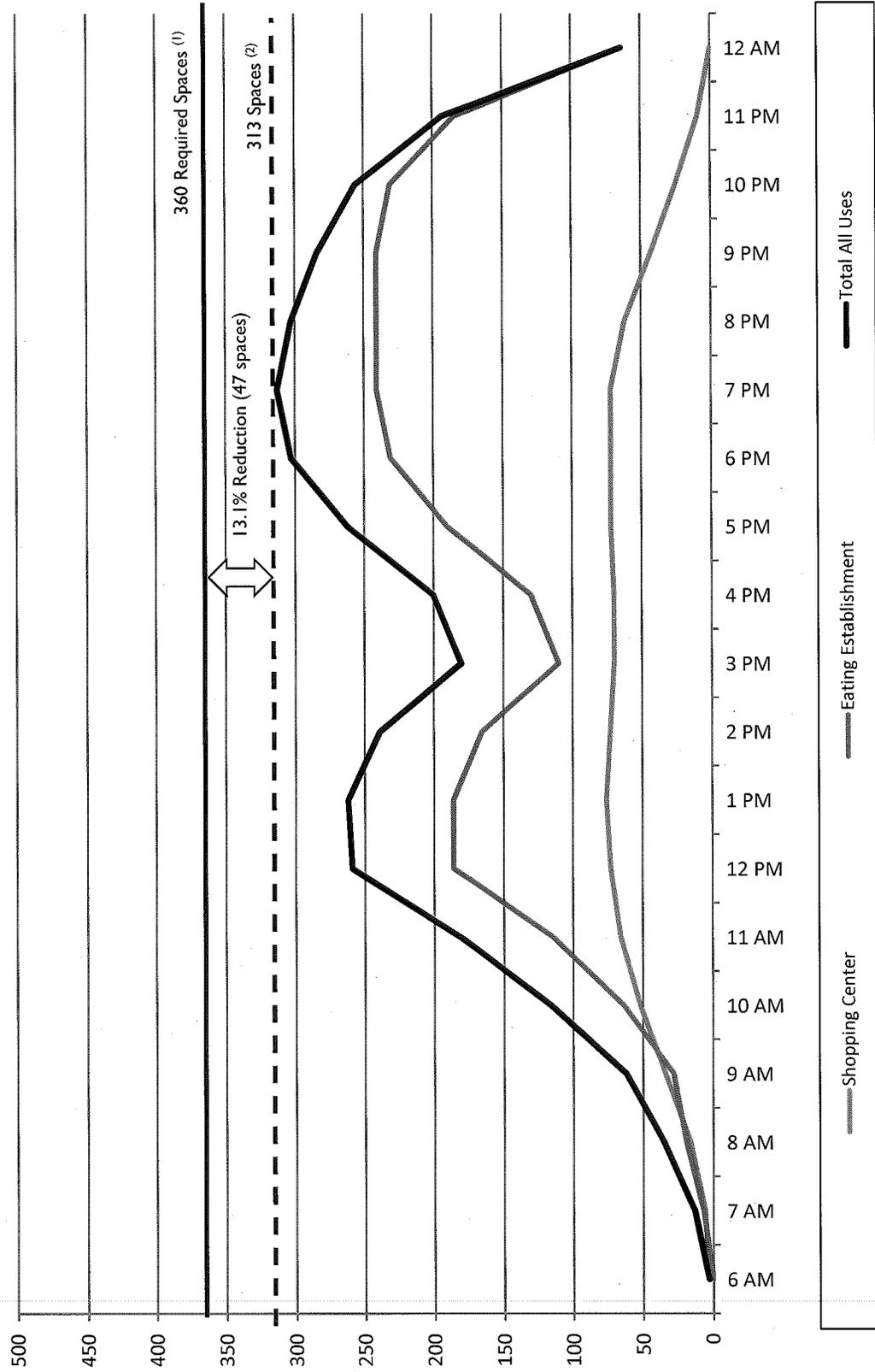
Future Flexibility. Consistent with previous approvals in Fairfax County, the Applicant would like to request a condition with a Board approval to accommodate future potential changes in market conditions between shopping center retail and restaurant/eating establishments. This requested condition would permit minor modifications to the non-residential uses administratively without requiring a new action item for the Board to approve. The modification would be subject to a new parking reduction study demonstrating, to the satisfaction of the Director of the Department of Public Works and Environmental Services, that the new uses are comparable to the approved parking reduction and the percent of reduction granted by the Board is not be exceeded. The parking reduction study submitted to the director would be required to use the same methodology employed in the study herein.

Figure 5: Weekday Month-by-Month Estimated Parking Demand
 (includes captive market adjustments and seasonal restaurant table seats with seasonal restaurant employees except where noted)



*This three (3) week period in December represents no seasonal outdoor restaurant/eating establishment table seats or employees to serve those seats.

Figure 6
Estimated Peak Hour Demand (Peak Month of August with Seasonal Seats)



(1) Required spaces based on strict application of the Fairfax County Zoning Ordinance.
 (2) Required spaces based on Fairfax County Zoning Ordinance, and by applying ULI methodologies.

Table 7

Halstead Mixed-Use Development - Phase B (Revision)

ULI 2nd Edition Shared Parking Results - Secondary Uses

Assessment Scenario	Fairfax County Code Requirement ⁽¹⁾	ULI Shared Parking Requirement ^{(2) (3)}	Reduction from Code Requirement	% Reduction from Code Requirement
Total Buildout	360	313	47	13.1%

Note(s):

(1) Fairfax County Code based on the Fairfax County Zoning Ordinance (Article 11).

(2) Evaluates the 20th-highest hour design period for the minimum required parking supply in August when the seasonal restaurant outdoor table seats and associated employees would be in use as well as considering the peak 3-week period in December when the seasonal seats/employees would be offline.

Part II - Conclusions

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

1. Under a strict application of the Zoning Ordinance, 360 parking spaces would be required to accommodate the proposed 27,077 GSF of shopping center space; 657 restaurant seats (564 table seats and 93 counter seats) and 46 restaurant employees of restaurant activity; and including the 116 seasonal restaurant table seats and 6 additional restaurant employees to serve them.
2. An assessment of potential/proffered TDM strategies for the project estimated captive reductions (synergy) could be achieved given the availability of on-site community serving retail uses. Based on the onsite/area residential uses and close proximity of employment locations and hotel uses, the shared parking model incorporated a minimum captive market adjustment of 9.0% for the shopping center uses as recommended by the TDM consultant UrbanTrans.
3. Applying the ULI methodology to base Fairfax County parking indices with a 9.0% captive reduction (synergy) for the proposed new secondary retail uses results while accommodating the seasonal restaurant table seats and corresponding employees for every month of the year except for three (3) weeks in December, a parking reduction of 13.1% (or 47 fewer parking spaces) would be necessary to accommodate full build out demands during the peak month of August.
4. The applicant is seeking a **parking reduction of 13.1% (47 fewer parking spaces)** for a total minimum of 313 parking spaces to serve the proposed new non-residential uses for total build out.
5. To accommodate future potential changes in market conditions between shopping center retail and restaurant/eating establishments, a condition should be provided to permit minor modifications to the non-residential uses as long as a new parking reduction study demonstrates to the satisfaction of the Director of the Department of Public Works and Environmental Services that the new uses are comparable to the approved parking reduction and percent of reduction granted by the Board must be honored while using the same methodology employed in the study herein.

ACTION – 2

Approval of Revised Transportation Funding Allocations

ISSUE:

Board approval of revised funding allocations for Congestion Mitigation Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP) funding.

RECOMMENDATION:

The County Executive recommends that the Board approve reallocations of previously allocated CMAQ and RSTP funding in the amount of \$11.2 million. This reallocation request is necessary to address underfunded project needs, and in some cases advance project close out. This approval will ensure that major County transportation projects remain funded and continue towards implementation.

In accordance with the Board's transportation's funding allocation policy approved March 29, 2011, staff has also included reallocations of Commercial and Industrial (C&I) Tax funds as notification to the Board.

TIMING:

The Board should act on this item on April 9, 2013, so staff can continue to move forward with implementation of projects as expeditiously as possible.

BACKGROUND:

The Burke Centre Virginia Railway Express (VRE) parking garage project was completed under budget and a balance of \$3.9 million CMAQ funds is available for reallocation. Staff is recommending these funds be reallocated to the following projects:

- \$3,727,586 – Route 50 Pedestrian Improvements – There are currently 11 projects identified along the Route 50 corridor for pedestrian improvements; three intersection improvements and eight sidewalk segment improvements. The total project estimate is \$8.8 million, and only \$1.9 million is currently funded. This CMAQ allocation, combined with the RSTP request in this item, will fully fund these improvements.

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- \$211,662 – Soapstone Trail – additional funding needed to offset increased construction costs of trail projects between South Lakes Drive and Glade Drive. This request will fully fund the current project estimate.

RSTP funding in the amount of \$7.2 million is available for reallocation. These funds are remaining after completion of the Route 29/Gallows Road project. Staff recommends these funds be reallocated to the following projects:

- \$3,066,919 - Route 50 Pedestrian Improvements – there are currently 11 projects identified along the Route 50 corridor for pedestrian improvements; three intersection improvements and eight sidewalk segment improvements. The total project estimate is \$8.8 million, and only \$1.9 million is currently funded. This RSTP allocation, combined with the CMAQ in this item, will fully fund these improvements.
- \$1,068,081 – Walney Road Improvements – additional funding is needed for increased estimates in the preliminary engineering and construction phases of the Walney Road Bridge replacement and widening project. This funding will allow the project to proceed into design-build implementation.
- \$320,000 – Hunter Mill Bridge Replacement project – these funds will cover the cost of preliminary engineering of the preferred bridge concept to be conducted by the Virginia Department of Transportation (VDOT).
- \$1,582,000 – Lee Road Culvert – this project will remove a bottleneck on Lee Road. By lengthening the culvert, the existing two-lane section will be widened to four lanes from 500 feet south of the culvert to Penrose Place. These funds will fully fund the culvert extension project.
- \$500,000 – I-395 Southbound Off-ramp to Route 236 Westbound - In anticipation of additional traffic impacts due to the Mark Center, an effort to make better utilization of existing transportation infrastructure, enhanced signage/way-finding techniques could be employed on the off-ramp to ensure that travelers are aware, in advance, that Quantrell Avenue, with direct access from the ramp, can be used to access Beauregard Street, Lincolnia Road and the Plaza at Landmark shopping center. This improvement is part of the Mark Center spot improvements priority projects.
- \$50,000 – Channelize Westbound Left-Turn Lanes at Beauregard Street - In anticipation of additional traffic impacts due to the Mark Center, the westbound left turn lane on Route 236 at Beauregard Street could be channelized to enhance safety and prevent exiting vehicles from the shopping plaza from

Board Agenda Item
April 9, 2013

accessing the left turn lane, crossing three through lanes of traffic in a short distance, and would shift those vehicles to another plaza exit (such as Beauregard Street). This improvement is part of the Mark Center spot improvements priority projects.

- \$700,000 – Construction of a Northbound Right-Turn Lane on Route 236 at Cherokee Avenue - Connecting Edsall Road and I-395 with Route 236. Cherokee Avenue could potentially offer BRAC-133 commuters an alternative route to and from the south. Currently, northbound traffic stops at a free-flowing Route 236. With low availability of gaps and northbound left turning movements blocking northbound rights, separating the lefts from the rights would be beneficial. An exclusive northbound right turn lane, long enough to provide adequate separation from the northbound lefts and throughs should be provided. This improvement is part of the Mark Center spot improvements priority projects.

On March 29, 2011, the Board approved a funding allocation policy for FCDOT that allowed for more efficient utilization of local funds on transportation projects. Under the guidelines of this policy, staff is notifying the Board of its intent to use C&I Tax revenues for the following projects:

- \$600,000 - Stringfellow Road Park and Ride – Funded with 2007 bond referendum proceeds, the project was estimated to cost \$5.5 million. An additional \$600,000 is needed for additional construction costs due to poor soil conditions under the parking lot and access road sites, and to address the increased cost of the proposed transit building. These additional costs would be funded from C&I reserves.
- \$900,000 - Telegraph Road widening (South Kings Highway and South Van Dorn Street). Additional funding is needed to supplement construction costs and is anticipated to support efforts in finishing the project ahead of schedule. These additional costs would be funded from C&I reserves.
- \$150,000 – Route 29/Gallows Road Lighting project – Construction of the Route 29/Gallows Road project has left a need for light pole replacement. This essential component of this capacity expansion project was not included in the original project budget. These costs would be funded from C&I reserves.

FISCAL IMPACT:

This action proposes reallocations of existing revenues. The recommended changes to the funding allocations for CMAQ, RSTP, and C&I revenues have no impact to the General Fund.

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April 9, 2013

ENCLOSED DOCUMENTS:

None.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT

Todd Minnix, Chief, Transportation Design Division, FCDOT

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

Karyn Moreland, Capital Projects and Operations Division, FCDOT

Ray Johnson, Sr. Transportation Planner, Coordination and Funding Division, FCDOT

Janet Nguyen, Transportation Planner, Coordination and Funding Division, FCDOT

ACTION - 3

Disclosure Agreement Related to the Issuance of Refunding Revenue Bonds, Series of 2013 A, by the Upper Occoquan Sewage Authority (Sully District)

ISSUE:

Board of Supervisors' approval of the proposed Disclosure Agreement related to the issuance of refunding revenue bonds by the Upper Occoquan Sewage Authority (UOSA).

RECOMMENDATION:

The County Executive recommends that the Board approve the attached Disclosure Agreement and authorize the Board Chairman to execute the Agreement on behalf of the Board in substantially the form presented.

TIMING:

Board action is requested on April 9, 2013, due to a planned issuance of refunding bonds by UOSA in May, 2013.

BACKGROUND:

UOSA plans to issue Refunding Revenue Bonds (2013 A Series) in May, 2013 to refinance costs of its system.

The Securities and Exchange Commission requires continuing disclosure of information related to municipal securities issued after July 3, 1995. Although UOSA is expected to provide the bulk of the information required, its member jurisdictions must provide updated information related to the financial and operating data of their respective sewer systems.

The attached Disclosure Agreement contains the agreement of the member jurisdictions to provide the required information. It is substantially similar to the Disclosure Agreement previously approved by this Board in connection with the UOSA 1995 Series Bonds, the UOSA 2003 Series Refunding Bonds, the UOSA 2004 Series Refunding Bonds, the UOSA 2005 Series Refunding Bonds, the UOSA 2007 Series Refunding Bonds, and the UOSA 2010 Series Regional Sewerage System Revenue Bonds. The new Agreement is required for the revenue bond documentation.

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FISCAL IMPACT:

None. Virtually all of the updated information required by the Agreement will be contained in the annual financial statements prepared for the Integrated Sewer System.

ENCLOSED DOCUMENTS:

Attachment I - Letter dated March 5, 2013, from the UOSA Executive Director to the Member Jurisdictions transmitting the Disclosure Agreement

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Randy Bartlett, Deputy Director, DPWES

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES



Upper Occoquan Service Authority

Leader in Water Reclamation and Reuse

14631 COMPTON ROAD, CENTREVILLE, VIRGINIA 20121-2506 (703) 830-2200

Charles P. Boepple
Executive Director

March 5, 2013

Michael D. Reach
Deputy Executive Director

HAND DELIVERED

Mr. Edward L. Long, Jr.
County Executive
Fairfax County
12000 Government Center Parkway
Fairfax, VA 22035-0066

Ms. Melissa S. Peacor
County Executive
Prince William County
1 County Complex Court
Woodbridge, VA 22192

Mr. John A. Budesky
City Manager
City of Manassas
9027 Center Street
Manassas, VA 20110

Mr. James W. Zumwalt
City Manager
City of Manassas Park
One Park Center Court
Manassas Park, VA 20111

Mr. Dean Dickey
General Manager
Prince William County Service Authority
4 County Complex Court
Woodbridge, VA 22192

Re: Disclosure Agreement – UOSA 2013A Series Refunding Bonds

Ladies and Gentlemen:

UOSA is currently in the process of issuing Refunding Revenue Bonds, Series of 2013A in order to realize approximately \$5,900,000 in present value savings. This is based on current market conditions.

As part of that process, UOSA needs to have assurances from the Political Subdivisions that they will provide the appropriate financial and operating data in order for UOSA to satisfy its obligations as required by the Securities and Exchange Commission under Rule 15c2-12. A Disclosure Agreement relating to the 2013A Bonds is enclosed. This Agreement is almost identical in form and substance to the Disclosure Agreement approved in 2010, with the exception that it excludes certain requirements related to tax status that are not applicable to this financing.

We ask your expeditious action on this agreement. The approval of this document is required prior to May 1, 2013, in order to meet the approved financing schedule. We

recognize that we are working on a very compressed schedule, and we appreciate your efforts to help us in achieving the goal of reducing costs to UOSA's Political Subdivisions. If you have questions or need further information, please do not hesitate to contact me (703-830-2200) or our Legal Counsel, Sally Hostetler (703-218-2114).

Sincerely,



Charles P. Boepple
Executive Director

cc: UOSA Board of Directors
UOSA Legal Counsel
Davenport & Co. L.L.C.

DISCLOSURE AGREEMENT

THIS AGREEMENT, made as of the 1st day of May, 2013, by and between the **UPPER OCCOQUAN SEWAGE AUTHORITY**, a public body politic and corporate duly created pursuant to the Virginia Water and Sewer Authorities Act (now the Virginia Water and Waste Authorities Act) (“**UOSA**”), and the **CITY OF MANASSAS** and the **CITY OF MANASSAS PARK**, municipal corporations of the Commonwealth of Virginia, and the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY** and the **BOARD OF COUNTY SUPERVISORS OF PRINCE WILLIAM COUNTY**, acting for and on behalf of said counties (such four parties being called collectively the “**Political Subdivisions**” and individually a “**Political Subdivision**”);

WITNESSETH:

WHEREAS, pursuant to the Virginia Water and Waste Authorities Act ((formerly the Virginia Water and Sewer Authorities Act) Chapter 51, Title 15.2, Code of Virginia of 1950, as amended) (the “**Act**”), and a Restated and Amended Service Agreement dated as of May 15, 1972, and executed in restated form in December 2007, as amended (the “**Service Agreement**”), UOSA operates an advanced wastewater treatment system which treats sewage collected by the Political Subdivisions; and

WHEREAS, UOSA expects to issue revenue bonds on or about May 15, 2013, for the purpose of refinancing costs of its system (the “**Revenue Bonds**”) and the charges paid by the Political Subdivisions to UOSA will be based, in part, on the debt service for such Revenue Bonds and will be payable from revenues of the sewer systems operated by or on behalf of each Political Subdivision (the “**Member Systems**”); and

WHEREAS, such Revenue Bonds are expected to be sold in a public offering with an official statement of UOSA providing relevant information concerning UOSA, its system and the revenues thereof, including financial information and operating data relating to the Member Systems (the “**Official Statement**”); and

WHEREAS, the Securities and Exchange Commission has adopted its Rule 15c2-12 (the “**SEC Rule**”) pursuant to the Securities and Exchange Act of 1934, as amended, and amendments to the SEC Rule effective for public offerings of municipal securities such as the Revenue Bonds issued and sold after July 3, 1995, and amendments to the SEC Rule effective for public offerings of municipal securities such as the Revenue Bonds issued and sold after December 1, 2010 (the “**Amendments**”), require that the underwriters of such securities confirm certain formal undertakings have been made to them with respect to continuing disclosure of information relevant to such municipal securities; and

WHEREAS, UOSA expects to provide the required information as to UOSA, its system and the revenues thereof and needs to have assurances from the Political Subdivisions that they will provide the appropriate financial information and operating data in order for UOSA to satisfy its obligations pursuant to the undertakings required by the SEC Rule;

NOW, THEREFORE, the parties hereto agree as follows:

Section 1. *Annual Disclosure.* (a) Each Political Subdivision shall provide annually, directly or through an intermediary, financial information and operating data in accordance with the provisions of Section (b)(5)(i) of the Rule as follows:

(1) audited or, if unavailable, unaudited financial statements of the Member System of such Political Subdivision (or, if such statements are not prepared, audited general purpose financial statements of such Political Subdivision) for such fiscal year, prepared in accordance with generally accepted accounting principles; and

(2) to the extent not included in the audited financial statements referred to in (1), such information within the knowledge of each of them as is necessary to update as of a date not earlier than the end of the preceding fiscal year the information contained in the Official Statement relating to the Revenue Bonds and described in Exhibit A hereto.

If the financial statements filed pursuant to Section 1(a)(1) are not audited, the Political Subdivision shall file such statements as audited within 15 days of such audited financial statements becoming available.

(b) Each Political Subdivision shall file annually with the Municipal Securities Rulemaking Board (“MSRB”) the financial information and operating data described in subsection (a) above (collectively, the “Annual Disclosure”) within 270 days from the end of each fiscal year, commencing with the fiscal year ending June 30, 2013.

(c) Any Annual Disclosure may be included by specific reference to other documents previously provided to the MSRB or filed with the SEC; provided, however, that any final official statement incorporated by reference must be available from the MSRB.

(d) The Political Subdivision shall file with the MSRB in a timely manner notice ~~specifying any failure of the Political Subdivision to provide the Annual Disclosure by the date specified.~~

Section 2. *Responsible Parties.* If any financial or other information required to be provided by Section 1 hereof is obtainable, in whole or in part, from any authority created by any Political Subdivision, such Political Subdivision shall cause such authority to agree to provide and to provide such information (or a notice of failure to so provide) within the time periods specified either to UOSA or directly to the MSRB. The Prince William County Service Authority is executing this Agreement to evidence its agreement to provide such information (or a notice of failure to so provide) on behalf of the Board of County Supervisors of Prince William County.

Section 3. *Determination of Relevant Information: Compliance.* UOSA hereby identifies “annual financial information” and “operating data” within the meaning of the SEC Rule as the material described in Exhibit A. If UOSA gives to any Political Subdivision a notice to the effect that information provided by such Political Subdivision does not constitute complete compliance with the requirements of Section 1 and specifies the alleged deficiency, such Political Subdivision shall promptly provide such information as required by Section 1; provided, however, such information does not have to be so provided if such Political Subdivision gives to UOSA an opinion of nationally recognized bond counsel addressed to

UOSA to the effect that such information is not required to be disclosed in order for UOSA to comply with its undertakings to underwriters in connection with the Revenue Bonds or the Amendments to the SEC Rule.

Section 4. Copies Provided. Copies of all submissions pursuant to Section 1 (or a notice of failure to so provide) shall be provided to UOSA.

Section 5. Filing Method. Any filing required hereunder shall be made by transmitting such disclosure, notice or other information in electronic format to the MSRB through the MSRB's Electronic Municipal Market Access (EMMA) system pursuant to procedures promulgated by the MSRB.

Section 6. UOSA Undertaking. To the extent the SEC Rule requires underwriters for the Revenue Bonds to have contracted formal undertakings from either UOSA or the Political Subdivisions, it is agreed such undertakings shall be given by UOSA.

Section 7. Other Communications. UOSA and any Political Subdivision may from time to time disclose information in addition to that required hereby. Nothing in this Agreement shall create any obligation for UOSA or any Political Subdivision to provide or update such additional information.

Section 8. Remedies. If any Political Subdivision fails to comply with its covenants herein, UOSA may take action to enforce such covenants as permitted by law, including an action for specific performance or mandatory injunction (in which actions UOSA shall not be required to post any bond).

Section 9. Amendments. This Agreement may be amended only by mutual agreement of the parties hereto. UOSA shall within a reasonable time thereafter send to the MSRB a description of such amendment(s).

Section 10. Termination. This Agreement shall terminate upon payment in full, or provision for payment in full having been made in a manner consistent with the Amendments to the SEC Rule, of the Revenue Bonds.

Section 11. Miscellaneous.

(a) **Severability.** In the event any provision of this Agreement shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

(b) **Execution in Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

(c) **Time of Essence.** The parties agree that time shall be of the essence in the performance of this Agreement.

(d) Applicable Law. This Agreement shall be governed by and be construed in accordance with the laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed, and the seals to be affixed and attested by their duly authorized officers, all as of the date appearing next to their signatures.

UPPER OCCOQUAN SEWAGE AUTHORITY

(SEAL)

By: _____
Chairman

Date: _____

ATTEST: _____
Secretary

CITY OF MANASSAS

(SEAL)

By: _____
Mayor

Date: _____

ATTEST: _____
Clerk

CITY OF MANASSAS PARK

(SEAL)

By: _____
Mayor

Date: _____

ATTEST: _____
Clerk

BOARD OF SUPERVISORS OF FAIRFAX COUNTY

(SEAL)

By: _____
Chairman

Date: _____

ATTEST: _____
Clerk

**BOARD OF COUNTY SUPERVISORS OF PRINCE
WILLIAM COUNTY**

(SEAL)

By: _____
Chairman

Date: _____

ATTEST: _____
Clerk

**PRINCE WILLIAM COUNTY SERVICE
AUTHORITY**

(SEAL)

By: _____
Chairman

Date: _____

ATTEST: _____
Clerk

Unless and until changed by UOSA, the following is identified as "annual financial information" and "operating data" pursuant to Section 3 of the attached Disclosure Agreement for each Political Subdivision and its Member System:

For the most recent complete fiscal year:

- (a) Number of connections (or accounts).
- (b) Rate schedule.
- (c) Total amounts for:
 - (i) Service charge revenues
 - (ii) Availability/connection fee revenues
 - (iii) Interest income revenues
 - (iv) Total System revenues
 - (v) System operating and maintenance expenses (not including expense payments to UOSA or debt service payments on UOSA obligations)
 - (vi) Expense payments to UOSA
 - (vii) Debt service payments on debt treated as senior to UOSA obligations
 - (viii) Debt service payments on debt treated as on parity with UOSA obligations
 - (ix) Debt service payments on UOSA obligations
 - (x) Debt service payments on debt treated as subordinate to UOSA obligations
- (d) Identity of any customer of the Member System paying over 5% of the total service charge revenues of the Member System and the specific percentage for such customer.
- (e) System capacity (flows in mgd).

INFORMATION - 1

Dolley Madison Library, Great Falls Fire Station, Mosaic, and Virginia Department of Transportation/Virginia State Police Administration Building Receive Superior Appearance Awards from the Community Appearance Alliance of Northern Virginia (Dranesville, Providence and Springfield Districts)

The Community Appearance Alliance of Northern Virginia selected the Dolley Madison Library, Great Falls Fire Station, Mosaic, and VDOT/VSP Administration Building projects to receive 2012 Superior Appearance Awards. The Community Appearance Awards honor completed projects or specific efforts that improve the appearance of public spaces in Northern Virginia. Representatives from the Department of Public Works and Environmental Services and the Office of Community Revitalization received the Superior Appearance Awards at the Community Appearance Alliance of Northern Virginia ceremony on March 26, 2013.

The renovation/expansion of Dolley Madison Library was completed in May 2011. The original 1967 library located in McLean, Virginia had a critical need for additional space to meet growing community use and for updates to its aging building systems. The renovations and additions acknowledge and sustain the existing building's history and importance in the community and celebrate the building's unique site in McLean Central Park by creating a strong visual connection with the adjacent park woodlands with its floor-to-ceiling exterior wall, composed of a staggered pattern of vertical and horizontal wood components and large expanses of glass. The exterior wall is designed to evoke the park's trees and leafy canopy. The project also serves as a visible example of environmentally sustainable design by utilizing natural resource conservation and energy efficiency strategies. The project has been awarded LEED® Gold Certification from the US Green Building Council. The design and construction for the project was managed by the Department of Public Works and Environmental Services, Building Design and Construction Division. The Community Appearance Alliance cited the project as a "very poetic addition and a delight to view from the park."

The Great Falls Volunteer Fire Station was completed in February 2012, and is a model of excellence in neighborhood improvement. The architecture of the station references the building forms of the farmhouses, barns, and silos of the rural history of Great Falls and of the current equestrian community it serves. The existing station was constructed in 1960 and became obsolete due to growth in population. It was also in need of major repairs and upgrades to meet current building codes. The new two-story station was constructed on the same footprint as the existing fire and rescue facility, which was demolished as part of the overall construction phasing. The result is a facility with a

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dynamic design and the highest quality construction, with innovative use of materials and advanced technological features in the building's infrastructure. It is also designed using LEED guidelines and has been awarded LEED® Gold Certification. Landscaping of the project utilizes native species, and the vegetated roofs minimize the amount of stormwater runoff. The design and construction for the project was managed by the Department of Public Works and Environmental Services, Building Design and Construction Division. The Community Appearance Alliance cited the project as a "great improvement on the existing building and a very positive contribution to its community."

The Mosaic Phase 1 Project, which opened in fall 2012, is a new town center that incorporates residential, retail, and office spaces into a unique mixed-use area attracting new residents and bringing economic benefits to the surrounding community. Located near I-66, the Capital Beltway, and the Dunn Loring-Merrifield Metro station, the 31-acre Mosaic District, includes shops and restaurants, an Angelika Film Center, a 150-room Hyatt House hotel, and 73,000 square feet of office spaces. The redevelopment has transformed an area to a new core town center with a pedestrian orientation, a planned street grid and modern buildings. The redeveloped was named "Mosaic" in reference to the many different Northern Virginia neighborhoods that encircle Merrifield. The project is divided into four geographic districts: fashion and retail; film and dining; market, which includes specialty food shops; and residential. The Office of Community Revitalization was instrumental in the development on the Mosaic Phase 1 Project. The Community Appearance Alliance cited the project as "a force for change in this entire neighborhood and an excellent example of a pedestrian friendly project that captures the spirit of its time. It is a breath of fresh air in a very tired formula for development in the region."

The VDOT/VSP Administration Building was completed in November 2010. The new, approximate 166,000 square-foot, four-story Class A office building is shared by the Northern Virginia Offices of the Virginia Department of Transportation (VDOT) and the Division 7 Headquarters of the Virginia State Police (VSP). The project was developed in partnership between the Commonwealth of Virginia and Fairfax County as part of the West Ox Master Plan, with Fairfax County Department of Public Works and Environmental Services, Building Design and Construction Division, designated as the manager and administrator for development of the VDOT/VSP project. The site was once occupied by a state correctional facility and portions of a VDOT maintenance facility. The correctional facility and the VDOT maintenance buildings were demolished as part of the West Ox Complex development. Since the facility is included in the West Ox Master Plan, it was required to meet the West Ox Complex Site Standards that create a uniform campus appearance. This was achieved with exterior building materials and colors that are compatible with the other buildings on the campus. The selection of landscaping materials and placement was also done in accordance with the standards including a consistent streetscape along the main, shared roadways. This project exceeded the project goals providing a facility that not only meets the

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operational requirements of the using agencies, but is visually appealing, environmentally friendly, and of the highest quality. The project was designed under the LEED green building principles and was awarded LEED® Gold Certification. The Community Appearance Alliance cited the project as “an elegant building on the landscape that anchors redevelopment of this parcel. The project acts as a role model for sustainability.”

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

None.

STAFF:

Barbara Byron, Director, Office of Community Revitalization

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

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

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Virginia Housing Development Authority
601 South Belvidere Street
Richmond, Virginia 23220
Attention: Jim Chandler

RE: LOCAL SUPPORT
VHDA Tracking Number: 2013-TEB-112
Name of Development: The Residences at Government Center
Name of Owner/Applicant: Fairfax Corner General Partner, LLC

The construction or rehabilitation of the above-named development and the allocation of federal housing tax credits available under IRC Section 42 for said development will help meet the housing needs and priorities of Fairfax County. Accordingly, Fairfax County supports the allocation of federal housing tax credits requested by Fairfax Corner General Partner LLC for that development.

Sincerely,

Edward L. Long Jr.
County Executive

Certification of Consistency with the Consolidated Plan

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

(Type or clearly print the following information:)

Applicant Name: Fairfax Corner General Partner, LLC

Project Name: The Residences at Government Center

Location of the Project: Monument Drive, Fairfax, VA 22030

Braddock District

Name of the Federal Program to which the Applicant is applying: Low Income Housing Tax Credit Program, A Federal Affordable Housing Program

Name of Certifying Jurisdiction: Fairfax County, Virginia

Certifying Official Of the Jurisdiction Name: Edward J. Long Jr.

Title: County Executive

Signature: _____

Date: _____

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10:40 a.m.

Matters Presented by Board Members

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11:30 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. *Board of Supervisors of Fairfax County, Virginia and Eileen M. McLane, Fairfax County Zoning Administrator v. SNSA, Inc. d/b/a Fast Eddie's Billiard Café*, Record No. 121700 (Va. Sup. Ct.) (Mount Vernon District)
 - 2. *Edward Akowuah v. County of Fairfax, Fairfax County Police Department, Officer G.A. Waked and Does*, Case No. 1:13cv83 (E.D. Va.)
 - 3. *Carla Thomas v. Fairfax County, Fairfax County Department of Tax Administration, Howard Goodie, and Bruce Schuette*, Case No. CL-2013-0004770 (Fx. Co. Cir. Ct.)
 - 4. *Fairfax County, Virginia v. Landamerica Property Corporation, Inc.*, Case No. CL-2012-0019454 (Fx. Co. Cir. Ct.) (Lee District)
 - 5. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. James J. Hodges*, Case No. CL-2012-0007873 (Fx. Co. Cir. Ct.) (Providence District)
 - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nahid Amiri*, Case No. CL-2011-0009631 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Esther Schwartz, Morris Goldberg, Rose Goldberg, Alvin Peck, Stella Peck, Melvin Zweig, Kathryn Zweig, M. A. M. Enterprises, and the Heirs of Alvin Peck*, Case No. CL-2012-0004129 (Fx. Co. Cir. Ct.) (Providence District)
 - 8. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v.*

- Robert E. Stroup*, Case No. CL-2012-0000352 (Fx. Co. Cir. Ct.) (Providence District)
9. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walter A. Knick and Phyllis E. Knick*, Case No. CL-2011-0009274 (Fx. Co. Cir. Ct.) (Hunter Mill District/Town of Vienna)
 10. *Leslie B. Johnson, 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)
 11. *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)
 12. *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)
 13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Freddie L. Gaskins and Sandra M. Gaskins*, Case No. CL-2010-0002572 (Fx. Co. Cir. Ct.) (Providence District)
 14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*, Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.) (Providence District)
 15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. M-G Apartments, LLC*, Case No. CL-2011-0001769 (Fx. Co. Cir. Ct.) (Dranesville District)
 16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ruben R. Nunez and Lucila N. Nunez*, Case No. CL-2012-0013470 (Fx. Co. Cir. Ct.) (Braddock District)
 17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Douglas A. Samuelson*, Case No. CL-2012-0006356 (Fx. Co. Cir. Ct.) (Braddock District)
 18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phuong T. Le*, Case No. CL-2012-0007066 (Fx. Co. Cir. Ct.) (Mason District)
 19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kenneth A. Price and Imelda G. Price*, Case No. CL-2012-0014520 (Fx. Co. Cir. Ct.) (Mason District)

20. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Alex Gomez, Case No. CL-2013-0000222 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert F. Blakemore, Case No. CL-2013-0002868 (Fx. Co. Cir. Ct.) (Providence District)*
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Carlomagno O. Katindig and Maria Rosalina G. Katindig, Case No. CL-2013-0003526 (Fx. Co. Cir. Ct.) (Lee District)*
23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert D. Edmonds, Jr., Case No. CL-2012-0011472 (Fx. Co. Cir. Ct.) (Dranesville District)*
24. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard Morato and Elizabeth G. Weber, Case No. CL-2012-0018122 (Fx. Co. Cir. Ct.) (Providence District)*
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Beverly J. Geraghty, Case No. CL-2013-0004121 (Fx. Co. Cir. Ct.) (Braddock District)*
26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Weiqing Gu and Shenjung Jiang, Case No. CL-2013-0004204 (Fx. Co. Cir. Ct.) (Lee District)*
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Patrick McLein and Toui Emanivong, Case No. CL-2013-0004456 (Fx. Co. Cir. Ct.) (Providence District)*
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert L. Gelles and Anita A. Gelles, Case No. CL-2013-0004820 (Fx. Co. Cir. Ct.) (Springfield District)*
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Amy Junhong Long, Case No. CL-2013-0005065 (Fx. Co. Cir. Ct.) (Providence District)*
30. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Elise Ann Brandenburger Brown, Case No. CL-2013-0005149 (Fx. Co. Cir. Ct.) (Dranesville District)*
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carl M. Mazzan, Case No. CL-2013-0005230 (Fx. Co. Cir. Ct.) (Hunter Mill District)*

32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Muhammad Shafiq and Rubina Shafiq*, Case No. CL-2013-0005293 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Donald E. Pless*, Case No. CL-2013-0005408 (Fx. Co. Cir. Ct.) (Braddock District)
34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rafael Antonio Carbajal and Maria Delmi Carbajal*, Case No. CL-2013-0005404 (Fx. Co. Cir. Ct.) (Mount Vernon District)
35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abdul B. Usmani*, Case No. CL-2013-0005425 (Fx. Co. Cir. Ct.) (Mason District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Theresa C. L. Hung*, Case No. CL-2013-0005423 (Fx. Co. Cir. Ct.) (Mason District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vy Q. Bui*, Case Nos. GV12-026798 and GV12-026799 (Fx. Co. Gen. Dist. Ct.) (Lee District)
38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Patience Hann*, Case No. GV13-003212 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lawrence J. Quinn, Jr., and Cynthia M. Quinn*, Case Nos. GV13-003515 and GV13-003542 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Andreas S. Kolas and Irene Tsiourouti*, Case No. GV12-027590 (Fx. Co. Gen. Dist. Ct.) (Lee District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maria E. Gutierrez*, Case No. GV13-000326 (Fx. Co. Gen. Dist. Ct.) (Mason District)
42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roger L. Jones and Erma G. Jones*, Case No. GV12-028599 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
43. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Clifton Kenney*, Case Nos. GV13-004015 and GV13-004017 (Fx. Co. Gen. Dist. Ct.) (Sully District)

44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Consuelo R. Perez and Juan Jose Mariscal Alvarez, Case No. GV13-004756 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
45. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Susy A. Ortega, Case No. GV12-026100 (Fx. Co. Gen. Dist. Ct.) (Providence District)*
46. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Susy A. Ortega, Case No. GV12-026049 (Fx. Co. Gen. Dist. Ct.) (Providence District)*
47. *Angela Achu v. D.G. Head, Case No. GV13-003636 (Fx. Co. Gen. Dist. Ct.)*
48. *Mark Boudreau v. Detective Jeremy Hoffman, Case No. GV13003768-00 (Fx. Co. Gen. Dist. Ct.)*
49. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Charles P. Dull, Trustee, and Laura W. Dull, Trustee, Case No. GV13-004918 (Fx. Co. Gen. Dist. Ct.) (Mason District)*
50. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jeanne Rovics Mexic, Case No. GV13-005628 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
51. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Adam J. Kimmich, Case No. GV13-005796 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
52. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mirtha Tapia, Case No. GV13-005797 (Fx. Co. Gen. Dist. Ct.) (Mason District)*
53. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gang Wang and Di Fan, Case No. GV13-005795 (Fx. Co. Gen. Dist. Ct.) (Providence District)*
54. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Paul A. Spiegelblatt, Case Nos. GV13-006459 and GV13-006460 (Fx. Co. Gen. Dist. Ct.) (Mason District)*

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Board Agenda Item
April 9, 2013

3:00 p.m.

Public Hearing on Proposed Amendments to Appendix Q of the *Code of the County of Fairfax, Virginia RE: Adjustment of the Fees Charged by Land Development Services for Plan Review, Permits, and Inspection Services*

ISSUE:

Adjustments to the fees charged for plan review, permits and inspection services in line with the Consumer Price Index (CPI) to more accurately reflect and cover the cost of providing these services.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, March 27, 2013, the Planning Commission unanimously voted (Commissioners Flanagan and Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Adoption of the proposed amendments as advertised and set forth in the staff report dated February 12, 2013; and
- The proposed amendments become effective at 12:01 a.m. on July 1, 2013, and that the revised fees shall be applicable to any submissions after this date.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to the *Code of the County of Fairfax, Virginia* (County Code), as set forth in the staff report dated February 12, 2013. Action on the fees is recommended to take place on April 23 and April 30, 2013 as part of the markup and adoption of the FY 2014 Advertised Budget Plan.

TIMING:

On February 12, 2013, the Board authorized the advertising of public hearings. The Planning Commission public hearing, originally scheduled for March 6, 2013, was held on March 27, 2013. If approved, these amendments shall become effective on July 1, 2013, at 12:01 a.m. and the revised fees shall be applicable to any submission on or after the effective date.

BACKGROUND:

The Department of Public Works and Environmental Services (DPWES) is proposing to adjust the Land Development Services (LDS) fees for plan review, permits, and inspection services. LDS fees were last increased in July, 2011 (FY 2012). At that time, the fees were increased by approximately 3.1% in line with the Consumer Price Index (CPI) with the exception of certain fees that remained unchanged due to rounding or because the existing fees adequately covered the actual costs of providing services.

The July, 2011 (FY 2012) fee adjustment was in response to the Board's request in 2009 to regularly review and adjust LDS fees to avoid the large fee adjustments that were adopted in the past. The Board's request was based on input from industry representatives from the Northern Virginia Building Industry Association, the National Association of Industrial and Office Parks, and the Engineers & Surveyors Institute regarding the negative impact of large and unpredictable fee increases to land development projects.

The proposed fees for reviewing plans, processing permits, and performing inspections are based on the actual costs of delivering these services. Over the past two years, LDS has continued to review and control its costs. Additionally, LDS has experienced an increase in revenue from the FY 2012 fee increase, effective July 1, 2011, and a rise in the number of building permit applications submitted to the County. As a result, LDS has achieved a better balance between its revenue and costs. However, because the cost of providing services has risen with inflation, LDS is proposing a modest fee increase to the majority of its fees. The proposed fee increase will assist LDS in meeting the Board's targeted cost-recovery rate of 90%.

Vetting of the proposed amendment included meetings with industry representatives to discuss the proposed fee increases. During those meetings, representatives of the land development community did not express any objections to the proposed increases; however, they did express concern over LDS' ability to provide an acceptable level of service as plan and permits increase with a recovering economy. Below is a summary of the proposed amendments.

SUMMARY OF AMENDMENTS:

The proposed fee adjustments provide an incremental increase in the fees charged by LDS. The proposed adjustments will assist LDS in covering the cost of providing its services. The fees for site and subdivision plan review and inspections, and the building code fees will increase in direct proportion to the increase in the Consumer Price Index (CPI) for Urban Wage Earners & Clerical Workers in the Washington-Baltimore area for the 12 month period beginning in March, 2011. In general, the fees

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will increase by 2.75% with some fees increasing by up to 3.25% due to rounding, with the following exceptions:

- Fees related to household appliances, vertical transportation and maintaining a contractor's license in an inactive state remain constant because the existing fees adequately cover the actual costs to provide the services.
- The following fees remain constant due to rounding and the necessity to maintain a dollar amount that facilitates the collection of money from homeowners, contractors and staff: (1) the permit base fee; (2) the fee for failure to obtain a building permit prior to beginning work (non-permitted work); (3) the fee paid for each discipline (electrical, mechanical, etc.) taking part in a team inspection, should the inspection not involve all disciplines; and (4) the fee for an amendment to a permit, multiple permits, permits requiring no inspections, permit extensions for permits for interior alterations to an existing building, permit extensions for an addition or exterior alterations to an existing residential structure (class R-3, R-4 and R-5 structures), and permit extensions for accessory structures on a residential property (class R-3, R-4 and R-5 structures).
- Pursuant to the current regulations, no fee is charged to (1) repair, replace, or otherwise re-construct a residential, commercial or industrial structure damaged as the result of a catastrophic event; (2) install solar energy equipment, replace defective sprinkler heads or construct radiation fallout or blast shelters; (3) review a recycling plan; (4) submit requests for exemptions under the Chesapeake Bay Preservation Ordinance and for PFM modifications to use an innovative water quality or detention facility; or (5) review second submission site plans with public improvements only.
- The Fire Marshal fees are not being adjusted at this time. The Fire Marshal fees were last adjusted in 2009 (FY 2010).
- Permit fees for amusement devices and carnival rides remain constant in accordance with the Virginia Amusement Device Regulations.

In addition, the following editorial changes are being made to the fee schedule:

- Correct the type of construction in Table I, Section B (Building Permit and Other Fees).
- Revise the text to clarify that a single fee is charged for all ductwork and piping of equipment, for use groups other than R-3, R-4 and R-5.

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- Designate that the value of the following fees is the “base fee”: plan resubmission fees for each plan review discipline for all new residential buildings and additions to existing residential buildings and for each resubmission of plans for alterations to existing commercial buildings.
- Revise the text to clarify the fee for processing a soils report associated with a site plan which was inadvertently left out of Appendix Q upon its adoption.

The proposed LDS fee schedule is included as Attachment A to the Staff Report.

REGULATORY IMPACT:

The proposed fee amendments are in response to the Board’s directive to regularly review and incrementally adjust LDS fees to minimize the impact of fee increases on land development projects. The proposed amendment increases the fees charged by LDS for plan review, permits, and inspection services in line with the CPI in order to offset an increase in LDS's costs for providing these services. Aside from the aforementioned fees that remain unchanged, the fees will increase by 2.75% to 3.25%, with the variation attributable to rounding. In addition, edits to the fee schedule are being proposed to simplify and standardize how fees are determined. All fees, if approved, shall become effective on July 1, 2013. Refer to Attachment A of the Staff Report for a copy of the proposed LDS Fee Schedule.

FISCAL IMPACT:

If adopted by the Board, it is anticipated that the proposed fee adjustments will generate increased revenue of approximately \$480,000 in FY 2014. This revenue estimate is based on the FY 2013 projected revenue of \$24.7 million and assumes that workload remains constant in FY 2014. Any reduction in plan and permit activity may have a negative impact on the projected revenue. Staff in LDS will work in close coordination with the Department of Management and Budget to monitor these trends. The \$480,000 in additional revenue has been included in the FY 2014 Advertised Budget Plan.

ENCLOSED DOCUMENTS:

Attachment 1- Staff Report
Attachment 2 - Verbatim

STAFF:

James Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Michelle Brickner, Deputy Director, Land Development Services, DPWES

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

STAFF REPORT

- PROPOSED COUNTY CODE AMENDMENT
- PROPOSED PFM AMENDMENT
- APPEAL OF DECISION
- WAIVER REQUEST

Proposed Amendments to Appendix Q of the *Code of the County of Fairfax, Virginia*
RE: Adjustment of the Fees Charged by Land Development Services, Department of
Public Works and Environmental Services, for Plan Review, Permits, and Inspection
Services.

Authorization to Advertise	<u>February 12, 2013</u>
Planning Commission Hearing	<u>March 6, 2013</u>
Board of Supervisors Hearing	<u>April 9, 2013</u>
Prepared by:	<u>Jan Leavitt, P.E.</u> Code Development and Compliance <u>(703) 324-1733</u> February 12, 2013

STAFF REPORT

A. Issue:

Adjustments to the fees charged for plan review, permits, and inspection services in line with the Consumer Price Index (CPI) to more accurately reflect and cover the cost of providing these services.

B. Recommended Action:

Staff recommends that the Board of Supervisors adopt the proposed amendments to Appendix Q of the *Code of the County of Fairfax, Virginia* (County Code), as advertised with an effective date of 12:01 A.M. on July 1, 2013.

C. Timing:

Board of Supervisors' authorization to advertise – February 12, 2013
Planning Commission Public Hearing – March 6, 2013
Board of Supervisors Public Hearing – April 9, 2013 to coincide with discussions of the FY 2014 Advertised Budget Plan.

D. Source:

Department of Public Works and Environmental Services (DPWES)

E. Coordination:

The proposed amendments were prepared by DPWES and coordinated with the Departments of Management and Budget, Planning and Zoning, and the Office of the County Attorney.

F. Background:

The Department of Public Works and Environmental Services is proposing to adjust the Land Development Services (LDS) fees for plan review, permits, and inspection services. LDS fees were last increased in July, 2011 (FY 2012). At that time, the fees were increased by approximately 3.1% in line with the Consumer Price Index (CPI) with the exception of certain fees that remained unchanged due to rounding or because the existing fees adequately covered the actual costs of providing services.

The July, 2011 (FY 2012) fee adjustment was in response to the Board's request in 2009 regularly review and adjust LDS fees to avoid the large fee adjustments that were adopted in the past. The Board's request was based on input from industry representatives from the Northern Virginia Building Industry Association,

the National Association of Industrial and Office Parks, and the Engineers & Surveyors Institute regarding the negative impact of large and unpredictable fee increases to land development projects.

The proposed fees for reviewing plans, processing permits and performing inspections are based on the actual costs of delivering these services. Over the past two years, LDS has continued to review and control its costs. Additionally, LDS has experienced an increase in revenue from the FY 2012 fee increase, effective July 1, 2011, and a rise in the number of building permit applications submitted to the County. As a result, LDS has achieved a better balance between its revenue and costs. However, because the cost of providing services has risen with inflation, LDS is proposing a modest fee increase to the majority of its fees. The proposed fee increase will assist LDS in meeting the Board's targeted cost-recovery rate of 90%.

Vetting of the proposed amendment included meetings with industry representatives to discuss the proposed fee increases. During those meetings, representatives of the land development community did not express any objections to the proposed increases; however, they did express concern over LDS' ability to provide an acceptable level of service as plan and permits increase with a recovering economy. Below is a summary of the proposed amendments.

G. Proposed Amendments:

The proposed fee adjustments provide an incremental increase in the fees charged by LDS. The proposed adjustments will assist LDS in covering the cost of providing its services. The fees for site and subdivision plan review and inspections, and the building code fees will increase in direct proportion to the increase in the Consumer Price Index (CPI) for Urban Wage Earners & Clerical Workers in the Washington-Baltimore area for the 12 month period beginning in March, 2011. In general, the fees will increase by 2.75% with some fees increasing by up to 3.25% due to rounding, with the following exceptions:

- Fees related to household appliances, vertical transportation and maintaining a contractor's license in an inactive state remain constant because the existing fees adequately cover the actual costs to provide the services.
- The following fees remain constant due to rounding and the necessity to maintain a dollar amount that facilitates the collection of money from homeowners, contractors and staff: (1) the permit base fee; (2) the fee for failure to obtain a building permit prior to beginning work (non-permitted work); (3) the fee paid for each discipline (electrical, mechanical, etc.) taking part in a team inspection, should the inspection not involve all disciplines; and (4) the fee for an amendment to a permit, multiple permits, permits requiring no inspections, permit extensions for permits for interior

alterations to an existing building, permit extensions for an addition or exterior alterations to an existing residential structure (class R-3, R-4 and R-5 structures), and permit extensions for accessory structures on a residential property (class R-3, R-4 and R-5 structures).

- Pursuant to the current regulations, no fee is charged to (1) repair, replace, or otherwise re-construct a residential, commercial or industrial structure damaged as the result of a catastrophic event; and (2) install solar energy equipment, replace defective sprinkler heads or construct radiation fallout or blast shelters; (3) review a recycling plan; (4) submit requests for exemptions under the Chesapeake Bay Preservation Ordinance and for PFM modifications to use an innovative water quality or detention facility; or (5) review 2nd submission site plans with public improvements only.
- The Fire Marshal fees are not being adjusted at this time. The Fire Marshal fees were last adjusted in 2009 (FY 2010).
- Permit fees for amusement devices and carnival rides remain constant in accordance with the Virginia Amusement Device Regulations.

In addition, the following editorial changes are being made to the fee schedule:

- Correct the type of construction in Table I, Section B (Building Permit and Other Fees).
- Revise the text to clarify that a single fee is charged for all ductwork and piping of equipment, for use groups other than R-3, R-4 and R-5.
- Designate that the value of the following fees is the “base fee”: plan resubmission fees for each plan review discipline for all new residential buildings and additions to existing residential buildings and for each resubmission of plans for alterations to existing commercial buildings.
- Revise the text to clarify the fee for processing a soils report associated with a site plan which was inadvertently left out of Appendix Q upon its adoption.

The proposed LDS fee schedule is included as Attachment A.

H. Summary:

In summary, the proposed fee amendments are in response to the Board’s directive to regularly review and incrementally adjust LDS fees to minimize the impact of fee increases on land development projects. The proposed amendment increases the fees charged by LDS for plan review, permits, and inspection services in line with the CPI in order to offset an increase in LDS’s

costs for providing these services. Aside from the aforementioned fees that remain unchanged, the fees will increase by 2.75% to 3.25%, with the variation attributable to rounding. In addition, edits to the fee schedule are being proposed. All fees, if approved, shall become effective on July 1, 2013. Refer to Attachment A for a copy of the proposed LDS Fee Schedule.

The proposed amendments to the fee schedules the proposed fee adjustments will generate increased revenue of approximately \$480,000 in FY 2014. This revenue estimate is based on the FY 2013 projected revenue of \$24.7 million and assumes that workload remains constant in FY 2014. Any reduction in plan and permit activity may have a negative impact on the projected revenue. Staff in LDS will work in close coordination with the Department of Management and Budget to monitor these trends. The \$480,000 in additional revenue will be reflected in the County Executive's proposed FY 2014 Advertised Budget Plan.

I. Attachment:

Attachment A: Proposed LDS Fee Schedule

Appendix Q - Land Development Services Fee Schedule

This fee schedule establishes the fees charged, by Land Development Services, Department of Public Works and Environmental Services and the Fire Marshal, for building and site development activities pursuant to the authority granted by §§ 15.2-2241(A)(9), 15.2-2286(A)(6), 10.1-562(H) and 36-105(A) of the *Code of Virginia* and Chapters 2 (Property Under County Control), 61 (Building Provisions), 64 (Mechanical Provisions), 65 (Plumbing and Gas Provisions), 66 (Electrical Provisions), 101 (Subdivision Ordinance), 104 (Erosion and Sediment Control Ordinance) and 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia* (the Code).

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I. BUILDING DEVELOPMENT FEES

The following building development fees to cover the cost of reviewing plans, issuing permits, performing inspections, licensing home improvement contractors and other expenses incidental to the enforcement of the Uniform Statewide Building Code (USBC) and Chapters 61, 64, 65 and 66 of the Code are hereby adopted:

A: STANDARD FEES	
Listed below are standard fees that apply to building, mechanical, electrical, plumbing, fire alarm, fire suppression and fire lane permits. The fees shall apply provided all of the applicable conditions set forth in § 61-1-3 of the Code are met.	
1. Base fee: The minimum fee charged for any permit. A reduced fee shall apply as noted below.	\$90.00
2. Reduced fees: <ul style="list-style-type: none"> • Multiple permits, per unit • Fee for permits requiring no inspections • Casualty Permits 	\$30.00 \$30.00 \$0.00
3. After-hours inspection fee for each 30 minute period or fraction thereof	\$196.00 201.00
4. Amendment of permit	\$30.00, the fee for any equipment added, or the fee for any additional work involved, whichever fee is greater
5. Annual permit fee	Base Fee
6. Asbestos removal/abatement	Base Fee
7. Re-inspection fee	Base Fee
8. Team inspections <ul style="list-style-type: none"> • Fee if all disciplines (i.e. building, electrical, plumbing, mechanical and/or the Fire Marshal) are involved in inspections • Fee paid for each discipline taking part in the inspection, should the inspections not involve all disciplines 	\$4 12 23.00 \$90.00
9. Modular residential units, including manufactured homes	50% of the regular permit fee
10. Non-permitted work	\$90.00
11. Permit extensions: Permit authorizing construction of: <ul style="list-style-type: none"> • Interior alteration to an existing building • An addition(s) or exterior alteration(s) to an existing residential structure (R-3, R-4 and R-5 construction) • An accessory structure(s) on a residential property (R-3, R-4 and R-5 construction) • A new structure (other than noted above) • An addition(s) to a non-residential structure 	\$30.00 \$30.00 \$30.00 \$196.00 201.00 \$196.00 201.00
12. Replacement of defective sprinkler heads	\$0.00
13. Radiation, fallout or blast shelter	\$0.00
14. Solar Energy	\$0.00

B. BUILDING PERMIT AND OTHER FEES

(A) New Buildings, Additions or Enlargements: The fee for construction of a new building, or an addition or an enlargement to an existing building shall be based on the following:

1. Except as noted in subsection 2 below, the fee for the construction of a new building, an addition or an enlargement shall be based on the area (as determined by the exterior dimension) of all floors, including basements or cellars and horizontally projected roof areas, for the following types of construction as defined in the USBC in effect, and specified in Table I below.

2. New single family detached dwellings and townhouses: The fee for construction of a new single family detached dwelling or townhouse shall be based on Table I, or as determined by the permit applicant, on Table IIA for a new single family detached dwelling or Table IIB for a new townhouse. The square footage area reflected in Table IIA and Table IIB is to be calculated pursuant to American National Standard Institute, Inc. (ANSI) Standard Z765-2003 or its equivalent and based on the total area of the building's finished floor areas.

TABLE I

	COMMERCIAL FEE	RESIDENTIAL FEE
Type IA, and IB, per square foot	\$0.1 7580	\$0.1 7580
Type IIA, IIIA and IV, per square foot	\$0.1 3741	\$0.1 3741
Type IIB, IIIB and VA, per square foot	\$0.1 3741	\$0.09 35
Type VB, per square foot	\$0.1 3741	\$0.09 35

**TABLE IIA
SINGLE FAMILY DETACHED DWELLINGS**

SFD A:	1 to 3,849 square feet	\$4 670.00
SFD B:	3,850 to 5,949 square feet	\$ 690710.00
SFD C:	5,950 to 8,399 square feet	\$9 6085.00
SFD D:	8,400 to 13,999 square feet	\$1,4 040.00
SFD E:	14,000 to 20,000 square feet	\$2, 370435.00
	Above 20,000 square feet	Use Table I

**TABLE IIB
TOWNHOUSES**

TH A:	1 to 2,249 square feet	\$2 3744.00
TH B:	2,250 to 3,749 square feet	\$3 786.00
TH C:	3,750 + square feet	\$6 4330.00

(B) Plan Resubmissions: A fee per plan review discipline (i.e. building, electrical, mechanical or plumbing) may be assessed for each resubmission of plans.

<ul style="list-style-type: none"> • For all new commercial buildings and additions to existing commercial buildings • For all new residential buildings and additions to existing residential buildings • For each resubmission of plans for alterations to existing commercial buildings 	<p>\$16570.00</p> <p>\$90.00 Base Fee</p> <p>\$90.00 Base Fee</p>
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(C) New Structure: The fee for erection or installation of structures other than buildings (e.g. signs, retaining walls, canopies)

<ul style="list-style-type: none"> • For structures accessory to R-3, R-4 and R-5 construction 	<p>1-962.00% of the estimated cost of work</p>
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<ul style="list-style-type: none"> For other structures 	3.34% of the estimated cost of work
<i>(D) Basement Finishing (R-3, R-4 and R-5 construction)</i>	Base Fee
<i>(E) Demolition:</i>	
<ul style="list-style-type: none"> Entire Structure: The fee for a permit to demolish a structure Partial Demolition for renovation: The fee for a permit to partially demolish a structure in preparation for renovation 	Base fee 1.962.00% of the estimated cost of demolition
<i>(F) Filing Fees for Permit Application and Plans Examination (does not apply to Fire Prevention Division fees for fire alarm, fire suppression and fire lane permits): To allow for permit application processing and plan examination in the event a building permit is not issued, the following fees shall be paid prior to plan review for such a permit.</i>	
<ul style="list-style-type: none"> For non-walk-through single-family residential projects For all commercial work, apartment buildings, garden apartments, and high rise residential buildings For walk-through residential projects 	50% of the permit fee 35% of the permit fee 100% of the permit fee
<i>(G) Home Improvements: See applicable fees for new buildings, additions, enlargements, repairs and alterations.</i>	
<i>(H) Modular Furniture: The fee for the installation of modular furniture per floor or portion thereof when:</i>	
<ul style="list-style-type: none"> The estimated cost of construction is \$10,000 or more The estimated cost of construction is less than \$10,000 with a minimum fee of \$144,148.00 	\$3309.00 3.34% of the estimated cost of construction
<i>(I) Partitions:</i>	
<i>(J) Removal and Relocation: The fee shall be based on a percentage of the cost of moving, plus a percentage of the cost of all work necessary to place the building or structure in its completed condition in the new location.</i>	
1.962.00% of the cost of moving + 1.962.00% of the cost of work	
<i>(K) Repairs and Alterations: The fees for repairs and alterations of any building or structure where there is no addition or enlargement:</i>	
<ul style="list-style-type: none"> For commercial work For residential work (R-3, R-4, R-5 construction) 	3.34% of the estimated cost of work 1.962.00% of the estimated cost of work
<i>(L) Roof Repairs, New Roof Structures, Re-siding: Fees for repairs and alterations apply.</i>	
<i>(M) Swimming Pool: The fee for a building permit to construct a swimming pool.</i>	
\$129,00133.00	
<i>(N) Temporary Structures:</i>	
Base fee	
<i>(O) Tenant Layouts:</i>	
<p>Except for those tenant layouts shown on the originally approved plans for a new building, separate building permits shall be required for each tenant layout. The fee shall be based on a percentage of the estimated cost of work. A minimum construction cost of \$15,000 shall be used to determine the permit fee. If the permittee is able to prove through verifiable cost data that the cost of construction is less than \$15,000, the permit fee shall be prorated accordingly. In no case, shall the permit fee be less than \$330,340.00. Fee per plan review discipline for each resubmission of plans for alterations to existing commercial buildings</p>	
3.34% of the estimated cost of work \$90.00 Base Fee	

(P) Home Improvement Contractor License Fees:	
All contractor application and license fees are charged per individual for a sole proprietorship, per general partner for a partnership, or per corporate officer for a corporation.	
<ul style="list-style-type: none"> • Application processing fee • Fee of license issuance • Fee to renew expired license, in addition to license renewal fee* • Fee to renew license • Fee to maintain license in inactive state 	<p>\$846.00</p> <p>\$523.00</p> <p>\$501.00</p> <p>\$6971.00</p> <p>\$25.00</p>
*The fee to renew expired license. The Building Official or his designee has the authority to waive the penalty fee when the failure to renew a license is due to circumstances beyond the control of the licensee.	

C: MECHANICAL PERMIT FEES	
(A) Mechanical Equipment Installation Fees:	
The permit fee for installation, repair, or replacement of all mechanical equipment installed in buildings other than within individual residences. This fee is in addition to the equipment fees listed below in this section.	1.962.00% of the contract value less the value of listed equipment
1. Automotive Lift	\$98101.00
2. Boilers:	
<ul style="list-style-type: none"> • Hot water heating to 200 MBH <ul style="list-style-type: none"> ○ For each additional 100 MBH or fraction thereof • Hot water storage tank • Hot water supply to 500 MBH <ul style="list-style-type: none"> ○ For each additional 500 MBH or fraction thereof • Low-pressure steam to 200 MBH <ul style="list-style-type: none"> ○ For each additional 100 MBH • Indirect hot water heater • Miniature • Power <ul style="list-style-type: none"> ○ Plus per boiler hp 	<p>\$936.00</p> <p>\$14.485</p> <p>\$93.856.00</p> <p>\$93.856.00</p> <p>\$14.485</p> <p>\$93.856.00</p> <p>\$14.485</p> <p>\$93.856.00</p> <p>\$147.5021.00</p> <p>\$147.5021.00</p> <p>\$1.7580</p>
3. Crematorium	\$1426.00
4. Dumbwaiters	See Vertical Transportation
5. Elevators	See Vertical Transportation
6. Ductwork	1.96% of the total contract value
76. Expansion tank	\$93.856.00
87. Escalator Transportation	See Vertical
98. Furnaces:	
<ul style="list-style-type: none"> • Central heating up to 200 MBH <ul style="list-style-type: none"> ○ Each additional 100 MBH or fraction thereof 	<p>\$38.159.20</p> <p>\$10.475</p>

<ul style="list-style-type: none"> • Duct-furnace up to 200 MBH <ul style="list-style-type: none"> ○ Each additional 100 MBH or fraction thereof • Oil and solid fuel furnace up to 220 MBH input <ul style="list-style-type: none"> ○ Each additional 100 MBH or fraction thereof • Electric furnace up to 30 KW <ul style="list-style-type: none"> ○ Each additional 30 KWS or fraction there of 	<p>\$23,704.35 \$10.475</p> <p>\$38,159.20 \$10.475</p> <p>\$38,159.20 \$5.4055</p>
109. Halon system	Base fee
110. Heat pump: <ul style="list-style-type: none"> • Up to 5 tons <ul style="list-style-type: none"> ○ Each additional ton • Auxiliary heat up to 100 MBH <ul style="list-style-type: none"> ○ Each additional 100 MBH • Incremental heating and air conditioning units per unit. This fee applies to heating and air conditioning units installed with boilers chillers and water towers in a building. 	<p>\$47,458.75 \$1.7580</p> <p>\$38,159.20 \$5.4055</p> <p>\$11.0030</p>
121. Incinerator: <ul style="list-style-type: none"> • Per 100 lbs. per hour burning rate or fraction thereof 	\$478.45
132. Manlift Transportation	See Vertical
143. Oil burner (conversion to or replacement of oil burner): <ul style="list-style-type: none"> • Light oils – No. 1, 2 or 4 • Heavy oils – No. 5 or 6 	<p>\$478.45</p> <p>\$57,759.35</p>
154. <u>Ductwork</u> , Piping of equipment: The fee for <u>all ductwork and</u> piping of equipment for use groups other than R-3, R-4, and R-5.	1.962.00% of the total contract value
165. Porch lift, handicapped/wheel chair lift, hand elevator Transportation	See Vertical
176. Prefab chimney	\$ 23,704.35
187. Prefab fireplace, with or without prefab chimney	\$ 23,704.35
198. Pump, circulating	\$ 47,458.75
2019. Range hood fire protection system: Range hood only is charged as ductwork.	Base fee
240. Refrigeration (including but not limited to chillers, air conditioning units and cooling towers): <ul style="list-style-type: none"> • Refrigeration and refrigeration cycle of air conditioning systems up to 5 tons <ul style="list-style-type: none"> ○ Each additional refrigeration ton or fraction thereof 	<p>\$47,458.75 \$1.7580</p>
221. Sidewalk elevators	See Vertical Transportation
232. Space heater	See Unit Heater
243. Tanks (Above ground or underground tanks for hazardous or non-hazardous liquids, oil gas and propane): <ul style="list-style-type: none"> • Commercial • Residential (R-3, R-4 and R-5 occupancies) • Unfired pressure vessel (Air compressor receiving tank) 	<p>Base fee</p> <p>Base fee</p> <p>\$93,856.00</p>
254. Unit heater: <ul style="list-style-type: none"> • Gas and oil up to 500 MBH input <ul style="list-style-type: none"> ○ For each additional 100 MBH input or fraction thereof • Electrical up to 147 KW 	<p>\$23,704.35 \$5.5065</p> <p>\$23,704.35</p>

<ul style="list-style-type: none"> ○ Each additional 30 KW or fraction thereof 	\$ 5.5965
<ul style="list-style-type: none"> • Woodstove, with or without prefab chimney 	\$10. 690
(B) Periodic Mechanical Inspection Fee:	
<ul style="list-style-type: none"> • Boilers <ul style="list-style-type: none"> ○ Hot water heating <ul style="list-style-type: none"> ▪ 0-1000 MBH ▪ 1001-2000 MBH ▪ Over 2000 MBH ○ Hot water supply ○ Miniature ○ Power <ul style="list-style-type: none"> ▪ 0-100 HP ▪ 101-500 HP ▪ 501-1000 HP ▪ Over 1000 HP ○ Steam <ul style="list-style-type: none"> ▪ 0-1000 P/H ▪ 1001-2000 P/H ▪ 2001-4000 P/H ▪ Over 4000 P/H • Hydrostatic test • Incinerator <ul style="list-style-type: none"> ▪ Up to 100 pounds ▪ Over 100 pounds • Range hood fire protection system. Range hood is only charged as ductwork. • Halon system • Refrigeration system • Unfired pressure vessel <ul style="list-style-type: none"> ▪ With manhole ▪ Without manhole 	<ul style="list-style-type: none"> \$93.856.00 \$147.5021.00 \$1426.00 \$93.856.00 \$147.5021.00 \$1426.00 \$16570.00 \$1946.00 \$2147.00 \$1258.00 \$1426.00 \$16570.00 \$1946.00 \$16873.00 \$98101.00 \$1504.00 \$93.856.00 \$93.856.00 \$1426.00 \$1426.00 \$93.856.00

D: ELECTRICAL PERMIT FEES

(A) Electrical Equipment Installation Fees:

Fees for the initial construction of new dwelling units in R-2, R-3, R-4 and R-5 use groups. The fees include the initial installation of equipment listed on the electrical permit application that includes the main electrical service for the dwelling. Any equipment installed pursuant to other electrical permit applications shall be charged in accordance with the fees prescribed in (B) below.

1. Electrical service size: <ul style="list-style-type: none"> • 0-149 amps • 150-399 amps • 400 amps • More than 400 amps-Use itemized fees in (B) below 	<p>\$196200.00 \$20612.00 \$28492.00 See note</p>
<i>(B) Electrical Equipment Installation Fees:</i>	
1. Appliances, residential: Includes direct-wired appliances installed in dwelling units such as air cleaners, attic fans, central vacuums, dishwashers, disposals, clothes dryers, ovens, ranges or stoves, trash compactors and water heaters: <ul style="list-style-type: none"> • First appliance ○ Each additional appliance <p>Receptacles for individual appliances installed in lieu of the appliance shall be charged at the same rate as if the appliance were installed.</p>	<p>\$10.475 \$5.5065</p>
2. Circuits, new (Extensions are counted as circuits), each	\$ 1.75 80
3. Control wiring: Wiring less than 50 volts when penetrating fire rated assemblies, smoke barriers and non-combustible plenums (e.g. telephone wiring, television wiring, burglary/security systems, fire alarm systems, etc.)	Base Fee
4. Dental chairs	\$10.475
5. Electrical equipment rated by kilowatts (KW) to include space, baseboard and central heat, and commercial cooking units, water heaters, dishwashers, dryers, etc.:	
<ul style="list-style-type: none"> • 0 to 4 KW ○ Each additional unit in this range 	<p>\$14.485 \$5.5065</p>
<ul style="list-style-type: none"> • 4 to 6 KW ○ Each additional unit in this range 	<p>\$17.508.00 \$10.475</p>
<ul style="list-style-type: none"> • 6 to 8 KW ○ Each additional unit in this range 	<p>\$22.0060 \$14.485</p>
<ul style="list-style-type: none"> • 8 to 10 KW ○ Each additional unit in this range 	<p>\$27.508.25 \$17.508.00</p>
<ul style="list-style-type: none"> • 10 to 14 KW ○ Each additional unit in this range 	<p>\$32.0090 \$22.0060</p>
<ul style="list-style-type: none"> • 14 to 20 KW ○ Each additional unit in this range 	<p>\$356.75 \$27.508.25</p>
<ul style="list-style-type: none"> • 20 to 25 KW ○ Each additional unit in this range 	<p>\$40.201.30 \$32.0090</p>
<ul style="list-style-type: none"> • Over 25 KW ○ Each additional unit in this range 	<p>\$44.255.45 \$356.75</p>
6. Fan coil units	\$ 5.50 65
7. Fixtures, switches and receptacles, etc.:	
<ul style="list-style-type: none"> • First 10 or fraction thereof ○ Each additional 10 or fraction thereof 	<p>\$10.475 \$7.025</p>
8. Gasoline pumps: Submerged	Fee shall be the same as for motors

<p>9. Gasoline island pumps or dispensers:</p> <ul style="list-style-type: none"> • First ○ Each additional, each 	<p>\$10.475 \$7.025</p>
<p>10. Generators:</p> <ul style="list-style-type: none"> • 0 to 5 KW • Over 5 to 25 KW • Over 25 to 35 KW • Over 35 to 50 KW • Over 50 KW 	<p>\$23.704.35 \$29.495 \$38.159.20 \$46.497.70 \$71.153.00</p>
<p>11. Heating and air conditioning – gas and oil:</p> <ul style="list-style-type: none"> • Residential furnace – gas/oil or air conditioning <ul style="list-style-type: none"> ○ First unit ○ Each additional unit • Commercial furnace 	<p>14.485 \$5.5965 See motors</p>
<p>12. Motors and electrical equipment rated horsepower (hp) to include commercial heating, cooling and ventilating equipment. On package equipment, such as pumps and commercial air handlers, fans, compressors and disposals, each motor shall be charged separately:</p> <ul style="list-style-type: none"> • 1/8 horsepower or less • Over 1/8 to 1 hp <ul style="list-style-type: none"> ○ First ○ Each additional motor • Over 1 to 5 hp <ul style="list-style-type: none"> ○ First ○ Each additional motor • Over 5 to 10 hp <ul style="list-style-type: none"> ○ First ○ Each additional motor • Over 10 to 20 hp <ul style="list-style-type: none"> ○ First ○ Each additional motor • Over 20 to 30 hp <ul style="list-style-type: none"> ○ First ○ Each additional motor • Over 30 to 40 hp <ul style="list-style-type: none"> ○ First ○ Each additional motor • Over 40 to 50 hp <ul style="list-style-type: none"> ○ First ○ Each additional motor • Over 50 hp <ul style="list-style-type: none"> ○ First ○ Each additional motor 	<p>Charged as fixtures \$14.485 \$5.5965 \$17.598.00 \$5.5965 \$23.854.50 \$10.475 \$29.495 \$14.485 \$33.504.40 \$17.598.00 \$43.694.80 \$29.495 \$51.793.00 \$37.458.50 \$624.00 \$47.458.75</p>

13. Parking lot lighting:	
<ul style="list-style-type: none"> • First pole <ul style="list-style-type: none"> ○ Each additional 	<p>\$10.475 \$5.5965</p>
14. Services: New or replacement, subservices, subpanels, submeters or meters for separate occupancies:	
<ul style="list-style-type: none"> ○ 0 to 800 amp ○ Over 800 amp 	<p>\$48.7050.00 \$74.153.00</p>
<ul style="list-style-type: none"> • Temporary service on structures for construction of temporary or permanent service <ul style="list-style-type: none"> ○ 0 to 800 amp ○ Over 800 amp 	<p>\$48.7050.00 \$74.153.00</p>
Circuits, fixtures, receptacles and equipment to be charged for under the circuit fixture and motor schedule	
15. Signs:	
<ul style="list-style-type: none"> • Fluorescent, each sign <ul style="list-style-type: none"> ○ 1 to 4 tubes ○ Each additional 4 tubes or fraction thereof 	<p>\$14.485 \$10.475</p>
<ul style="list-style-type: none"> • Incandescent, each sign 	<p>\$14.485</p>
<ul style="list-style-type: none"> • Neon, each sign <ul style="list-style-type: none"> ○ First transformer ○ Each additional transformer 	<p>\$14.485 \$5.5965</p>
16. Swimming pools, annual inspections fees:	
<ul style="list-style-type: none"> • Includes two inspections <p>Fee must be paid before inspections will be performed. Additional inspections will require payment of re-inspection fee.</p>	<p>\$12933.00</p>
17. Temporary wiring:	
<ul style="list-style-type: none"> • Tree sales, produce stands, fireworks stands, tent sales and other temporary non-amusement activities 	<p>Base fee</p>
<ul style="list-style-type: none"> • Carnivals, fairs, circuses and other temporary amusement activities 	<p>\$16570.00</p>
18. Transformers, UPS and step down transformers:	
<ul style="list-style-type: none"> • 0 to 10 KVA <ul style="list-style-type: none"> ○ Each additional transformer in this range 	<p>\$14.485 \$10.475</p>
<ul style="list-style-type: none"> • Over 10 to 50 KVA <ul style="list-style-type: none"> ○ Each additional transformer in this range 	<p>\$17.508.00 \$14.485</p>
<ul style="list-style-type: none"> • Over 50 to 75 KVA <ul style="list-style-type: none"> ○ Each additional transformer in this range 	<p>\$29.495 \$23.704.35</p>
<ul style="list-style-type: none"> • Over 75 to 200 KVA <ul style="list-style-type: none"> ○ Each additional transformer in this range 	<p>\$43.604.80 \$33.504.40</p>
<ul style="list-style-type: none"> • Over 200 KVA <ul style="list-style-type: none"> ○ Each additional transformer in this range 	<p>\$55.507.00 \$47.008.30</p>
19. Unit heaters	<p>\$5.5965</p>
20. UPS System:	<p>Fee shall be the same as transformers by KVA rating</p>
21. Welders	<p>\$6.2935</p>
22. X-ray machines	<p>\$6.2935</p>

E: PLUMBING PERMIT FEES

(A) Plumbing and Gasfitting Equipment Installation Fees:

1. New plumbing systems in new buildings, existing unplumbed buildings, or portions thereof, changes in existing systems <ul style="list-style-type: none"> • Plus, for each fixture, each appliance, each appurtenance, including sill cock, and for each area-way drain, floor drain and roof drain 	\$ 47.458.75
	\$7.025
2. Setting or replacing fixtures without changes in existing system <ul style="list-style-type: none"> • Plus, for each fixture 	\$ 47.458.75
	\$5.5065
3. Sewer, new, replacement or repair	\$ 47.458.75
4. Sewer tapping	\$ 47.458.75
5. Sewage ejector pump	\$7.025
6. Sump pump	\$7.025
7. Swimming pool, public and semipublic	Fixture, appliance and appurtenance fee apply
8. Water service, new, replacement or repair	\$ 47.458.75

F: HOUSEHOLD APPLIANCE PERMIT FEES

(A) Household Appliance Fees:

<ul style="list-style-type: none"> • Base permit fee, which includes the first appliance <ul style="list-style-type: none"> ○ Plus, additional appliances added on the same permit, each 	\$50.00
	\$ 14.752.05

G: VERTICAL TRANSPORTATION PERMIT FEES

(A) Mechanical Equipment Installation Fees: The permit fee for installation, repair, or replacement of all mechanical equipment installed in buildings other than within individual residences.

This fee is in addition to the equipment fees listed below in this section.

	1.96% of the contract value less the value of the equipment listed below
1. Commercial (new or replacement):	
<ul style="list-style-type: none"> • Chair/platform lifts 	\$142.00
<ul style="list-style-type: none"> • Dumbwaiters/material lifts <ul style="list-style-type: none"> ○ Hand-operated ○ Power-driven 	\$142.00 \$142.00
<ul style="list-style-type: none"> • Elevators <ul style="list-style-type: none"> ○ Construction ○ Freight, plus floor charge ○ Passenger, plus floor charge 	\$306.00 \$289.00 \$289.00
<ul style="list-style-type: none"> • Escalators, per floor/moving walks 	\$497.00
<ul style="list-style-type: none"> • Man lifts <ul style="list-style-type: none"> ○ Hand-driven 	\$146.00 \$113.00

<p>Floor charge: Fee charged for each floor in the building where a passenger or freight elevator is installed. This charge shall be computed and added to the cost of the first piece of equipment only.</p>	<p>\$47.00</p>
<p>Alterations or repairs shall be charged at a percentage of the estimated cost of repairs, with a minimum fee of \$135.00.</p>	<p>1.5% of the estimated cost of repairs</p>
<p>2. Residential, new or replacement</p> <ul style="list-style-type: none"> • Chair/platform lifts • Dumbwaiters <ul style="list-style-type: none"> ○ Hand-operated ○ Power-driven • Private residence elevators 	<p>\$142.00</p> <p>\$142.00</p> <p>\$142.00</p> <p>\$306.00</p>
<p><i>(B) Periodic Mechanical Inspection Fee:</i> All vertical transportation equipment, other than that which is installed within individual residences, and other than conveyors, requires an annual certificate of compliance. For an annual certificate of compliance, the annual fee payable by the owner of the building to the County of Fairfax on or before the expiration of the certificate shall be as follows:</p>	
<ul style="list-style-type: none"> • Chair/platform lifts • Dumbwaiters/material lifts <ul style="list-style-type: none"> ○ Hand-operated ○ Power-driven • Elevators <ul style="list-style-type: none"> ○ Construction ○ Freight, plus floor charge ○ Passenger, plus floor charge • Escalators, per floor/moving walks • Man lifts • Sidewalk elevators <ul style="list-style-type: none"> ○ Hand-driven ○ Power-driven 	<p>\$146.00</p> <p>\$122.00</p> <p>\$134.00</p> <p>\$266.00</p> <p>\$266.00</p> <p>\$266.00</p> <p>\$146.00</p> <p>\$146.00</p> <p>\$113.00</p> <p>\$150.00</p>
<p>Floor charge: Fee charged for each floor in the building where a passenger or freight elevator is installed. This charge shall be computed and added to the cost of the first piece of equipment only.</p>	<p>\$47.00</p>
<p>Freight and passenger elevator tests: The following fees apply to freight and passenger elevator tests which are not performed in conjunction with regularly scheduled periodic inspections:</p> <ul style="list-style-type: none"> • Temporary inspection • Temporary inspection (extension) • Governor test • Load test • Speed test • Static pressure/hydraulic • Fire and smoke test 	<p>\$246.00</p> <p>\$115.00</p> <p>\$296.00</p> <p>\$445.00</p> <p>\$296.00</p> <p>\$296.00</p> <p>\$213.00</p>

H: FIRE PREVENTION DIVISION (FIRE MARSHAL) FEES

<i>(A) Plan Review Fees:</i>			
Fees for all plan review are based on an hourly charge calculated on the quarter hour or part thereof, per reviewer. Fees are due upon completion of the plan review process.			\$128.00 hour
<i>(B) Acceptance Testing and Inspection Fees:</i>			
Fees are based on an hourly charge calculated on the quarter hour or part thereof, per inspector. Fees for fire protection equipment and systems performance tests and inspections, other equipment and systems performance tests and inspections, occupancy or preoccupancy inspections, fire lanes and required retesting or reinspections shall be imposed per hour calculated on the quarter hour or part thereof, per required inspector.			\$128.00 hour
<i>(C) Reinspection Fees:</i>			
Reinspection fees shall be based on the hours reserved to perform the test and will be charged per hour calculated on the quarter hour or part thereof, per required inspector. The following matrix is to serve as a guideline in determining when a reinspection fee is required for acceptance testing and retesting. A minimum notice of 24 hours (one full business day) for test cancellation is required. The fee is charged when an inspection is not cancelled in time to save an unnecessary trip by inspectors.			\$128.00 hour
REINSPECTION FEES			
CIRCUMSTANCE	CONDITION	INSPECTED	REINSPECTION FEE
Cancelled or rescheduled off site more than 24 hours prior to appointment	N/A	No	No
Cancelled or rescheduled off site less than 24 hours prior to appointment	N/A	No	Yes
Contractor shows, others do not or inspectors arrive, no one on site	Cannot test	No	Yes
Cancelled while inspectors on site; test not started	Not Ready	No	Yes
Regular inspection, test started, test not completed	Not Ready or Failure due to fault of contractor	Yes	Yes
Regular inspection, test started, test not completed	Failed, but not due to fault of contractor	Yes	No
Regular inspection, test completed	Substantially ready with minor deficiencies	Yes	No
Regular inspection, test completed	No punch list, sticker issued	Yes	No
Final inspection	Deficient	Yes	Yes
<i>(D) Plan Reviews and Inspections Performed Outside Business Hours:</i> Plan reviews and inspections may be performed outside business hours upon request at the sole discretion of the fire official. Fees for these plan reviews and inspections shall be assessed at twice the rate listed in (A), (B), and (C) above. Fees shall be assessed in 30 minute increments.			

I: AMUSEMENT DEVICE PERMIT FEES

The permit fee for each amusement device or carnival ride shall be as follows:

- | | |
|--|----------|
| • Kiddie ride | \$25.00 |
| • Circular ride or flat-ride less than 20 feet in height | \$35.00 |
| • Spectacular ride that cannot be inspected as a circular ride or flat-ride due to complexity or height. | \$55.00 |
| • Roller coaster that exceeds 30 feet in height | \$150.00 |

II. SITE DEVELOPMENT FEES

The following site development fees to cover the cost of reviewing site and subdivision plans and related documents; processing site and subdivision plan agreements; making inspections of required site improvements; permitting any work or construction on any land dedicated or proposed for dedication to public use; and other fees incidental to the administration of these activities pursuant to Chapters 2, 101, 104 and 112 of the Code and any fees paid to the County upon submission of any request for a waiver, exception, and modification of the County Ordinances, are hereby adopted:

A: PLAN AND DOCUMENT REVIEW FEES	
The following fees are due upon submission to the County of the following plans and documents. The Fire Prevention Division review fees are listed in Part D.	
<i>(A) Plats:</i>	
1. Easement plat, per submission 2. Preliminary subdivision plat: <ul style="list-style-type: none"> • Initial Submission <ul style="list-style-type: none"> ○ Less than 10 lots <ul style="list-style-type: none"> ▪ Plus, fee per lot or division of land including outlots and parcels ○ 10 lots or more <ul style="list-style-type: none"> ▪ Plus, fee per lot or division of land including outlots and parcels • Redate (reapproval): fee for reapproval of a previously approved preliminary plat submitted to the County for approval during the validity period of the preliminary plat, each. • Resubmissions, per submission • Revisions, per submission 3. Record (final) subdivision plat: <ul style="list-style-type: none"> • Initial Submission <ul style="list-style-type: none"> ○ Plus, fee per lot or division of land including outlots and parcels • Resubmission Fee, per submission • Redate (reapproval): fee for reapproval of a previously approved final plat that has expired, per submission 	\$3 56 0.00 \$3,400 94 .00 \$6 46 .00 \$5,535 688 .00 \$6 46 .00 \$ 699 709.00 25% of the original fee 25% of the original fee \$ 599 606.00 \$30.00 \$30 08 .00 \$5 15 29.00
<i>(B) Subdivision Plans, Site Plans, and Site Plans for Public Improvements Only:</i>	
The following schedule shall be used to tabulate the fees for review of subdivision and site plans, and site plans for public improvements only.	
1. Base Fee: <ul style="list-style-type: none"> • Subdivision Plan <ul style="list-style-type: none"> ○ 1st submission ○ Plus, fee per disturbed acre or any fraction thereof 	\$4,70 83 0.00 \$8 69 84.00

<ul style="list-style-type: none"> • Site Plan <ul style="list-style-type: none"> ○ 1st submission ○ Plus, fee per disturbed area or any fraction thereof • Site plans for public improvements only including sanitary sewer, trail, sidewalk, storm sewer, channel improvements, waterline, and/or road construction pursuant to Chapter 2 of the Code. <ul style="list-style-type: none"> ○ 1st submission ○ Plus, per linear foot or fraction thereof, of each improvement 	<p>\$7,400296.00 \$86084.00</p> <p>\$3,425519.00 \$1.4821</p>
<p>2. Fees in addition to base fees:</p> <ul style="list-style-type: none"> • Additional plan review, as a result of an approved zoning action associated with the proposed construction to include the following, with a maximum cumulative fee of \$3,370465.00 <ul style="list-style-type: none"> ○ Sites subject to rezoning ○ Sites subject to special exception ○ Sites subject to special permit ○ Sites subject to variance • Review resulting from site conditions and proposed improvements <ul style="list-style-type: none"> ○ BMP facility, for each facility serving the site (on or off-site) ○ Floodplain area (existing and proposed) ○ Natural drainageway (non-floodplain watersheds) ○ Problem soils (area with soil types A or B, per the official map adopted by the Board or as deemed by the Director) ○ Stormwater management facility, for each facility serving the site (on or off-site) 	<p>\$1,9892035.00 \$1,390428.00 \$1,390428.00 \$1,03058.00</p> <p>\$2,280343.00 \$695714.00 \$695714.00</p> <p>\$1,03058.00 \$85579.00</p>
<p>3. Resubmissions:</p> <ul style="list-style-type: none"> • 2nd submission base fee: fee tabulated at 50% of the first submission fee assessed in accordance with (B1) and (B2) above. <ul style="list-style-type: none"> ○ Plus, additional fees charged in accordance (B1) and (B2) above for changes in the amount of disturbed area, zoning action, site conditions, and/or proposed improvements from that indicated on the first submission. <p>The maximum combined first and second submission base fees:</p> <ul style="list-style-type: none"> ○ For subdivision plans ○ For site plans <ul style="list-style-type: none"> • Resubmission site and subdivision plan after 2nd submission, per submission (does not apply to site plans with public improvements only) • 2nd submission fee for site plans with public improvements only, per submission • Resubmissions after 2nd submission for site plans with public improvements only, per submission: fee tabulated at 50% of the first submission fee in accordance with (B1) and (B2) above. 	<p>50% of the original fee</p> <p>Tabulated fee</p> <p>\$12,9003256.00 \$46,0407,310.00</p> <p>\$4,545670.00</p> <p>\$0.00</p> <p>50% of the original fee</p>
<p>4. Revisions:</p> <ul style="list-style-type: none"> • Fee, per submission <ul style="list-style-type: none"> ○ Plus, additional fees charged in accordance with (B1) and (B2) above for changes in the disturbed area, zoning action, site conditions, and/or proposed improvements from that indicated on the original plan. 	<p>\$1,03058.00</p> <p>Tabulated Fee</p>
<p>5. Plan extensions (redate), per request</p>	<p>\$1,390428.00</p>

<i>(C) Minor Site Plans and Grading Plans:</i>	
1. Minor Site Plans, per submission	\$2, 775 852.00
2. Grading plans for building permits on existing lots within a subdivision currently bonded with the County: <ul style="list-style-type: none"> • 1st submission, first lot <ul style="list-style-type: none"> ○ Each additional lot within the same subdivision submitted within the same plan set • Resubmissions and revisions, first lot <ul style="list-style-type: none"> ○ Each additional lot within the same subdivision submitted within the same plan set 	\$1,0 30 58.00 \$8 55 79.00 \$3 56 0.00 \$18 95 .00
3. Grading plans for building permits on existing lots that are not within a subdivision currently bonded with the County and parcels with lots of 5 acres or more: <ul style="list-style-type: none"> • 1st submission, per infill lot • Resubmissions and revisions, per infill lot 	\$1,64 08 5.00 \$6 69 78.00
4. Rough grading plan (RGP) and filling parcels: <ul style="list-style-type: none"> • 1st submission, per division of land or disturbed acre, or fraction thereof, whichever amount is greater, not to exceed \$14,8602,185.00 • Resubmissions and revisions, per submission 	\$64 26 0.00 25% of the original fee
5. Conservation plan without a grading plan, per submission	\$ 980 1,007.00
<i>(D) Processing of Studies, Soils Reports and Other Plans:</i>	
1. Studies: <ul style="list-style-type: none"> • Drainage study, per submission (non-floodplain watersheds) • Floodplain study <ul style="list-style-type: none"> ○ Per submission, per linear foot of baseline or fraction thereof ○ Plus, fee per road crossing and per dam, not to exceed a total fee of \$9,405355.00, per submission • Parking study <ul style="list-style-type: none"> ○ Parking tabulation for change in use, per submission ○ Parking redesignation plan, per submission ○ Administrative parking reduction for churches, chapels, temples, synagogues and other such places of worship with child care center, nursery school or private school of general or special education, per submission ○ Parking reduction based on hourly parking accumulation characteristics or hourly parking accumulation characteristics in combination with other factors when the required spaces are: <ul style="list-style-type: none"> ▪ Under 225 spaces ▪ 225 to 350 spaces ▪ 351 to 599 spaces ▪ 600 spaces or more ○ Parking reduction based on proximity to a mass transit station ○ Parking reduction based on a Transportation Demand Management Program • Recycling study: When the plan or study is submitted to the County for the 	\$1,5 90 634.00 \$2,2 53 0 \$4 95 509.00 \$7 95 817.00 \$7 95 817.00 \$7 95 817.00 \$2,2 80 343.00 \$3,9 60 4,069. \$6,3 30 505.00 \$13,2 60 626.0 0 \$2,2 80 343.00 \$2,2 80 343.00 \$0.00

<p>sole purpose of placing recycling containers on a commercial or industrial site, as required by the Fairfax County Business Implementation Recycling Plan, per submission.</p>	
<ul style="list-style-type: none"> • Water Quality Fees* <ul style="list-style-type: none"> ○ Resource Protection Area (RPA) Boundary Delineations and Resource Management Area (RMA) Boundary Delineations <ul style="list-style-type: none"> ▪ Non-bonded lots, existing lots and acreage, rough grading and filling parcels, and parcels with lots of 5 acres or more not within a subdivision or site plan development currently bonded with the County, per submission ▪ Bonded lots: lots in conjunction with multiple construction within a subdivision currently bonded with the County, per submission: <ul style="list-style-type: none"> ○ Projects with 150 linear feet or less of baseline ○ Projects with greater than 150 linear feet of baseline <ul style="list-style-type: none"> ▪ Plus, fee per linear foot of baseline or fraction thereof, in excess of 150 linear feet ○ Water Quality Impact Assessments (WQIA) <ul style="list-style-type: none"> ▪ Non-bonded lots: existing lots and acreage, rough grading and filling parcels, and parcels with lots of 5 acres or more not within a subdivision or site plan development currently bonded with the County, per submission ▪ Bonded lots: lots in conjunction with multiple construction within a subdivision or site plan currently bonded with the County, per submission <p>*In the event that a RPA and RMA Boundary Delineation and a WQIA are submitted simultaneously, only one fee shall be required and such fee shall be the higher of the fees required for the individual studies.</p>	<p>\$3409.00</p> <p>\$3409.00</p> <p>\$3409.00</p> <p>\$0.7880</p> <p>\$3560.00</p> <p>\$1,34077.00</p>
<p>2. Soils Reports:</p> <ul style="list-style-type: none"> • Bonded lots: lots in conjunction with multiple constructions in a newly bonded subdivision development, <u>site plan or site plan for public improvements only</u> <ul style="list-style-type: none"> ○ 1st submission, per lot ○ Resubmissions and revisions, per submission • Non-bonded lots: existing lots and acreage, rough grading and filling parcels, and parcels with lots of 5 acres of more, not within a subdivision or site plan development currently bonded with the County, per submission <ul style="list-style-type: none"> ○ 1st submission, per lot, not to exceed \$3,5655.00 ○ Resubmissions and revisions, per submission 	<p>\$2,775852.00</p> <p>\$94035.00</p> <p>\$1,785834.00</p> <p>\$94035.00</p>

3. Other Plans:	
<ul style="list-style-type: none"> • As-built plans <ul style="list-style-type: none"> ○ Sanitary Sewer, per submission ○ Site and subdivision, per submission • Debris landfill design plan <ul style="list-style-type: none"> ○ Base fee, per submission ○ Plus, per acres • Debris landfill permit, semi-annual, each permit • Environmental Site Assessment: <ul style="list-style-type: none"> ○ 1st submission ○ Resubmissions and revisions, per submission 	\$5 4529 .00 \$3 560 .00 \$1,090 120 .00 \$7 24 .00 \$2,380 446 .00 \$2,580 651 .00 \$9 4035 .00
<ul style="list-style-type: none"> • Photometric or Sports Illumination Plan, fee per submission when such plan is not submitted as part of a required site plan submission • Tree removal permit, each permit 	\$7 435 .00 \$180 5 .00
<i>(E) Miscellaneous fees:</i>	
<ul style="list-style-type: none"> • Sheet substitution (insert): fee paid prior to plan approval of any insert sheet to a study, report, plan or waiver. • Lot Validation Application 	\$88 90 .00 \$36 70 .00

B. BONDING AND AGREEMENT FEES

The following fees shall be paid upon submission to the County of agreement packages.

<i>(A) Agreement Package Processing Fee, per agreement package:</i>	
<ul style="list-style-type: none"> • Security value exceeding \$10,000 • Security value of \$10,000 or less 	\$1,995 2,050 .00 \$2 7583 .00
<i>(B) Agreement Extensions, Replacements and Reductions:</i>	
<ul style="list-style-type: none"> • Agreement extensions • Replacement agreement: There shall be no replacement agreement fee if the rating for the corporate surety has fallen to a "B" level according to the A.M. Best Key Rating Guide and the replacement request is submitted to and approved by the Director prior to the expiration date of the agreement. • Agreement security reductions in support of an agreement • Agreement extension and reduction submitted simultaneously 	\$800 22 .00 \$1,425 64 .00 \$1,355 92 .00 \$1,355 92 .00
Also see Part C, Site Inspection Fees, for inspection fee for agreement extensions.	

C. SITE INSPECTION FEES

Unless otherwise noted, the following fees shall be paid at the time of bonding, or prior to issuance of a construction permit for land disturbing activity, whichever occurs first. The Fire Prevention inspection fees are listed in Part D.

<i>(A) Base Fee:</i> Per disturbed acre per agreement month, with a minimum of \$1,305 40 .00 and a maximum of \$23,475 24,125 .00	\$37 508.55
<i>(B) Fees in Addition to the Base Fee:</i>	

1. Public Utility Fees:	
<ul style="list-style-type: none"> • Storm drainage <ul style="list-style-type: none"> ○ Base fee for first 100 linear feet ○ Plus, fee for each additional linear foot or fraction thereof • Stormwater management ponds <ul style="list-style-type: none"> ○ Embankment less than or equal to 6 feet high ○ Embankment greater than 6 feet high • Dedicated streets <ul style="list-style-type: none"> ○ For first 100 linear feet ○ Plus, fee for each additional linear foot or fraction thereof 	<p>\$1,54<u>52</u>.00 \$3.<u>23</u>5</p> <p>\$1,50<u>54</u>7.00 \$3,000<u>83</u>.00</p> <p>\$2,14<u>06</u>8.00 \$8<u>89</u>9.00</p>
<ul style="list-style-type: none"> • Private streets <ul style="list-style-type: none"> ○ For the first 100 linear feet ○ Plus, fee for each additional linear foot or fraction thereof • Other paved area, per square yard or fraction thereof <ul style="list-style-type: none"> ○ Driveway entrances, for each entrance ○ Pedestrian walkways/trails <ul style="list-style-type: none"> ▪ For the first 100 linear feet ▪ Plus, fee for each additional linear foot or fraction thereof • Sanitary sewer systems <ul style="list-style-type: none"> ○ Base fee for first 100 linear feet of main ○ Plus, fee for each additional linear foot or fraction thereof 	<p>\$1,71<u>25</u>9.00 \$7.<u>02</u>5</p> <p>\$1.<u>55</u>60 \$15<u>86</u>2.00</p> <p>\$36<u>72</u>.00 \$1.<u>89</u>5</p> <p>\$2,10<u>46</u>2.00 \$6<u>89</u>7.00</p>
2 Other Bonded and Proffered Work: fee is based on a percentage of the bonded amount	
<ul style="list-style-type: none"> • Cast in place culverts <ul style="list-style-type: none"> ○ Percentage of bonded amount up to \$50,000 <ul style="list-style-type: none"> ▪ Plus, percentage of the bonded amount greater than \$50,000 but less than or equal to \$200,000 ▪ Plus, percentage of bonded amount greater than \$200,000 ○ All other work <ul style="list-style-type: none"> ▪ Percentage of bonded amount up to \$50,000 ▪ Plus, percentage of bonded amount greater than \$50,000 	<p>14.<u>59</u>0%</p> <p>7.<u>43</u>5% <u>2.993.07</u>%</p> <p>14.<u>59</u>0% <u>2.993.07</u>%</p>
3. Inspection Fee for Agreement Extensions: per disturbed acre*, per agreement month	
*When the amount of disturbed site area has been reduced to less than one-half of the original amount and the developer's agreement has not expired, a one-time fifty percent reduction of the original disturbed area is permitted.	
	\$37. <u>50</u> 8.55
4. Inspection following a stop work order: each, payable at next bonding action	
	\$6 00 <u>17</u> .00
5. Inspection following a violation: each inspection, payable at next bonding action	
	\$30 0 <u>8</u> .00

D. FIRE PREVENTION DIVISION (FIRE MARSHAL) FEES

The following Fire Prevention Division fees shall be paid for the review and inspection of the following plans and plats. Plan review fees are due upon submission to the County of such plans and plats except that fees for plans submitted directly to the Fire Prevention Division shall be due upon completion of the plan review process or within 120 days of plan submission, whichever comes first. Inspection fees are due upon completion of the inspection.

Site plans Site plan revisions Site plan extensions Rough grading plans As-built site and subdivision plans Plats	Subdivision plans Site plans for public improvements only Revisions and reapprovals to subdivision plans and site plans for public improvements only
(A) <i>Plan Review fees:</i> Fees are based on an hourly charge calculated on the quarter hour or part thereof, per reviewer.	\$128.00 hour
(B) <i>Testing and Inspection Fees:</i> Fees are based on an hourly charge calculated on the quarter hour or part thereof, per inspector.	\$128.00 hour

E. SITE PERMIT FEES

Before a permit is issued for any work or construction on any land dedicated or proposed for dedication to public use, the following fees shall be paid to the County. A separate utility permit is required for each of the following types of surface work, overhead installations or underground installations:

<i>(A) Surface work:</i>	
<ul style="list-style-type: none"> • Private entrances by homeowner • Private property being developed for sale by subdivision (i.e. land developer) • Drainage structures • Steps, sidewalks, curb and gutter, etc. 	\$30 <u>08</u> .00 \$30 <u>08</u> .00 \$30 <u>08</u> .00 \$30 <u>08</u> .00
<i>(B) Overhead installations:</i>	
<ul style="list-style-type: none"> • Crossings • Poles • Guys and anchors • Streetlights 	\$30 <u>08</u> .00 \$30 <u>08</u> .00 \$30 <u>08</u> .00 \$30 <u>08</u> .00
<i>(C) Underground installations:</i>	
<ul style="list-style-type: none"> • Crossings • Parallel installations, any length on one permit • Emergency permits or permits for repairs of existing facilities • Valve boxes • Manholes (construction, reconstruction, adjust when on existing line) • Test holes • Fire hydrants, installed on existing line • Service connections 	\$4 <u>6073</u> .00 \$4 <u>6073</u> .00 \$30 <u>08</u> .00 \$30 <u>08</u> .00 \$30 <u>08</u> .00 \$30 <u>08</u> .00 \$30 <u>08</u> .00 \$30 <u>08</u> .00

F. WAIVER, EXCEPTION, MODIFICATION AND EXEMPTION FEES

Fees in accordance with the table below shall be paid to the County upon submission of any request for a waiver, exception, and modification of the County Ordinances, including but not limited to the Chesapeake Bay Preservation Ordinance (Chapter 118), the Subdivision Ordinance (Chapter 101), the Zoning Ordinance (Chapter 112) and the Public Facilities Manual (PFM). The fee assessed shall be based on the Ordinance requirement and the type of plan submitted pursuant to Chapter 101, 112 or 104 of the Code.

Resource Protection Area (RPA) Applications

County Ordinance	Fee		
	Pursuant to Chapter 101	Pursuant to Chapter 112	Pursuant to Chapter 104
<i>1. Chapter 118-5-1(a): Exemption</i>	No fee	No fee	No fee
<i>2. Chapter 118-5-1(b): Exemption</i> Reconstruction of structures destroyed/damaged by casualty, if such reconstruction is otherwise permitted by law and as long as the structure is reconstructed in the same location and creates no more impervious area than existed with the prior structure.			
<i>3. Chapter 118-5-2: Exemption for public utilities</i>			
<i>4. Chapter 118-5-3(a): Exemption</i> Water wells, site amenities for passive recreation, historic preservation, and archeological activities located within an RPA.			
<i>5. Chapter 118-5-3(b): Exemption for less than 2500 sf. disturbance in RMA.</i>			
<i>6. Chapter 118-5-3(c): Exemption</i>			
<i>7. Chapter 118-5-4(a): Waiver</i> Loss of buildable area in RPA for lots recorded prior to 10/01/89 with no encroachment into the seaward 50 feet of the RPA buffer area.	\$7430.00	\$16570.00	
<i>8. Chapter 118-5-4(b): Waiver</i> Loss of buildable area in RPA for lots recorded between 10/01/89 and 11/18/03 for houses located within the RPA, with no encroachment into the seaward 50 feet of the RPA buffer area.			
<i>9. Chapter 118-5-5(a): Exception</i> Waiver of the performance criteria for minor additions to principal structures established as of 7/01/93. No accessory structures or uses.			
<i>10. Chapter 118-5-5(b): Exception</i> Waive of the performance criteria for minor additions to principal structures established between 7/01/93 and 11/18/03 and located within the RPA. No accessory structures or uses.			
<i>11. Chapter 118-6-7: Exception</i> Loss of buildable area in RPA for lots recorded prior to 1/18/03 that does not meet the requirements of 118-5-4. A Public Hearing is required. (see note 4)			

12. <i>Chapter 118-6-8: Exception</i> Construction of accessory structures and uses to principal structures that were established as of 7/1/93 and do not result in the creation of 1,000 sq. ft. of additional impervious area within RPA that exceeds 2 percent of the lot area up to maximum 2,500 sq. ft., whichever is greater. A Public Hearing is required. (see note 4)		\$7430.00	\$16570.00
13. <i>Chapter 118-6-9: General Exception</i> General exception for construction in an RPA. A Public Hearing is required. (see note 4)	\$7430.00	\$7430.00	\$16570.00
Best Management Practices (BMP) and Stormwater Management (SWM) Applications (see note 5)			
County Ordinance	Fee		
	Pursuant to Chapter 101	Pursuant to Chapter 112	Pursuant to Chapter 104
1. <i>PFM 6-0402.4: SWM/BMP Modification:</i> to use an innovative water quality or detention facility	No fee	No fee	No fee
2. <i>Chapter 118-3-2(f)8: BMP Exemption</i> for maintenance, alteration, use or improvement to an existing structure or use that does not degrade water quality.	No fee	No fee	No fee
3. <i>Chapter 118-3-2(f)5, PFM 6-0401.2: BMP waiver</i> for site and subdivision plans	\$7430.00	\$7430.00	
4. <i>Chapter 112-7-808(1), PFM 6-0401.1: BMP waiver</i> for sites located in the Water Supply Overlay District			
5. <i>PFM 6-0301.3 General SWM Waiver</i>			
6. <i>PFM 6-0303.8 SWM Modification</i> to locate an underground detention facility on a residential development. Must be approved by the Board in conjunction with a rezoning or special exception application.			
7. <i>PFM 6-1603.4: SWM Waiver</i> of the dam breach analysis for dams <70 acres, <15 feet high and <25 acre-feet of storage.			
8. <i>PFM 6-1600: SWM Waiver of the dam standards.</i>			
9. <i>Chapter 118-3-2(f)7, PFM 6-0401.2: BMP Waiver</i> due to constraints of a single lot grading plan.			\$16570.00
10. <i>Chapter 101-2-2(12), PFM 6-1307, PFM 6-0303.9: SWM Modification</i> to locate a detention facility on an individual residential lot.	\$7430.00		

General Applications

County Ordinance	Fee
<p><i>1. General Waiver:</i> Except as noted otherwise in this section, the fee associated with a request for a waiver, exception, or modification of the requirements of the County's Ordinances, including but not limited to the Subdivision Ordinance, Zoning Ordinance and the Public Facilities Manual.</p>	\$ 7 <u>430</u> .00
<p><i>2. Chapter 101-2-2: Public Street Frontage Waiver</i> Fee for a waiver of the public street frontage requirement. A Public Hearing is required (see note 4)</p>	\$ 1,995 <u>2,050</u> .00
<p><i>3. Minor Adjustment of Property Lines:</i> Fee for a waiver associated with the minor adjustment of property lines.</p>	\$ 25 <u>360</u> .00

Notes:

1. CBPO waivers and exception requests submitted under §§ 118-5 and 118-6 require submission of a concurrent Water Quality Impact Assessment (WQIA) and application fee.
2. Water quality fees are not required for plans and permits reviewed under Chapter 104 for which fees have been paid in connection with the review and approval of WQIA's, RPA Boundary Delineations, RMA Boundary Delineations, and CBPO exceptions filed under Chapters 101 and 112 of the Code.
3. In no instance shall the total fee for all waivers, exceptions and modifications associated with a subdivision, site plan or minor site plan exceed \$2,~~845~~923.00. CBPO waivers and exceptions associated with grading plans shall not exceed \$~~7~~430.00.
4. An additional fee of \$~~35~~65.00 shall be paid with the submission of an exception request when a public hearing is required under Article 6 of Chapter 118 of the Code.
5. A single fee of \$~~835~~58.00 shall be paid when combined stormwater and BMP waivers are submitted simultaneously.
6. The cumulative fee for any modifications or waivers requested for the portion of a development in which affordable dwelling units are located, and which relate to typical street sections, sidewalks, and/or curb and gutter, shall not exceed \$~~7~~430.00.

Case Review of Fees: In the event that, prior to plan approval for review fees or prior to bond release for inspection fees, the payor disputes the fee charged, he may request in writing to the Director a case review of costs incurred by the County. In the case where the review reveals that the fees paid exceed 100% of costs, then a refund of the difference shall be made. If the case review reveals that 100% of the costs incurred by the County exceed the fees paid, then the developer shall pay the difference to the County prior to plan approval for review fees, or prior to bond release for inspection fees.

Planning Commission Meeting
March 27, 2013
Verbatim Excerpt

COUNTY CODE AMENDMENT – ADJUSTMENT OF THE FEES FOR PLAN REVIEW, PERMITS, AND INSPECTION SERVICES

After Close of the Public Hearing

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

Commissioner Sargeant: Thank you, Mr. Chairman. Let me start by thanking Jan Leavitt, who could not be here tonight, and Tom Williamson for their diligent work to move this Amendment forward. You'll recall that this initiative started with a presentation to the Planning Commission's Land Use Process Review Committee in January of this year of a detailed account of this incremental motion. I would also like to thank Michelle Brickner and Debra McMahon for being here tonight, pinch hitting as it were, and also for being part of the LDS team that made this happen, given the detail that is involved in this particular Amendment. So with that, I WOULD MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENTS TO APPENDIX Q OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, REGARDING EDITORIAL CHANGES AND ADJUSTMENT OF THE FEES CHARGED BY LAND DEVELOPMENT SERVICES FOR PLAN REVIEW, PERMITS, AND INSPECTION SERVICES, AS ADVERTISED AND SET FORTH IN THE STAFF REPORT. I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THE PROPOSED AMENDMENTS BECOME EFFECTIVE AT 12:01 A.M. ON JULY 1, 2013, AND THAT THE REVISED FEE SHALL BE APPLICABLE TO ANY SUBMISSIONS ON OR AFTER THIS DATE.

Commissioners de la Fe and Hart: Second.

Chairman Murphy: Seconded by Mr. Hart 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 this County Code Amendment as articulated by Mr. Sargeant, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you, Mr. Williamson. You can come back any time.

//

(The motion carried unanimously with Commissioners Flanagan and Hall absent from the meeting.)

JLC

3:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Zoning Application Fee Schedule

ISSUE:

The proposed Zoning Ordinance amendment would reduce the zoning application fees for a riding and boarding stable, modifications to the limitations on the keeping of animals, and for an application for a variance, special permit or amendment to a proffer or development plan for an increase in fence and/or wall height. Additionally, the amendment will establish a new fee for a special permit which is limited to a change in the name of the permittee and a new fee for a PRC plan filed concurrently with a special exception and/or special permit. The amendment will also allow the Zoning Administrator to determine if a substantial change to a pending application warrants a new fee. Lastly, the amendment restructures and restates the fees applicable to extensions and amendments to previously approved and pending zoning applications to provide more clarity.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 3, 2013, the Planning Commission unanimously voted (Commissioner Hall absent from the meeting) to recommend to the Board of Supervisors:

- Approval of the proposed amendment, as expressly set forth in the March 4, 2013, memorandum to the Planning Commission, including:
 - Fee of \$435 for a variance, special permit, or amendment to a previously-approved proffer and/or development plan for an increase in fence and/or wall height on a single-family lot or in a residential district; and
 - Fee of \$2,500 for those applications, when applicable to any other use or district.

RECOMMENDATION:

The County Executive concurs with the Planning Commission recommendation and further recommends that the Zoning Ordinance amendment be adopted in concert with the adoption of the FY 2014 Advertised Budget and that the effective date be established as 12:01 a.m. on the day following adoption.

TIMING:

On February 12, 2013, the Board authorized the advertising of public hearings. The Planning Commission public hearing, originally scheduled for March 6, 2013, was rescheduled for March 27, 2013 and decision deferred to April 3, 2013. Decision on the fees will coincide with the markup and adoption of the FY 2014 Advertised Budget. If approved, these amendments shall become effective at 12:01 a.m. on the day following adoption.

BACKGROUND:

Pursuant to Va. Code Ann. § 15.2-2286(A)(6) and Article 18 of the Zoning Ordinance, the County is authorized to collect fees to cover the cost of advertising of notices and other expenses incident to the administration of the zoning ordinance and for the filing

and processing of any amendment thereto. The Board of Supervisors previously directed staff to review the appropriateness of all zoning application fees on a two-year cycle, including for the Fiscal Year (FY) 2014 time period. Staff is currently conducting this review to determine if fee adjustments are warranted, but staff believes that the current amendment should focus only on adjusting certain fee inequities, some of which were previously identified in the 2012 Zoning Ordinance Amendment Work Program.

At the time of authorization of this amendment, the Board asked staff to include an option for consideration that will allow for a reduction in the fee for an increase in fence and/or wall height on non-single family dwelling lots and in non-residential districts. The staff proposal had only included a reduction for “homeowner” related applications. A memorandum to the Planning Commission setting forth the analysis of fence and/or wall height increase applications and staff’s recommendations for application fees is set forth as Attachment 1. A more detailed discussion of the proposed amendment is set forth in the attached Staff Report and the reference memorandum.

REGULATORY IMPACT:

The proposed changes would reduce the filing fee for certain special permit applications and establish a new fee for a special permit to change the permittee and for a concurrent filing of a PRC plan and special exception and/or special permit. Staff is proposing an effective date of the day following adoption.

FISCAL IMPACT:

Based on a review of the number of applications submitted in FY 2012, this fee proposal could reduce revenue by approximately \$30,000 in FY 2014. Staff notes, however, that there may be a minor increase in the number of applications for those categories where the current fee is proposed to be reduced (specifically riding/boarding stables, the keeping of animals and fence/wall height increase), which may help offset any revenue reduction. The predicted revenue reduction of \$30,000 has been included in the County Executive’s proposed FY 2014 Advertised Budget Plan.

ENCLOSED DOCUMENTS:

Attachment 1 – Addendum Memorandum to the Planning Commission
Attachment 2 – Staff Report
Attachment 3 – Planning Commission Verbatim

STAFF:

Fred Selden, Director, Department of Planning and Zoning (DPZ)
Leslie B. Johnson, Zoning Administrator, DPZ
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Regina Coyle, Zoning Evaluation Division, DPZ
Donna Pesto, Zoning Administration Division, DPZ



County of Fairfax, Virginia

MEMORANDUM

DATE: March 4, 2013

TO: Fairfax County Planning Commission

FROM: Donna Pesto, Senior Assistant to the Zoning Administrator
Department of Planning and Zoning

SUBJECT: Zoning Ordinance Amendment Re: Zoning Application Fee Schedule
Planning Commission Public Hearing: March 6, 2013, 8:15 p.m.

At the Board of Supervisors' February 12, 2013 meeting regarding the authorization of the Zoning Application Fee Schedule amendment, the Board requested staff to revisit the proposed fee for an increase in fence and/or wall height for all uses and not limit the fee reduction to just single family dwellings. An application for an increase in fence and/or wall height can be filed as a special permit, variance or amendment to a previously approved proffer/development plan, with current fees noted, as follows:

- Special Permit for an increase in fence and/or wall height up to six feet in any front yard:
 - Single family dwelling lot: \$910
 - All other uses: \$8,180
- Variance for an increase in any fence and/or wall height:
 - Residential district: \$910
 - All other districts: \$8,180
- Proffered Condition/Development Plan for an increase in any fence and/or wall height: (required only when the approved proffers/plans specifically address fence height, otherwise processed by special permit or variance)
 - Single family dwelling lot: \$910
 - All other uses: \$8,180

Staff was proposing a reduction in the fee for an increase in fence and/or wall height in any front yard for a single family lot only. No changes were proposed to the current fees associated with an increase in fence and/or wall height in any front yard for non-single family dwelling lots or for the maximum fence height variance fee in residential districts and non-residential districts. Similarly, staff was not proposing a fee change for amendments to proffers and/or development plans for an increase in fence height on non-single family dwelling lots. At the time of Authorization, the Board requested that the fee amendment be advertised to include the opportunity to reduce the fee for approval of a

fence and/or wall height in the front yard special permit for non-single family dwelling lots and for maximum fence height variances in all districts; therefore, the advertisement for this Zoning Ordinance Amendment includes the option to approve any fee between \$435 and \$910 for single family lots and between \$435 and \$8,180 for all other lots.

Prior to 2006, the approval process for an increase in fence and/or wall height required a variance or an amendment to a previously approved proffer/development plan (as applicable.) At that time, the variance fees were \$295 for single family lots, \$2,645 for all other lots, and the fee for an amendment to a proffer/development plan was \$4,410 plus an applicable per acre charge. In 2006, a new special permit process was established for a variety of applications, including an increase in fence and/or wall height in any front yard. At that time, the established fee for the increase in fence and/or wall height special permit was \$295 for single family lots and \$2,645 for all other lots. The fee for an amendment to a proffer/development plan for an increase in fence and/or wall height in any yard was reduced to the same amount of \$295 for single family lots and \$2,645 for all other uses. Over the years, fees have undergone some across-the-board increases by the Board such that the current fees for a fence/wall height variance/special permit/amendment to a proffer/development plan is \$910 for single family lots and \$8,180 for all other lots.

A survey of special permit applications for an increase in fence/wall height since 2006 indicate there has been only one application for a non-residential lot and 79 applications on single family lots. There have been no variance applications for an increase in fence and/or wall height since 2006. While it appears there have been relatively no applications for an increase in fence and/or wall height for non-residential uses/districts, staff believes that there have been instances where such fence requests were combined with concurrent special exception, rezoning, or other special permit applications on the same parcel. As a result, those applications do not get separately classified in the fence/wall height increase special permit statistics. In any event, no additional fee would have been charged for the increase in fence/wall height request.

Staff has not specifically documented the amount of staff time it takes to process a fence and/or wall height special permit from receipt to final close-out. However, an evaluation of data regarding just the elapsed processing time between the date of acceptance and the date of final action, indicates that there was no significant difference in the amount of time it took to process a fence and/or wall height increase special permit application for single family lots versus the non-residential lot application. Based on information gathered at the time of previous zoning application fee amendments and a comparison to the known processing times for other similar special permits, staff estimates the costs associated with just the acceptance and staff coordinator review time, the cost of advertising and posting the property, and costs associated with the copying/distribution of application materials and the staff report to be at a minimum, approximately \$2,500. This

does not include costs associated with supervisor review time, the time expended by other agencies in the review of the application, public hearing costs or staff costs associated with file closeout and administrative overhead costs including employee benefit costs. Costs may be slightly higher for amendments to proffers/development plans because there could be fees associated two public hearings, as opposed to just one as is the case with special permits and variances.

Staff could be supportive of lowering the current fee of \$8,180 for an increase in fence and/or wall height for all lots other than single family, but staff is not supportive of lowering the fee to \$435, the amount currently being proposed for single family lot owners. The Board has historically treated homeowner-related application fees differently than fees for other types of uses, recognizing that the fee would not cover the cost of processing the application. This would enable homeowners who were under violation to seek a remedy for the violation that was not cost prohibitive and would also allow homeowners to seek certain low-impact modifications to the zoning requirements without incurring an extraordinary filing fee on top of charges they may be required to pay for surveys, studies, or legal assistance. In recognition of this difference, if the Planning Commission wanted to recommend to the Board a lower fee for non-single family lots/non-residential districts, staff would suggest a fee of not less than \$2,500 for these applications. Staff believes this amount is more appropriate than a reduction to \$435, given that it covers more of the actual costs incurred during the review of such applications.

Because there has been only one application for a special permit for an increase in fence and/or wall height at the non-residential fee of \$8,180 since 2006, the revenue impact on the reduced amount is difficult to estimate. Staff does believe, however, that applicants with non-single family dwelling lots/non-residential districts should be required to pay a substantial portion of the actual costs associated with processing the application from submission to final close-out.

For clarity, the complete fee schedule amendment is set forth below, including the above referenced changes, which are highlighted for ease of reference.

cc: Robert A. Stalzer, Deputy County Executive
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Leslie B. Johnson, Zoning Administrator, DPZ
Barbara Berlin, Director, Zoning Evaluation Division, DPZ
Cherie L. Halyard, Office of the County Attorney
Susan Datta, Director, Office of Management and Budget

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of February 12, 2013 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 Sect. 18-106, Application and Zoning Compliance Letter Fees, to read as follows:

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

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

Application for a variance

- Increase in maximum fence and/or wall height in residential districts (Advertised range from \$435 to \$910. The current fee is \$910.) **\$435**
 - Increase in maximum fence and/or wall height in non-residential districts (Advertised range from \$435 to \$8180. The current fee is \$8180.) **\$2500**
 - Residential minimum yard variance; ~~maximum fence height variance in residential districts~~; modification of location regulations or use limitations for residential accessory structures or uses; modification of grade or increase in building height for single family detached dwellings \$910
 - All other variances \$8180
- Appeal under Sections 18-204 and 18-301 \$600

Application for a:

Group 1 special permit	\$16375
Group 2 special permit	\$16375
Group 3 special permit	
• Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school which has an enrollment of 100 or more students daily	\$11025
• All other uses	\$1100
Group 4 special permit	\$4085
Group 5 special permit	\$16375
Group 6 special permit	
• <u>Riding and boarding stables</u> (Advertised range from \$8,180 to \$16,375, with staff recommending \$8,180. The current fee for this use is \$16,375.)	<u>\$8180</u>
• <u>All other uses</u>	\$16375
Group 7 special permit	\$16375
Group 8 special permit	
• Temporary portable storage containers approved by the Zoning Administrator	\$0
• All other uses approved by the Zoning Administrator	\$205
• Temporary portable storage containers approved by the BZA	\$0
• All other uses approved by the BZA	\$16375
Group 9 special permit	
• Open air produce stand	\$1810
• Accessory dwelling unit; <u>modification to the limitations on the keeping of animals</u>	\$435
• <u>Increase in fence and/or wall height in any front yard on a single family dwelling lot</u> (Advertised range from \$435 to \$910. The current fee for this use is \$910.)	<u>\$435</u>
• <u>Increase in fence and/or wall height in any front yard on all</u>	<u>\$2500</u>

other uses (Advertised range from \$435 to \$8180. The current fee for this use is \$8180.)

• Modification to minimum yard requirements for R-C lots	\$185
• Modification to the limitations on the keeping of animals; Error in building location; reduction of certain yard requirements on a single family dwelling lot; modification of minimum yard requirements for certain existing structures and uses; certain additions to an existing single family detached dwelling when the existing dwelling extends into a minimum required yard by more than fifty (50) percent and/or is closer than five (5) feet to a lot line; noise barriers on a single residential lot; increase in fence and/or wall height in any front yard on a single family dwelling lot; modification of grade for single family detached dwellings	\$910
• Reduction of certain yard requirements on all other uses; increase in fence and/or wall height in any front yard on all other uses	\$8180
• All other uses	\$16375
Application for a:	
Category 1 special exception	\$16375
Category 2 special exception	\$16375
Category 3 special exception	
• Child care centers, nursery schools and private schools which have an enrollment of less than 100 students daily, churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school which has an enrollment of less than 100 students daily and independent living facilities for low income tenants, whether a new application or an amendment to a previously approved and currently valid application, with or without new construction, home child care facilities	\$1100
• Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school which has an enrollment of 100 or more students daily	\$11025
• All other uses	\$16375
Category 4 special exception	\$16375

Category 5 special exception	\$16375
Category 6 special exception	
<ul style="list-style-type: none"> • Reduction of yard requirements for the reconsideration of certain single family detached dwellings that are destroyed by casualty 	\$0
<ul style="list-style-type: none"> • Modification of minimum yard requirements for certain existing structures and uses; modification of grade for single family detached dwellings 	\$910
<ul style="list-style-type: none"> • Modification of shape factor limitations 	\$8180
<ul style="list-style-type: none"> • Waiver of minimum lot width requirements in a residential district 	\$8180
<ul style="list-style-type: none"> • All other uses 	\$16375
Amendment to a pending application for a special permit, variance or special exception	10 percent of the prevailing application fee
Application for an extension of a special permit or special exception	1/8 prevailing fee
Application to amend a previously approved and current valid variance	Prevailing fee for a new application
Application to amend a previously approved and currently valid special permit or special exception with no new construction	1/2 prevailing fee
Application to amend a previously approved and currently valid special permit or special exception with new construction	Prevailing fee for new application
Amendment to a previously approved and currently valid special permit or special exception for a reduction of certain yard requirements or an increase in fence and/or wall height in any front yard on a single family dwelling lot	\$910
Amendment to a previously approved and currently valid special permit or special exception for a reduction of certain yard requirements or an increase in fence and/or wall height in any front yard on all other uses	\$8180
All other amendments to a previously approved and currently valid special permit or special exception	
<ul style="list-style-type: none"> • With no new construction 	1/2 prevailing fee
<ul style="list-style-type: none"> • With new construction 	Prevailing fee for new application

Extensions and amendments of the above application types:

- Extension of time for a special permit or special exception pursuant to Sections 8-012 and 9-012 1/8 of prevailing fee
- Amendment to a pending application for special permit, variance or special exception 1/10 of prevailing fee
- Amendment to a previously approved and currently valid special permit limited to a change in permittee \$500 or 1/2 of prevailing fee, whichever is less
- Amendment to a previously approved and current valid special permit, variance or special exception with new construction Prevailing fee for new application
- Amendment to a previously approved and current valid special permit, variance or special exception with no new construction 1/2 of prevailing fee

Note: Additional fees may be required for certain special permit and special exception uses to pay for the cost of regular inspections to determine compliance with performance standards. Such fees shall be established at the time the special permit or special exception application is approved.

When one application is filed by one applicant for two (2) or more special permit uses on the same lot, only one filing fee shall be required. Such fee shall be the highest of the fee required for the individual uses. This shall also apply to an application for two (2) or more special exceptions or two (2) or more variances or a combination of two (2) or more special permits and/or variances filed by one applicant on the same lot.

The fee for an amendment to a pending application for a special permit, variance, or special exception is only applicable when the amendment request results in a ~~change in~~

~~land area, change in use or other~~ substantial revision, as determined by the Zoning Administrator.

2. Application for an amendment to the Zoning Map:

District Requested	Filing Fee
All R Districts	\$27280 plus \$570 per acre
All C, I and Overlay Districts	\$27280 plus \$910 per

	acre
PRC District	\$27280 plus \$910 per acre
<ul style="list-style-type: none"> • Application with concurrent filing of a PRC plan 	\$27280 plus \$1345 per acre
<ul style="list-style-type: none"> • PRC plan 	\$13640 plus \$435 per acre
<ul style="list-style-type: none"> • <u>PRC plan concurrent with filing of a special permit and/or special exception</u> 	<u>\$16375 plus \$435 per acre</u>
PDH, PDC, PRM and PTC Districts	
<ul style="list-style-type: none"> • Application with conceptual development plan 	\$27280 plus \$910 per acre
<ul style="list-style-type: none"> • Application with concurrent filing of conceptual and final development plans 	\$27280 plus \$1345 per acre
<ul style="list-style-type: none"> • Final development plan 	\$13640 plus \$435 per acre
<u>Amendments to the above application types:</u>	
<ul style="list-style-type: none"> • Amendment to a pending application for an amendment to the Zoning Map in all Districts 	\$4545 plus applicable per acre fee for acreage affected by the amendment
<ul style="list-style-type: none"> • Amendment to a pending application for a final development plan or development plan amendment or PRC plan 	\$4130
<ul style="list-style-type: none"> • <u>Amendments to a previously approved proffered condition and/or development plan, final development plan, conceptual development plan, PRC plan or concurrent conceptual/final development plan for:</u> <ul style="list-style-type: none"> ○ <u>Increase in fence and/or wall height on a single family lot; or (Advertised range from \$435 to \$910. The current fee for this use is \$910.)</u> 	<u>\$435</u>
<ul style="list-style-type: none"> ○ <u>A reduction of certain yard requirements on a single family lot; or</u> 	<u>\$910</u>

- Increase in fence and/or wall height on all other uses; or (Advertised range from \$435 to \$8180. The current fee for this use is \$8180.) **\$2500**
- A reduction of certain yard requirements or an increase in fence and/or wall height on all other uses; or **\$8180**
- The addition of or modification to an independent living facility for low income tenants. **\$1100**
- Amendment to a previously approved proffered condition and/or development plan, final development plan, conceptual development, PRC plan and/or concurrent conceptual/final development plan for all other uses with new construction **1/2 of prevailing fee plus applicable per acre fee for acreage affected by the amendment**
- Amendment to a previously approved proffered condition and/or development plan, final development plan, conceptual development, PRC plan and/or concurrent conceptual/final development plan for all other uses with no new construction **1/2 of prevailing fee**
- ~~Amendment to a previously approved proffered condition, development plan, final development plan, conceptual development plan, PRC plan or concurrent conceptual/final development plan for a reduction of certain yard requirements on a single family dwelling lot or an increase in fence and/or wall height on a single family dwelling lot~~ **\$910**
- ~~Amendment to a previously approved proffered condition, development plan, final development plan, conceptual development plan, PRC plan or concurrent conceptual/final development plan for a reduction of certain yard requirements on all other uses or an increase in fence and/or wall height on all other uses~~ **\$8180**
- ~~Amendment to a previously approved proffered condition, development plan, final development plan, conceptual development plan, PRC plan or concurrent conceptual/final development plan for the addition of or~~ **\$1100**

~~modification to an independent living facility for low income tenants, whether or not there is new construction~~

~~All other amendments to a previously approved development plan, proffered condition, conceptual development plan, final development plan, PRC plan or concurrent conceptual/final development plan~~

- ~~• With new construction~~ \$13640 plus applicable per acre fee for acreage affected by the amendment
- ~~• With no new construction~~ \$13640

Note: For purpose of computing acreage fees, any portion of an acre shall be counted as an acre.

The fee for an amendment to a pending application is only applicable when the amendment request results in a ~~change in land area, change in use or other~~ substantial revision, as determined by the Zoning Administrator.

3. Comprehensive sign plan: \$8260
Amendment to a comprehensive sign plan: \$4130
4. Refund of fees for withdrawal of applications shall be in accordance with the provisions of Sections 112, 208 and 308. There shall be no refund of fees for applications that have been dismissed in accordance with the provisions of Sections 113 and 209.
5. Fees for home occupations, sign permits and site plans shall be as specified in Articles 10, 12 and 17, respectively.
6. Zoning compliance letter:
Single family: \$ 115 for each lot requested
All other uses: \$320 for each lot requested
7. Modification to the ~~requirements of the~~ Affordable Dwelling Unit Program: \$2755
8. Non-Residential Use Permit: \$70
9. Interpretation of approved zoning applications: \$520

10. Public hearing deferrals after public notice has been given under Sect. 110 above and which are related solely to affidavit errors:

Planning Commission: \$260 plus cost of actual advertising, not to exceed \$1000

Board of Supervisors: \$260 plus cost of actual advertising, not to exceed \$1000



**FAIRFAX
COUNTY**

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Zoning Application Fee Schedule

PUBLIC HEARING DATES

Planning Commission

March 27, 2013 at 8:15 p.m. (Deferred from
March 6, 2013 due to inclement weather.)

Board of Supervisors

April 9, 2013 at 3:00 p.m.

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

February 12, 2013

DP



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 Zoning Ordinance Amendment to address certain fees set forth in Sect. 18-106 was prompted by a request from the Board of Supervisors to evaluate the current fee structure for specific, relatively minor homeowner-related modifications and other uses that may warrant a lesser fee than currently charged due to the nature of the use proposed. This amendment is identified on Priority 1 of the Board's Zoning Ordinance Work Program for 2012. It is noted that the Board has directed staff to review the appropriateness of all zoning application fees on a two-year cycle, including for this Fiscal Year (FY) 2014 time period. Staff is currently conducting this review to determine if additional fee increases are warranted, but staff believes that this current amendment should focus on adjusting certain fee inequities, as identified by the Board. The following proposed modifications are intended to provide some application fee relief for relatively minor and less time-consuming applications and to clarify some of the provisions:

Minor Homeowner Related Modifications

Currently, the fee for a Group 9 Special Permit use for a modification to the limitations on the keeping of animals is \$901. Based on the relatively minimal staff review, focused primarily on immediate neighbor impacts, and at the specific request of the Board, staff is proposing a new fee of \$435 for this special permit application. Staff believes that the fee reduction will assist in achieving compliance in those cases where there is currently a zoning violation, but the owner is reluctant to apply due to the application fee.

With regard to the ability to increase fence and/or wall height, the Ordinance currently provides for a Group 9 Special Permit use for an increase in fence and/or wall height in any front yard on a single family dwelling lot with an application fee of \$910. A special permit for an increase in a fence/wall height in any front yard for any other use currently has an application fee of \$8,180. To increase the height of a fence/wall in a side or rear yard or to more than six feet in a front yard would require a variance, which has an application fee of \$910 for residential districts and \$8,180 for all other districts. Should an application property for an increase in fence/wall height include a proffered condition or plan that specifically addresses fences/walls, then an amendment to the proffers and/or plans would be required. For single family dwelling lots, the current fee is \$910 and for all other lots, the fee is \$8,180. Initially, staff recommended that only the fee to increase fence/wall height in any front yard for a single family dwelling be subject to a lower fee based on the relatively minor review of these types of applications. However, at the time of authorization to advertise the zoning fee amendment, the Board requested that staff bring forward a proposal that would also reduce the application fee for an increase in fence and/or wall height regardless of the application process or the zoning district or use of the property. The proposed amendment has been advertised to allow the Board to consider a broad range of fees, from the current fee down to \$435 for each of these application types; however, at the time of advertisement of this Zoning Ordinance amendment, staff had not analyzed the fiscal impacts of the Board's request and cannot provide an adequate recommendation until such time. An addendum to this Staff Report will be provided prior to the March 6, 2013 Planning Commission Public Hearing.

Riding and Boarding Stables

The current fee for this Group 6 special permit is \$16,375. In a report to the Board prepared by the Equestrian Task Force, it was noted that zoning regulations, including the special permit process, can serve as an impediment to the establishment of equestrian facilities. While staff believes it is appropriate to continue to require special permit approval for riding and boarding stables due to their potential impact on adjacent properties, staff was asked to look at lowering this fee to a mid-range level. In the past two years, only two applications have been accepted. Staff notes that riding and boarding stable applications can range from a small family operation to a larger commercial operation, similar to the recently approved therapeutic riding program on over 60 acres. It is also noted that there have been two Notices of Violation for operating a riding and boarding stable without special permit approval that are currently pending appeal at the Board of Zoning Appeals (BZA). Given these circumstances, reducing the special permit fee may address the concerns of the Equestrian Task Force and help facilitate compliance. As such, staff is proposing a fee of \$8,180, but the amendment will be advertised to allow the Board to consider a fee from \$8,180 to the current fee of \$16,375. Staff notes that a review of Loudoun County's application fees for similar equestrian facilities is between \$8,215 and \$15,750 depending on the size of the facility, land area and the frontage on public roads.

New Fee for Change in Permittee

Many special permits are approved by the BZA with a development condition whereby the use is granted only to the specific person or entity making the application. Under the current provisions, a special permit amendment application is required to change the name of the permittee after the approval of the original special permit. Currently, the charge for this type of application is one-half of the prevailing fee. Given the variety of special permits that include a development condition granting the use to the applicant only, this fee currently ranges from \$217.50 to \$8,187.50. As an example, at the end of 2012 the BZA approved an application to simply change the name/operator of a health club at a cost of \$8,175.50. Staff believes a flat fee is more appropriate for an application that proposes only to change names, noting that staff coordinator review of this type of application is minimal. Staff does, however, believe that the costs associated with application acceptance and legal advertising fees should be borne by the applicant to the greatest extent. As such, staff is proposing a new fee of \$500 or one-half of the prevailing fee, whichever is less. Under staff's proposal, the new fee range would be from \$217.50 to \$500.

New Fee for a Combination Application for a PRC Plan and a Special Permit and/or Special Exception Application

Currently, a development proposal that includes an application for a special permit or special exception use, in conjunction with a PRC Plan requires the submission of two separate fees. The PRC Plan fee is currently \$13,640 plus \$435 per acre. The cost of an application for a special permit or special exception use that would be expected as part of a PRC District is \$16,375. Rather than pay two separate fees for this application, staff is proposing a combination fee of \$16,375 plus \$435 per acre. Typically, both the PRC Plan and special permit/special exception application review are done as one review and one staff report. Staff is unaware of any applications filed since FY 2011 for a combination PRC plan and SP/SE application, but notes

that there have been inquiries as to what filing fee would apply for such a request. As such, staff believes it is prudent to establish a fee for this combination of uses, given that the review is the same for each application and the only additional fees for the addition of a special permit or special exception use would relate to the advertising and printing of the staff report.

Clarification of Concurrent Special Permit and Variance Application Fees

Currently, the Notes section of Par. 1 of Sect. 18-106 specifies that if two or more special permits or two or more special exceptions are filed concurrently for the same property, then only one fee is paid (the highest of the individual fees.) The Zoning Ordinance is silent with regard to the concurrent filing of a special permit and a variance application which are both reviewed by the BZA. Staff believes that this is an oversight and that the same concurrent review/staff report preparation that occurs with two or more special exceptions or two or more special permits should also occur with two or more special permit/variance combinations filed by a single applicant for the same property. As such, the Zoning Administrator has determined that only one fee is required (again, the highest of the individual fees) and that is the current practice. This amendment will add that determination to the provisions for clarity.

Clarification of Fees Associated with Amendments to Variance, Special Permit, and Special Exception and Amendments to the Zoning Map Applications

Staff is proposing to restructure and restate the fees that are applicable to requests to extend or amend pending and previously approved special permits, special exceptions or variances and for applications for amendments to the Zoning Map. Staff believes that this will offer less duplication and more clarification of the applicable fees. In the “Note” section of both Par. 1 and Par. 2 of Sect. 18-106, the current provisions specify that the fee to amend a pending application is only applicable when the request results in a change in land area, change in use or other substantial revision. This provision has resulted in some uncertainty as to what is a substantial revision and if a change in land area or use actually warrants the additional fee for additional review. As an example, a fee can be charged for a rezoning applicant seeking to change the requested zoning district. A fee may be warranted when the applicant proposes to intensify the land use (increased gross floor area, additional dwelling units, etc.), which necessitates additional or new staff analyses. However, a change in the proposed zoning district at the request of staff (to more closely fit with the proposal), may not require a fee. To standardize these practices, staff is proposing to amend the provisions to specify that the fee is applicable when the applicant’s changes results in a substantial revision, as determined by the Zoning Administrator. The Zoning Administrator will be setting forth policy guidelines outlining the parameters of what warrants a substantial change and will delegate this authority the Director of the Zoning Evaluation, so such determinations can be made on a case by case basis.

Staff recommends adoption of the proposed amendment to the Zoning Ordinance as set forth below, with an effective date of 12:01 A.M., on April 10, 2013 and that:

- The revised fees shall be applicable to any zoning application filed subsequent to the effective date of the amendment; and

- Zoning applications that were filed but not accepted prior to the effective date of this amendment, which are found to be complete with regard to the applicable submission requirements, shall be subject to the amended fees set forth in this amendment.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of February 12, 2013 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 Sect. 18-106, Application and Zoning Compliance Letter Fees, to read as follows:

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

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

Application for a variance

• <u>Increase in maximum fence and/or wall height in residential districts</u> (<i>Advertised range from \$435 to \$910. The current fee is \$910.</i>)	<i>(\$ to be determined)</i>
• <u>Increase in maximum fence and/or wall height in non-residential districts</u> (<i>Advertised range from \$435 to \$8180. The current fee is \$8180.</i>)	<i>(\$ to be determined)</i>
• Residential minimum yard variance; maximum fence height variance in residential districts ; modification of location regulations or use limitations for residential accessory structures or uses; modification of grade or increase in building height for single family detached dwellings	\$910
• All other variances	\$8180
Appeal under Sections 18-204 and 18-301	\$600
Application for a:	
Group 1 special permit	\$16375
Group 2 special permit	\$16375
Group 3 special permit	

• Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school which has an enrollment of 100 or more students daily	\$11025
• All other uses	\$1100
Group 4 special permit	\$4085
Group 5 special permit	\$16375
Group 6 special permit	
• <u>Riding and boarding stables</u> (Advertised range from \$8,180 to \$16,375, with staff recommending \$8,180. The current fee for this use is \$16,375.)	<u>\$8180</u>
• <u>All other uses</u>	\$16375
Group 7 special permit	\$16375
Group 8 special permit	
• Temporary portable storage containers approved by the Zoning Administrator	\$0
• All other uses approved by the Zoning Administrator	\$205
• Temporary portable storage containers approved by the BZA	\$0
• All other uses approved by the BZA	\$16375
Group 9 special permit	
• Open air produce stand	\$1810
• Accessory dwelling unit; <u>modification to the limitations on the keeping of animals</u>	\$435
• <u>Increase in fence and/or wall height in any front yard on a single family dwelling lot</u> (Advertised range from \$435 to \$910. The current fee for this use is \$910.)	(\$ to be determined)
• <u>Increase in fence and/or wall height in any front yard on all other uses</u> (Advertised range from \$435 to \$8180. The current fee for this use is \$8180.)	(\$ to be determined)
• Modification to minimum yard requirements for R-C lots	\$185
• Modification to the limitations on the keeping of animals; Error in building location; reduction of certain yard requirements on a single family dwelling lot; modification of minimum yard requirements for certain existing structures and uses; certain additions to an existing single family detached dwelling when the existing dwelling extends into a minimum required yard by more than fifty (50) percent and/or is closer than five (5) feet to a lot line; noise barriers	\$910

on a single residential lot; increase in fence and/or wall height in any front yard on a single family dwelling lot; modification of grade for single family detached dwellings	
• Reduction of certain yard requirements on all other uses; increase in fence and/or wall height in any front yard on all other uses	\$8180
• All other uses	\$16375
Application for a:	
Category 1 special exception	\$16375
Category 2 special exception	\$16375
Category 3 special exception	
• Child care centers, nursery schools and private schools which have an enrollment of less than 100 students daily, churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school which has an enrollment of less than 100 students daily and independent living facilities for low income tenants, whether a new application or an amendment to a previously approved and currently valid application, with or without new construction, home child care facilities	\$1100
• Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school which has an enrollment of 100 or more students daily	\$11025
• All other uses	\$16375
Category 4 special exception	\$16375
Category 5 special exception	\$16375
Category 6 special exception	
• Reduction of yard requirements for the reconsideration of certain single family detached dwellings that are destroyed by casualty	\$0
• Modification of minimum yard requirements for certain existing structures and uses; modification of grade for single family detached dwellings	\$910
• Modification of shape factor limitations	\$8180
• Waiver of minimum lot width requirements in a residential district	\$8180
• All other uses	\$16375
Amendment to a pending application for a special permit, variance	10 percent of the

or special exception	prevailing application fee
Application for an extension of a special permit or special exception	1/8 prevailing fee
Application to amend a previously approved and current valid variance	Prevailing fee for a new application
Application to amend a previously approved and currently valid special permit or special exception with no new construction	1/2 prevailing fee
Application to amend a previously approved and currently valid special permit or special exception with new construction	Prevailing fee for new application
Amendment to a previously approved and currently valid special permit or special exception for a reduction of certain yard requirements or an increase in fence and/or wall height in any front yard on a single family dwelling lot	\$910
Amendment to a previously approved and currently valid special permit or special exception for a reduction of certain yard requirements or an increase in fence and/or wall height in any front yard on all other uses	\$8180
All other amendments to a previously approved and currently valid special permit or special exception	
• With no new construction	1/2 prevailing fee
• With new construction	Prevailing fee for new application
<u>Extensions and amendments of the above application types:</u>	
• <u>Extension of time for a special permit or special exception pursuant to Sections 8-012 and 9-012</u>	<u>1/8 of prevailing fee</u>
• <u>Amendment to a pending application for special permit, variance or special exception</u>	<u>1/10 of prevailing fee</u>
• <u>Amendment to a previously approved and currently valid special permit limited to a change in permittee</u>	<u>\$500 or 1/2 of prevailing fee, whichever is less</u>
• <u>Amendment to a previously approved and current valid special permit, variance or special exception with new construction</u>	<u>Prevailing fee for new application</u>
• <u>Amendment to a previously approved and current valid special permit, variance or special exception with no new construction</u>	<u>1/2 of prevailing fee</u>

Note: Additional fees may be required for certain special permit and special exception uses to pay for the cost of regular inspections to determine compliance with performance standards. Such fees shall be established at the time the special permit or special

exception application is approved.

When one application is filed by one applicant for two (2) or more special permit uses on the same lot, only one filing fee shall be required. Such fee shall be the highest of the fee required for the individual uses. This shall also apply to an application for two (2) or more special exceptions or two (2) or more variances or a combination of two (2) or more special permits and/or variances filed by one applicant on the same lot.

The fee for an amendment to a pending application for a special permit, variance, or special exception is only applicable when the amendment request results in a ~~change in~~

~~land area, change in use or other~~ substantial revision, as determined by the Zoning Administrator.

2. Application for an amendment to the Zoning Map:

District Requested	Filing Fee
All R Districts	\$27280 plus \$570 per acre
All C, I and Overlay Districts	\$27280 plus \$910 per acre
PRC District	\$27280 plus \$910 per acre
<ul style="list-style-type: none"> • Application with concurrent filing of a PRC plan 	\$27280 plus \$1345 per acre
<ul style="list-style-type: none"> • PRC plan 	\$13640 plus \$435 per acre
<ul style="list-style-type: none"> • <u>PRC plan concurrent with filing of a special permit and/or special exception</u> 	<u>\$16375 plus \$435 per acre</u>
PDH, PDC, PRM and PTC Districts	
<ul style="list-style-type: none"> • Application with conceptual development plan 	\$27280 plus \$910 per acre
<ul style="list-style-type: none"> • Application with concurrent filing of conceptual and final development plans 	\$27280 plus \$1345 per acre
<ul style="list-style-type: none"> • Final development plan 	\$13640 plus \$435 per acre

Amendments to the above application types:

- Amendment to a pending application for an amendment to the Zoning Map in all Districts
- \$4545 plus applicable per acre fee for acreage affected by the amendment

- Amendment to a pending application for a final development plan or development plan amendment or PRC plan \$4130
- Amendments to a previously approved proffered condition and/or development plan, final development plan, conceptual development plan, PRC plan or concurrent conceptual/final development plan for:
 - Increase in fence and/or wall height on a single family lot; or (Advertised range from \$435 to \$910. The current fee for this use is \$910.) (\$ to be determined)
 - A reduction of certain yard requirements on a single family lot; or \$910
 - Increase in fence and/or wall height on all other uses; or (Advertised range from \$435 to \$8180. The current fee for this use is \$8180.) (\$ to be determined)
 - A reduction of certain yard requirements or an increase in fence and/or wall height on all other uses; or \$8180
 - The addition of or modification to an independent living facility for low income tenants. \$1100
- Amendment to a previously approved proffered condition and/or development plan, final development plan, conceptual development, PRC plan and/or concurrent conceptual/final development plan for all other uses with new construction 1/2 of prevailing fee plus applicable per acre fee for acreage affected by the amendment
- Amendment to a previously approved proffered condition and/or development plan, final development plan, conceptual development, PRC plan and/or concurrent conceptual/final development plan for all other uses with no new construction 1/2 of prevailing fee

~~Amendment to a previously approved proffered condition, development plan, final development plan, conceptual development plan, PRC plan or concurrent conceptual/final development plan for a reduction of certain yard requirements on a single family dwelling lot or an increase in fence and/or wall height on a single~~ \$910

family dwelling lot

~~Amendment to a previously approved proffered condition, development plan, final development plan, conceptual development plan, PRC plan or concurrent conceptual/final development plan for a reduction of certain yard requirements on all other uses or an increase in fence and/or wall height on all other uses~~ \$8180

~~Amendment to a previously approved proffered condition, development plan, final development plan, conceptual development plan, PRC plan or concurrent conceptual/final development plan for the addition of or modification to an independent living facility for low income tenants, whether or not there is new construction~~ \$1100

~~All other amendments to a previously approved development plan, proffered condition, conceptual development plan, final development plan, PRC plan or concurrent conceptual/final development plan~~

- ~~• With new construction~~ \$13640 plus applicable per acre fee for acreage affected by the amendment

- ~~• With no new construction~~ \$13640

Note: For purpose of computing acreage fees, any portion of an acre shall be counted as an acre.

The fee for an amendment to a pending application is only applicable when the amendment request results in a ~~change in land area, change in use or other~~ substantial revision, as determined by the Zoning Administrator.

3. Comprehensive sign plan: \$8260

Amendment to a comprehensive sign plan: \$4130

4. Refund of fees for withdrawal of applications shall be in accordance with the provisions of Sections 112, 208 and 308. There shall be no refund of fees for applications that have been dismissed in accordance with the provisions of Sections 113 and 209.

5. Fees for home occupations, sign permits and site plans shall be as specified in Articles 10, 12 and 17, respectively.

6. Zoning compliance letter:

Single family: \$ 115 for each lot requested

All other uses: \$320 for each lot requested

7. Modification to the ~~requirements of the~~ Affordable Dwelling Unit Program: \$2755
8. Non-Residential Use Permit: \$70
9. Interpretation of approved zoning applications: \$520
10. Public hearing deferrals after public notice has been given under Sect. 110 above and which are related solely to affidavit errors:

Planning Commission: \$260 plus cost of actual advertising, not to exceed \$1000

Board of Supervisors: \$260 plus cost of actual advertising, not to exceed \$1000

Planning Commission Meeting
 April 3, 2013
 Verbatim Excerpt

ZONING ORDINANCE AMENDMENT – ZONING APPLICATION FEE SCHEDULE

Decision Only During Commission Matters
 (Public Hearing held on March 27, 2013)

Commissioner Hart: Thank you, Mr. Chairman. The Planning Commission held a public hearing on March 27 on a proposed Zoning Ordinance Amendment to lower certain filing fees. First, let me thank all the citizens who came to speak at the public hearing or submitted written comments. Let me also thank staff – Donna Pesto, Michelle O’Hare, Regina Coyle, and Lorrie Kirst – for their fine work on this case. This Amendment is intended to equitably adjust several filing fees, making the process more affordable for cases such as change in permittee, equestrian facilities, and modifications to the keeping of animals. The Amendment will also clarify the amount of the fees in certain combination applications. We also heard from several speakers regarding another issue – allowing chickens by-right in residential districts. Allowing chickens by-right was outside the scope of the advertising authorized by the Board. Although this Amendment will not change the current requirement for Special Permit approval for chickens on lots of less than two acres, the filing fee will be reduced from \$910 to \$435, which approximately covers the cost of the advertising. Applications for chickens on smaller than two-acre lots still may be considered by the Board of Zoning Appeals on a case-by-case basis, which will allow the neighbors an opportunity to comment and participate in a public hearing process. As the Commission is aware, every lot is different. One size does not fit all. And the public hearing process will allow a balancing of the concerns of the applicants and their neighbors. As the Commission also is aware, keeping of chickens is one of the Priority Two items on the Zoning Ordinance Amendment Work Program and this discussion may be resumed in the future. The Amendment has staff’s favorable recommendation, with which I concur. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PROPOSED FEE SCHEDULE ZONING ORDINANCE AMENDMENT BE ADOPTED IN ACCORDANCE WITH THE STAFF RECOMMENDATION, AS ADVERTISED, TO INCLUDE A FEE OF \$435 FOR A VARIANCE, SPECIAL PERMIT, OR AMENDMENT TO A PREVIOUSLY-APPROVED PROFFER AND/OR DEVELOPMENT PLAN FOR AN INCREASE IN FENCE AND/OR WALL HEIGHT ON A SINGLE-FAMILY LOT OR IN A RESIDENTIAL DISTRICT; AND A FEE OF \$2,500 FOR THOSE APPLICATIONS WHEN APPLICABLE TO ANY OTHER USE OR DISTRICT, AS EXPRESSLY SET FORTH IN STAFF’S MARCH 4, 2013, MEMORANDUM TO THE PLANNING COMMISSION.

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 adopt the Zoning Application Fee Schedule zoning – proposed Zoning Ordinance Amendment, as articulated tonight by Commissioner Hart, say aye.

Planning Commission Meeting
April 3, 2013
ZOA – ZONING APPLICATION FEE SCHEDULE

Page 2

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

//

(The motion carried unanimously with Commissioner Hall absent from the meeting.)

JLC

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Board Agenda Item
April 9, 2013

3:00 p.m.

Public Hearing for a Sewer Ordinance Amendment to Increase the Base Charge, and Maintain the Sewer Service Charges, Connection Charges, and Availability Charges, and Clarify the Meter Reading Date on which the Base Charges Will Take Effect

ISSUE:

Board of Supervisor's adoption of proposed sewer ordinance amendments is requested to increase the Base Charge, and maintain Sewer Service Charges, Availability Charges, and Connection Charges at their current rate and clarify the Meter Reading Date on which the Base Charges will take effect. The proposed amendments are consistent with the Wastewater Management Program's "Revenue Sufficiency and Rate Analysis" (the Rate Study) for the Sewer System, prepared in cooperation with its consultant, Public Resources Management Group, Inc. (PRMG). The effects of these revisions will be as follows:

1. To re-affirm FY 2013 and establish FY 2014 through FY 2017 Sewer Service Charges
2. To increase and establish the Base Charge for FY 2013 through FY 2017
3. To re-affirm and establish the Availability Charges for FY 2013 through FY 2017
4. To re-affirm the Connection Charges
5. To clarify the difference between the effective date of the Base Charge (July 1st) and the meter reading date on which the new rates will be used to calculate the Base Charge portion of the quarterly water bills (October 1st, three months after the effective date)

Although the Sewer Service Charge schedule in the sewer ordinance is multi-year, all Sewer Service Charges are reviewed, adjusted as necessary, and adopted annually to ensure Sewer Service Charges are accurately priced. Likewise, Base Charges will be reviewed and adjusted as necessary.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed sewer ordinance amendment. Action on the sewer ordinance revisions is recommended to take place on April 23 and April 30, 2013 as part of the markup and adoption of the FY 2014 Advertised Budget Plan.

Board Agenda Item
April 9, 2013

TIMING:

On February 26, 2013, the Board authorized the advertisement of the public hearing. FY 2014 new charges will become effective on July 1, 2013, as outlined above.

BACKGROUND:

In January 2013, the Wastewater Management Program and PRMG completed the Rate Study. Minimum fund balances or “reserves” are maintained to comply with bond requirements and to fund major capital expenditures such as the addition of nitrogen removal facilities at wastewater treatment plants. It is anticipated that desired reserve levels can be maintained under the proposed ordinance amendment (Attachment II).

The proposed rate amendments will meet the revenue requirements of \$171,473,020 for the wastewater system by increasing the Base Charge to cover fixed costs instead of the traditional approach of increasing the Sewer Service Charge. Fixed costs primarily include the costs of generating quarterly bills, existing customer portion of debt service payments, fixed administrative costs, and capital improvements to maintain the system. The goal is to recover more of the program's fixed costs through the Base Charge, which is the industry trend, while maintaining the Service Charge at the current rate.

The current Base Charge of \$5.50 per bill recovers only the fixed cost associated with generating quarterly bills by Fairfax Water. Increasing the Base Charge to \$12.79 per quarterly bill will provide for a higher recovery of a portion of the Program's fixed costs from all customers, consistent with other utilities in the area, while holding the Sewer Service Charge at the current rate of \$6.55 per 1,000 gallons of water consumed. More of the fixed costs should be recovered through the Base Charge from all customers, as the system is available for use by all customers regardless of the amount of water consumed. Because Fairfax County uses the amount of water consumed during winter quarter to calculate residential sewer bills for the entire year, those customers who may migrate to warmer parts of the country and consume little or no water in the winter months pay very little towards recovering fixed costs. However, they still benefit from improvements made to the system. Increasing the Base Charge assures recovery of a portion of the fixed costs from all the customers. Variable costs are equitably recovered through the Sewer Service Charge based on the amount of water consumed.

The Base Charge would need to be increased by \$7.29 for residential customers and varying amounts for non-residential customers based on their meter size to generate the required revenues.

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The proposed rate increase described below will provide for inflation and the cost of constructing nitrogen removal facilities at wastewater treatment plants to comply with new discharge requirements imposed by the state and the Chesapeake Bay Program. These rate increases are consistent with this year's Rate Study recommendations.

PROPOSED SEWER SERVICE CHARGE AND BASE CHARGE SCHEDULE

Sewer Service and Base Charges are revenues received from existing customers and are used to fully recover Wastewater Management Program's (the Program) operation and maintenance costs, debt service payments, capital project requirements to improve wastewater treatment effluent quality, and repair and replace infrastructure nearing its life expectancy. Revenue requirements are increasing as debt and capital expenses rise due to construction of additional treatment facilities to meet more stringent nitrogen removal requirements imposed by the state as a result of "Chesapeake 2000" Agreement. Signatories of the Agreement besides the state of Virginia include the states of Maryland and Pennsylvania, the District of Columbia, the United States Environmental Protection Agency (USEPA), and the Chesapeake Bay Commission.

In order to adequately support the Program, \$171,473,020 in revenues will be needed to allow the Program to continue to meet all of the regulatory requirements, maintain competitive rates with neighboring utilities, maintain financial targets, continue to preserve AAA credit rating, and require less debt to support capital projects.

Traditionally, revenue requirements for the Program have been met by increasing the Sewer Service Charge. The Sewer Service Charge included in the 5-year plan approved by the Board of Supervisors as part of the FY 2013 Adopted Budget Plan was proposed to increase 8.0 percent in FY 2014. This would have increased the Sewer Service Charge from the current rate of \$6.55 to \$7.07 per 1,000 gallons of water consumption in FY 2014, resulting in an anticipated increase in the annual cost to the typical household of \$37.44.

Wastewater Management Program staff, in consultation with PRMG, has determined that the required level of revenues can be met by increasing the Base Charge and maintaining the Sewer Service Charge at the current rate. This method allows for recovery of a portion of the Program's fixed costs from all customers, consistent with other utilities in the area and the industry.

The table below outlines base charges by other regional utilities for comparison to Fairfax County's current Base Charge of \$5.50 and the proposed Base Charge of \$12.79 per quarter, as of January 2013 (FY 2013):

Comparison of Quarterly Residential Base Charges for Sewer Service by Utilities in this Area	
Alexandria Renew Enterprises	\$ 31.17
Loudoun Water	\$ 28.83
Stafford County	\$ 26.19
Prince William County Service Authority	\$ 22.50
DC Water	\$ 19.98
Washington Suburban Sanitation Commission	\$ 11.00
Fairfax County	\$ 5.50
Neighboring Utilities Average	\$ 14.72

Effectively, the impact of the proposed Base Charge increase to \$12.79, and maintaining the current Sewer Service Charge of \$6.55 per 1000 gallons of water consumed, on a typical household will be the same as if the Sewer Service Charge were to increase by 6 percent. The proposed Base Charge increase will increase the annual cost to the typical household by \$29.16 (or \$2.43 per month) in FY 2014, which is the same as if the Sewer Service Charge were to be increased by 6 percent. This is less than the Board's previously adopted 8 percent rate increase for FY 2014 as part of the FY 2013 budget.

Therefore, staff proposes that the Board increase the residential Base Charge by \$7.29 per quarter for FY 2014 for a total Base Charge of \$12.79 per quarterly bill. The proposed Base Charge will recover 8.7 percent of the fixed costs in FY 2014. Industry practice is to recover 25 percent of the total fixed costs through Base Charge. In order to strive towards such recovery rate, the following phase-in approach is being proposed through FY 2017. The Sewer Service Charge will remain at the current rate of \$6.55 per 1,000 gallons of water consumed and the Base Charge will be gradually increased.

Fiscal Year	Proposed Sewer Service Charge Per 1,000 gallons water consumed	Proposed Residential Base Charge Per Quarterly Bill	Projected Percent Fixed Cost Recovery
2013	\$6.55	\$ 5.50	3.52%
2014	\$6.55	\$12.79	8.70%
2015	\$6.55	\$20.36	13.51%
2016	\$6.55	\$25.34	16.37%
2017	\$6.55	\$30.45	19.09%

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It is also proposed that the Base Charge for customers who require larger water meter than the standard ¾" meter for non-residential connections to be based on meter size because the meter size determines how much capacity of the sewer system will be used by that customer. Increasing the proportion of fixed costs paid by those customers is equitable because of the proportionately larger share of system capacity used by those customers. This methodology is standard among utilities and is consistent with our neighboring jurisdictions. The table below lists the proposed Base Charge for each meter size. This charge can be applied to both residential and commercial customers based on their meter size requirements. Despite the increase in Base Charge, however, customers with larger meter should not see a significant difference in their overall bill because sewer service charges will not increase.

PROPOSED BASE CHARGE FOR CUSTOMERS					
Cost (\$) per Quarterly Bill					
Proposed New and Revised Rates are in Bold					
Type of Connection	Current Rate	Revised Rates			New Rate
	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Residential (¾" meter and smaller, or no meter)	\$5.50	\$12.79	\$20.36	\$25.34	\$30.45
All other customers based on meter size					
¾" and smaller, or no meter	\$5.50	\$12.79	\$20.36	\$25.34	\$30.45
¾"	\$5.50	\$12.79	\$20.36	\$25.34	\$30.45
1"	\$5.50	\$31.98	\$50.90	\$63.35	\$76.13
1 ½"	\$5.50	\$63.95	\$101.80	\$126.70	\$152.25
2"	\$5.50	\$102.32	\$162.88	\$202.72	\$243.60
3"	\$5.50	\$191.85	\$305.40	\$380.10	\$456.75
4"	\$5.50	\$319.75	\$509.00	\$633.50	\$761.25
6"	\$5.50	\$639.50	\$1,018.00	\$1,267.00	\$1,522.50
8"	\$5.50	\$1,023.20	\$1,628.80	\$2,027.20	\$2,436.00
10" and larger	\$5.50	\$1,279.00	\$2,036.00	\$2,534.00	\$3,045.00

If requested, the Base Charge for non-residential customers who have sub-meters for irrigation and other water uses that do not enter the sewer system will be adjusted based on their sub-meter size per above table. In no case the Base Charge will be smaller than that for ¾" and smaller meter.

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The County's Sewer Service Charges, Base Charges, and Availability Charges remain very competitive on a local basis. Below are annual sewer service billings and Availability Charges per Single Family Residential Equivalent (SFRE) for Fairfax County compared to other regional jurisdictions, as of January 2013 (FY 2013). Sewer service billings for the other jurisdictions have been developed by applying each jurisdiction's equivalent Base Charge and Sewer Service Charge to appropriate SFRE water usage determined from Fairfax Water's average water usage for SFREs.

Comparison of Annual Service Charges and Availability Charges for SFREs as of January 2013 (FY 2013)

***Based on 18,000 gallons per quarter for all jurisdictions**

Jurisdiction*	Annual Sewer Service Billing	Sewer Availability Fees
Loudoun Water	\$ 413	\$ 7,658
Fairfax County	494	7,750
WSSC	494	3,500
DC Water	482	----
Prince William County	562	10,300
City of Alexandria	583	7,937
Arlington County	621	4,732

PROPOSED CONNECTION CHARGE RATE

The Connection Charges are proposed to remain the same as FY 2013 rate of \$152.50 per front foot of premises (with a minimum of \$7,625 and a maximum of \$15,250) for the connection of single-family detached and attached dwellings, churches, schools, fire stations, community centers or other such similar community uses to the facilities constructed by the County. For all other uses, the Connection Charges will remain the same as the FY 2013 rate of \$152.50 per front foot of premises (with a minimum charge of \$15,250) for the connection to the Facilities of the County. The above Connection Charge shall not apply to premises to be connected to the facilities of the County, if such facilities of the County are constructed totally at private expense.

PROPOSED AVAILABILITY CHARGE SCHEDULE

The County has completed reviewing the adequacy of the amount of the Availability Charge. Based upon the results of this review, the Availability Charge is proposed to remain the same as the FY 2013 rate. The revised, five-year rate schedule for the Availability Charge for a single-family residence, with previously adopted rates in parentheses, is as follows:

Availability CHARGE					
Proposed New and Revised Rates in Bold					
	Current Rate	Revised Rates			New Rate
	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Availability Charge	\$7,750	\$7,750 (\$7,750)	\$7,750 (\$7,750)	\$7,750 (\$7,750)	\$7,750

Availability Charges for all nonresidential uses will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code, Section 101.2, Note 1, which incorporates by reference the 2009 International Plumbing Code (Chapter 7, Section 709), times the current fixture unit rate of \$401 with a minimum charge equivalent to one (1) single family detached dwelling per premises. It is proposed to reduce the value of one equivalent unit from 370 to 320 gallons per day based on the recent evaluation of the Availability Charge reflecting the reduction in water use partially due to water saving plumbing devices and conservations by the customers.

PROPOSED METER READING DATE FOR BILLING

Staff proposes that the Board modify the Sewer Ordinance to clarify the difference between the effective date of the Base Charge and the meter reading date on which the new rates will be used to calculate the Base Charge. The proposed Base Charges go into effect on July 1st of each year. Because the water/sewer bills are issued quarterly, the Sewer Ordinance is modified to indicate that the new charges will be used to calculate the quarterly water bills starting with meter readings on October 1st of each year to reflect the water used for three months after the effective date.

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FISCAL IMPACT:

In FY 2014, assuming a typical water usage per household of 18,000 gallons/quarter (or 72,000 gallons/year), the average homeowner's sewer bill will be approximately \$523 per year, which is an increase of \$29.16 (or \$2.43 per month) over the FY 2013 sewer bill. In FY 2014, approximately \$9.7 million in additional revenues will be generated with the proposed Base Charge increase. Revenues from the collection of Sewer Service Charges, Base Charges, and Availability Charges are recorded in Fund 690-C69000, Sewer Revenue.

ENCLOSED DOCUMENTS:

Attachment I - The Proposed Amendment to Article 67.10 (Charges), Section 2 of the Code of the County of Fairfax (amending Base charge while maintaining current Sewer Service Charge.

STAFF:

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

Randy Bartlett, Deputy Director, DPWES

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES

Attachment I

Section 67.1-10-2. - Availability, Connection, Lateral Spur and Service Charges.



(a)

Availability Charges.

(1)

Residential uses: The following schedule of availability charges for residential uses desiring to connect to the Facilities of the County is hereby established and imposed:

	Customer Class	Fiscal Year (July 1-June 30)				
		FY 2012 FY 2013	FY 2013 FY 2014	FY 2014 FY 2015	FY 2015 FY 2016	FY 2016 FY 2017
(A)	Single Family Detached	\$7,750	\$7,750	\$7,750	\$7,750	\$7,750
(B)	Lodging House, Hotel, Inn or Tourist Cabin	7,750	7,750	7,750	7,750	7,750
(C)	Townhouse	6,200	6,200	6,200	6,200	6,200
(D)	Apartment	6,200	6,200	6,200	6,200	6,200
(E)	Mobile Home	6,200	6,200	6,200	6,200	6,200
(F)	Any other residential dwelling unit	6,200	6,200	6,200	6,200	6,200
(G)	Hotel, Motel, or Dormitory rental unit	1,938	1,938	1,938	1,938	1,938

All availability fees paid after February 24, 1976, will be updated by or refunded without interest to the current property owners whose properties have not been connected to public sewer within five years of the initial date of payment or any subsequent payment update(s). (See Section 10-5(d), "Refunds Updates".)

(2)

Commercial and all other uses: The following schedule of fixture unit rates for computing availability charges for all nonresidential uses is hereby established and imposed:

	Fiscal Year (July 1-June 30)				
	FY 2012 2013	FY 2013 2014	FY 2014 2015	FY 2015 2016	FY 2016 2017
Fixture unit rate	\$401	\$401	\$401	\$401	\$401

The availability charge will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code (as amended), Section 101.2, Note 1, which incorporates by reference the 2009 International Plumbing Code (Chapter 7, Section 709) ("VUSBC"), times the fixture unit rate with a minimum charge equivalent to one single-family detached dwelling per premises. For Significant Industrial Users with wastewater discharge permits authorizing discharge into the Integrated Sewer System and other industrial or commercial Users determined by the Director to have processes generating significant wastewater flows, the availability fee will be calculated on the basis of equivalent units. One equivalent unit is equal to ~~370~~ 320 gallons per day and rated equal to one single-family detached dwelling unit. Therefore, the availability charge for Significant Industrial Users and other industrial or commercial Users determined by the Director to have processes generating significant flow will be equal to the current rate for a single family detached dwelling unit times the number of equivalent units associated with the permitted flow. The number of equivalent units is equal to the permitted or projected flow in gallons per day divided by ~~370~~ 320 gallons per day. Fixture unit counts, for Users having fixtures discharging continuously or semi-continuously to drainage system leading to the County sanitary sewer facilities, shall be increased by two fixture units for each gallon per minute of such continuous or semi-continuous discharge. The rate of such discharge shall be deemed to be that rate certified by the manufacturer of the fixture or other equipment, or such other rates as the Director shall determine.

(3)

Effective date: The rate will change on July 1st of each new fiscal year. The rate applicable to each fiscal year is subject to annual review by the Board of Supervisors.

(b)

Connection Charges.

(1)

Residential and community uses: Except as otherwise provided herein, [t]here is hereby established and imposed a connection charge of \$152.50 per front foot of premises (with a minimum of \$7,625 and a maximum of \$15,250 for the connection of single-family detached and attached dwellings, churches, schools, fire stations, community centers or other such similar community uses to the Facilities of the County.

(A)

The above Connection Charges are effective beginning on July 1, 2011, for all Facilities of the County constructed after July 1, 2011. During the period of July 1, 2011, through June 30, 2012, Connection Charges for connections to Facilities of the County constructed prior to July 1, 2011, will be \$6.00 per front foot of premises (with a minimum of \$300.00 and a maximum of \$600.00). Provided,

however, the Director may extend the deadline for connection to Facilities of the County from July 1, 2012, to December 31, 2012, if the Director determines that for reasons beyond the control of the owner of the premises, at least one of the following conditions are met:

(i)

All applicable fees and charges have been paid to the County and other appropriate governmental agencies prior to June 30, 2012;

(ii)

All applicable permits have either been applied for or obtained prior to June 30, 2012;

(iii)

The owner of the premises can show diligent and active efforts to connect to the Facilities of the County prior to June 30, 2012;

(iv)

The owner has been delayed by the actions of a third party, e.g., delays in the issuance of permits or inspections by any government agency or other party; or

(v)

The delays have been caused by an Act of God.

(B)

Connection Charges for connection to the Facilities of the County in the County's Extension and Improvement (E&I) Program that were under design for construction on or before April 12, 2011, and that were not completed on or before that date, will be \$6.00 per front foot of premises (with a minimum of \$300.00 and a maximum of \$600.00) provided all of the following conditions are met:

(i)

property owners in the E&I project area agree to grant all required easements within four months from the completion of the design;

(ii)

50 percent of the property owners in the E&I project area pay the required Availability Charges within four months from the completion of the design; and

(iii)

connections to the Facilities of the County are made by no later than June 30, 2012, or within one year from the

completion of the construction of the E&I project, whichever comes last, provided, however, the Director shall have [the] power to extend this deadline [by up to six months] for the hardship reasons set forth in subsections (A)(i) through (A)(v), above [, provided, however, that in lieu of the date June 30, 2012, the operative date for such extensions shall be one year from the date of completion of construction of the E&I project for which a connection is requested].

(2)

All other uses: There is hereby established and imposed a connection charge of \$152.50 per front foot of premises (with a minimum charge of \$15,250) for the connection of all other uses to the Facilities of the County.

(3)

The connection charges established and imposed above shall not apply to premises to be connected to the Facilities of the County if such Facilities of the County are constructed totally at private expense.

(4)

For the purposes of Section 67.1-10-2 (b), front foot of premises will be determined by measuring the frontage of the premises located on the street address side of the premises.

(c)

Lateral spur charges: There is hereby established and imposed a lateral spur charge of \$600.00 for the connection of all uses to a lateral spur, where such lateral spur has been installed by the County at the expense of Fairfax County.

(d)

Service charges: There are hereby established and imposed the following quarterly sanitary sewer service charges:

	<i>Sewer Service Charges Fiscal Year (July 1 - June 30)</i>				
	FY 2012 2013	FY 2013 2014	FY 2014 2015	FY 2015 2016	FY 2016 2017
Sewer Service Charge, \$/1,000 gallons	\$6.04 \$6.55	\$6.55 \$6.55	\$7.07 \$6.55	\$7.49 \$6.55	\$7.79 \$6.55

(e)

Base charges: There are hereby established and imposed the following quarterly base charges in addition to the sewer service charge:

BASE CHARGE Cost (\$) per Quarterly Bill Proposed New and Revised Rates in Bold					
	Current Rate	Revised Rates			New Rate
Residential (3/4" and smaller, or no meter):	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Base Charge	\$5.50	\$12.79	\$20.36	\$25.34	\$30.45
Commercial: (meter size)					
3/4" and smaller, or no meter	\$5.50	\$12.79	\$20.36	\$25.34	\$30.45
3/4"	\$5.50	\$12.79	\$20.36	\$25.34	\$30.45
1"	\$5.50	\$31.98	\$50.90	\$63.35	\$76.13
1 1/2"	\$5.50	\$63.95	\$101.80	\$126.70	\$152.25
2"	\$5.50	\$102.32	\$162.88	\$202.72	\$243.60
3"	\$5.50	\$191.85	\$305.40	\$380.10	\$456.75
4"	\$5.50	\$319.75	\$509.00	\$633.50	\$761.25
6"	\$5.50	\$639.50	\$1,018.00	\$1,267.00	\$1,522.50
8"	\$5.50	\$1,023.20	\$1,628.80	\$2,027.20	\$2,436.00
10" and larger	\$5.50	\$1,279.00	\$2,036.00	\$2,534.00	\$3,045.00

If requested, the Base Charge for non-residential customers who have sub-meters for irrigation and other water uses that do not enter the sewer system will be adjusted based on their sub-meter size per above table. In no case the Base Charge will be smaller than that for 3/4" and smaller meter.

(1)

Effective date: The **Service charges and Base charges** rates will change on July 1st of each new fiscal year. For metered accounts, the change is effective with meter readings beginning October 1st of each year. For unmetered accounts, the change is effective with billings beginning October 1st of each year. ~~Effective July 1, 2012, a Base Charge of \$ 5.50 per bill will be charged, in addition to the sewer service charge.~~

(2)

Premises having a metered water supply:

Category of Use	Service Charges
(A) Single-family detached and single-family attached dwellings such as townhouses, duplexes, multiplexes, semi-detached, rowhouses, garden court and patio houses with a separate water service line meter.	For each 1,000 gallons of water, based on winter-quarter consumption or current quarterly consumption, as measured by the service line meter, whichever is lower, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(B) All other uses.	For each 1,000 gallons of water as measured by the water service line, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(C) All users.	Base charge of \$5.50 per billing as established in Section 67.1-10-2(e).

(D)

The winter-quarter-maximum consumption is determined as follows:

(i)

The quarterly-daily-average consumption of water is the consumption, measured by the water service line meter for the period between meter readings divided by the number of days elapsed between meter readings.

(ii)

The quarterly consumption is 91.5 times the quarterly-daily-average consumption of water in leap years or 91.25 times the quarterly-daily-average consumption in non-leap years.

(iii)

The winter quarterly consumption is the quarterly consumption determined at the water service line meter reading scheduled between February 1 and April 30. The winter-quarter-consumption of each respective year shall be applicable to the four quarterly sewer billings rendered in conjunction with the regular meter reading scheduled after the next May.

(iv)

All water delivered to the premises, as measured by the winter quarter-consumption for single-family dwellings and townhouses or the meter of all other Users, shall be deemed to have been discharged to the Facilities of the County. However, any person may procure the installation of a second water service line meter. Such person may notify the Director of such installation, in which event the Director shall make such inspection or inspections as may be necessary to ascertain that no water delivered to the premises or only the water delivered through any such additional meter may enter the Facilities of the County. If the Director determines that water delivered through an additional meter may not enter the Facilities of the County, no charge

hereunder shall be based upon such volume of water delivery. If the Director determines that only the water delivered through an additional meter may enter the Facilities of the County, only the water recorded on the additional meter shall be charged. In the alternative, any person may procure the installation of a sewage meter which shall be of a type and installed in a manner approved by the Director, who shall make periodic inspection to ensure accurate operation of said meter; in such event, the charge imposed hereunder shall be based upon the volume measured by such meter. The cost of all inspections required by the foregoing provisions for elective metering, as determined by normal cost accounting methods, shall be an additional charge for sanitary sewer service to the premises on which such meter or meters are installed.

(E)

For single-family premises as in (e)(2)(A) not able to register valid meter readings for the measurement of winter-quarter-consumption the following billing method shall apply:

(i)

Premises not existing, unoccupied or occupied by a different household during the applicable winter quarter, or which due to unfavorable weather, meter failure or for any other reason of meter inaccuracy cannot register valid meter readings, shall not be considered to have a valid meter reading for the purpose of winter-quarter-consumption measurement.

(ii)

Such premises may be billed on the basis of the average winter-quarter-consumption for similar dwelling units or the current quarterly consumption, as registered by water service line meter, or based on historical water usage. Accounts for single-family premises established by a builder for sewerage service during construction shall be considered a nonresidential use.

(3)

Premises not having metered water supply or having both well water and public metered water supply:

(A)

Single-family dwellings, as in (e)(2)(A). An amount equal to the average winter-quarter-consumption, during the applicable winter quarter, of similar dwelling units, times the effective unit cost rate (\$/1,000 gallons). In the alternative, any such single-family residential customer may apply to the County, via the water supplier providing water service to the area in which the residential customer is located, for special billing rates, based on average per capita consumption of water in similar type units.

(B)

All other uses: The charge shall be based upon the number of fixture units and load factor in accordance with the VUSBC and Table I. There shall be an additional charge equal to the effective unit cost (\$/1,000 gallons) for the volume discharged by fixtures discharging continuously or semi-continuously. Volume of continuous or semi-continuous discharge shall be deemed to be that used in determining availability charge.

*TABLE I.
Table of Fixture Units*

Type of Fixture or Group of Fixtures	Drainage Fixture Unit Value (d.f.u.)
Commercial automatic clothes washer (2" standpipe)	3
Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6
Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1½" trap	2
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2
Floor drains with 2" waste	2
Kitchen sink, domestic, with one 1½" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2
Lavatory with 1¼" waste	1
Laundry tray (1 or 2 compartments)	2
Shower stall	2
Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3
Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6
Urinal, wall lip	4
Urinal stall, washout	4

Urinal trough (each 6-ft. section)	2
Wash sink (circular or multiple) each set of faucets	2
Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	
1¼ inches and smaller	1
1½ inches	2
2 inches	3
2½ inches	4
3 inches	5
4 inches	6

TABLE II.
Fixture Units and Load Factors for All Other Premises
Quarterly Service Charges
 Fiscal Year (July 1 - June 30)

Fixture Units	Load Factor	2013	2014	2015	2016	2017
<u>20</u> or less	1.00	\$163.75	\$163.75	\$163.75	\$163.75	\$163.75
21 to 30	1.25	204.69	204.69	204.69	204.69	204.69
<u>31</u> to 40	1.45	237.44	237.44	237.44	237.44	237.44
41 to 50	1.60	262.00	262.00	262.00	262.00	262.00
51 to 60	1.75	286.56	286.56	286.56	286.56	286.56
<u>61</u> to <u>70</u>	1.90	311.13	311.13	311.13	311.13	311.13
<u>71</u> to 80	2.05	335.69	335.69	335.69	335.69	335.69
<u>81</u> to 90	2.20	360.25	360.25	360.25	360.25	360.25
91 to 100	2.30	376.63	376.63	376.63	376.63	376.63
<u>101</u> to <u>110</u>	2.40	393.00	393.00	393.00	393.00	393.00
<u>111</u> to 120	2.55	417.56	417.56	417.56	417.56	417.56
<u>121</u> to 130	2.65	433.94	433.94	433.94	433.94	433.94
131 to 140	2.75	450.31	450.31	450.31	450.31	450.31
141 to 150	2.85	466.69	466.69	466.69	466.69	466.69
151 to 160	2.95	483.06	483.06	483.06	483.06	483.06
161 to 170	3.05	499.44	499.44	499.44	499.44	499.44
171 to 180	3.15	515.81	515.81	515.81	515.81	515.81
181 to 190	3.25	532.19	532.19	532.19	532.19	532.19
191 to 200	3.35	548.56	548.56	548.56	548.56	548.56
201 to 210	3.45	564.94	564.94	564.94	564.94	564.94

211 to 220	3.55	581.31	581.31	581.31	581.31	581.31
221 to 230	3.65	597.69	597.69	597.69	597.69	597.69
231 to 240	3.75	614.06	614.06	614.06	614.06	614.06
241 to 250	3.85	630.44	630.44	630.44	630.44	630.44
251 to 260	3.90	638.63	638.63	638.63	638.63	638.63
261 to 270	4.00	655.00	655.00	655.00	655.00	655.00
271 to 280	4.05	663.19	663.19	663.19	663.19	663.19
281 to 290	4.10	671.38	671.38	671.38	671.38	671.38
291 to 300	4.15	679.56	679.56	679.56	679.56	679.56
301 to 310	4.20	687.75	687.75	687.75	687.75	687.75
311 to 320	4.30	704.13	704.13	704.13	704.13	704.13
321 to 330	4.40	720.50	720.50	720.50	720.50	720.50
331 to 340	4.50	736.88	736.88	736.88	736.88	736.88
341 to 350	4.60	753.25	753.25	753.25	753.25	753.25
351 to 360	4.70	769.63	769.63	769.63	769.63	769.63
361 to 370	4.80	786.00	786.00	786.00	786.00	786.00
371 to 380	4.90	802.38	802.38	802.38	802.38	802.38
381 to 390	5.00	818.75	818.75	818.75	818.75	818.75
391 to 400	5.10	835.13	835.13	835.13	835.13	835.13
401 to 410	5.20	851.50	851.50	851.50	851.50	851.50
411 to 420	5.30	867.88	867.88	867.88	867.88	867.88
421 to 430	5.40	884.25	884.25	884.25	884.25	884.25
431 to 440	5.50	900.63	900.63	900.63	900.63	900.63
441 to 450	5.60	917.00	917.00	917.00	917.00	917.00
451 to 460	5.70	933.38	933.38	933.38	933.38	933.38
461 to 470	5.80	949.75	949.75	949.75	949.75	949.75
471 to 480	5.90	966.13	966.13	966.13	966.13	966.13
481 to 490	6.00	982.50	982.50	982.50	982.50	982.50
491 to 500	6.10	998.88	998.88	998.88	998.88	998.88
501 to 525	6.25	1,023.44	1,023.44	1,023.44	1,023.44	1,023.44
526 to 550	6.50	1,064.38	1,064.38	1,064.38	1,064.38	1,064.38
551 to 575	6.75	1,105.31	1,105.31	1,105.31	1,105.31	1,105.31
576 to 600	7.00	1,146.25	1,146.25	1,146.25	1,146.25	1,146.25
601 to 625	7.25	1,187.19	1,187.19	1,187.19	1,187.19	1,187.19
626 to 650	7.50	1,228.13	1,228.13	1,228.13	1,228.13	1,228.13
651 to 675	7.75	1,269.06	1,269.06	1,269.06	1,269.06	1,269.06
676 to 700	8.00	1,310.00	1,310.00	1,310.00	1,310.00	1,310.00
701 to 725	8.20	1,342.75	1,342.75	1,342.75	1,342.75	1,342.75

726 to 750	8.40	1,375.50	1,375.50	1,375.50	1,375.50	1,375.50
751 to 775	8.60	1,408.25	1,408.25	1,408.25	1,408.25	1,408.25
776 to 800	8.80	1,441.00	1,441.00	1,441.00	1,441.00	1,441.00
801 to 825	9.00	1,473.75	1,473.75	1,473.75	1,473.75	1,473.75
826 to 850	9.20	1,506.50	1,506.50	1,506.50	1,506.50	1,506.50
851 to 875	9.35	1,531.06	1,531.06	1,531.06	1,531.06	1,531.06
876 to 900	9.50	1,555.63	1,555.63	1,555.63	1,555.63	1,555.63
901 to 925	9.65	1,580.19	1,580.19	1,580.19	1,580.19	1,580.19
926 to 950	9.80	1,604.75	1,604.75	1,604.75	1,604.75	1,604.75
951 to 975	9.95	1,629.31	1,629.31	1,629.31	1,629.31	1,629.31
976 to 1,000	10.15	1,662.06	1,662.06	1,662.06	1,662.06	1,662.06
1,001 to 1,050	10.55	1,727.56	1,727.56	1,727.56	1,727.56	1,727.56
1,051 to 1,100	10.90	1,784.88	1,784.88	1,784.88	1,784.88	1,784.88
1,101 to 1,150	11.30	1,850.38	1,850.38	1,850.38	1,850.38	1,850.38
1,151 to 1,200	11.70	1,915.88	1,915.88	1,915.88	1,915.88	1,915.88
1,201 to 1,250	12.00	1,965.00	1,965.00	1,965.00	1,965.00	1,965.00
1,251 to 1,300	12.35	2,022.31	2,022.31	2,022.31	2,022.31	2,022.31
1,301 to 1,350	12.70	2,079.63	2,079.63	2,079.63	2,079.63	2,079.63
1,351 to 1,400	13.00	2,128.75	2,128.75	2,128.75	2,128.75	2,128.75
1,401 to 1,450	13.25	2,169.69	2,169.69	2,169.69	2,169.69	2,169.69
1,451 to 1,500	13.50	2,210.63	2,210.63	2,210.63	2,210.63	2,210.63
1,501 to 1,600	14.05	2,300.69	2,300.69	2,300.69	2,300.69	2,300.69
1,601 to 1,700	14.60	2,390.75	2,390.75	2,390.75	2,390.75	2,390.75
1,701 to 1,800	15.15	2,480.81	2,480.81	2,480.81	2,480.81	2,480.81
1,801 to 1,900	15.70	2,570.88	2,570.88	2,570.88	2,570.88	2,570.88
1,901 to 2,000	16.25	2,660.94	2,660.94	2,660.94	2,660.94	2,660.94
2,001 to 2,100	16.80	2,751.00	2,751.00	2,751.00	2,751.00	2,751.00
2,101 to 2,200	17.35	2,841.06	2,841.06	2,841.06	2,841.06	2,841.06
2,201 to 2,300	17.90	2,931.13	2,931.13	2,931.13	2,931.13	2,931.13
2,301 to 2,400	18.45	3,021.19	3,021.19	3,021.19	3,021.19	3,021.19
2,401 to 2,500	19.00	3,111.25	3,111.25	3,111.25	3,111.25	3,111.25
2,501 to 2,600	19.55	3,201.31	3,201.31	3,201.31	3,201.31	3,201.31
2,601 to 2,700	20.10	3,291.38	3,291.38	3,291.38	3,291.38	3,291.38
2,701 to 2,800	20.65	3,381.44	3,381.44	3,381.44	3,381.44	3,381.44
2,801 to 2,900	21.20	3,471.50	3,471.50	3,471.50	3,471.50	3,471.50
2,901 to 3,000	21.75	3,561.56	3,561.56	3,561.56	3,561.56	3,561.56
3,001 to 4,000	26.00	4,257.50	4,257.50	4,257.50	4,257.50	4,257.50
4,001 to 5,000	29.50	4,830.63	4,830.63	4,830.63	4,830.63	4,830.63

5,001 to 6,000	33.00	5,403.75	5,403.75	5,403.75	5,403.75	5,403.75
6,001 to 7,000	36.40	5,960.50	5,960.50	5,960.50	5,960.50	5,960.50
7,001 to 8,000	39.60	6,484.50	6,484.50	6,484.50	6,484.50	6,484.50
8,001 to 9,000	42.75	7,000.31	7,000.31	7,000.31	7,000.31	7,000.31
9,001 to 10,000	46.00	7,532.50	7,532.50	7,532.50	7,532.50	7,532.50
10,001 to 11,000	48.85	7,999.19	7,999.19	7,999.19	7,999.19	7,999.19
11,001 to 12,000	51.60	8,449.50	8,449.50	8,449.50	8,449.50	8,449.50
12,001 to 13,000	54.60	8,940.75	8,940.75	8,940.75	8,940.75	8,940.75
13,001 to 14,000	57.40	9,399.25	9,399.25	9,399.25	9,399.25	9,399.25
14,001 to 15,000	60.00	9,825.00	9,825.00	9,825.00	9,825.00	9,825.00

NOTES:

- (1) Baseline water use for 20 fixture units is 25 TG/Qtr.
- (2) Base charge is not included in rates.

The Service Charge rates will change on July 1st of each new fiscal year for accounts with meter readings beginning October 1st of each year. For unmetered accounts, the change shall be effective with the billings beginning October 1st of each year. (39-93-67.1; 19-94-67.1; 36-95-67.1; 18-96-67.1; 13-97-67.1; 6-98-67.1; 15-99-67.1; 16-00-67.1; 12-01-67.1; 21-02-67.1; 19-03-67.1; 15-04-67.1; 19-05-67.1; 09-06-67.1; 13-07-67.1; 29-08-67.1; 28-09-67.1; 11-10-67.1; 03-11-67.1; 12-12-67.1; 25-12-67.1.)

Board Agenda Item
April 9, 2013

3:00 p.m.

Public Hearing on the Proposed Increase in the Rate for the Transportation Tax Imposed on Certain Commercial and Industrial Properties

ISSUE:

Board adoption of an ordinance to revise the uncodified ordinance adopted on April 28, 2008, by increasing the tax rate from \$0.11 to \$0.125 per \$100 of assessed value on commercial and industrial (C&I) properties with the revenues to be used for transportation purposes.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed ordinance as set forth in Attachment I. Action on the tax rate is recommended to take place on April 30, 2013 as part of the annual adoption of the tax rate resolution, after the public hearings on the FY 2014 Advertised Budget Plan on April 9, 10 and 11, 2013 and the Board markup on April 23, 2013.

TIMING:

On March 5, 2013, the Board authorized advertisement of a public hearing to be held on April 9, 2013 at 3:00 pm.

BACKGROUND:

The 2007 Session of the Virginia General Assembly enacted legislation that proposed a number of new revenue sources for transportation purposes. That legislation was introduced as House Bill 3202, and that legislation was enacted with amendments by the 2007 Session as Chapter 896 of the 2007 Acts of the Virginia General Assembly. Among other things, that legislation established a separate classification for certain commercial and industrial property in jurisdictions within the Northern Virginia Transportation Authority and the Hampton Roads Transportation Authority. This classification was established for the purpose of authorizing additional local property taxes on commercial and industrial property to be used exclusively for transportation purposes. Pursuant to this legislation, and as first enacted, Virginia Code § 58.1-3221.3 authorized the cities and counties in the Northern Virginia Transportation Authority to impose such a property tax by ordinance at a rate not to exceed \$0.25 per \$100 of assessed value.

On September 10, 2007, the Board took steps to implement that legislation by adopting

Board Agenda Item
April 9, 2013

an ordinance to add a new section numbered 4-10-5 to the Fairfax County Code, which included the new tax classification for commercial and industrial property within the County. However, when this Section was adopted, the County budget preparations had not been completed, and no tax rate could have been specified at that time. On April 28, 2008, the Board adopted the tax rates for the FY 2009 Budget, including an uncodified ordinance that set the tax rate on such commercial and industrial property at a rate of \$0.11 per \$100.00 of assessed value. Subsequently, the 2009 General Assembly enacted a temporary restriction on the tax rate that reduced the maximum possible local rate from \$0.25 per \$100 to \$0.125 per \$100. That temporary rate restriction was set to expire on June 30, 2013 (2009 Va. Acts, ch. 822). However, HB 1068 was approved during the 2012 General Assembly which authorized an extension on the sunset date for the reduction in this tax rate from June 30, 2013 to June 30, 2018. During the 2013 Session, the General Assembly adopted legislation, HB 2313, that increased funding for transportation on a regional and statewide basis. To benefit from the regional transportation funding, each Northern Virginia local government is required to enact the Commercial and Industrial Tax Rate of \$0.125 per \$100 of assessed value.

The County Executive now recommends that this tax on commercial and industrial properties be increased from \$0.11 to \$0.125 to provide additional revenue for transportation. This recommendation was first presented to the Board of Supervisors as part of a Transportation Funding Discussion at the Board retreat in February 2012. On July 10, 2012, the Board of Supervisors then approved the Four-Year Transportation Program which assumed a proposed increase in the Commercial and Industrial tax rate from \$0.11 to \$0.125 per \$100 of assessed value beginning in FY 2014. In addition on January 8, 2013, the Board of Supervisors adopted a Transportation Funding Plan for Tysons. This plan assumed that the Commercial and Industrial tax rate for transportation would be increased to \$0.125 per \$100 of assessed value. It was anticipated that approximately 25 percent of the total Commercial and Industrial property tax would be spent in Tysons. The 1.5 cent rate increase is projected to generate an additional \$19.7 million in revenue for Fiscal Years 2014 to 2016 and is a significant funding component to the planned transportation infrastructure improvements.

FISCAL IMPACT:

The FY 2014 Advertised Budget Plan includes estimated additional revenue of \$6.06 million as a result of the proposed \$0.015 tax rate increase on commercial and industrial real property. In total, the tax is expected to generate \$50.49 million in FY 2014, or approximately \$4.04 million for each \$0.01 per \$100 of assessed value. By increasing the tax rate to \$0.125 per \$100 of assessed value, the County meets the requirements for HB 2313 that this tax rate be adopted at the maximum allowable rate. The County will benefit from approximately \$125.2 million in regional transportation revenues annually.

Board Agenda Item
April 9, 2013

ENCLOSED DOCUMENTS:

Attachment I – Draft Ordinance to Increase the Tax Rate for Certain Commercial and Industrial Property Classified for Taxation by Fairfax County Code Section 4-10-5 from a Rate of \$0.11 to a Rate of \$0.125 per \$100.00 of Assessed Value

STAFF:

Susan W. Datta, Chief Financial Officer
Tom Biesiadny, Director, Department of Transportation
Kevin C. Greenlief, Director, Department of Tax Administration
Corinne N. Lockett, Assistant County Attorney

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**PROPOSED ORDINANCE TO AMEND THE TAX RATE FOR CERTAIN
COMMERCIAL AND INDUSTRIAL REAL PROPERTY CLASSIFIED FOR
TAXATION BY FAIRFAX COUNTY CODE SECTION 4-10-5**

Draft of February 18, 2013

AN ORDINANCE to amend and readopt the Second Enactment of the Ordinance adopted on April 28, 2008, to establish the annual property tax levy on commercial and industrial property classified for taxation by Section 4-10-5 of the Fairfax County Code, relating to the levy of a property tax for transportation purposes.

Be it ordained by the Board of Supervisors of Fairfax County:

1. That the Second Enactment Clause of the ordinance adopted by the Board of Supervisors on April 28, 2008, is amended and readopted:

2. That all commercial and industrial property classified for taxation pursuant to Section 4-10-5 of the Fairfax County Code shall be taxed at a rate of \$0.11 on each \$100.00 of assessed valuation of real estate and improvements thereon; provided, however, that beginning on and after January 1, 2013, the tax rate on such property shall be \$0.125 on each \$100.00 of assessed valuation of real estate and improvements thereon. Such levy shall be imposed for the calendar tax year beginning on January 1, 2008, and such levy shall be due and payable thereafter in accordance with the provisions of Sections 4-10-1 through 4-10-3 of the Fairfax County Code.

GIVEN under my hand this ____ day of _____ 2013.

Catherine A. Chianese
Clerk to the Board of Supervisors

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Board Agenda Item
April 9, 2013

3:00 p.m.

Public Hearing on the FY 2014 Effective Tax Rate Increase

ISSUE:

Because the assessed value of existing property has increased by one percent or more, Virginia Code Section 58.1-3321 requires the Board to hold a public hearing on the real estate tax rate.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors increase the real estate tax rate from \$1.075 to \$1.095 per \$100 of assessed value. Action on the tax rate is recommended to take place on April 30, 2013 as part of the annual adoption of the tax rate resolution, after the public hearings on the FY 2014 Advertised Budget Plan on April 9, 10 and 11, 2013 and the Board markup on April 23, 2013.

TIMING:

On March 5, 2013, the Board authorized advertisement of a public hearing to be held on April 9, 2013 at 3:00 PM.

BACKGROUND:

The FY 2014 Advertised Budget Plan is based on a real estate tax rate of \$1.095 per \$100 of assessed value. Advertising an increase in the rate does not prevent the Board from lowering any advertised tax rate, but a higher tax rate cannot be imposed without advertising the higher rate. Based on the total assessed value of existing property, the effective tax rate has increased by more than one percent. Under such circumstances, Virginia Code Section 58.1-3321 requires that the Board advertise a public hearing and take action to adopt the proposed FY 2014 rate rather than the rate computed by the statutory formula. It should be noted that the total increase in assessed value of existing properties is expected to be 2.63 percent, including an increase of 3.50 percent for residential real property and an increase of 0.14 percent for non-residential real property. As a result, most property owners will experience an increase in their real estate tax bill.

The following language, based on Virginia Code, describes the effective tax increase due to appreciation and a constant tax rate.

1. Assessment Increase: Total assessed value of real property, excluding additional

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April 9, 2013

assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 2.63 percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$1.0475 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. Effective Rate Increase: Fairfax County, Virginia, proposes to adopt a tax rate of \$1.095 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.0475 per \$100, or 4.53 percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of Fairfax County, Virginia, will exceed last year's by 2.77 percent¹.

FISCAL IMPACT:

The FY 2014 Advertised Budget Plan includes the Advertised FY 2014 real estate tax rate of \$1.095 per \$100 of assessed value. If the tax rate is lowered to a rate of \$1.0475 per \$100 of assessed value as described by Virginia Code Section 58.1-3321, then the revenue projection set forth in the FY 2014 Advertised Budget Plan would decrease by \$98.1 million.

ENCLOSED DOCUMENTS:

None

STAFF:

Edward L. Long Jr., County Executive
Susan W. Datta, Chief Financial Officer
Kevin C. Greenlief, Director, Department of Tax Administration
Corinne Lockett, Assistant County Attorney

¹ The total budget increase is based on all revenues received by the General Fund of Fairfax County. Projected FY 2014 disbursements as shown in the FY 2014 Advertised Budget Plan reflect a decrease of 0.37 from the FY 2013 level.

Board Agenda Item
April 9, 2013

3:30 p.m.

Decision Only on the Proposed Ordinance Amending County Code Chapter 7 Relating to Election Precincts and Polling Places (Braddock District)

This public hearing has been withdrawn.

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Board Agenda Item
April 9, 2013

3:30 p.m.

Public Hearing on RZ 2010-PR-019 (Kettler Sandburg, LLC) to Rezone from R-1 to PDH-3 to Permit Residential Development with an Overall Density of 2.64 and Approval of the Conceptual Development Plans, Located on Approximately 2.28 Acres of Land (Providence District)

This property is located on the West side of Sandburg Street, South of Elm Place and North of Idylwood Road. Tax Map 39-4 ((1)) 46 and 47.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 13, 2012, the Planning Commission voted 8-0-1 (Commissioner Migliaccio abstaining; Commissioner Alcorn not present for the votes; Commissioners Donahue and Flanagan absent from the meeting) to recommend to the Board of Supervisors approval of the following actions pertinent to the subject application:

- 1) Approval of RZ 2010-PR-019 and the associated Conceptual Development Plan, subject to the execution of proffers consistent with those dated September 11, 2012;
- 2) Deviation of the tree preservation target requirement in favor of that shown on the CDP/FDP;
- 3) Waiver of Section 11-302 (1) of the Zoning Ordinance that private streets within a development be limited to those which are not designed to provide access to adjacent developments.

The Commission also voted 8-0-1 (Commissioner Migliaccio abstaining; Commissioner Alcorn not present for the vote; Commissioners Donahue and Flanagan absent from the meeting) to approve FDP 2010-PR-019, subject to the development conditions dated August 30, 2012, and the Board's approval of the associated Rezoning and Conceptual Development Plan.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4390054.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

William Mayland, Department of Planning and Zoning

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Planning Commission Meeting
September 13, 2012
Verbatim Excerpt

RZ/FDP 2010-PR-019 – KETTLER SANDBURG, LLC

Decision Only During Commission Matters
(Public Hearing held on July 12, 2012)

Commissioner Lawrence: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-PR-019 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE NOW DATED SEPTEMBER 11TH, 2012.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by 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 approve RZ 2010-PR-019, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Migliaccio: I abstain; not present for the public hearing.

Chairman Murphy: All right. Mr. Migliaccio abstains; not present for the public hearing. Mr. Lawrence.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2010-PR-019, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED AUGUST 30TH, 2012, AND THE BOARD'S APPROVAL OF THE ASSOCIATED REZONING AND CONCEPTUAL DEVELOPMENT PLAN.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of that motion? All those in favor of the motion to approve FDP 2010-PR-019, subject to the Board's approval of the Rezoning and Conceptual Development Plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I move that the Planning –

Chairman Murphy: Same abstention.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A DEVIATION OF THE TREE PRESERVATION TARGET REQUIREMENT IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention.

Commissioner Lawrence: And last, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF SECTION 11-302 (1) OF THE ZONING ORDINANCE REQUIREMENT THAT PRIVATE STREETS WITHIN A DEVELOPMENT BE LIMITED TO THOSE WHICH ARE NOT DESIGNED TO PROVIDE ACCESS TO ADJACENT DEVELOPMENTS.

Commissioner de la Fe: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motions carried by votes of 8-0-1 with Commissioner Migliaccio abstaining; Commissioner Alcorn not present for the votes; Commissioners Donahue and Flanagan absent from the meeting.)

JN

3:30 p.m.

Public Hearing on RZ 2011-PR-010 (Cityline Partners LLC) to Rezone from C-3 and HC to PTC and HC to Permit Mixed Use Development with an Overall Floor Area Ratio of 3.53 and a Waiver 6835-WPFM-005-1 to Permit the Location of Underground Storm Water Management Facilities in a Residential Area, Located on Approximately 6.93 Acres of Land (Providence District)

This property is located on East and West Sides of Old Meadow Road, near its intersection with Dolley Madison Boulevard. Tax Map 29-4 ((6)) 101A and 102.

and

Public Hearing on RZ 2011-PR-011 (Cityline Partners LLC) to Rezone from C-3 and HC to PTC and HC to Permit Mixed Use Development with an overall Floor Area Ratio of 4.57 and a Waiver 6835-WPFM-005-1 to Permit the Location of Underground Storm Water Management Facilities in a Residential Area, Located on Approximately 23.54 Acres of Land (Providence District)

This property is located on the South side of Dolley Madison Boulevard between Scotts Run Park and ramp from Dulles Airport Access Road to Dolley Madison Boulevard. Tax Map 30-3 ((1)) 6A, 6B, 6C and 6D; 30-3 ((28)) A, C1, 4B and 4C and portions of Route 123 and Colshire Drive public right-of-way to be vacated and/or abandoned.

and

Public Hearing on PCA 92-P-001-10 (Cityline Partner, LLC) to Amend the Proffers for RZ 92-P-001 Previously Approved for Office Development to Permit Public Use and Associated Modifications to Proffers and Site Design with an overall Floor Area Ratio of 0.65, Located on Approximately 4.22 Acres of Land Zoned C-3 and HC (Providence District)

This property is located at 1766 Old Meadow Lane, McLean, 22102. Tax Map 29-4 ((6)) C and 96A.

and

Public Hearing on PCA 92-P-001-09 (Cityline Partners, LLC) to Amend the Proffers for RZ 92-P-001 Previously Approved for Office Development to Permit a Reduction in Land Area and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.65, Located on Approximately 29.42 Acres of Land Zoned C-3 and HC (Providence District)

This property is located on the South side of Dolley Madison Boulevard between the Capital Beltway (1-495) and the ramp from the Dulles Airport Access Road. Tax Map 29-4 (((6)) 101A and 102; 30-3 ((1)) 6A, 6B, 6C and 6D; 30-3 ((28)) A, C1, 4B and 4C.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 3, 2013, the Planning Commission voted 9-0-2 (Commissioners Flanagan and Litzenberger abstaining; Commissioner Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 92-P-001-09;
- Approval of PCA 92-P-001-10, subject to the execution of proffers consistent with those dated March 25, 2013;
- Approval of RZ 2011-PR-010 and RZ 2011-PR-011, subject to the execution of proffers consistent with those dated April 3, 2013;
- Modify all trails and bike trails in favor of the streetscape and on-road bike lane system shown on the Plans and as proffered;
- Approve waiver #6835-WPFM-005-1 to allow the use of underground stormwater detention facilities in a residential development, subject to the conditions dated February 6, 2013, contained in Attachment A of Appendix 11 of the staff report;
- Modify Section 7-0802.2 of the PFM to allow for the projection of structural columns into parking stalls (no more than 4% of the stall area);
- Modify the PFM and/or Zoning Ordinance to allow tandem/valet parking spaces, controlled by building management, and that such spaces may count toward the parking requirements;
- Modify Section 12-0601.1B to permit the reduction of the minimum planter opening area for trees used to satisfy the tree cover requirement, in favor of that shown on the Plans and as proffered;
- Modify the Zoning Ordinance and PFM for required tree preservation target and ten percent canopy coverage on individual lots/land bays to allow for tree preservation to be calculated on the overall CDP development area;
- Modify the Zoning Ordinance to allow for a parapet wall, cornice, or similar projection to exceed the height limit established by more than three (3) feet; as may be indicated on the FDP to screen mechanical equipment;
- Modify the maximum fence height requirements from seven feet to fourteen feet around accessory uses/structures located within the rear yard for those areas of fencing associated with any proposed sports courts and urban plaza areas, as indicated on the CDP, or as may be indicated on the FDP;

- Modify Paragraph 4 of Section 11-202 of the Zoning Ordinance requiring a minimum distance of 40 feet of loading space in proximity to drive aisles, to that shown on the CDP, and when shown on an approved FDP;
- Approve waiver of Section 11-302 of the Zoning Ordinance to allow a private street to exceed 600 feet in length as shown on the CDP;
- Modify the interior and peripheral parking lot landscape requirements for interim surface lots and on private streets to that shown on the CDP and FDP;
- Approval of waiver of Section 16-403 of the Zoning Ordinance requiring a FDP as a prerequisite to the site plan in the PTC District to permit public improvement plans associated with public streets and parks;
- Approval of waiver of a service drive on Route 123;
- Approval of waiver of Paragraph 4 of Section 17-201 of the Zoning Ordinance to provide any further dedication and construction for widening of existing roads to address Comprehensive Plan requirements beyond that which is indicated in the Plans and proffers;
- Approval of waiver of Paragraph 3 of Section 17-201 of the Zoning Ordinance to provide any additional interparcel connections to adjacent parcels beyond that shown on the Plans and as proffered;
- Modify Section 12-0515.6B of the PFM to allow for trees located above any proposed percolation trench or bio-retention areas to count towards county tree cover requirements;
- Modify Paragraph 7 of Section 17-201 of the Zoning Ordinance to permit the applicant to establish parking control, signs, and parking meters along private streets within and adjacent to the development in coordination with FCDOT; and
- Modify the 10-year tree canopy requirements in favor of that shown on the Plans and as proffered.

The Planning Commission also voted 9-0-2 (Commissioners Flanagan and Litzenberger abstaining; Commissioner Hall absent from the meeting) to approve FDP 2011-PR-011, subject to development conditions dated March 14, 2013, and subject to the Board's approval of RZ 2011-PR-011;

The Planning Commission further voted 9-0-2 (Commissioners Flanagan and Litzenberger abstaining; Commissioner Hall absent from the meeting) to approve FDP 2011-PR-011-2,

Board Agenda Item
April 9, 2013

REVISED

subject to development conditions dated April 2, 2013, and subject to the Board's approval of RZ 2011-PR-011.

ENCLOSED DOCUMENTS:

Attachment 1 - Planning Commission Verbatim

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4413044.PDF>

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4412438.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Suzanne Lin, Planner, DPZ

Planning Commission Meeting
April 3, 2013
Verbatim Excerpt

RZ 2011-PR-010 – CITYLINE PARTNERS LLC
FDP 2011-PR-011-02 – CITYLINE PARTNERS LLC
PCA 92-P-001-09 – CITYLINE PARTNERS LLC
PCA 92-P-001-10 – CITYLINE PARTNERS LLC
RZ 2011-PR-011 – CITYLINE PARTNERS LLC
FDP 2011-PR-011 – GARFIELD 1575 ANDERSON ROAD, LLC

Decision Only During Commission Matters
(Public Hearing held on March 21, 2013)

Commissioner Lawrence: Now, Mr. Chairman, I will put on my Tysons hat and I, again, need a few minutes to do some appropriate duties before we get into the motions. I do intend to move Cityline this evening. First, we need to have entered into the record a memorandum from the Fairfax County Department of Transportation that I think was sent to the Planning Commission today. That memorandum responds to something that was – that may be it right there. That memorandum responds to something that was raised just prior to the public hearing by a neighbor of the Cityline application site. Second, we have received today a set of proffers and those proffers are the last that we're going to see since we're moving on the thing tonight. But they have in them only very, very minor revisions. I think there are a total of three. I think I was advised there were a total of three such revisions. Are the applicant's representatives here?

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Good evening. Mr. Chairman and members of the Planning Commissioner, my name is Lynne Strobel. I represent the applicant in this case.

Commissioner Lawrence: And could you verify, please, that those were the revisions that I am referring to? Those were minor editorial revisions?

Ms. Strobel: Very minor editorial revisions, that is correct.

Commissioner Lawrence: And they wrap up the proffers?

Ms. Strobel: Yes, sir.

Commissioner Lawrence: All right. Please don't go away. I'm going to need you again in a minute. Also, Mr. Chairman, I have a statement for the record which needs to be made. Since we are moving this application before it is altogether complete – there are a couple of, essentially, legal agreements that are still in process, but there is great confidence that this will get done by the time the Board date is reached. So let me do my statement for the record. Mr. Chairman, as a preliminary matter, the only remaining unresolved issue with these applications relates to one or more indemnification agreements that must be finalized and signed by the applicant, the property owners, and the Board of Supervisors. Indeed, as the applicant has been advised, the proffer will not be signed by the County, and the public hearing before the Board will not proceed until the

Planning Commission Meeting
April 3, 2013

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RZ 2011-PR-010/FDP 2011-PR-011-02/PCA 92-P-001-09/PCA 92-P-001-10/RZ 2011-PR-011/FDP 2011-PR-011

remaining issue is resolved. Towards that end, I understand that the applicant will reaffirm its agreement on the record this evening to devote its full attention to finalizing the terms of these indemnification provisions in a timely manner in advance of the public hearing before the Board. Do you so affirm, Ms. Strobel?

Ms. Strobel: Yes sir, I do.

Commissioner Lawrence: Thank you very much indeed. Thank you, I think we're done with you. Based on that commitment, I am advised that we may proceed to make our recommendation on these applications this evening. Therefore, Mr. Chairman –

Chairman Murphy: Here we go.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 92-P-001-09.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 92-P-001-09, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Litzenberger: Mr. Chairman?

Chairman Murphy: Motion carries.

Commissioner Litzenberger: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Litzenberger: I have to abstain. I was not present for the public hearing.

Chairman Murphy: On all these motions?

Commissioner Litzenberger: Yes.

Chairman Murphy: Let the record reflect that Mr. Litzenberger is going to abstain on all the motions.

Commissioner Flanagan: Mr. Chairman?

Planning Commission Meeting
April 3, 2013

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RZ 2011-PR-010/FDP 2011-PR-011-02/PCA 92-P-001-09/PCA 92-P-001-10/RZ 2011-PR-011/FDP 2011-PR-011

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes, I would like to abstain from all of the motions as well.

Chairman Murphy: Okay. Mr. Flanagan abstains on all of the motions. Mr. Lawrence.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 92-P-001-10, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MARCH 25, 2013.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2011-PR-010 (sic), say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2011-PR-010 AND RZ 2011-PR-011, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MARCH 28, 2013 (sic).

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2011-PR-

Catherine Lewis, Zoning Evaluation Division, Department of Planning and Zoning:
Commissioner Lawrence, I believe that date should be April 3, I'm sorry.

Commissioner Lawrence: Can the record show, please, that the proffer dates in these motions are APRIL 3, 2013?

Chairman Murphy: Okay – 011, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Planning Commission Meeting
April 3, 2013

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RZ 2011-PR-010/FDP 2011-PR-011-02/PCA 92-P-001-09/PCA 92-P-001-10/RZ 2011-PR-011/FDP 2011-PR-011

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2011-PR-011, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 14, 2013, AND SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to approve FDP 2011-PR-011, subject to the Board's approval of the Rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2011-PR-011-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 2, 2013, AND SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to approve FDP 2011-PR-011-02, say aye.

Commissioners: Aye.

Chairman Murphy: -2, I should say – say aye. Opposed? Motion carries. Mr. Lawrence.

Commissioner Lawrence: Mr. Chairman, I have a final motion. I want to check with Commissioners before I make it. I'm going to try to move the waivers and modifications on bloc. Is there anyone who is opposed to any of the waivers and modifications? I hope not.

Chairman Murphy: Is there one more PCA?

Commissioner Lawrence: There is a – no, this is my final motion.

Ms. Lewis: It's all – it's all for the – it's related to the rezonings.

Chairman Murphy: Okay.

Commissioner Lawrence: No objection?

Chairman Murphy: No.

Planning Commission Meeting
April 3, 2013

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RZ 2011-PR-010/FDP 2011-PR-011-02/PCA 92-P-001-09/PCA 92-P-001-10/RZ 2011-PR-011/FDP 2011-PR-011

Commissioner Lawrence: Thank you very much. Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS AS LISTED IN THE HANDOUT PROVIDED TO YOU TODAY AND WHICH SHALL BE MADE A PART OF THE RECORD OF THIS CASE.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Lawrence: Unless there is another motion going somewhere, I'm – I could certainly move whatever anybody shows me.

Chairman Murphy: Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, I would just like to state, as I have on a – at least one or two of the other Tysons cases have come before us. They were waived on bloc. However, there were 18 waivers and modifications on various parts of the Ordinance. I really think that the Ordinances need to be studied and amended so that – you know, things that Tysons, and in other urban areas, don't have to be exempted or modified. I mean, these are things that are normal in an urban area.

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(Each motion carried by a vote of 9-0-2 with Commissioners Flanagan and Litzenberger abstaining; Commissioner Hall absent from the meeting.)

JLC

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Board Agenda Item
April 9, 2013

3:30 p.m.

Public Hearing on SE 2012-MA-017 (Shelter Development, LLC) to Permit a Medical Care Facility, Located on Approximately 6.36 Acres of Land Zoned R-2 (Mason District)

This property is located at 3440, 3444, 3450 and 3454 Gallows Road, Annandale, 22003. Tax Map 59-2 ((1)) 47, 48, 49 pt. and 59-2 ((10)) 1 pt.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 21, 2013, the Planning Commission voted unanimously (Commissioners Lawrence, Migliaccio, and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2012-MA-017, subject to the proposed development conditions dated January 28th, 2013;
- Modification of transitional screening along all property boundaries as shown on the SE plat, in favor of additional plantings necessary to block out traffic lights from the parking area to surrounding neighbors;
- Modification for barriers along all property boundaries in favor of the fencing shown on the SE plat; and
- Waiver of the requirement to locate the loading space at the side or rear of the building in favor of the location shown on the SE plat.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4408538.PDF>

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4412550.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Brent Krasner, Planner

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Planning Commission Meeting
February 21, 2013
Verbatim Excerpt

SE 2012-MA-017 – SHELTER DEVELOPMENT, LLC

After Close of the Public Hearing

Vice Chairman de la Fe: I'll close the public hearing and this is in Mason District. Mrs. Hall.

Commissioner Hall: Thank you, Mr. Chairman. One, I want to thank the neighbors who did come out and share their thoughts about this application with us. I appreciate the concerns that Mrs. Reynolds raised in her letter. As I explained during the hearing, her concerns are the typical concerns that, regardless of how this property is developed - - with increased traffic and disruption of established green space and wildlife - - those are going to happen when this property is developed regardless of whether it is built by-right or - - I think, actually, that there will be less disturbance with the proposed facility. I've asked staff – not staff, but the applicant – to increase the buffering around the parking lot to ensure that the lights will not bother the residents across from their proposed facility. This application enjoys the support of the Mason District Land Use Committee and I can see no reason to postpone the decision. So, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2012-MA-017, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JANUARY 28TH, 2013.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion?

Commissioner Hart: Mr. Chairman?

Vice Chairman de la Fe: Yes.

Commissioner Hart: I'm supporting this. I do think, though, if – maybe between now and the Board – if staff could look at the second speaker's list of invasive plants – I think the applicant will be looking at that too. I think everyone's on the same wavelength. We don't want the wrong kinds of plants and - - we don't have to hold up the application for that, but they could maybe look at that before it goes to the Board.

Commissioner Hall: Agreed.

Vice Chairman de la Fe: Any further comments? Hearing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Commissioner Hall: I MOVE THAT THE PLANNING COMMISSION RECOMMEND MODIFICATION OF SECTION 13-303 OF THE ZONING ORDINANCE FOR TRANSITIONAL SCREENING ALONG ALL PROPERTY LINES IN FAVOR OF THE PLANTINGS SHOWN ON THE SE PLAT.

Commissioner Hart: Second.

Commissioner Hall: – AND AS SUPPLEMENTED BY ANY ADDITIONAL PLANTINGS NECESSARY TO BLOCK OUT TRAFFIC LIGHTS FROM THE PARKING LOT TO THE SURROUNDING NEIGHBORS.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion? All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Mrs. Hart. [*sic*]

Commissioner Hall: Mrs. Hart?

Commissioner Hart: Mrs. Hall, you mean.

Vice Chairman de la Fe: I'm sorry. It's getting - - it's getting late. Mrs. Hall. Mrs. Hall.

Commissioner Hall: It's getting late. Okay. Thank you, Mr. Chairman. I move that the Planning - - oh, wait a minute. I MOVE THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF SECTION 13-304 OF THE ZONING ORDINANCE FOR BARRIERS ALONG ALL PROPERTY LINES IN FAVOR OF THE FENCING SHOWN ON THE SE PLAT.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion? All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Mrs. Hall.

Commissioner Hall: Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF THE SPECIAL EXCEPTION REQUIREMENT IN PARAGRAPH 3 OF

SECTION 9-308 TO LOCATE THE LOADING SPACE AT THE SIDE OR REAR OF THE BUILDING IN FAVOR OF THE LOCATION SHOWN ON THE SE PLAT.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion? All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

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(The motions carried unanimously with Commissioners Lawrence, Migliaccio, and Murphy absent from the meeting.)

JN

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Board Agenda Item
April 9, 2013

4:00 p.m.

Public Hearing on Proposed Comprehensive Plan Amendment S12-CW-1CP Regarding Revisions to the Comprehensive Plan to Update Information on Heritage Resources

ISSUE:

Plan Amendment S12-CW-1CP proposes amending the Area Plan volumes of the Comprehensive Plan to add information on six additional locations of a historic site currently listed in the county's Inventory of Historic Sites and to revise information on heritage resources in text and figures that is currently out of date. The proposed plan amendment would update information in the county's Inventory of Historic Sites tables and maps.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 28, 2013, the Planning Commission voted unanimously to recommend to the Board of Supervisors approval of S12-CW-1CP, including revisions, as set forth in the staff report dated January 31, 2013, modified as follows:

- On page 15, Figure 4, "Inventory of Historic Sites, Mount Vernon Planning District", change the address for Mount Vernon Memorial Highway as follows to clarify that Mount Vernon Memorial Highway and George Washington Memorial Parkway are two different names for the same road (historic name and current name):

George Washington
Memorial Parkway
(current name); from
Alexandria border to Mount
Vernon

- Change page 16, Figure 5, "Inventory of Historic Sites, Mount Vernon Planning District, General Locator Map," to add the current street name, George Washington Memorial Parkway. This name would be in addition to the purple name noting the street's historic name as Mount Vernon Memorial Highway; and
- Replace the header label for "Address" with "Location" on all "Inventory of Historic Sites" tables in the 13 planning districts and two special planning areas, Fairfax Center and Dulles Suburban Center, to clarify that the location of a historic site may not be a specific street address.

Board Agenda Item
April 9, 2013

RECOMMENDATION:

The County Executive recommends that the Board approve the staff recommendation as shown in the Staff Report dated January 31, 2013 with revisions as identified in the Planning Commission Mark-Up in Attachment 2. The recommendation would update the Comprehensive Plan to provide the most accurate and current information on the county's heritage resources.

TIMING:

Planning Commission public hearing – February 28, 2013
Board of Supervisors public hearing – April 9, 2013

BACKGROUND:

On December 7, 2009, the Board of Supervisors endorsed the creation of an annual process to update information on heritage resources in the Comprehensive Plan at the request of the History Commission. In the 2012 calendar year, six additional locations of a currently listed historic site have been added to the Inventory of Historic Sites, which is maintained by the History Commission. Additionally, new research has uncovered more accurate information on other sites.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 – Planning Commission Verbatim and Recommendation

Attachment 2 – Planning Commission Mark-Up

Staff Report available online at:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/s12-cw-1cp.pdf>

STAFF:

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

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

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

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

Laurie Turkawski, Heritage Resource Specialist, Policy and Plan Development Branch, PD, DPZ

Planning Commission Meeting
February 28, 2013
Verbatim Excerpt

S12-CW-1CP – COMPREHENSIVE PLAN AMENDMENT (HERITAGE RESOURCES
INVENTORY UPDATE)

After Close of the Public Hearing

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

Commissioner Sargeant: Thank you, Mr. Chairman. In December 2009, the Board of Supervisors supported this annual process for updating information on heritage resources in the Comprehensive Plan. The Inventory of Historic Sites is a catalogue of historically significant sites in the County as identified by our History Commission. Being listed in that inventory is an honorary designation; however, the Comprehensive Plan recognize [*sic*] these - - does recognize these sites so the impact of development proposals or Plan Amendments will take these historic sites into consideration. The Inventory of Historic Sites is an evolving list. Anyone may nominate a site. The History Commission routinely reviews nominations for sites to be added to the Inventory based on a set of criteria. Additional information on the inventory process and listed historic sites can be found on the History Commission's website and the County's regional libraries, a resource we never forget to task. I'd like to thank, before making my motion, Laurie Turkawski and Linda Blank for their dedicated and consistent review of the Heritage Resources text. We certainly appreciate all the work and all the history that they keep in mind as we plan for the future and we preserve and respect the past. So, with that Mr. Chairman, I would like to **MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT S12-CW-1CP, AS SET FORTH IN THE STAFF REPORT DATED JANUARY 31ST, 2013.**

Commissioner Hall: Second.

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

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Flanagan: Thank you, Mr. Chairman. In reviewing the staff report I found three items of concern in Mount Vernon. After speaking with staff these concerns would be satisfied by **INCLUDING ADDITIONAL REVISIONS IN THE STAFF RECOMMENDATION.** Therefore, I move to amend the published draft text to include the following three changes.

Chairman Murphy: Do you want to just take this as a friendly amendment without a vote? I think it's already been - - just say we'd like to add that as a friendly amendment - -

Planning Commission Meeting
February 28, 2013
S12-CW-1CP

Page 2

Commissioner Flanagan: I'D LIKE TO HAVE THAT AS A FRIENDLY AMENDMENT. It was DISTRIBUTED PREVIOUSLY BY EMAIL yesterday.

Chairman Murphy: Without objection? All right.

Commissioner Sargeant: WITHOUT OBJECTION.

Chairman Murphy: All right. All those in favor of the motion –

Commissioner Flanagan: Mr. Chairman, I do have one addition to that. What was distributed yesterday did not include HOW THE MAP WOULD BE CHANGED. AND STAFF HAS NOW ARTICULATED THAT on the map and so I'D LIKE TO HAVE THAT INCLUDED IN THE MOTION - - you know, the map included in the motion. That was not transmitted yesterday. So could you - - could staff show that on the overhead?

Chairman Murphy: All right, WITHOUT OBJECTION it will be done. All right. All those in favor of the motion to recommend to the Board of Supervisors that it adopt Plan Amendment S12-CW-1CP, say aye.

Commissioners: Aye.

Chairman Murphy: – as amended by Mr. Flanagan, say aye.

Commissioners: Aye.

Chairman Murphy: All those opposed? No? Motion carries.

//

(The motion carried unanimously.)

JN

PLANNING COMMISSION MARKUP

PROPOSED PLAN AMENDMENT

S12-CW-1CP

FEBRUARY 28, 2013

Commissioner Tim Sargeant moved that the Planning Commission recommend approval of the plan amendment as set forth in the staff report dated January 31, 2013 with three editorial modifications made by Commissioner Earl Flanagan as follows:

- On page 15 of 17 of the staff report, Figure 4, Inventory of Historic Sites, Mount Vernon Planning District, change the address for Mount Vernon Memorial Highway as follows to clarify that Mount Vernon Memorial Highway and George Washington Memorial Parkway are two different names for the same road (historic name and current name):

George Washington
Memorial Parkway
(current name); from
Alexandria border to Mount
Vernon

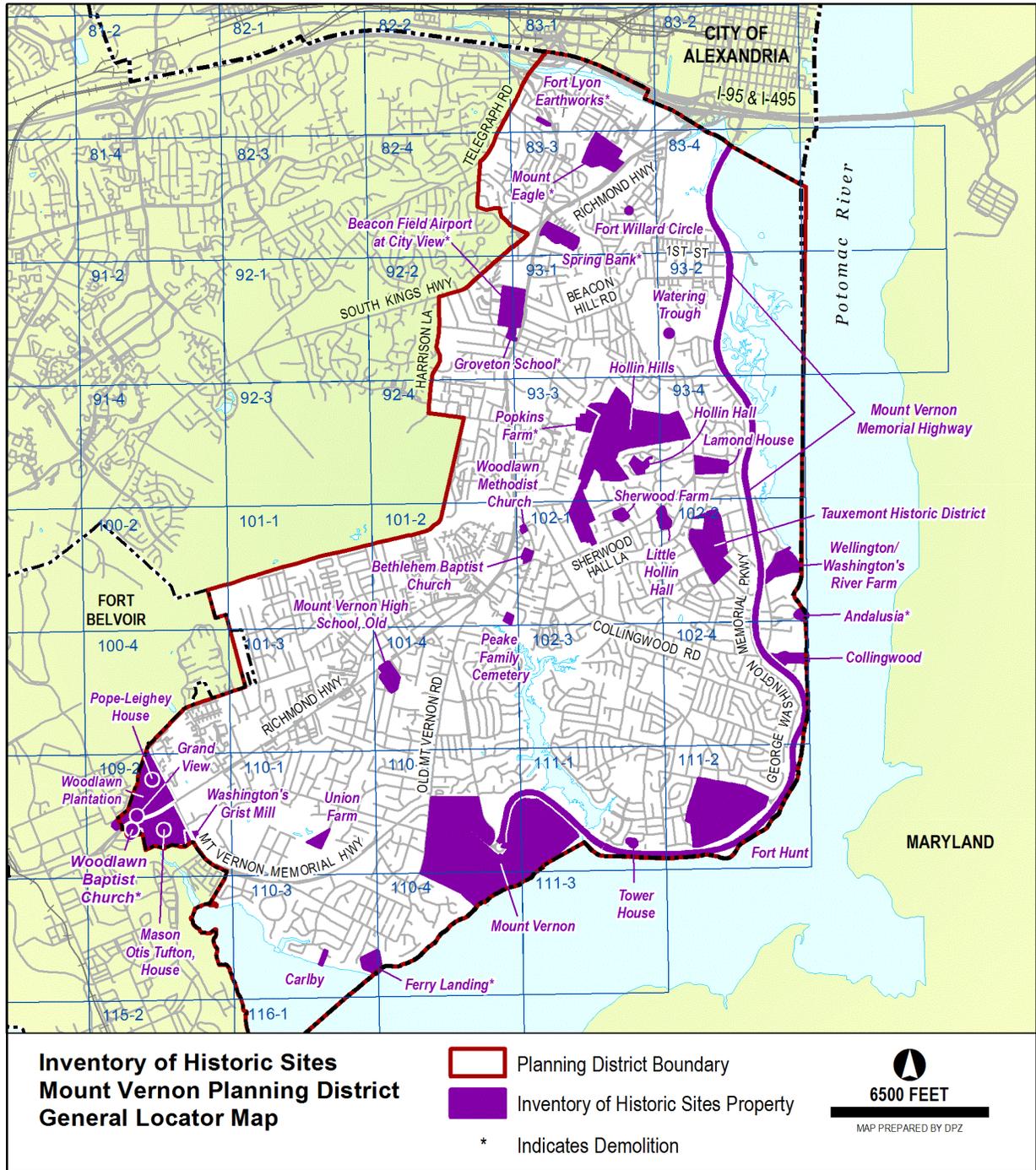
- Change the header on all Inventory of Historic Sites Tables in the 13 planning districts and 2 special planning areas Fairfax Center and Dulles Suburban Center as follows to clarify that the location of a historic site may not be a specific street address:

<u>Name</u>	<u>Address Location</u>	<u>Planning Sector</u>	<u>Parcel Number</u>	<u>Date</u>
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- On page 16 of 17 of the staff report, Figure 5, "Inventory of Historic Sites, Mount Vernon Planning District, General Locator Map," add the current street name, George Washington Memorial Parkway, to identify the road from the city of Alexandria to Mount Vernon as other major roads in the District are currently identified. This name would be in addition to the purple name noting the street's historic name, Mount Vernon Memorial Highway.

MODIFY

FIGURE: Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Mount Vernon Planning District as amended through 12-4-2012; Overview, Figure 5, "Inventory of Historic Sites, Mount Vernon Planning District, General Locator Map" page 16, as follows:



4:00 p.m.

Public Hearing on Proposed Plan Amendment ST09-IV-MV1, Located West of North Kings Highway, East of Monticello Road, South of Jefferson Drive, and North of Fort Drive (Lee District)

ISSUE:

Plan Amendment (PA) ST09-IV-MV1 proposes to amend the Comprehensive Plan guidance for an approximately 11.8-acre area located on North Kings Highway across from the Huntington Metro Station, in the MV1-Huntington Community Planning Sector. The subject area is currently planned for residential and retail uses. The amendment will consider residential mixed use development with support retail and office uses up to 2.15 floor area ratio (FAR).

PLANNING COMMISSION RECOMMENDATION:

On Thursday, March 14, 2013, the Planning Commission voted unanimously (Commissioners Donahue and Litzenberger absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Adoption of the proposed Comprehensive Plan text for ST09-IV-MV1 as shown on pages 15 through 23 of the staff report dated February 28, 2013, with modifications to page 17 of the staff report as shown in the document titled, "Maximum Level of Development in the Huntington Transit Development Area," dated March 14, 2013, as follows:

REPLACE: Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Mount Vernon Planning District amended through 2-26-2013, MV-Huntington Community Planning Sector, pages 102 and 106:

The maximum level of development for the transit development area is the following:

- 1,670,000 gross square feet of office space
 - Up to 120,000 square feet of office space may be converted to hotel use in Land Unit I;
- 105,000 gross square feet of retail space;
- 3,102 dwelling units;

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- 200-room hotel with conference facilities or an additional 250 dwelling units in Land Unit E;
- In Land Unit L, an additional 50,000 to 85,000 gross square feet of retail and office space.”
- Modify the figures as shown on pages 24 to 29 in the staff report.

RECOMMENDATION:

The County Executive recommends that the Board adopt the Planning Commission recommendation to amend the Comprehensive Plan for a mix of residential, office, and retail uses at an intensity up to 2.15 FAR for a portion of the subject property, with additional staff recommended modifications to explain that the maximum level of development list found in “Transit Development Area Conditions and Recommendations” is an interpretation of the aggregate development potential for the Transit Station Area, and the respective land unit text should be consulted for specific recommendations. Staff’s modifications are shown as Attachment II.

TIMING:

Planning Commission public hearing – March 14, 2013
Board of Supervisors’ public hearing – April 9, 2013

BACKGROUND:

On March 30, 2009, the Board of Supervisors authorized Plan Amendment ST09-IV-MV1 for Land Unit L and a portion of Land Unit M in the Transit Development Area (Tax Map parcels 83-3 ((1)) 87; 83-3 ((3)) A, B, 18; 83-3 ((2)) (13) 1A-13B; 83-1 ((6)) (12) 1A-15B). The Board of Supervisors directed staff to work with the Department of Housing and Community Development to amend the Jefferson Manor Conservation Plan to allow for potential redevelopment in a portion of the area, consider a mix of uses at an appropriate intensity for transit oriented development, seek input from the residents of the Jefferson Manor Conservation Area, and ensure safe and convenient access to the Huntington Metro Station.

Following approval of the amendment to the Jefferson Manor Conservation Plan by the Board of Supervisors, a task force representing the Jefferson Manor community was formed to discuss a vision for the subject area, consider community priorities for redevelopment, and recommend a preferred land use scenario. The task force was a conduit for additional communication between the community, property owners, and county staff. In September of 2012, the task force voted to recommend residential,

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April 9, 2013

retail, and office mixed use development at an intensity up to 2.15 FAR on the approximately 7-acre land area of the existing shopping center and garden apartments. The task force recommendation received support from the community, the Jefferson Manor Citizens Association Board of Directors and the Lee District Land Use Advisory Committee.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment I: Planning Commission Verbatim and Recommendation
Attachment II: Staff Recommended Clarifications to the Maximum Level of Development List, Huntington Transit Development Area
Staff Report available online at:
<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/st09-iv-mv1.pdf>)

STAFF:
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Marianne R. Gardner, Director, Planning Division (PD), DPZ
Jennifer Lai, Planner III, Policy and Plan Development Branch, PD, DPZ

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Planning Commission Meeting
March 14, 2013
Verbatim Excerpt

ST09-IV-MV1 – COMPREHENSIVE PLAN AMENDMENT (HUNTINGTON TRANSIT DEVELOPMENT AREA, LAND UNIT L & A PORTION OF LAND UNIT M)

After Close of the Public Hearing

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

Commissioner Migliaccio: Thank you, Mr. Chairman.

Chairman Murphy: Sigh is noted.

Commissioner Migliaccio: Before I get to my motion tonight, I just would like to take time to thank the speakers for coming out. Not often do we get speakers from Mount Vernon and Lee coming to a Plan Amendment and speaking in support of it. And I thank you from coming all the way down here from the Lee District and Mount Vernon. I also would like to thank County staff for their hard work on this; specifically Jen Lai, Marianne Gardner, Tom Burke, Arpita Chatterjee, and others who worked on this with the Jefferson Manor Task Force for more than a year. Together, they have put forth tonight a vision that I believe will add to the overall quality of life in the community when fully implemented by allowing for the redevelopment of an aging shopping center and garden apartments, all within walking distance to the Huntington Metro. When completed it will have, among other things, a central civic square, an east-west pedestrian connection to the Metro, and will provide a buffer to an existing stable neighborhood. As staff indicated, this Plan Amendment proposes to modify the Comprehensive Plan to recommend transit-oriented development for a roughly seven-acre portion of the study area. The recommendation is for mixed-use development up to a 2.15 FAR, consisting of 300 to 600 residential units and a range of 50,000 to 85,000 square feet of retail and office uses, as we've discussed. The Amendment also proposes adjusting the boundary of the Huntington Transit Development Area to remove 54 duplex units from the TDA and re-plan them for residential use at 8 to 12 dwelling units per acre. This recommendation reflects the planned development density of the Jefferson Manor community and will prevent encroachment of higher intensity development into the Jefferson Manor Conservation Area. The recommendation also supports the Board-authorized Huntington Affected Area study to assess the transportation needs in the Huntington Transit Station Area. Mr. Chairman, the Task Force and staff recommendation has the support of the Lee District Land Use Committee and my support. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE PROPOSED COMPREHENSIVE PLAN TEXT FOR PLAN AMENDMENT ST09-IV-MV1, AS SHOWN ON PAGES 15-23 OF THE STAFF REPORT DATED FEBRUARY 28TH, 2013, WITH THE MODIFICATIONS SHOWN IN THE DOCUMENT TITLED, "MAXIMUM LEVEL OF DEVELOPMENT IN THE HUNTINGTON TRANSIT DEVELOPMENT AREA," DATED MARCH 14TH, 2013, AS AMENDED TONIGHT DURING OUR DISCUSSION.

Commissioner Sargeant: Second.

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ST09-IV-MV1

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Chairman Murphy: Seconded by Mr. Sargeant.

Commissioner Sargeant: Oh, excuse me.

Chairman Murphy: Is there a discussion of the motion?

Commissioner Migliaccio: One more sentence, Mr. Sargeant.

Commissioner Sargeant: One more.

Commissioner Migliaccio: Two more. This modification incorporates the development potential for the recently adopted Huntington Club Plan Amendment. And I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND MODIFICATIONS TO THE FIGURES AS SHOWN ON PAGES 24 THROUGH 29 OF THE STAFF REPORT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? I just have some questions on this handout.

Commissioner Migliaccio: I'll see you after the committee meeting, Mr. Chairman.

Chairman Murphy: All those in –

Commissioner Hart: Mr. Chairman?

Commissioner Hall: Wait.

Chairman Murphy: Oh, Mr. Hart.

Commissioner Hart: Yes. I just want to make sure I understand. THE MODIFICATION TO THE HANDOUT IS: PUTTING "UP TO" IN THE FIRST BULLET; LIMITING THE FOURTH BULLET TO LAND UNIT E; AND LIMITING THE FIFTH BULLET TO - - IT'S AN ADDITIONAL 50,000 TO 85,000 IN L. And that's what we're changing? And DELETING THE WORD "AND" BETWEEN FOUR AND FIVE.

Commissioner Migliaccio: And you captured the "up to 120,000"?

Commissioner Hart: Yes, "up to" in that first bullet, yes. That's where the change is?

Marianne Gardner, Director, Planning Division, Department of Planning and Zoning: There's one more, which is "UP TO 120,000 SQUARE FEET OF OFFICE SPACE." So, "of office space."

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Commissioner Hart: Oh, right. IN THE LAST LINE OF THE FIRST BULLET?

Ms. Gardner: CORRECT.

Commissioner Hart: Thank you.

Chairman Murphy: All those in favor of the motion to recommend to the Board of Supervisors that it adopt ST09-IV-MV1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried unanimously with Commissioners Donahue and Litzenberger absent from the meeting.)

JN

Staff Recommended Clarification to the Planning Commission Recommendation dated March 14, 2013, for the Maximum Level of Development in the Huntington Transit Development Area

The text below proposes modifications to the maximum level of development for the Transit Development Area, shown on page 17 of the staff report for Plan amendment ST09-IV-MV1 dated February 28, 2013. This underlined text shows additional modifications to the handout recommended by the Planning Commission on Thursday, March 14, 2013. The revisions suggested by staff clarify the purpose of the maximum level of development and direct the reader to individual land unit text for guidance on site-specific recommendations.

Modify the Planning Commission Recommendation dated March 14, 2013 - Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Mount Vernon Planning District amended through 2-26-2013, MV1-Huntington Community Planning Sector, pages 102 and 106:

The maximum level of development for the Transit Development Area is an interpretation of the aggregate development potential for the Transit Development Area. Refer to specific land units for guidance on the recommended square feet of development, number of dwelling units, and other conditions. The maximum level of development for the Transit Development Area is the following:

- 1,670,000 gross square feet of office space,
 - Up to 120,000 square feet of office space may be converted to hotel use in Land Unit I;
- 105,000 gross square feet of retail space;
- 3,102 dwelling units;
- 200-room hotel with conference facilities or an additional 250 dwelling units on Land Unit E;
- In Land Unit L, an additional 50,000 to 85,000 gross square feet of retail and office space.

Board Agenda Item
April 9, 2013

4:00 p.m.

Public Hearing to Convey Board-Owned Property to Eastwood Properties, Inc. (Lee District)

ISSUE:

Public hearing to convey Board-owned property to Eastwood Properties, Inc. (Eastwood).

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to convey Board-owned property to Eastwood.

TIMING:

On February 26, 2013, Board authorized the advertisement of a public hearing to convey Board-owned property to Eastwood.

BACKGROUND:

The Board of Supervisors owns a 0.31 acre parcel located at 6312 Alforth Avenue and identified as Tax Map No. 91-1 ((1)) 20. The parcel of land is a remnant of the right-of-way acquisition undertaken for the Franconia-Springfield Parkway (Parkway). This property is surrounded by single-family residences to the west and south, the Devonshire Townhomes Association (Devonshire) to the east, and the Parkway to the north. There are no improvements on the parcel.

In December 1992, the Board and Devonshire entered into an agreement to permit the Devonshire residents to use the property for open space and overflow parking. The term of the agreement was five years, with four 5-year automatic renewals. The agreement will expire in December 2017.

Eastwood is the contract purchaser of the properties to the west of the parcel, identified by Tax Map Nos. 91-1 ((1)) 18 and 19. Eastwood would like to include the County-owned property in an assemblage of properties that will be the subject of a rezoning application to develop a 14-unit townhouse community. Devonshire has agreed to support the rezoning application.

Because the parcel is no longer needed for right-of-way purposes, and since the small size of the parcel and its isolation from other public land make it unsuitable for any other public use, the County will serve the greater public benefit by conveying the parcel to Eastwood for redevelopment. If the conveyance is approved, staff will obtain an appraisal to determine the fair market value of the property. Eastwood will pay for the cost of this appraisal.

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FISCAL IMPACT:

The proceeds from the sale will be deposited in the general fund.

ENCLOSED DOCUMENTS:

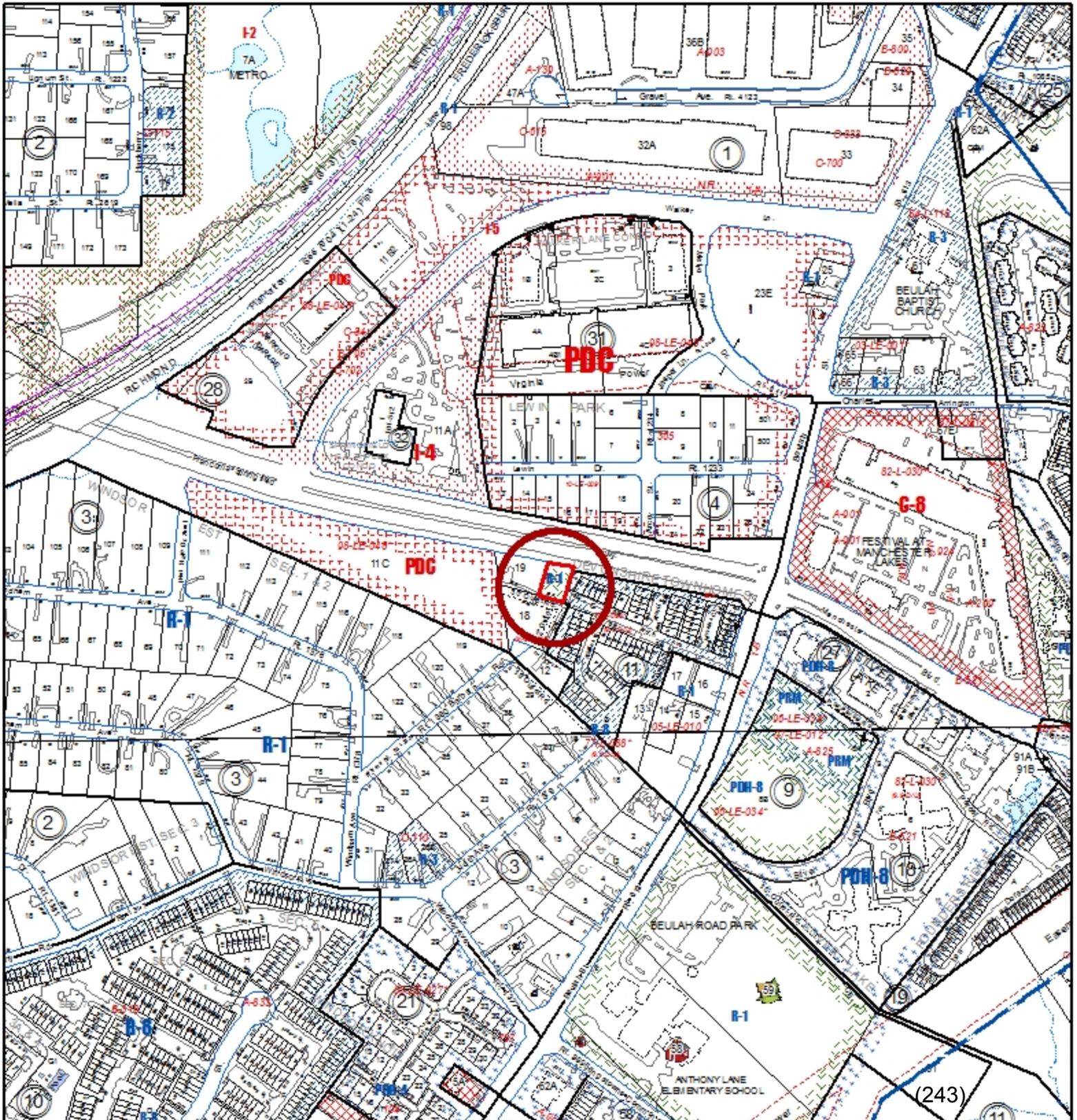
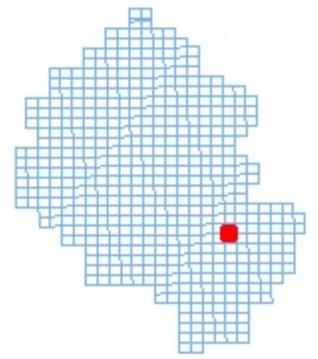
Attachment 1 - Location Map 91-1

STAFF:

Jose A. Comayagua, Jr., Director, Facilities Management Department

Subject Property: Tax Map No. 91-1 ((1)) 20

0 125 250 500 Feet



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Board Agenda Item
April 9, 2013

6:00 p.m.

Public Hearing on the County Executive's Proposed FY 2014 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2014-2018 (CIP) (With Future Fiscal Years to 2023) and the Current Appropriation in the FY 2013 Revised Budget Plan

ENCLOSED DOCUMENTS:

None. Board Members will receive the Planning Commission's recommendations on the Advertised Capital Improvement Program for Fiscal Years 2014-2018 (With Future Fiscal Years to 2023) prior to the April 9, 2013, public hearing.

Board Members are requested to bring to the meeting the following documents previously forwarded to them:

1. *FY 2013 Third Quarter Review*
2. FY 2014 Advertised Budget Plan, Volumes 1 & 2 and the Budget Overview
3. Advertised Capital Improvement Program for Fiscal Years 2014-2018 (With Future Fiscal Years to 2023)

STAFF:

Edward L. Long Jr., County Executive
Susan W. Datta, Chief Financial Officer

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